HOUSE OF ASSEMBLY

Tuesday, November 16, 1976

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

PETITION: CRIMINAL LAW

Mr. LANGLEY presented a petition signed by 24 electors of Port Pirie, praying that the House reject the Criminal Law Consolidation Act Amendment Bill unless it be amended to agree with the recommendations of the Mitchell committee.

Petition received.

MINISTERIAL STATEMENT: DRUGS

The Hon. D. A. DUNSTAN (Premier and Treasurer): I seek leave to make a statement.

Leave granted.

The Hon. D. A. DUNSTAN: The Government is concerned at the prospect of the increasing use and abuse of drugs of addiction in South Australia in view of the experience of industrialised societies overseas. It is not satisfied that the present law and administration relating to the drugs specified in the Narcotic and Psychotropic Drugs Act are necessarily sufficient or appropriate to deal with this problem. It therefore intends next month to appoint a Royal Commission into these matters which will look at all aspects of the supply, use and misuse of those drugs, including the legal, scientific, medical, social and administrative aspects. The persons to be appointed to the Royal Commission are presently being approached, and the terms of reference will be completed in discussion with them. It is anticipated that a full inquiry of this kind will take quite some time to complete its hearings and report.

QUESTIONS

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

LITTLE PARA RESERVOIR

Mr. GOLDSWORTHY (on notice):

1. Is it intended to pump Murray River water to the new Little Para Reservoir and, if so, will water from the Murray be discharged into the Little Para River, adjacent to Paracombe Road, Paracombe, to flow into the reservoir?

2. If the water is not to be discharged into the Little Para River at Paracombe why was this option rejected?

3. Where will Murray River water be discharged to flow into the new reservoir?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Yes. Water will not be discharged adjacent to Paracombe Road, Paracombe.

2. Insufficient capacity in stream bed.

3. Near Lower Hermitage Road in the vicinity of the Ukranian Youth Hostel where a tributory creek joins the Little Para River.

MENGLER HILL ROAD

Mr. GOLDSWORTHY (on notice): Will funds be made available to the Angaston council for sealing the Mengler Hill Road, a major tourist scenic road used almost exclusively by tourists?

The Hon. G. T. VIRGO: Subject to funds being available and present priorities remaining unaltered, it is proposed to recommence work on the Mengler Hill Road in the 1979-80 financial year.

TOURISM, RECREATION AND SPORT GRANTS

Mr. GUNN (on notice):

1. How many grants has the Tourism, Recreation and Sport Department made to individual bodies this year?

2. Who were these bodies and how much did each body receive?

The Hon. D. W. SIMMONS: The replies are as follows:

Facility Development Grants—Capital Assistance Programme

The following grants have been approved in the 1976-77 financial year to date:

Organisation	State Govt. Funds $
Paraplegic Sports Club of S.A.	1 584
Corporation of City of Salisbury/Para Hills Primary School Council	3 000
Hope Valley Tennis and Netball Club	4 000
S.A.C.R.A.—Salisbury Recreation Centre	37 000
Woodville Lacrosse Club	487
Thebarton Community Association Inc.	2 030
International Cadet Association of S.A.	600
Ottoway Boys and Girls Club	2 400
Port Adelaide Netball Association	2 000
Plympton Methodist Netball Club	880
Sturt Hockey Club	24 000
Corporation of City of Campbelltown	1 417
Athelstone Football Club	2 450
Adelaide Rowing Club	4 400
S.A. Hard Court Tennis League	15 000
Adelaide Harriers Amateur Athletic Club	6 000
Uraidla and District Soldiers Memorial Park	1 100
S.A.C.R.A.—Angas River Campsite	910
George Street Reserve Committee	2 000
Myponga Memorial Oval Inc.	1 000
Hamley Bridge Cricket Club	655
District Council of Clare/Clare Chamber of Commerce	4 000
Williamstown Jubilee Park Committee	18 000
Maitland Community Tennis Club	1 334
Eudunda Amateur Swimming Club	640
Reidy Park Tennis Club Inc.	10 000
Naracoorte and District Youth Centre	30 000
Mount Gambier Y.M.C.A.	2 500
Birdwood Park Committee	4 100
Paracombe Progress Association	1 300
Broughton Amateur Basketball Assoc.	1 360
District Council of Laura	2 000
Le Hunte Basketball Association	1 000
South Australian Amateur Swimming Assoc.	18 900
District Council of Millicent	23 345
Port Adelaide Rowing Club	230
S.A. Blind Welfare Association Inc.	12 000
Meadows Memorial Hall Inc.	3 750
Marree Hall Committee	6 750
Noarlunga Recreation Centre	25 080
Morphettville Community Recreation Centre	Approved in principle

	$
Junior Sports Coaching Scheme:	
East Torrens/Payneham Baseball	475
S.A. Junior Baseball League	195
S.A. Baseball Umpires Association	400
North Adelaide Football Club	500
S.A. Primary Schools Amateur Sports	1 400
Morialta Air Rifle Club	1 400
Adelaide University Men's Hockey	1 900
S.A. Cricket Association	2 000
United Church Tennis Association	345
Riverland Tennis Association	300
Mid-Murray Tennis Club	300
Colonel Light West Tennis Club	345
Western United Lawn Tennis	350
Glenelg Basketball	350
West Torrens Basketball	650
Elizabeth-Salisbury District Tennis	440
Whyalla Recreation and Leisure	650
Burnside-Southside Swimming Club	125
Norwood Amateur Swimming Club	600
West Adelaide Basketball Club	670
Kensington Baseball Club	170
Seaton Tygars Basketball Club	650
The Blackwood Golf Club	475
Murray Bridge Amateur Swimming Club	100
Piccadilly Tennis Club	515
Lower Murray Hardcourt Association	380
United Church Tennis Association Inc.	100
Outboard Club of Adelaide	100
Spalding Amateur Swimming Club	68
Orroroo Amateur Swimming Club	120
Whyalla Amateur Swimming Club	300
Campbelltown Tennis Club	160
S.A. Handball Association	200
Tourist Grants:	
District Council of Yorketown	13 615
District Council of Hawker	4 226
District Council of Barmera	39 600
District Council of Angaston	60 000
District Council of Streaky Bay	32 635
Corporation of Town of Naracoorte	25 000
District Council of Tumby Bay	1 650
District Council of Strathalbyn	2 500
District Council of Berri	47 000
District Council of Wallaroo	20 000
District Council of Tumby Bay	1 000
District Council of Angaston	3 200
Corp. City of Mount Gambier	4 000
Corp. Town of Renmark	4 258
District Council of Morgan	13 000
Corp. City of Mount Gambier	5 250
Corp. Town of Renmark	17 500
District Council of Burra Burra	5 000
Miscellaneous Grants:	
Adelaide Convention Bureau	24 000
Adelaide Highland Games	3 000
Murray Valley Development League	4 500
Royal Life Saving Society	9 700
South Australian Amateur Swimming Association	6 000
South Australian Women's Memorial Playing Fields Trust	1 000
Surf Life Saving Association of Australia	28 000
Local Tourist Association	22 000
National Trust of South Australia	2 000

In addition to the above, provision of $200 000 has been set aside for the racing industry and $70 000 to assist competitors from South Australia to compete at national sporting events.

WUDINNA POLICE

Mr. GUNN (on notice): In view of the increase in traffic on the Eyre Highway, has the Police Department any plans to increase the number of officers at Wudinna?

The Hon. R. G. PAYNE: An increase in traffic *per se* on the Eyre Highway does not necessarily mean there is a need for an increase in the number of officers stationed at Wudinna and the department has no plans to make any increase at that station.

STREAKY BAY SCHOOL

Mr. GUNN (on notice): Has the Education Department considered establishing a Matriculation or year 12 course at the Streaky Bay Area School and, if not, why not?

The Hon. D. J. HOPGOOD: The establishment of a year 12 class at Streaky Bay Area School is currently being considered following a request from the school council and welfare club.

NEW ELECTRICITY INSTALLATIONS

Dr. EASTICK (on notice):

1. What are the current inspection requirements of the Electricity Trust for new installations and major alterations, and for how long have these requirements been in force?

2. Who conducts the necessary inspections, how many are employed by the trust for this purpose, and where are they located?

3. What delay, if any, occurs between the seeking of an appointment for inspection and the actual inspection and, if a delay of greater than 48 hours exists, what action is the trust taking to reduce the delay?

4. Does the Government accept that any delay beyond 72 hours imposes a financial burden on persons seeking to enjoy the use of their home or facility, and what, if anything, are they doing to reduce such delays?

5. If the period of delay is at considerable variance between different centres has the Government or the trust determined why the variation exists and, if so, what are the reasons and what has been done to correct the matter?

The Hon. HUGH HUDSON: The replies are as follows:

1. The current inspection requirements of the Electricity Trust for new installations and major alterations are the trust's service rules and the wiring rules of the Standards Association of Australia. These requirements have been in force for at least 40 years.

2. Inspection of electrical installations is performed by trust officers classified as electrical inspectors. There are 111 employees engaged full or part time on this work, located at the following depots:

Angle Park, Barmera, Bordertown, Clare, Coonalpyn, Elizabeth, Gladstone, Kadina, Loxton, McLaren Vale, Magill, Maitland, Mannum, Mile End, Millicent, Morphett Vale, Mount Barker, Mount Gambier, Murray Bridge, Naracoorte, Nuriootpa, Port Augusta, Port Lincoln, Port Pirie, Riverton, Strathalbyn, Victor Harbor, Waikerie, Whyalla, Yorketown.

3. The period between the seeking of an appointment and the inspection is dependent on the amount of building development in each locality. It fluctuates throughout the year and, if the trust is unable to make appointments to suit requirements of contractors, additional temporary staff may be used.

4. Neither the Government nor the trust accepts that a period in excess of 72 hours between seeking an appointment and the actual inspection should impose any burden. Electrical contractors are normally aware that they cannot obtain an inspection immediately they seek one, and should take this fact into account by seeking appointments well before they plan to complete their work. If required, inspections at short notice can be obtained to cover unforeseen circumstances provided the contractor pays a special fee.

5. Variations do exist between different centres because the amount of building development varies between centres. The trust will employ additional inspectors, either on a temporary or permanent basis, as required to meet these variations.

PROVISIONAL DRIVERS' LICENCES

Mr. BECKER (on notice):

1. Does the Government intend introducing provisional drivers' licences and, if so:

(*a*) when; and

(*b*) to whom and for what period will they be issued?

2. If these licences are not to be introduced, has the matter been considered and, if not, why not?

The Hon. G. T. VIRGO: The replies are as follows:

1. No.

2. A special committee comprising Mr. G. C. Strutton, Registrar of Motor Vehicles, Mr. R. H. Waters, General Manager of the R.A.A. and Chief Superintendent A. Laslett, of the South Australian Police Department, investigated the desirability of introducing such a system, but the committee's report showed that there was no evidence that various schemes of this kind operating elsewhere had, in fact, reduced accident involvement of new drivers. From its investigation, the committee was unable to recommend the adoption of a provisional drivers' licence system in South Australia.

STATE LOTTERIES ACT

Mr. BECKER (on notice): Will the Government amend section 16 of the State Lotteries Act to allow the Lotteries Commission to retain and invest its daily funds on the authorised short-term money market and, if not, will the Treasury pay to the commission the amount it would have earned had these funds not been transferred twice weekly as required by the Act, thereby allowing the commission to invest its own funds?

The Hon. D. A. DUNSTAN: This matter is under consideration by the Government. Indeed, it was under consideration before the question was asked. I am not yet able to give a reply, but I will do so as soon as possible.

PRISONER AID CENTRES

Mr. BECKER (on notice):

1. Has the Government acquired a residential property at 579 Tapley Hill Road, Fulham, and, if so:

(*a*) when;

(*b*) what was the purchase price; and

(*c*) for what purpose was the property purchased?

2. Has the property been leased to the Prisoners Aid Association of South Australia Incorporated and, if so:

(*a*) what are the terms and conditions of the lease;

(*b*) what is the annual rental;

(*c*) did the Government acquire the property for this association; and

(*d*) why does the Correctional Services Department not use this property?

3. Is it Government policy to purchase such properties for organisations such as the Prisoners Aid Association Incorporated?

4. How many other properties are owned by the Government for the rehabilitation of prisoners and:

(*a*) where are they;

(*b*) what was the date of purchase and the purchase price of each; and

(*c*) what is the local government zoning classification of the area where each property is located?

5. Have local government approvals been sought and obtained for the establishment of such prisoner aid centres and, if so, when and, if not, why not?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Yes.

(*a*) July 21, 1976.

(*b*) $60 000.

(*c*) to lease to the Prisoners Aid Association to conduct a post-release hostel.

2. Yes.

(*a*) The terms and conditions which for five years are the responsibility of the Prisoners Aid Association. They principally concern rates and taxes and maintenance.

(*b*) Peppercorn rental.

(*c*) Yes.

(*d*) Recommendation 141 of the first report of the Criminal Law and Penal Methods Reform Committee states, "We recommend assistance to voluntary organisations for the establishment of post-release hostels." The Correctional Services Department has therefore assisted to facilitate this recommendation.

3. No.

4. None.

5. Yes, by the Prisoners Aid Association.

FLOOD CONTROL DAMS

Mr. WOTTON (on notice):

1. Has the Government negotiated with any person or persons regarding the establishment of flood control dams to be placed at the head of Fourth Creek in the Morialta Reserve, and, if so:

(*a*) who has been involved in these negotiations;

(*b*) is it expected that a decision will be made and, if so, when; and

(*c*) if no action is to be taken, why not?

2. Has the Government any plans to establish such dams and, if so, when?

The Hon. J. D. CORCORAN: The replies are as follows:

1. No.

2. No.

JAMESTOWN TRANSPORTABLE HOME

Mr. VENNING (on notice):

1. Was the transportable home recently placed on a block opposite the Jamestown Primary School placed there on the recommendation of the Minister or his officers?

2. Did the Public Buildings Department, on behalf of the Education Department, confer with the Jamestown council before bringing this house from Whyte-Yarcowie?

3. Were plans and specifications of this house, and its proposed positioning on this block, forwarded to the council for approval before the house was brought to Jamestown?

4. Before this house is upgraded will the Minister consider repositioning it in a more favourable and advantageous position in relation to this important block?

The Hon. D. J. HOPGOOD: The replies are as follows:

1. In December, 1974, a need for an additional house was advised to this department by the principal of the primary school. As funds were fully committed at that time for the provision of residences, the Education Department requested the Public Buildings Department to undertake a feasibility study for the resiting of a residence

from Whyte-Yarcowie to Jamestown. This proposal to transfer this house was discussed with officers of the Public Buildings Department who had inspected the house. The Education Department was assured that the house could be moved to Jamestown and the Acting Regional Director of Education, Mid-North Region, advised it could be used for housing the Deputy Principal of the primary school. Consequently, approval was given by the Minister of Education to purchase the allotment on which this residence is now situated and to request the Public Buildings Department to arrange the transfer of the residence from Whyte Yarcowie.

2, 3 and 4. On March 12, 1975, the Education Department requested a feasibility study, together with an estimate of costs for the resiting of a residence from Whyte Yarcowie to Jamestown. Site survey and transportation studies were then investigated. Several groups from the Public Buildings Department became involved. Consequently, in April, 1976, approval was obtained by the Public Buildings Department for the expenditure involved in the resiting project. The house was subsequently transported to Jamestown. No official advice concerning the siting was lodged with the local authority. This matter was apparently overlooked by the respective Public Buildings Department groups. However, in the meantime, the District Building Officer of the Public Buildings Department at Port Pirie, has prepared a specification for site improvements. The following work is to be undertaken to rehabilitate the house and approval has been given for funds in this regard:

(1) Concrete paving, driveway strips and floor to garage.
(2) Fencing.
(3) Clothes hoist.
(4) Septic system.
(5) Rain water tank.
(6) Garage.
(7) Site filling and landscaping.
(8) House repairs and painting including hot water service.

The District Building Officer of the Public Buildings Department is to consult the local authority on the plans and will then proceed and complete the project. In this regard tenders are shortly to be called to carry out the above work.

RURAL ASSISTANCE

Mr. RUSSACK (on notice):

1. What is the policy of the Government concerning the availability, or otherwise, of finance under the Rural Industry Assistance (Special Provisions) Act, 1971-1972, to effect a farm build-up proposal where the property in question is offered at public auction?

2. Are persons, satisfying all other requirements of the States Grants (Rural Reconstruction) Act, 1971, who intend to purchase additional property at public auction, precluded from the benefit of rural industry assistance?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Present policy of the Rural Industry Assistance Committee specifically precludes farm build up assistance where the property in question is actually purchased by the intending applicant at public auction. The committee interprets the relevant clause, part III (2) (d) of the States Grants (Rural Reconstruction) Act, 1971 viz. " . . . there is a possibility of sale of the property to another adjoining owner who does not require assistance under the scheme . . ." to mean that in public auction there is always a runner up who may not have required the benefit of rural industry assistance. The bidder is therefore precluded eligibility for rural industry assistance finance. The Rural Industry Assistance Committee has considered farm build up applications under the standard vendor/purchaser arrangement only, subsequent to October 12, 1976. Prior to that date, applicants proposing farm build up by purchase at public auction would have been informed that whilst the Rural Industry Assistance Authority could not provide open-ended approval to purchase at auction nor could it engage in the expense of inspection, feasibility study, budget and valuation in the uncertainty that the property in question might be purchased by some other party, there were basically three options available to them, as follows:

(1) That the intending purchaser/applicant approach the auctioneers prior to sale and arrange to have his bids accepted, subject to the availability of finance.
(2) That the property be offered at auction and passed in. The applicant then appproach the vendor and negotiate private contract subject to the availability of finance, or
(3) Arrange bridging finance. Attend the auction as a prudent bidder and if successful lodge application for Rural Industry Assistance finance. Intending applicants would be impressed that under no circumstances could any guarantee be given re the availability or otherwise of Rural Industry Assistance finance.

Options (1) and (3) were deleted by committee subsequent to October 12, 1976.

2. Yes. They are precluded if the property is actually purchased at auction.

AGRICULTURAL EDUCATION

Mr. NANKIVELL (on notice):

1. Which schools teach agriculture as a subject?

2. In each of the last three financial years what amount of money was appropriated for agricultural education and, of this money, how much was allocated to each of the listed schools?

The Hon. D. J. HOPGOOD: The replies are as follows:

1. There are 26 high schools and 16 area schools as in supplied list.

2.

Year	Number of secondary agriculture centres	Budget allocation from secondary division
		$
1973-4	34	35 000
1974-5	37	45 000
1975-6	40	40 000
1976-7 (current financial year)	42	33 000

Until this year equipment and materials have been supplied on requisition requests from schools. Requisitions are approved on the basis of need and the criteria used in assessing needs are:

(1) The number of students studying agriculture.
(2) The stage of development of agricultural centres.
(3) The extent of approved agricultural projects.

This year it is anticipated that a proportion of the agricultural budget will be allocated as direct grants to schools so that schools will have more control over spending. Approximately $11 000 of the total budget of $33 000 will

be allocated in this way in 1976-77. The cash grant recommended for each school is shown on the following list:

Recommended Cash Grants $	High Schools
300	Balaklava
400	Birdwood
200	Booleroo Centre
300	Bordertown
400	Burra
200	Clare
200	Gladstone
300	Glossop
150	Jamestown
250	Kadina
300	Kapunda
300	Loxton
300	Millicent
200	Minlaton
350	Mount Barker
550	Mount Gambier
350	Murray Bridge
300	Naracoorte
350	Nuriootpa
150	Penola
200	Renmark
200	Riverton
400	Smithfield Plains
800	Urrbrae Agricultural
200	Waikerie
300	Willunga
	Area Schools
150	Allendale East
300	Ceduna
200	Cleve
200	Coomandook
200	Cummins
200	Eudunda
150	Keith
150	Lucindale
250	Maitland
150	Meningie
300	Oakbank
150	Parndana
200	Snowtown
200	Wudinna
200	Yankalilla
350	Yorketown

MAIN NORTH ROAD INTERSECTION

Mr. COUMBE (on notice):

1. What is the latest programme for the reconstruction of the intersection of Main North Road with Fitzroy and Robe Terraces, and what is the extent of the work planned?

2. Has a final decision been made to direct Le Fevre Road away from this intersection through the park lands, and when is it planned to carry out this project?

The Hon. G. T. VIRGO: The replies are as follows:

1. Reconstruction of this intersection and the widening of the Main North Road to Nottage Terrace to provide additional traffic lanes, are currently scheduled for next financial year. Included in this work will be improvements to channelisation and alteration to signal phasing.

2. The Adelaide City Council proposes to deviate Le Fevre Road away from the installation, and work is planned to proceed at the same time as the intersection improvements.

ABALONE PERMITS

Mr. GUNN (on notice):

1. Who were the persons involved in the ballot for the new abalone permits and to whom were the new licences allocated?

2. Does the Government intend to issue any further new abalone permits and if so, when and why?

The Hon. J. D. CORCORAN: The replies are as follows:

1. A ballot was conducted only for the fourth available abalone permit in zone A/B/C amongst applicants whose points score was in a range lower than that of applicants who clearly were eligible for the first three permits. Persons in the ballot were: P. J. Cannon; L. S. Newton; C. J. Schulze; and R. D. Sparks, whose name was withdrawn from the ballot box.

Others granted permits were:

Zone A/B/C (western waters)—

C. V. Edmunds

D. Hockaday

H. D. Ilic

Zone F/K (central waters)—

M. R. Vandepeer

2. In accordance with an undertaking given to the Abalone Divers Association of South Australia, any decision on additional permits will only be taken in 12 months' time after a full assessment, by the Agriculture and Fisheries Department, of the economic and resource situation within the abalone industry.

RETREAD TYRES

Mr. ALLISON (on notice):

1. How many fatal accidents involving passenger cars were attributable solely to retreaded tyres which proved to be faulty in workmanship or materials?

2. How and when were these statistics collected, and by whom?

3. What other States in Australia, or countries overseas, are known by the Minister to have enforced a total ban on the use of retread tyres on passenger cars manufactured since 1972?

4. Did the Minister receive any advice or official reports on this matter from those States or countries prior to the decision of the Government to ban the use of retread tyres on cars manufactured on or after January 1, 1973?

The Hon. G. T. VIRGO: The replies are as follows:

1. No statistics are available.

2. Not applicable.

3. As far as is known, all States of Australia have adopted the provisions of Australian Design Rule No. 24—Tyre Selection which, on interpretation, does not permit the use of retread tyres on passenger cars and derivatives manufactured and first registered after January 1, 1973. South Australia initiated steps with the tyre retread industry to establish a standard which would be acceptable for vehicles manufactured after this date. Agreement has been reached on a standard which is now recognised throughout Australia (Australian Standard A.S. 1973—Retreaded Pneumatic Passenger Car Tyres). Cabinet has endorsed the proposal, and it is expected that an amendment to the existing regulations under the Road Traffic Act will be promulgated in the *Government Gazette* this week which will enable the use of retread tyres manufactured to this new standard to be fitted to post-1973 passenger cars. The current position overseas on the use of retread tyres in this situation is not known.

4. Advice was received from recognised experts in Australia on the use of retread tyres on passenger cars and derivatives which necessitated the action taken in 3 above.

WIRRABARA BRIDGE

Mr. VENNING (on notice):

1. Who was the successful tenderer for the first stage of construction of the new bridge over the Rocky River, near Wirrabara?

2. What was the tender price for this contract?

3. What is the estimated total cost of this new bridge?

The Hon. G. T. VIRGO: The replies are as follows:

1. Situpile Pty. Ltd.

2. About $29 000.

3. About $300 000.

BICYCLES

Mr. MILLHOUSE (on notice): What proposals, if any, does the Government now have to encourage further the riding of bicycles rather than the driving of motor vehicles?

The Hon. G. T. VIRGO: Various proposals are currently being considered and in due course announcements will be made.

URANIUM DEBATE

Mr. MILLHOUSE (on notice):

1. What opportunity does the Government expect to give Parliament during the continuance of the session next year to debate the issues concerning uranium, canvassed in the Ranger Uranium Environmental Inquiry?

2. Does it propose to introduce either a Bill or a motion on the topic and, if so, which?

3. Does it expect a private member to introduce either a Bill or a motion on the topic and, if so, which and will the Government allow sufficient time for a full debate?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. Time will be given for debate.

2. A motion will be introduced.

3. No.

SPENCER GULF POLLUTION COMMITTEE

Mr. MILLHOUSE (on notice):

1. Who are the members of the Spencer Gulf Pollution Committee?

2. When were investigations by or on behalf of that committee begun at the former uranium treatment works at Port Pirie?

3. Who carried them out and when were they completed?

4. When did the committee finish its report resulting from these investigations?

5. To whom was that report then given and when?

6. Has that report been seen by officers of the Public Health Department and, if so, when and what action, if any, was taken as a result by officers of that department?

7. When were the contents of the report first known to a Minister of the Crown, who was that Minister and what action, if any, did he take?

The Hon. HUGH HUDSON: The replies are as follows:

1. Dr. W. Grant Inglis, Chairman (Director, Environment Department); Dr. A. T. Bye, Senior Lecturer of Earth Sciences, Flinders University; Mr. D. J. Martin, Assistant Director, Services, Premier's Department; Dr. C. O. Fuller, Principal Medical Officer, Environmental Health, Public Health Department; Mr. A. M. Olsen, Chief Fisheries Officer, Agriculture and Fisheries Department; Mr. D. M. Pickering, Engineer for Planning and Development, Marine and Harbors Department; Mr. R. C. Williams, Engineer for Water and Sewage Treatment, Engineering and Water Supply Department; Professor H. Wormersley, Botany Department, University of Adelaide, and non-member Secretary, Dr. R Stefanson, Environment Department.

2. On May 6, 1976, the committee asked the Public Health Department to comment on five specific matters concerning the residues contained in the waste material tanks at the old Port Pirie uranium treatment plant. These questions were referred to the Mines Department who had information on the uranium tailings. (The reply to those questions was delayed until information was received from Amdel who had already been programmed to carry out in 1976-77 a new radiation survey to establish the effectiveness of the storage of the uranium tailings material. This investigation was already in hand and was not being carried out for the committee or because of the Committee's question.)

3. The comments requested by the committee were forwarded by the Director of Mines from the Mines Department to the committee on October 22, 1976, in time for their meeting on November 1. These comments were derived from information from the following:

(1) Radiation readings from Amdel's partly-completed investigations carried out in September, 1976, and contained in their progress report No. 1 of September 21, 1976.

(2) Chemical composition from Amdel's report No. 1118 of June, 1976.

(3) Heights of banks from Mines Department original construction drawings, 1953.

(4) Construction of bottom of tanks from Mines Department original construction drawings, 1953.

(5) Probability of seepage from assessment of the above information and further information to be gathered during the completion of 1.

4. November 3.

5. To the Minister for the Environment on November 4, by the Chairman of the committee. The Minister then contacted the Minister of Mines and Energy, who had been informed separately by the Director of Mines.

6. Through the department's membership of the committee the department was involved in helping to instigate the investigations made and in the consideration of recommendations.

7. The Minister of Mines and Energy was informed of the substance of the report by the Director of Mines late on November 3. He made immediate arrangements for the Premier to be informed, prior to discussions with the Minister for the Environment the following day, leading to submissions to Cabinet which were decided on and announced on the following Monday.

PUBLIC SERVANT SECONDMENT

Mr. MILLHOUSE (on notice):

1. Who are the public servants on secondment as Ministerial appointments?

2. Which Minister does each serve, and in which department?

3. What is the salary of each?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. 2. and 3. The public servants on secondment as Ministerial appointments are:

Minister	*Name*	*Department*	*Salary*
Premier	S. Wright	Premier's	$16 511 +25 p.c.
Premier	J. Colussi	Premier's	$14 392
Works	J. L. Clarke ...	Works	$11 601
Mines and Energy	Nil		
Health	Nil		
Transport	A. W. Taylor .	Transport	$12 753
Transport	J. M. Campbell	Transport	$12 091
Lands	Nil		
Education ...	Nil		
Agriculture ..	Nil		
Labour and Industry	Nil		
Community Welfare	R. Banks	Community Welfare	$12 753
Attorney-General	Nil		
Environment .	Nil		
*Premier	T. Economou..	Premier's	$11 430

*Inadvertently missed from question No. 38, answered 9/11/76.

CRIMINAL INJURIES COMPENSATION ACT

Mr. MILLHOUSE (on notice):

1. Is it proposed to introduce legislation to amend the Criminal Injuries Compensation Act to:

(*a*) increase the maximum amount payable as compensation and, if so, what new maximum is proposed and why; or

(*b*) make any other amendments to the Act?

2. When it is proposed to introduce such legislation?

The Hon. PETER DUNCAN: It is not proposed to introduce legislation to amend the Criminal Injuries Compensation Act during the current session of Parliament. The Government is awaiting the fourth report of the Criminal Law and Penal Methods Reform Committee of South Australia, which is investigating the substantive criminal law and which will report early next year, before taking any steps to amend the legislation dealing with criminal injuries compensation.

WATER RESOURCES APPEAL TRIBUNAL

Mr. MILLHOUSE (on notice):

1. Who are the members of the Water Resources Appeal Tribunal?

2. What qualifications does each have for such membership?

The Hon. J. D. CORCORAN: The replies are as follows:

1. and 2. Mr. Garry Francis Hiskey. LL.B., Acting Chairman; Mr. Harold Leigh Beaney, M.E., the Standing Member qualified in engineering; Professor Martin Fritz Glaessner, D.Sc., the Standing Member qualified in science. The panel members, to be selected by the Chairman for the purpose of a particular hearing, are:

Mr. Stephan Oulianoff and Mr. Spiridon Cosmidis, representing the interests of primary production;

Mr. Frank Walsh, well drilling contractor, representing the interests of well drilling;

Mr. Ernest Melville Schroeder, representing the interests of industry.

No person has yet been selected to represent the interests of public health. Such an appointment will be made at a later date.

WOMEN TEACHERS

Mr. MILLHOUSE (on notice):

1. What positions in the Education Department involving higher levels of responsibility are not at present being sought by women teachers?

2. What attitudes of girls to the role of women in society need changing?

The Hon. D. J. HOPGOOD: The replies are as follows:

1. I am not aware of any senior positions in teaching or administration that are not available to women. Some positions are not readily sought by women even though they are available. All teaching positions to Principal A are available and sought by women teachers. I am not aware of any female appplicants for positions above Regional Director. A woman has recently been successful at this level.

2. The role of women in society has changed. While nearly all women in Australia do marry, one in five do not stay married; one in five mothers whose children are too young for school do work outside the home; one in every three mothers with children under 12 work outside the home and one in every two older married women return to work. Many women today work outside the home for most of their lives, taking only a few years away from work while their children are young. The average age for having the first child in wedlock is 22 years, the birth rate is declining, and consequently most women have finished full-time child rearing by the time they are 32 or 33 years of age. Most women now in their teens and 20's will spend most of their years in the work force. As the role of women is changing, girls' attitudes and expectations will change, too. However, this change has to take effect in the school years, if girls are to be properly qualified for their place in the work force. As it is, too many women are discouraged from taking maths and science seriously at school. Too many women consider typing and shorthand sufficient training for their work outside the home, and too many women go into those professions already dominated by women: nursing, typing, library work and social work. In 1911, 84 per cent of all the women working outside the home worked in areas which can be described as "female". In 1971, 82 per cent of all women working outside the home worked in areas which can be designated "female". Many women are at a disadvantage in the work force because they have few skills or they have skills that many other women have so they are competing in a restricted range of jobs. While girls' attitudes and expectations will change, they need encouragement and counselling to make sure that their school education properly qualifies them for the life they will lead in the work force. To this end the Education Department has encouraged the setting up of the Women's Studies Resource Centre at Wattle Park Teachers Centre, the establishment of women's studies courses in the high schools, the growing importance of vocational guidance in the high schools, and the publication of the booklet entitled *The Facts of Life*, which is being distributed to girls in the State. The Education Department also intends to appoint a Women's Adviser, whose particular concern will be the education and future prospects of girls in the schools.

HEALTH CLINIC

Mr. MILLHOUSE (on notice):

1. Were entrapment procedures used by a police officer at Napoleon's Men's Health Clinic, Glenelg on November 5, and, if so, why were such procedures used?

2. Did such procedures result in evidence being obtained against Judy Doreen Lesue, has she since been convicted of an offence or offences, and what offence or offences?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. No.

2. See 1.

POLICE PROCEDURES

Mr. MILLHOUSE (on notice):

1. Has the Commissioner of Police, or anyone on his behalf and, if so who, told the Government that the police consider it undesirable to use entrapment procedures to get evidence in connection with possible offences committed in massage parlours?

2. If the Government has been so informed, what is the term "entrapment procedures" understood to mean?

3. What reasons were given for this opinion and does the Government agree with such opinion?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. Yes.

2. Entrapment procedures involve the use of an agent provocateur. This person incites another to commit a breach of the law which would not otherwise have been committed.

3. The use of agents provocateurs is considered unnecessary and undesirable in relation to massage parlours and the Government agrees with this.

HENLEY GANGS

Mr. MILLHOUSE (on notice): Has the Premier received a letter from the Town Clerk of the City of Henley and Grange dated October 20, 1976, concerning acts of lawlessness which are occurring in that city by a gang or gangs of youths and what action, if any, is being taken to deal with such acts of lawlessness in the City of Henley and Grange and in the metropolitan area generally?

The Hon. D. A. DUNSTAN: Yes. Firm and consistent action has been taken in regard to acts of lawlessness in this area and, since January of this year, a hard core of 15 youths and other youths who mix with them have been charged with a total of 124 offences. Six of the youths have already been banned by court order from mixing with each other and visiting the Henley Square. Instructions have been given to the police to continue with the firm policing of the Henley and Grange area. Similar action is being taken in respect of other trouble spots in the metropolitan area.

ROYAL OAK HOTEL

Mr. MILLHOUSE (on notice):

1. What is the present licence fee under the Licensing Act in respect of the Royal Oak Hotel, and when was it assessed?

2. Does the Superintendent of Licensed Premises propose to apply for its re-assessment pursuant to section 38 of the Act and, if so, when and, if not, why not?

The Hon. PETER DUNCAN: The replies are as follows:

1. Licence fees assessed under the Licensing Act are confidential. The present fee for the Royal Oak Hotel was fixed on November 8, 1976, and is being paid in four equal quarterly instalments on April 1, 1976; July 1, 1976; October 1, 1976; and January 1, 1977.

2. The Superintendent of Licensed Premises has not applied for re-assessment of the licence fee of the Royal Oak Hotel to this time.

CHILD CARE

Mr. DEAN BROWN (on notice): Does the Government subsidise child care in private centres and/or in Government child care centres and, if so, what is the subsidy and what criteria are used for allocating such moneys?

The Hon. R. G. PAYNE: The State Government does not subsidise child care. The Commonwealth Government provides subsidies under its Child Care Act for non-profit child care centres. These subsidies include capital grants, subsidies for employment of approved staff and the attendance of children in need.

Mr. DEAN BROWN (on notice):

1. Has the Government instigated moves to ban child care advertising by unlicensed individuals and, if not, why not?

2. If moves have been instigated to ban this advertising, when and how will such a ban be imposed?

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

1. It is proposed to prohibit public advertising unless the premises proposed to be used are licensed or approved under the Community Welfare Act.

2. By amendments to the Community Welfare Act, 1972-1975, after the amendments have been passed by Parliament.

Mr. DEAN BROWN (on notice):

1. Does the Government intend introducing legislation to ensure that all child minders in this State must be licensed and, if so, what basic qualifications would be required?

2. If legislation is not proposed on this matter, why not?

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

1. No.

2. The present legislative requirements for licensing of child minding centres are considered to be adequate.

Mr. DEAN BROWN (on notice): Are kindergartens and Education Department schools being used for child care and, if so, are they committed to the same regulations that apply to child care centres and, if not, why not?

The Hon. R. G. PAYNE: Kindergartens under both the Kindergarten Union and the Education Department do not run full child care programmes, in that they do not provide care from early in the morning until evening. Neither do they provide meals and sleeping facilities as do commercial child care centres. However, they do provide some extended hours care, after school programmes and diversification of services as required by the Commonwealth funding. They also provide occasional and emergency day care. Both the Kindergarten Union and the Education Department, in conjunction with Community Welfare and Health Departments run integrated child care centres and kindergartens at such places as Lavis Gray (K.U.), Campbelltown, Brompton and Nangwarry. The

child care centres are controlled by the Community Welfare Department and meet the standards required for licensed child care centres. Section 34 (1) of the Kindergarten Union Act, 1974-1975 provides that the Community Welfare Act shall not apply in relation to registered kindergartens. The Education Department is a Government department and the Government is not bound by its own legislative provisions.

Mr. DEAN BROWN (on notice): How many children are cared for on a permanent basis at the Campbelltown Child Care Centre, and how many of these children have their fees subsidised by the Government?

The Hon. R. G. PAYNE: A total of 43 children are in permanent care and nine of these children have their fees subsidised from funds made available by the Commonwealth Government.

Mr. DEAN BROWN (on notice): How many children are cared for at the St. Peters Child Care Centre on a permanent basis, and how many of these children have their fees subsidised by the Government?

The Hon. R. G. PAYNE: A total of 74 children are being cared for either full-time or part-time; 15 of the children have their fees subsidised under the Commonwealth Child Care Act.

Mr. DEAN BROWN (on notice): What are the categories of staff presently employed at child care centres, and:

(*a*) what are the qualifications necessary for each category; and

(*b*) what are the salaries for each category?

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

(*a*) The child care centre regulations provide for two main categories of staff, those approved by the Community Welfare Department as trained, and those who are not approved as trained. People who satisfy one or more of the following requirements and are over 18 years of age may be approved as trained staff:

1. A person who holds the diploma of an approved kindergarten teachers' college.
2. A person who satisfies the Director-General of Community Welfare that she has satisfactorily completed a suitable course in child care.
3. A mothercraft nurse registered with the South Australian Nurses' Board.
4. A registered trained nurse with approved experience in child care.
5. A person who satisfies the Director-General that she has such training or experience as is sufficient to enable her to be employed as a trained person in a child care centre.

(*b*) The lowest weekly wages payable under the Hospital Domestics and Child Minding Centres, etc. Award to people who have been approved as trained staff are as follows:

	$
18 years of age	95·30
19 years of age	104·40
20 years of age	109·50

The lowest weekly wages for staff who have not been approved as trained are:

	$
15 years of age	52·70
16 years of age	63·90
17 years of age	76·10
18 years of age	87·20
19 years of age	96·30
20 years of age and over	101·40

LEIGH CREEK ROAD LINK

In reply to Mr. KENEALLY (November 4).

The Hon. G. T. VIRGO: The development of a road linking Andamooka with the Leigh Creek-Marree road, both as a tourist route and as an alternative access to Andamooka, has been considered on numerous occasions both by the Highways Department and the Tourism Division. It is not considered to be justified economically nor to possess any great tourist potential, and because of its liability to closure at the same time as the Pimba-Andamooka road, it would be ineffective as an alternative access road. The Stuart Highway study included investigation both of improvement of the Leigh Creek-Marree-Oodnadatta Road and of development of a route *via* Andamooka to William Creek on that road, and recognised the potential for tourism of a through route *via* Andamooka. Both routes compared unfavourably with others considered, from all aspects, including environmental impact.

SCHOOL DENTAL CARE

In reply to Mr. ARNOLD (October 12).

The Hon. R. G. PAYNE: The School Dental Service in South Australia is proceeding to schedule and, provided sufficient finance is available to maintain the current rate of expansion, it is anticipated that all primary school children seeking dental care can be incorporated in the programme by 1984. In regard to the employment of private dentists, there is no reason to believe that a general proposal of this nature would be more economical than an expansion of the existing programme of the School Dental Service.

MEDIBANK

In reply to Mr. ABBOTT (September 23).

The Hon. R. G. PAYNE: The Australian Medical Association Incorporated would deplore any action of any practitioner who discriminated between the standard of services offered to a patient in Medibank as opposed to a private fund.

BUILDERS LICENSING

In reply to Mr. EVANS (October 5).

The Hon. PETER DUNCAN: It has not, so far, been found necessary for the Builders Licensing Board to require an applicant to undergo any test or examination approved by me because the board recognises and gives appropriate credit for all qualifications, whether obtained within the Commonwealth or overseas.

INDUSTRIES ASSISTANCE

In reply to Mr. ARNOLD (November 2).

The Hon. D. A. DUNSTAN: Following my announcement late last year of pay-roll tax incentives to encourage industry to expand or establish in the "iron triangle", the "green triangle" and Monarto, a number of applications have been received and are currently being processed. Therefore to date no pay-roll tax incentives have been

granted. I might add, however, that the initial slow response from firms to take advantage of the incentives is not unexpected in view of the recent depressed economic climate. Obviously, the Federal Government's economic policies have not assisted in this respect. Five applications received before my recent announcement are being processed and a great number of inquiries have been received by the Trade and Development Division since that time.

WORKING WEEK

Dr. TONKIN: Can the Premier say whether, in view of the present critical economic situation in Australia and the likelihood of a flow-on to associated and other industries, the Government will now change its attitude towards the negotiations between the Electricity Trust of South Australia and the Trades and Labor Council for a 37½-hour week, and oppose such an agreement? In answer to a question on August 4, the Premier indicated the Government's support for these negotiations and attempted to justify his attitude by referring to increased productivity. The letter from the General Manager of the trust to the Secretary of the Trades and Labor Council says:

The terms of this offer have been largely influenced by the requirements of the indexation guidelines . . . in line with State Government policy. The trust is not prepared to reduce working hours in any manner which would offend against the guidelines.

The Minister of Mines and Energy has reportedly said that approval of the agreement would require E.T.S.A. and the unions to demonstrate an appropriate increase in productivity. Both Government and industry sources agree that reduced hours will have a domino effect on all Government, semi-government and private employment which will threaten industry's survival. All Australians should be concerned with solving our present economic problems. In these circumstances, it is irresponsible and absurd to be bartering increased productivity for shorter hours, or higher wages.

The Hon. D. A. DUNSTAN: The negotiations of the Electricity Trust in this matter are of quite long standing. They were taken responsibly, and the Government does not propose to give any instructions to the Electricity Trust in the matter other than to proceed as it has done (I believe responsibly and properly).

Dr. Tonkin: You don't agree with what the Electricity Trust has done?

The Hon. D. A. DUNSTAN: I do agree with what the Electricity Trust has done in this matter.

Dr. Tonkin: It is Government policy, in fact?

The Hon. D. A. DUNSTAN: No statement of Government policy has been made to the trust upon the matter.

Dr. Tonkin: No pressure?

The Hon. D. A. DUNSTAN: There has not been pressure from the Government, either. If the Leader wants to attack responsible members of the Electricity Trust—

Dr. Tonkin: I'm attacking the Government.

The Hon. D. A. DUNSTAN: Of course, that is always the Leader's attitude: when he attacks anybody else, he says that he is attacking the Government and that he is not really attacking the person about whom he says unpleasant things. He is saying that the Electricity Trust is being irresponsible in what it is doing in this matter, and I do not believe that that is right: the members of the Electricity Trust are acting properly and responsibly. There has not been any instruction by the Government regarding this matter.

Dr. Tonkin: None at all?

The Hon. D. A. DUNSTAN: No. Some time ago, the trust certainly discussed with the Government what it was doing in relation to this matter, but the trust's attitude has been that it is going to proceed within the guidelines laid down by the Arbitration Commission. Any arrangement made with the men in this matter will have to be approved by that body. The provision of additional productivity will be a condition of any agreement by the trust. The Leader is apparently unaware that for a considerable period a third of the officers of the trust have been working a 37½-hour week, anyway. The strange thing is that, despite all the protestations of the Leader and these very late protestations from the Chamber of Commerce and Industry (a very long time after negotiations were commenced by the trust) that this will somehow do tremendous damage to industry in South Australia, one-third of the trust's officers have been working a 37½-hour week without those dire results to South Australian industry.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: It is simply not the case that what happens in some Government instrumentalities has an inevitable flow-on to the remainder of industry, because it does not.

Mr. Mathwin: Rubbish!

Mr. Venning: We'll see.

The Hon. D. A. DUNSTAN: I do not know that the honourable member could ever see anything; he appears to me to be completely blinkered. Many of the conditions that obtain in the Public Service or in public instrumentalities do not obtain in private industry. There has been no flow-on. The Government was approached by trade unions in relation to a 35-hour week in this industry, but it would not agree that it should be implemented. We said that it was necessarily a matter for decision by the proper national authorities on arbitration, and that it would not be proper for a specific arrangement to be made in this industry which would then be used to try to get other industries in line. This arrangement is not one of that kind. The Government sees no reason to interfere with the trust's negotiations, which have now, from memory, been going on concerning this matter for over two years.

RAILWAY TRANSFER

Mr. WHITTEN: Has the Minister of Transport been able to reach any agreement with the Federal Minister for Transport (Mr. Nixon) on the railway transfer, as it affects employee superannuation, thereby enabling some railway employees to remain with the South Australian Superannuation Fund? Certain South Australian Railway employees had made provision to retire at 60 years of age and had paid extra superannuation so that they could achieve that aim. They have been paying extra deductions for many years so that they could perhaps reap a greater benefit, and this would apply mainly to older employees. As it would seem that the State superannuation scheme would be much more preferable for and favourable to older employees, I should appreciate any details the Minister may be able to give.

The Hon. G. T. VIRGO: When the transfer agreement was negotiated between the Premier and the Prime Minister of the day (Mr. Whitlam), one essential ingredient was that no employee would suffer as a result of the transfer. This meant, among other things, that the superannuation

entitlements of these people transferring should be no less than they would have been had they remained in South Australia.

Mr. Gunn: You should have seen to that before the agreement was signed.

The Hon. G. T. VIRGO: If the honourable member cares to have a look, he would see that this provision was included not only in the principles that governed the transfer but also in the Prime Minister's accompanying letter, and, as such, it is a document accepted by people who respect honour. We have now had a change of Government, so we have had to persuade the present Government that that clause means exactly what it says. Finally, the Federal Minister made an offer to us about four or five weeks ago that his Government would agree to a provision to enable South Australians to remain in the South Australian Superannuation Fund, provided that the State Government paid the difference in cost. That was not in accordance with the agreement. In the interests of trying to finalise the matter, the State Government made a counter offer to share with the Commonwealth the additional cost. At long last we have received an indication that the Federal Government has accepted the offer put forward by South Australia. This means that every person who is now a member of the South Australian Superannuation Fund and who is being transferred can, if he wishes, remain a member of the South Australian Superannuation Fund. In addition, there will be no compulsory requirement for those people transferring to take out superannuation to qualify for permanency, the position now applying to other people in the Australian National Railways. All in all, I believe that we have now reached a stage where a satisfactory solution to the problem has been found. We have cleared the way for a reasonably early completion of the transfer.

MOTION FOR ADJOURNMENT: NAMING OF INDIVIDUALS AND COMPANIES

The SPEAKER: I have received from the honourable member for Mitcham the following letter:

I desire to inform you that to-day, Tuesday, November 16, it is my intention to move that this House at its rising do adjourn until 1.30 p.m. on Wednesday, November 17, for the purpose of discussing a matter of urgency, namely:

1. The naming in this House of individuals or companies guilty, in the opinion of the Government or a Minister, of some wrongdoing, neither proven nor even substantiated, is a practice both unnecessary and undesirable and should not be continued.

2. The latest example of this practice, being the allegations last week by the Attorney-General against Commonwealth Assurance Corporation Limited, has caused such great injustice as to require their withdrawal and an explanation and apology from him to this House and the company concerned.

Does any honourable member support the proposed motion?

Several members having risen:

Mr. MILLHOUSE (Mitcham): I move:

That the House at its rising do adjourn until tomorrow at 1.30 p.m.,

for the purpose of discussing a matter of urgency, namely, first, the naming in this House of individuals or companies guilty, in the opinion of the Government or a Minister, of some wrongdoing, neither proven nor even substantiated, is a practice both unnecessary and undesirable and should not be continued; secondly, the latest example of this practice, being the allegations last week by the Attorney-General against Commonwealth General Assurance Corporation Limited, has caused such great injustice as to require their withdrawal and an explanation and apology from him to this House and the company concerned. I thank you, Sir, and those members who have supported me for giving me this opportunity to move this motion. Incidentally, in my letter the name of the company concerned is incorrect and should be Commonwealth General Assurance Corporation Limited—I left out the word "General".

There has been a practice in this House since before I became Attorney-General of naming individuals judged by a Minister or the Government to be guilty of wrongdoing, so as to give publicity to what has happened. I have had some inquiries made by the staff of the Parliamentary Library to ascertain how often that has been done since I was Attorney-General. I have ascertained that between 1968 and 1970 (when I was holding that office) I did it eight times. My successor (now Mr. Justice King) did it 23 times when he was Attorney, and the present Attorney has done it 10 times so far during his period of office. The library staff tells me that those figures may not be absolutely accurate, but that is about the number of times each of us has done it. I can speak only for myself with regard to deciding whether or not to take such action, but I was always advised by my departmental officers against doing so, and therefore I always checked with the utmost care to ensure that what I said in this House about an individual or a company was absolutely accurate and fairly represented what had occurred. I accept that my successor, Mr. Justice King, did the same thing.

There are four reasons for doing so. First, what is said here about individuals is said under Parliamentary privilege. Secondly, what is said here generally gets considerable publicity and can be most damaging, as it has been in the case last week, to the individual or the company concerned. Thirdly, it is an uneven contest, because the person or corporation named does not have the same advantages to answer the charges as the Minister who makes them. Fourthly, and perhaps most importantly, Parliament is not a court or a forum that can weigh the merits and demerits of a controversy, to which there are always two sides; it cannot weigh the accuracy or inaccuracy of what people say and come to a fair and just conclusion. It is not our task to do that sort of thing.

If this process of naming individuals is abused, as I believe the present Attorney-General has abused it, it is terribly unfair on those who are named in this way. It is unjust. I believe that what happened last week was unjust, yet the last thing the Attorney-General said at the end of Question Time on Thursday was that he intended to continue this practice in this place, in the face of what had been bowled up to him on Thursday by the Leader of the Opposition and the member for Kavel.

The incident that occurred last week forms the second part of my motion. It was started on Wednesday by a question by the member for Florey. I have no doubt it was a question the Attorney-General invited the member for Florey to ask. It was written out, as I remember it, and no explanation accompanied it. The lady concerned is a constituent of the Attorney-General, not of the member for Florey. She went directly to the Attorney-General. Almost six weeks had elapsed since the Attorney-General had received a reply from the insurance company concerned, during which time he could have got someone else to raise the matter if he had so wanted. Finally,

the question was asked the day after the Attorney-General showed considerable pique because of a certain amendment of the Legislative Council. I have no doubt he had twin motives in raising this matter: first, to blacken the reputation of the Commonwealth General Assurance Corporation Limited; and secondly (less importantly or perhaps more importantly—the Attorney-General can say), to get even with the Legislative Council because of an amendment it made. Ironically enough I doubt whether what has happened in this place had any relevance to that amendment whatever.

Dr. Eastick: Is he as petty as that?

Mr. MILLHOUSE: I leave the honourable member to make that decision. Undoubtedly what he said here did harm that company after he said it. I must say that when I heard him reply to the member for Florey I thought, "Hell, that is pretty rich; fancy any company being as mean as that." That was before I found out the facts. It was not long after Question Time on Wednesday that I discovered that the facts were not at all as the Attorney-General had stated them in this place. Therein lies the first unfairness of this procedure.

Dr. Tonkin: There were some significant omissions.

Mr. MILLHOUSE: Yes. He compounded what I think was his first wrong doing in this place on Wednesday when, on Thursday, he welcomed a question on this matter from the Leader of the Opposition and went through the facts again (and this is the real crux of my complaint about what has happened and I hope every honourable member opposite will take note of what happened then); he got on to the question of the receipt from the insurance company. When he said, "I have a copy of the receipt they received from the Commonwealth General Assurance Corporation Limited," I said by way of interjection, "Saying what?" The Attorney-General went on to say:

It says, "Received the sum of $28·14 by cheque being mutual group premium six weeks on the life of . . . issued by agency No. 238."

We now know the lady's name is McMillan because her name and photo appeared in a newspaper. Those words quoted do appear on the face of the receipt. The Attorney then said:

On the back of the receipt was a further statement printed saying, "Free accidental death cover—instant protection. If this receipt is issued for a deposit premium on a new proposal, C.G.A. gives you automatic free accident-death cover from the date of this premium up to a limit of $30 000" etc. In large print appear the words "instant protection".

He then went on to something else, and did not read out the rest of the endorsement on the back of the receipt. What follows is the relevant part which anyone who can read can understand, and which I believe he understood because he must have seen this receipt many times. It gives the absolute lie to what he said; even if he were a layman he could understand this, and as a lawyer he should damn well be ashamed of himself if he really misunderstood it. It states:

As soon as your proposal has been assessed we will advise you of acceptance, an alternative offer, or our inability to accept. When this advice is issued, the free accidental death cover ceases. This instant protection is for an amount equal to the sum assured on your proposal up to a limit of $30 000 on any one life.

The Attorney left those words out when he answered my interjection as to what was written on the receipt, and they are the vital words in this matter.

Mr. Evans: Do you think that was deliberate?

Mr. MILLHOUSE: I leave that for other honourable members to decide, but I have my ideas about it. How he thought he would get away with it, I do not know. Then followed some more abuse of the company concerned, and a second question was asked by the member for Kavel of the Premier. In this way the Premier was drawn into what I regard as a deceit, because the Premier said in his reply:

There is one thing they—

and I suppose that means members on this side, or the company—

cannot get over: in relation to this insurance transaction, the family concerned was induced to provide a six-weeks premium on the basis that it was being given immediate cover. Honourable members opposite who know anything of the insurance industry know what a cover note means.

The Premier himself knows what a cover note means, and he must know that this is not a cover note. I do not believe that the Premier had ever seen this document. I believe that out of loyalty to his Attorney-General he compounded the wrongdoing of the Attorney without giving any proper thought to this matter. The Premier knows that this is not a cover note; a cover note is in itself a contract of insurance. If this were a cover note Mrs. McMillan could take proceedings, and yet there has been no suggestion of legal proceedings at all in this case. Worse still was to follow in the Premier's reply:

The request was for immediate cover. It is not just for accident.

On the back of the receipt are the words "Free accidental death cover", and that means if a person is run over by a bus or has some other accident that takes his life. I add one slight extra little ironic twist to this. I have been given by the company one of its agent's receipt books: all that is on the back of that book (and it is in red type and not in black type) states, "Free accidental death cover". The Premier knows (and I challenge him to say that he does not know) the difference between ordinary life cover and an accident policy. Of course he knows, or is he as dumb as the Attorney showed he was the other day when he did not know the difference between a duodenal ulcer and a hernia? It is unbelievable, and it shows how one little deceit can lead to others, and by other people. The Premier went on to say in his reply:

The Attorney-General has read the statement of the widow concerned, and effectively this company has not acted in the way it should have done.

The Leader of the Opposition interjected and said, "Rubbish!", and the Premier continued:

The Government is perfectly satisfied with the action of the Attorney-General.

I should like to know what has been said in private to him about this and what may be said in Caucus tomorrow, because the Attorney deserves to get the stick for a thing like this. I cannot understand how this House can excuse the Attorney-General, who, when challenged to read an endorsement on the back of a receipt, omitted the most vital part of that endorsement, which completely negated what he had charged publicly against the company. How can that omission possibly be excused? Yet that is precisely what we had in this House last Thursday. I think it was entirely deliberate.

If any honourable member opposite wants to look at the receipt, I have a couple of photocopies. If the Minister of Mines and Energy or anyone else would like to look, he can see for himself what is on the receipt. I have raised this matter because I believe that the Attorney-General and the Premier, in backing him up, have been most unfair in this place to a company. They have given it a lot of publicity. Incidentally, I do not believe that the *Advertiser* has helped much, because it published on Saturday an interview with the woman in which she said she had not got the money under the other two policies—something the

Attorney-General did not mention at all. Maybe she had not had it directly, but the company had paid every cent due under the two policies to the executor of the estate, the Public Trustee. For the *Advertiser* to print that compounded, in my view, the unfairness.

The Hon. Peter Duncan: The *Advertiser* printed that it had been paid to an executor company.

Mr. MILLHOUSE: It did not print the amount. It was a completely baseless complaint on behalf of Mrs. McMillan. In fact, under the first policy the company has paid out $8 372·50 and, under the second, $5 894·58, and I have here the details of those transactions. This is a prime illustration of how unfair the practice to which I refer in my motion can be (and I say nothing about what the motives of the Attorney-General might have been); if the Attorney is going to do this sort of thing, the sooner the practice ceases altogether, the better it will be.

The Hon. PETER DUNCAN (Attorney-General): I thought this matter would have been put to rest satisfactorily, to the embarrassment of the Opposition, in last Saturday's *Advertiser*. The member for Mitcham (and I shall deal first with the second part of the motion) carefully quoted the material printed on the back of the receipt. The point I was trying to make was that, if anyone looked at the receipt, what they would see in big red (apparently) letters are the two words "instant protection". Let us see what Mrs. McMillan said to the *Advertiser* about the matter. She said:

> We thought we had instant cover, and many other people could be thinking the same with their policies.

She was referring to the company. Mrs. McMillan and her husband, as lay people, did not understand the legal technical differences which are made out and which have been referred to the House this afternoon by the member for Mitcham. Mrs. McMillan thought genuinely, and so did her husband, that by paying six weeks premium in advance they would get cover. No-one has answered the question why they were asked to pay six weeks premium in advance.

As the matter has now been raised, I shall tell the honourable member how it came to be in my posession. The agent who sold the policy to Mrs. McMillan, or who thought he had sold the policy to her (and she and her husband thought they had purchased it), told her to come to me, because she was one of my constituents, to see what I could do to right the wrong that he thought had been done to her by the company. I resent the allegation of the member for Mitcham, and I can tell him that the privilege of this House to name names where honourable members think it is necessary is an old and time-honoured privilege. It is a vital privilege because in many instances it is not the case that people can remedy injustices through the courts and have their wrongs righted in society outside this place. Whilst exposing inequitable practices in this House does not necessarily mean that those practices will be discontinued, or that wrongs will be righted, nevertheless it gives an opportunity to air the grievance of the person who has been wronged. That is the great benefit of the privilege that we have, as members of this place.

I agree with the honourable member's statement that a number of matters (I think he referred to four matters) should be considered in exercising such privilege in this House. Of all members in this place, I, as Minister of Prices and Consumer Affairs, have a greater responsibility than has any other member to expose malpractice in the market place. As I said on Thursday, I certainly would not shirk that responsibility. When a situation arises in which I believe, after thorough investigation, a matter deserves to be exposed in this House, I shall continue to do as I have done. Members opposite have not been able to raise any allegation that the matter was not thoroughly checked. I saw Mrs. McMillan. She came into my office a couple of times and saw my secretary. We contacted the doctor concerned, and I wrote to the insurance company. We waited until we received its reply before the matter was ventilated publicly. This is not a matter I have brought willy-nilly to this place.

Mr. Millhouse: You waited for six weeks.

The Hon. PETER DUNCAN: The honourable member does not know about this, but the contact with the insurance company was not the only matter that needed to be taken into account. I refer him to the matter of contacting the doctor, to see what sort of medical report was sought from him by the insurance company. That matter had to be dealt with, and was dealt with after receiving the letter from the insurance company. The doctor concerned was asked not for a general medical report on the health of Mr. McMillan but for a report regarding the stomach condition from which he was suffering and which turned out to be an ulcer. It has been of great interest to members on this side to see just how much members opposite have reacted to my exposing this malpractice in the market place.

Members interjecting:

The SPEAKER: Order!

The Hon. PETER DUNCAN: The reaction has been most interesting. Members opposite have acted as a mouthpiece in this place for an insurance company with headquarters in Zurich, a multinational corporation which has, in my view and in the view of most people in South Australia, taken down a citizen of this State. The Government is trying to protect the rights and interests of the people of South Australia against such a company, and the Opposition comes out in the strongest terms trying to defend that company. That is the situation that prevails, and it is largely the doing of the Opposition. I raised the matter on one occasion. I would have left it at that, but the Opposition has continued to raise the matter in a futile attempt to defend this insurance company, and it has been unable to do so. It has reached the stage where the member for Mitcham, in raising the matter, had to blame the *Advertiser* because, in his eyes, the matter was not receiving fair coverage for the people of South Australia. I believe it was a courageous act for Mrs. McMillan on Saturday, or late last week, to say exactly what she thought the situation to be. It is most unfortunate that members opposite have seen fit to act in this way and to try to defend a multi-national corporation against a citizen of this State. The member for Mitcham admitted quite openly, freely and frankly this afternoon that when he was Attorney-General he acted in the very same fashion.

Mr. Millhouse: I most certainly did not.

The Hon. PETER DUNCAN: When he saw matters that he believed ought to be exposed in this place, he did so, and, of course, he did it after due consideration of the facts of the matter, as I did in these circumstances.

Mr. Millhouse: I certainly did not do a thing like this, misleading the House by quoting half a document.

The Hon. PETER DUNCAN: There was no misleading of the House.

Mr. Millhouse: What?

Members interjecting:

The SPEAKER: Order!

The Hon. PETER DUNCAN: Members opposite know that they are in some difficulty over this matter because, no doubt, when the public of South Australia hears that they have raised this matter again in this incredible attempt to defend the immoral conduct of this company, they no doubt know that the people of South Australia will in due season make their judgment on the matter. It has long been a part of the Westminster tradition that we in this place have the power to name names when that is necessary, and very few members would not have exercised that privilege on one occasion or another. The member for Mitcham has clearly indicated that he does not deny that this power has been used, and used widely, in the past. Of course it has been used and it has been used rightly, and properly in every instance that I know of in this House. On numerous occasions members opposite, when their friends and people in high places have been named in this House for improper or incorrect conduct, have screamed about it. We have seen examples of that recently. I do not want to go into those examples, but this matter is a further use of the traditions of the Westminster Parliament to protect the citizens of this State.

Mr. Millhouse: Come on!

The Hon. PETER DUNCAN: I, for my part, will not resile in any way from what I see as my responsibility, in fact my duty, to raise matters in this House whenever I come across matters which, in my considered opinion—

Dr. Eastick: Whether you're right or wrong.

The Hon. PETER DUNCAN: —having given due consideration to the matter, need to be exposed in this place. Members opposite, if they were on the Treasury benches (which they will not be for many years, of course) would, in fact, use this power in exactly the same way as I have done. I refer to two more matters concerning this particular insurance policy, because whilst this matter has been ventilated to the extent of the facts of the matter, the doctor—

Mr. Millhouse: What about answering what I said about the endorsement on the receipt?

The Hon. PETER DUNCAN: Why won't the honourable member answer the point about the doctor?

Mr. Millhouse: Oh, no, don't you slide off on to something else.

The Hon. PETER DUNCAN: The doctor has indicated that he was not asked by the insurance company to provide a medical report on the general health of the man concerned. He was simply asked to provide a medical report on the condition of the man's stomach arising out of a duodenal ulcer. I want to say something finally—

Mr. Millhouse: Say something about the endorsement on the receipt.

The Hon. PETER DUNCAN: I have already said something about the endorsement on the receipt. All members opposite can, as the member for Mitcham has said, look at that receipt if they want. The fact is that the largest words (words which are at least a third as large again as the others and certainly the largest in optical impact) are "instant protection". I refer to the *Advertiser* report, in which Mrs. McMillan is reported as saying, "We thought we had instant cover." That was the impression she had, and I am sure it was the impression the company endeavoured to give in this matter. If any greater evidence was needed that Mrs. McMillan was wronged in this matter, I point out that the insurance agent subsequently suggested to her that she should seek my assistance. If ever there was an indication that somebody on the inside thought there had been an injustice here (and rightly thought that), that was it. The insurance agent was obviously of the opinion that the company had not acted in the best faith. He was also obviously of the opinion that the matter needed to be set right and needed Government intervention, so he advised Mrs. McMillan to seek my assistance, which she did. I gave her what assistance I could. That is more than most members opposite would have given their constituents in a like situation.

Mr. Venning: Don't talk a lot of rubbish.

The Hon. PETER DUNCAN: The member for Rocky River interjects, but it is well known that he rarely goes near his constituency; if constituents want to see him they have to come to Adelaide from Crystal Brook or somewhere else in the district. I acted properly in this matter, and I would do the same again were matters of a like kind to come to my consideration, after due consideration and investigation of the facts. If I find that individual companies or business organisations have acted in a fashion that is immoral, improper, or inequitable, I will again raise the matters in this House.

Dr. TONKIN (Leader of the Opposition): That has been one of the most disgraceful speeches I have ever heard in this House. I can well imagine the embarrassment of the honourable member's colleagues. For the third time, the Attorney-General has abused Parliamentary privilege. For the third time he has endeavoured to defend himself on the flimsiest of grounds, and once again he has endeavoured to justify an action that was in blatant disregard of the Westminster system of Parliamentary democracy.

The Hon. Peter Duncan: How?

Dr. TONKIN: The traditions of the Westminster system certainly apply to the right and privilege of any member in this place to say what he or she wishes, and to name names if that is necessary. But that privilege brings with it a very heavy responsibility, which most members in this place learn very soon after they enter it, that is, that one does not make statements and, particularly, name names in this place unless one is absolutely certain of the facts and unless those facts are well based and, indeed, true. There are only two possible explanations; that the Attorney is still unaware of the responsibilities he has (and as the senior legal officer in this State I would say that is a disastrous state of affairs), I cannot believe that it is possible, or that he is still persisting with his course of making misleading (I say deliberately misleading, this having happened three times) statements to this House. It is an appalling state of affairs. The only real justification he has given is that the company involved is a multinational. I have heard those words on the Flinders University campus; I have heard them at student demonstrations. If a company is "multinational", apparently it is thought that one can tell what lies one wants; one can destroy it in any way one can. There are so many factors here where the Attorney has compounded his own situation of abuse and damages, and he is hiding in coward's castle in this instance.

The Attorney said that this was the place where wrongs could be righted, particularly if they could not be righted in the law. Of course this could be righted at law if there was a genuine complaint. Why did not the Attorney suggest to Mrs. McMillan that she take the case to law (he could, perhaps, have arranged to represent her, or arranged for one of his friends to do so) if he was so sure of his ground? The answer, of course, is that the Attorney-General knows perfectly well that there is no case at law, and he knows that there is no foundation for bringing up the matter in this Chamber, either. I am concerned not only at the deliberate misleading of this House (a matter

which the member for Mitcham has raised) that relates to the deliberate omission (I repeat "deliberate omission") of this part of the evidence that did not suit his case. I cannot for the life of me understand that this would be acceptable in a court of law. Indeed, the Attorney would be seriously lacking in his duty to the court and to justice, as well as to his client, if he did. Also he would be seriously lacking in his duty to himself as a barrister. He deliberately omitted the words which made the position absolutely crystal clear and which he knew would absolutely destroy his case and the stand he had taken. It was political expediency and a deliberate misleading of the House, and it does the Premier no credit to stand up and defend his Minister on such flimsy, indeed non-existent, grounds. The receipt continues:

As soon as your proposal has been assessed we will advise you of acceptance; an alternative offer; or our inability to accept. When this advice is issued, the free accidental death cover ceases. This instant protection is for an amount equal to the sum assured on your proposal up to a limit of $30 000 on any one life.

It explained the whole situation, such as the instant cover and the accidental death provisions, and the fact that the policy had not yet been issued. Yet, the Attorney-General deliberately and wilfully omitted that, although he covered everything else. That is only one aspect of his misleading the House. I have copies of the letter available for any honourable member who would like to read it. The Attorney-General read at length from a letter dated October 1 from Commonwealth General Assurance Corporation Limited to Mr. P. Duncan, Attorney-General and member for Elizabeth. Although the Attorney-General read down that letter, once again he omitted a three-line paragraph, because it did not suit his case. I quote from the bottom of the page, as follows:

We would like to quote some relevant extracts from Wickens law of life assurance, and we are attaching such extracts to this letter for your information.

Those extracts, which I believe ought to be read and put on record and which were sent to the Attorney, are as follows:

Extracts from Wickens law of life assurance in Australia, Chapter 1, pages 16-17: The life assured may die before a policy has been issued, but after the first premium has been handed to the agent. If an unconditional agreement has been reached between the company and the proponent before the death of the life assured, the contract of assurance has been completed, and the company is liable in respect of the death. Before the contract is completed, however, there must be an unconditional offer by one and unconditional acceptance of this offer by the other. If a premium is collected by the agent, it is taken by him on the understanding that it will be held pending the company's decision as to whether it will accept or reject the proponent's offer to take a policy.

The matter is absolutely clear: the Attorney knows perfectly well that that matter was in the letter, but he deliberately did not read it out to the House. Apart from that, he tried to cover his tracks by saying that the agent had given the money to the insurance company, which had banked it, and that the refund cheque came back on the company's cheque. He knew perfectly well that that was the legal situation and that he had a duty to the House to read out that information in its entirety. Once again, for the second time he deliberately withheld those aspects of the correspondence that did not suit his case. I would not employ him as a lawyer, and I do not believe that this State can afford to employ him as an Attorney-General, because he has proved conclusively that he is not honest in his approach to these matters in the House.

This brings me back to the Premier, who, without question (and this is a matter for some faint praise), was prepared to leap to the defence of his Minister, as he has had to do on several occasions since he has been unfortunately saddled with that appointment. It does the Premier no credit to have leapt to his Minister's defence, without ascertaining the true facts. The Premier was given an opportunity to express his view on this matter when the Deputy Leader asked him a question, and he defended his Attorney-General without question. What has happened since then, I do not know. I hope that something has been said, but I can only assume, by the blatantly arrogant attitude shown by the Attorney-General (the naughty little boy explaining himself attitude), that no disciplinary action has been taken. If that is the sort of Government that we must put up with in South Australia, all I can say is that we are in a worse position than I thought we were, and that is bad enough.

When I ventilated the subject by asking a question last week I expected that, at the least, we would get an explanation and perhaps a qualified withdrawal by the Attorney-General. I thought that he would at least apologise to the company concerned and correct the issue. I would not have expected him necessarily to complete the record by reading those things into it that he had said and expanded on in the press, but I thought that, instead of his blind defence, his wriggling out of it at all costs attitude, we would have had a reasonable answer. It never does anyone any harm to stand up and say, "I was wrong." That opportunity has been given to the Attorney-General on three occasions, but not on any one of those occasions has he shown any shame, concern or anything other than an arrogant attitude and an intense hatred of all private enterprise, multi-nationals or otherwise.

Mr. Millhouse: It is obvious that he would like to drive this company out of business.

Dr. TONKIN: It is obvious, as the member for Mitcham has said, that the Attorney-General would like to drive this company and every other insurance company out of business, and that is entirely in keeping with the attack on the insurance industry by his colleagues when they were in Government in Canberra. It is simply a continuance of that crusade or obsession for wanting to destroy all private enterprise and all financial enterprise. I cannot understand it. I am absolutely flabbergasted at his impudence and arrogance. Whatever the facts (I think we have clearly established them, and they have been confirmed by the Attorney-General's deliberately omitting to inform the House of facts that did not suit his case), he has condemned himself by his own actions. I sincerely believe that he is not fitted to be this State's Attorney-General. I predict that even the Premier will realise that he is not fit to be the State's Attorney-General, and it will be interesting to see how long it will take the Premier to pluck up the courage to take the step that must be taken. We know that the Premier sees some challenge coming from that quarter at some time. I repeat: no member in the House is less qualified than is the Attorney-General to talk about Parliamentary privilege and the traditions of Westminster: he more than anyone I have ever known has let down those traditions and has badly abused them.

The Hon. D. A. DUNSTAN (Premier and Treasurer): The hyperbole of the Leader's fulminations never ceases to amaze me.

Dr. Tonkin: You said that last week.

The Hon. D. A. DUNSTAN: The Leader had better look back because I did not say that. I try never to sound like a somewhat broken record, which I am afraid the Leader has got into the habit of doing. I wait to hear something new but the Leader rises and says, "That was the most disgraceful speech I have ever heard in this House." He did say something new today, and I was interested in it. It was a small variation: he referred to my being unable to pluck up courage to deal with some dreadful palace revolution that was threatening my position as Premier. The Leader's imagination runs away with him. He always wishes that these things would occur, so he protects them as though they are fact. I have watched with interest the cavortings opposite, and they never cease to amuse and interest me.

Dr. Tonkin: You've been going for one whole minute; see whether you can go for 14.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The Leader must allow me a little time in which to reply to some of his nonsense before I get back to the subject in hand, which I intend to do. The Leader went on at great length about how terrible it was that the Attorney-General had not advised this lady to go to law when, in fact, the Attorney's whole complaint was that the nature of this document prevented her from going to law and that she had no case in law, but she had a moral claim for different treatment from this company.

Mr. Millhouse: Who is to make a judgment on that?

The Hon. D. A. DUNSTAN: I believe that the public should make a judgment. The honourable member knows very well from his experience in the law (as do other lawyers who have had to deal with insurance documents) the degree to which the average citizen does not know what particular terms in documents mean and how they are unable to interpret many of the small print clauses that occur on certain insurance documents. That has been a constant complaint in South Australia. In this case let us consider what was actually written on the receipt.

Mr. Millhouse: You don't still say it's a cover note, do you?

The Hon. D. A. DUNSTAN: I suggest that the effect of it to the agent who issued it and to the person who received it was just that.

Mr. Millhouse: Why doesn't she go to law? She'd have a remedy.

The Hon. D. A. DUNSTAN: The honourable member knows perfectly well—

Mr. Millhouse: You know—

The SPEAKER: Order! The honourable member cannot carry on private conversations whilst the honourable Premier is on his feet.

Mr. Millhouse: Sorry, Sir.

The Hon. D. A. DUNSTAN: Here is the face of what she got:

Commonwealth General Assurance Corporation Limited. Agent's receipt No. 01812. Date 5/5/76. Received from Mr. John McMillan the sum of twenty-eight (dollars) 14 (cents) by cheque being initial group premium(s) on policy/proposal No. 6 weeks—

that is an alternative but neither is struck out—

on the life of John McMillan. $28·14. J. R. Thompson. Agency No. 238.

What was issued was a receipt for initial group premiums on a policy or proposal, whatever it was supposed to be. At that stage of the proceedings these people were told that they needed to pay six weeks premiums in order to get instant cover.

The Hon. Peter Duncan: That's not in dispute.

The Hon. D. A. DUNSTAN: The lady concerned believed that they were getting instant cover; the agent concerned believed that they were getting instant cover, and he expressed it "initial group premiums six weeks". If one were to pay for accident cover for a period one would not pay $28·14 for six weeks.

Mr. Millhouse: You're going to read the other side, aren't you?

The Hon. D. A. DUNSTAN: The honourable member has already done that.

Mr. Millhouse: You're going to ignore it altogether, are you?

The Hon. D. A. DUNSTAN: No, I am not.

Dr. Tonkin: The Attorney-General didn't read that particular explanatory note.

The Hon. D. A. DUNSTAN: The Leader knows perfectly well that the Attorney-General, in his initial attack on this matter, pointed out that the one outstanding feature of the other side of the receipt was the words in very large black type "instant protection".

Dr. Tonkin: Why didn't he read the rest?

The Hon. D. A. DUNSTAN: The Leader has asked that question *ad nauseam*, quite frankly—

Dr. Tonkin: And I will keep on until I get an answer.

Mr. Millhouse: There is no answer to it.

The Hon. D. A. DUNSTAN: There is an answer to it.

Mr. Millhouse: He didn't give one, though.

The SPEAKER: Order! There are far too many interjections. The honourable Premier.

The Hon. D. A. DUNSTAN: The questions on the other side of the receipt apply if it is merely a new proposal for assurance and not the provision of a receipt for a policy.

Mr. Millhouse: This was a proposal; it was a new proposal.

The Hon. D. A. DUNSTAN: How does the woman know that that is the case when, in fact, she and her husband are told that they are getting instant cover, they are paying the initial six weeks premiums in order to get that instant cover, and the person assured is already the subject of policies with the company? Obviously these people were led to believe that they were getting immediate cover in relation to this policy by the payment of their six weeks premiums. That is the whole point in question. The honourable member can get up here, shriek, posture and shout and try to stop anyone else from speaking in this House —

Mr. Millhouse: You're lying!

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: Mr. Speaker, I ask that that remark be withdrawn.

The SPEAKER: I ask the honourable member for Mitcham to withdraw the remark.

Mr. MILLHOUSE: Sir, the first four words that are on the proposal are "free accidental death cover".

The SPEAKER: Order!

Mr. MILLHOUSE: He is ignoring them for the purposes of his argument.

The SPEAKER: Order! If the honourable member does not do as I suggest, he knows what action I shall be forced to take. I ask the honourable member for Mitcham to withdraw the remark.

Mr. MILLHOUSE: I will withdraw the remark if the Premier deals with the four words "free accidental death cover"—

The SPEAKER: Order!

Mr. MILLHOUSE: —otherwise he is deliberately misleading the House.

The SPEAKER: Order! The honourable member for Mitcham—

The Hon. J. D. Corcoran: Unqualified withdrawal.

Mr. Millhouse: If he will—

The SPEAKER: Order! I warn the honourable member that I shall be forced to name him if he carries on in this manner. The honourable member for Mitcham has withdrawn the remark.

The Hon. D. A. DUNSTAN: Mr. Speaker, I did not hear him withdraw it unqualifiedly, and I ask for an unqualified withdrawal.

The SPEAKER: I ask the honourable member for Mitcham to withdraw the remark unqualifiedly.

Mr. MILLHOUSE: Sir, I cannot withdraw it, because, unless the Premier will deal with those words, I believe that he is misleading the House. There is no other explanation—

The SPEAKER: Order! The honourable member has called the Premier a liar. He must withdraw that remark.

Mr. MILLHOUSE: Sir, perhaps, as you said last week, I have made my point, I will withdraw, because I want to be here later this afternoon. However, I hope that the Premier will deal with those words, and—

The SPEAKER: Order! There is to be no discussion. For the last time I will ask the honourable member for Mitcham to withdraw the remark with no added qualifications.

Mr. MILLHOUSE: I withdraw the remark and will wait to hear the Premier deal with those four words.

The SPEAKER: Order! The honourable Premier.

The Hon. D. A. DUNSTAN: Had the honourable member not been so enthusiastic to interrupt, he would have heard me deal with the matters on the other side of the receipt. Those matters are not set forth clearly to a layman.

Mr. Millhouse: "Free accidental death cover" is not clear?

The Hon. D. A. DUNSTAN: The other side of the paper deals only with the question of proposals. If people believe that they are getting instant cover on a policy what is on the other side of the receipt does not apply, and the honourable member knows that perfectly well.

Mr. Millhouse: That's not true.

The Hon. D. A. DUNSTAN: On the front of the receipt is expressed that it is an initial group premium for six weeks on policy/proposal.

Mr. Millhouse: "Free accidental death cover."

The Hon. D. A. DUNSTAN: There is a stroke between "policy" and "proposal", so it is quite possible for the client to construe that he is getting six weeks cover in relation to the policy.

Mr. Millhouse: Only if he is as blind as a bat.

The Hon. J. D. Corcoran: That is what they believed.

The Hon. D. A. DUNSTAN: The whole complaint was that both the client and the agent believed that. Not only the person who got the receipt believed it, the person who issued it also believed it.

Mr. Millhouse: Like fun. Do you think Peter Duncan—

The SPEAKER: Order! For the last time I must warn the honourable member for Mitcham that he is disregarding the Chair in keeping on with his persistent arguments with honourable members on the opposite side. The honourable Premier is entitled to make his statements in relation to the subject before the House.

Mr. Millhouse: I must apologise. I have been sorely provoked but I will try not to say anything more.

The Hon. D. A. DUNSTAN: The member for Mitcham is not an unprovoking person himself. I sat here in silence and listened while he was talking to a great deal that might have provoked me to reply. I suggest he give me an opportunity to finish my remarks. The whole gravamen of the matter is the way in which insurance companies from time to time express their documents. They do not make clear to people that there are limits and conditions to what is the cover that people think they are getting. This has happened often, and is a constant complaint in relation to insurance documents. Constant proposals are being made that action should be taken legislatively to cure this ill.

We have here a clear case of a woman's being misled. The company says it was none of its fault but it cannot deny that she was misled and, in fact, the agent, its agent, who issued this receipt believed the same as she did. That is the gravamen of the complaint and nothing that the honourable member or the Leader of the Opposition can say can get away from it. The member for Mitcham may have believed there was something wrong about this matter that ought to be dealt with in the House. That might be his honest belief, but the Leader was not interested in that at all. All he was interested in was having a political attack on the Government regardless of what the circumstances were, and his whole speech was on that basis. That is what we expect from him normally.

The SPEAKER: Is the honourable member for Kavel aware of the time he has left?

Mr. GOLDSWORTHY (Kavel): Yes. Anyone who bases his case on the size of the print on the back of this receipt, as does the Attorney-General, must have an acute case of myopia. It clearly states that it is for free accidental death cover. The person concerned died of a heart attack. Part of a letter to the Attorney-General stated:

> The question to be considered is whether an insurance company which considers that there was no cover in effect in such a case is reaching both a legally correct and otherwise justifiable decision.

That relates to the making of a payment. The Premier has pointed out the redress that is open to the Attorney-General in this case. If he believes there is a moral obligation on the company to make payment it is in his capacity to move amendments to the legislation, and the matter can be debated. Such changes would put the insurance industry into chaos. We know the Attorney-General is a brash, arrogant young man, a self-confessed Marxist. His hatred of multi-national companies is therefore understandable.

The Hon. PETER DUNCAN: I rise on a point of order. I seek a withdrawal. He said I am a self-confessed Marxist. That is not true. I seek to have that withdrawn from the record.

The SPEAKER: I cannot altogether agree that to say an honourable member is a Marxist, a Liberal or a Labor supporter is unparliamentary. I do not see anything derogatory in that. To a Marxist, it would not be.

The Hon. PETER DUNCAN: He said I was a self-confessed Marxist and that is not true. Therefore, I seek to have it withdrawn.

The SPEAKER: I cannot rule there is any point of order to be upheld.

Mr. GOLDSWORTHY: The Attorney-General deliberately misled the House. I suggest there is a remedy open to the Government. If it believes there is a moral obligation in this case, let it close the loophole. I believe it would cause chaos to the industry. The Attorney made one new point, that it is a multi-national company. That explains his attack—

At 3.15 p.m., the bells having been rung, the motion was withdrawn.

IMPOUNDING ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

POULTRY PROCESSING ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

EXPLANATION OF BILL

It provides for amendments to the principal Act, the Poultry Processing Act, 1969, designed to provide reasonable security for the operators of farms used for the raising of chickens for processing as chicken meat in obtaining a market for their produce.

At the moment persons who have made considerable capital investments in chicken farms are almost entirely dependent on a quite limited number of processing plants for an outlet for their produce. The Bill seeks to resolve the fears of efficient chicken farmers that they may be excluded from the market by other farmers or by farms operated by the processing plants through the establishment of a form of licensing scheme.

Under this scheme it is proposed that the operators of processing plants, which are required to be registered under the principal Act, may in future obtain chickens for processing only from the operators of approved farms or from farms that they operate themselves subject to an approval. The approving authority proposed by the Bill is a committee, entitled the "Poultry Meat Industry Committee", which is to be representative of the interests of the farmers and the processors.

In addition, the Bill provides for a mechanism under which the committee oversees the contractual arrangements between farmers and processors. This is considered to be desirable in view of the very close relationship that exists in this industry between the farmer and his market outlet in order to avoid disputes as far as is possible before they may arise. The Bill provides that any matter that is not resolved by the committee to the satisfaction of those concerned may be determined finally by the Minister. The measure has been prepared in consultation with an informal committee representative of the industry and it is believed that it has their general support.

Clause 1 provides that the principal Act, as amended by this measure, may be cited as the "Poultry Meat Industry Act, 1969-1976". Clause 2 provides that the measure shall come into operation on a day to be fixed by proclamation. Clause 3 amends the long title of the principal Act so that it reflects the wider ambit of the legislation. Clause 4 re-arranges the parts of the principal Act. Clause 5 inserts new definitions in the principal Act. Clause 6 applies the exemption provision of the principal Act to farms or classes of farms.

Clause 7 inserts a new section 11a in the principal Act, providing for the imposition of conditions to the registration of processing plants. New section 11aa provides for the method of selection of members for the proposed Poultry Meat Industry Committee. New sections 11b to 11g, also provided for by clause 7 of the Bill, establish the Poultry Meat Industry Committee and regulate its operation. New section 11b provides that the committee is to be chaired by a public servant and have an equal number of persons representing the interests of processors and farmers. New section 11g provides that the functions of the committee are to be the granting of approvals of farms, processor-operated farms and agreements between farmers and processors; the resolution of disputes between farmers and processors; and an advisory function to the Minister.

Clause 8 provides for the enactment of new sections 11h to 11j of the principal Act. New section 11h prohibits the processing of chickens other than chickens raised at an approved farm pursuant to an approved agreement between the farmer and a processor or chickens raised by a processor with the approval of the committee. New section 11i provides for mandatory approval of existing farmer-operated and processor-operated farms, and for the approval of future farms where the committee is satisfied that there is a demand for the supply of chickens for processing that cannot reasonably be met from approved farmer-operated farms using existing fowls. The committee is empowered by this provision, upon approving the raising of chickens by a processor, to restrict the numbers of chickens that may be raised by the processor. New section 11j provides for approval by the committee of agreements between farmers and processors. It is intended by this means that the committee may ensure more certainty and continuity in the relation between processors and farmers.

Clause 9 is a consequential amendment. Clause 10 provides for a right of appeal to the Minister against decisions of the committee. Clause 11 inserts new sections 16a, 16b and 16c in the principal Act which provide that a person aggrieved by a decision of the committee may appeal to the Poultry Farmer Licensing Review Tribunal constituted under the Egg Industry Stabilization Act, 1973, as amended. This tribunal is comprised of a legal practitioner. Clause 12 amends section 17 of the principal Act by providing an evidentiary provision in respect of approvals by the committee.

Mr. GUNN secured the adjournment of the debate.

STATE OPERA OF SOUTH AUSTRALIA BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) brought up the report of the Select Committee recommending an amendment to the Bill, together with minutes of proceedings and evidence.

Report received.

The Hon. D. A. DUNSTAN moved:

That the report be noted.

Mr. GOLDSWORTHY (Kavel): The Opposition members on the Select Committee were impressed by the witnesses from the State Opera who appeared before it. We tend to give the Government credit for spending money when it is really taxpayers' money. The State Government subsidises the operations of the State Opera markedly and it is expected the subsidy will be about $300 000 a year. During the proceedings of the Select Committee we were privy to the announcement by the Premier that the State Government intended to purchase Her Majesty's Theatre as a home for the State Opera. To my knowledge that was the first indication we had of that purchase. It crossed my mind that the Premier was anticipating the findings of the committee when he made that announcement.

Some of the questions asked related to the additional State expense that will be involved in running Her Majesty's. Obviously J. C. Williamson quitted the theatre because it was difficult to make it pay. The questions relating to the use of taxpayers' money for the continued operation of the State Opera at Her Majesty's were only partially answered. A State Opera Company operates in Queensland, and we expect legislation similar to this Bill to be enacted in some other States. The Opposition has made clear during the past few months that Her Majesty's Theatre was an appropriate base for this company. I believe the report is accurate, and the Opposition supports the recommendations of the Select Committee.

Dr. EASTICK (Light): I concur with the remarks made by my colleague with respect to witnesses who appeared before the Select Committee, especially Ian David Campbell (General Manager) and Hugh Cunningham (Chairman) of the State Opera. The information gleaned from them was of inestimable value, and I commend to members the relatively brief but important evidence, so that they will realise the amount of work that the State Opera is undertaking in this State. I learned that the work of this company around the State and in the schools (an undertaking that I hoped it would be involved in) is much wider than I knew of, and I hope that it will continue. It is recognised that, in acquiring Her Majesty's Theatre for $440 000, it will be necessary for the Government to carry out further acquisitions, perhaps of a minor nature, and that some refurbishing and alterations will be necessary.

As a result of questioning, it became apparent that the first of the alterations necessary to make the theatre a place of considerable value would be a complete new lighting control board. I see no difficulties in that undertaking. However, the witnesses indicated that it might be possible, without detriment to the function of the company, for some of the other works to be undertaken in future, thus not requiring the immediate spending of funds. I do not want to be penny-pinching, but I suggest that, if it is possible to phase in the additional works, that should be undertaken, rather than that they should be proceeded with immediately at considerable expense. As the theatre has been acquired, if only expenditure that is absolutely essential is carried out, any excess funds will be available to other organisations, and the community will benefit. Acquisition of this theatre will be of benefit to the State, because it will be a facility that will be available to other organisations concerned with the arts for a considerable part of the year, and that is as it should be. The questions that occupied the attention of Opposition members when the Bill was before the House have been adequately answered, and I look forward to the minor alteration in the report being accepted and to the Bill proceeding without further delay.

Motion carried.

In Committee.

Clauses 1 to 12 passed.

Clause 13—"Delegation of powers to Members."

Mr. GOLDSWORTHY: Can the Premier say how extensive are the duties of board members, and what remuneration will be paid to them?

The Hon. D. A. DUNSTAN (Premier and Treasurer): Normally, boards of this kind meet about monthly, but board members may be given extraneous duties on behalf of the board. The remuneration is fixed in line with what applies regarding other Government boards and committees, and is recommended by the Public Service Board. I guess it is about $3 000 a year, but I will obtain details for the honourable member.

Clause passed.

Clauses 14 to 17 passed.

Clause 18—"Objects, powers, etc., of State Opera."

Dr. EASTICK: From the evidence it is apparent that the management of the State Opera will liaise wherever possible with other organisations that may be able to provide expertise and any assistance to make the theatre a going concern. I believe that the Government intends, in the conduct of the theatre for its new purpose, to try to use services available from within the Government and also to obtain assistance outside the Government, so that we will not be putting a millstone around the neck of the organisation, be it State Opera or a body yet to be determined, that will ultimately manage the theatre. I believe the Premier would concur that that is the present intention. I believe that, in the interests of the State, it would be the best line of approach. From the evidence of the witnesses and from Mr. Amadio, from the Premier's Department, a clear impression was left of a desire to get the best possible for the State, not at the lowest possible sum but at a reasonable sum and at a figure financially beneficial to South Australia.

The Hon. D. A. DUNSTAN: It is expected that there will be discussions between the board of State Opera and the Festival Centre Trust about using the facilities and staff of the Festival Centre Trust for the management of the theatre. In our view, it would be undesirable for the State Opera to expand its staff to a situation where it is acting as a theatre manager apart from its own operation, whereas that conceivably could be undertaken by the Festival Centre while State Opera remained the owner and prime occupier of the theatre. I understand that those discussions are commencing now.

Mr. GOLDSWORTHY: One query not answered during the proceedings of the Select Committee related to whether any enlargement of the programme of State Opera was expected. I think that five productions a year are contemplated. Is any increase being considered? The sum of $300 000, as the State contribution, averaged over five operas, gives a figure that is fairly high in terms of taxpayer contributions.

Dr. Eastick: It was answered on page 3.

Mr. GOLDSWORTHY: Perhaps the Premier would refresh my memory.

The Hon. D. A. DUNSTAN: There is not an immediate intention, so far as I am aware, of increasing the number of major productions a year. Productions occur, and then numbers of them are toured so that time is taken up in the provision of these productions in metropolitan and country areas. The productions vary. It is possible to have five major productions, but also to have smaller activities involving small parts of the company in relation to intimate productions; in fact, one of these is being undertaken at present by the opera.

Clause passed.

Clauses 19 and 20 passed.

Clause 21—"Employment of employees."

The Hon. D. A. DUNSTAN moved:

To strike out subclause (2).

Amendment carried.

The Hon. D. A. DUNSTAN: I move:

In subclause (3) to strike out "Without limiting the generality of subsection (2) of this section,"

That is a consequential amendment. The previous amendment was recommended by the committee. There not being any subsection (2), we should not have that exception.

Amendment carried; clause as amended passed.

Clauses 22 to 27 passed.

Clause 28—"Reports."

Dr. EASTICK: I expressed concern earlier that it was possible for the Minister involved to influence the final report to appear before Parliament. I recognise that, in the form of words used, this is only in relation to financial matters. The matter was discussed with witnesses before the Select Committee, and it became quite apparent that the decision made by the Government is that there will be a form of accounting in such bodies as State Opera which will give the ability to compare results and to give a true or apparent financial result better understood by anyone referring to the reports. With the clear understanding that the Minister will have influence only on the report the organisation makes to him in relation to the method of presentation of financial detail, I no longer have any query about this clause. I would have reacted most unfavourably had it been intended that the format of the report or the material contained in it other than basic financial records be subject to any action or direction of the Minister involved.

Mr. GOLDSWORTHY: In the second reading debate I raised a query on this clause. We have had examples of what we consider to be Ministerial intervention to suppress reports, and we were concerned that perhaps this would leave the way open for a Minister to dictate to the State Opera the form of report, which could suppress information from Parliament. I am reasonably satisfied that the reference is to accounting procedures and accounting material, so I believe that the query has been answered satisfactorily.

Clause passed.

Remaining clauses (29 to 31) and title passed.

Bill read a third time and passed.

COUNTRY FIRES BILL

In Committee.

(Continued from October 19. Page 1638.)

Clause 7 passed.

Clause 8—"Membership of the Board."

Mr. GUNN: I move:

Page 5, after line 25—Insert subclause as follows:

(1a) At least two members of the board must be persons who have had extensive practical experience in primary production.

I have moved this amendment after much discussion with people who have examined this Bill and are familiar with the provisions of the existing Bush Fires Act. This board will have wide-ranging powers that will affect many people, and it is considered that practical people who use burning off operations to gain a livelihood should be represented on it. This does not mean that those people may not also be members of a local government body. I hope the Minister will accept the amendment.

The Hon. J. D. CORCORAN (Minister of Works): I am sorry to disappoint the honourable member, but the Government does not consider the amendment necessary. The honourable member will realise that the board is essentially a country one and that at least four of the five present members are from the country. I think it would be extraordinary if we found a board without a member who is involved in primary industry. If the amendment was accepted, the words "extensive practical experience" would have to be defined. The Government is not prepared to extend the membership of the board, and we would clutter up the matter if we were to single out groups in the community. The honourable member knows there are many people who will serve in the Country Fire Services who are in no way connected with primary industry. In Millicent, for example, I do not think one member of the Emergency Fire Service was a primary producer. To single out primary producers and ignore other members of the community is, I think, wrong. I assure the honourable member on behalf of the Minister of Agriculture that primary producers will not be ignored and that the board will, as at present, include some people involved in primary production. I do not propose to accept the honourable member's amendment.

Mr. GUNN: I am disappointed that the Minister has decided not to accept the amendment. Many people who have performed outstanding services in the E.F.S. are not primary producers, but this board will have wide powers that can affect primary production. The board will obviously be involved in drawing up the regulations that will be necessary before this Bill can operate. Those regulations will be dealing with the methods and rules of burning-off, which are covered in the existing Bush Fires Act but which are not covered in this Bill. People are concerned that those drawing up the regulations may not have any practical knowledge of burning-off operations, because unfortunately many people panic as soon as they see a bit of smoke. I can say from personal experience that the worst person to have anywhere near a fire, whether a burning-off operation or controlling a bush fire, is somebody who has not done any burning-off and is frightened of fire. Those persons tend not only to clutter up the burning-off operation but also to be a nuisance. If the board is to have members who have never burnt off, heaven help those people who must burn off to gain a livelihood. Last year the the Minister, Mr. Casey (who should have known better but did not), put a blanket ban on the Ceduna area. One place had had 127 mm of rain, but there was still a blanket ban on burning off in that area. There were 40 people in Ceduna who wanted to burn off, some of whom were surrounded by fallow fields and some of whom intended to burn to the sea, but were not allowed to do so. We got around the problem by using existing authorised people before the Minister withdrew their authority. That is the concern that has been put forward. As one who has had much experience in burning-off operations, I shall be concerned if the membership of this board does not include people who know what they are doing. The Minister gave me an assurance about this that I am sure he would honour, but there will be other Ministers in this House in the future and they may not stand by the assurance he gives.

Mr. RODDA: I am not reflecting on those people who will be members of the board, but the gap the member for Eyre is worried about is covered in his amendment. Although the Minister gave some assurances, as a country member I would be failing in my duty if I did not support the amendment.

The Committee divided on the amendment:

Ayes (22)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Coumbe, Eastick, Evans, Goldsworthy, Gunn (teller), Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Noes (22)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran (teller), Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pair—Aye—Mr. Chapman. No—Mr. Broomhill.

The CHAIRMAN: There are 22 Ayes and 22 Noes. There being an equality of votes, I give my casting vote in favour of the Noes.

Amendment thus negatived; clause passed.

Clauses 9 to 20 passed.

Clause 21—"C.F.S. fire brigades and C.F.S. group committees."

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

Page 9, line 10—Leave out "as are specified in its constitution" and insert "as are assigned to it by its constitution, or by regulation under this Act".

The amendment simply enables the Governor, by regulation, to set out the various functions of the C.F.S. fire brigades. After further consideration of the Bill by those who will be responsible for its administration, the possibility of expanding the functions of a C.F.S. fire brigade, by regulation, was considered desirable. In other words, as it was considered to be a restriction, the Government considered it desirable that the amendment be inserted.

Amendment carried; clause as amended passed.

Clause 22—"C.F.S. group committees."

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

Page 9, line 25—Leave out "as are specified in its constitution" and insert "as are assigned to it by its constitution, or by regulation under this Act".

This amendment is identical to the amendment made to clause 21; it provides that the functions of a country C.F.S. group committee may be expanded by regulation also.

Amendment carried.

Mr. VANDEPEER: At times, a certain amount of conflict could exist between a C.F.S. fire brigade and the district organisation. Small district organisations often comprise groups of farmers, who, with their own appliances, band together to fight fires. Friction sometimes exists between those groups and other town groups with council fire units which operate in the town and which move out into the country. Has the Minister considered providing that these regional organisations include delegates from both groups, so that at some stage discussions would take place between the two groups to relieve this conflict and provide additional co-operation?

The Hon. J. D. CORCORAN: I take it that, unless there was compatibility among the brigades involved, and unless the board was satisfied that it was in the best interests of the organisations as a whole to do this, what was proposed would not actually happen. The honourable member's point is relevant. Almost inevitably at any fire, particularly at a large fire, there will initially be confusion and disagreement about orders given. However, I think that he would also recognise that these matters must be sorted out on the spot, and that no end of liaison or dialogue before that would solve the problems arising at a fire. The safeguards are clearly there. It must be a decision of the board after a joint application by the brigades involved in the group. I believe that that is as reasonable as can be provided.

Clause as amended passed.

Clause 23—"Dissolution of registered C.F.S. organisations."

Mr. GUNN: I move:

Page 9, lines 38 to 40—Leave out all words in subclause (2) after "section" in line 38 and insert:

(*a*) where the organisation was constituted in relation to the area of a council—the board and the council shall be entitled to the assets of the organisation in equal shares;

and

(*b*) in any other case—the assets of the organisation shall vest wholly in the board.

The amendment was drawn up after discussion with district councils about problems that they foresaw. If the Bill as drafted is passed it could mean that, where a district council had provided a large proportion of the funds to an existing E.F.S. organisation or a proposed C.F.S. group and it became necessary to disband the group for any reason, the board could take all the funds. That was considered to be unfair. This view is held widely by councils. This is a simple amendment, which I hope that the Minister will accept.

The Hon. J. D. CORCORAN: There is a problem with the amendment. My information is that the amendment would diminish the board's discretionary powers to deal with the assets of a dissolved organisation and that it could react in some circumstances to the council's disadvantage. It is inconceivable that a board would dispose of assets of a dissolved organisation without prior consultation with the council concerned. The amendment seems to imply a forced realisation of assets. I do not believe that that would be the case, because there would be adequate consultation with any council concerned before anything of this nature took place. It is also pointed out that the amendment would complicate the situation if it were decided that a new unit should be formed to replace the dissolved organisation and it were desired to transfer the assets to the new unit. I believe that the honourable member would see that a problem is created. It would be in the best interests of the Bill if, for the moment, we were to leave the clause as it stands.

Mr. EVANS: This clause concerns me somewhat. This matter has been raised since the second reading stage by three units and a council in my area. In some areas the problem could be deeper than that to which the Minister refers when he says that a unit might dissolve because another unit is to be created. Some people are concerned that there could be an inroad into the outer metropolitan area by the South Australian Fire Brigades Board and if that happened the Fire Brigades Board would be unlikely to use the equipment that is used by the E.F.S. or C.F.S. In many cases women's auxiliaries and local councils have contributed large sums over the years to units and have given much voluntary effort towards buying equipment. These people have a real fear that the resources to which I have referred and which have been gained by their efforts could be transferred out of their area.

I imagine that councils would be just as well equipped as the board to decide whether the equipment should be transferred to a new unit that is created in the area. If fire-fighting and other assets must be disposed of, surely councils could make that decision. In future, the situation could be different, but I am expressing the concern that has been passed on to me. It is not just a simple process of a new unit starting up. It could be that an existing unit just inside Stirling council area, for example, was dissolved, and a new unit established in East Torrens council area. People in Stirling may feel that they are being disadvantaged under this provision by their equipment being transferred to East Torrens council. If we cannot resolve the matter in this Chamber, it could be considered in another place.

Mr. GUNN: I appreciate what the Minister has said about the amendment. Probably my real intentions were not expressed in it. Now that the Minister has explained

what would happen I am willing to accept his assurance that, if it is necessary to dissolve an E.F.S. or proposed C.F.S. unit and if council has made a contribution of up to 50 per cent of the funds to that unit, if the assets of the unit are sold, the council will get its percentage of the contribution back.

The Hon. J. D. CORCORAN: I do not see a problem there. It would be inconceivable for the board to dissolve an organisation without consulting the council involved. The basis of this concept would be destroyed if the board did not consult the council. I think I can give the honourable member a clear assurance on the matter. If the Minister who is responsible for the Bill disagrees with what I have said I will let the honourable member know.

Amendment negatived; clause passed.

Clauses 24 and 25 passed.

Clause 26—"Compensation."

Mr. EVANS: Since the second reading debate, matters have been raised in relation to compensation. Under the provisions of the Bush Fires Act the wages to be paid to a person who was injured and received compensation under the Workmen's Compensation Act would be the average wage plus an amount to be agreed. Subclause (2) of this clause provides:

The Workmen's Compensation Act, 1971-1974, applies in relation to a person to whom this section applies as if—

(*a*) his functions and duties as a fire control officer, fire party leader, or member of a C.F.S. fire brigade constituted his employment;

(*b*) he were receiving a prescribed wage in respect of that employment; and

(*c*) his employer were the board.

The concern that has been expressed to me in a letter from one unit in particular is that a man could be self-employed in a one-man business and his income could be as high as $15 000 or $16 000, or even higher if he is a professional person. He could lose a substantial sum if the compensation he received was about the average wage. Such a person would have budgeted his living expenses on what has been his average wage. We need a clear indication of how the compensation will be assessed. A person on an above-average wage, such as a self employed person, could be seriously disadvantaged. How will this provision apply?

The Hon. J. D. CORCORAN: That is a difficult question to answer off the cuff. When I saw "1971-1974" in subclause (2) I was concerned but the Acts Interpretation Act looks after that, and it is updated from time to time. I cannot give a detailed reply to the question, which I think is worth examining. As quickly as possible I will try to get some information for the honourable member to see how the compensation will be arrived at. If necessary I will defer the Bill until I can get the information, but I do not think it will make much difference, as, if necessary, action could be taken in the Legislative Council.

Mr. EVANS: I shall be happy to let the Bill go on, if the Minister could give the details before it goes through the other place so that if there is a need it can be looked at further in the other place. I shall be happy to accept that assurance.

Mr. GUNN: A case has been brought to my attention of a person's being injured fighting a fire and he had trouble getting compensation from the appropriate fund. If this provision is enacted will it remove the necessity for having a fire fighters' fund?

The Hon. J. D. CORCORAN: I will obtain the information for the honourable member.

Clause passed.

Clause 27—"Fire Fighting Advisory Committee."

Mr. GUNN: Many people interested in this Bill have asked me about the functions of the committee. The Bill provides:

The functions of the committee are as follows:

(*a*) to advise the Minister, the Fire Brigades Board and the Country Fire Services Board on any matter affecting the co-ordination or rationalisation of fire-fighting services in the State;

and

(*b*) to advise the Minister, the Fire Brigades Board and the Country Fire Services Board on any matter referred to the committee for advice.

A Mr. Overall has attempted to get control of the Country Fire Services in this State and to have them amalgamated with the Fire Brigades Board. I believe this would be a complete disaster. I believe this gentleman had a motion carried by the Australian Labor Party convention about this matter. I would like an assurance from the Minister that the provisions of this clause will in no way allow the amalgamation of or any attempt to amalgamate the new organisation with the existing Fire Brigades Board. Recently I had the privilege of opening an E.F.S. day at Wirrulla when I mentioned this matter. Afterwards many people came forward and said they would want a guarantee that in any new legislation no attempt would be made to amalgamate both organisations, and they certainly did not want Mr. Overall to have any control or influence over this Bill.

The Hon. J. D. CORCORAN: I can safely give an assurance to the honourable member that the Fire Fighting Advisory Committee will not be involved in that sort of thing. I think the honourable member can take it that we would not be taking the trouble of putting this Bill through the House and setting up a new organisation if we were not intending it to work and to continue working. I agree with the honourable member when he says there is a need for this set up, as we are intending it, to exist in the future. I can see no reason at all why we will need to change it. I am not saying there might not be minimal changes but I am talking about the general principles.

Mr. Evans: Mr. Overall has moved on, anyway.

The Hon. J. D. CORCORAN: I do not know. The advisory committee is there to advise the Minister in relation to things that are set out in the legislation. All the statements I have made clearly indicate the Government's attitude, as well as my own, to this matter.

Mr. GUNN: I am pleased the Minister has given that assurance. I am happy to accept it. My comments were not in relation to minor amendments that may be necessary.

Dr. EASTICK: This is a Bill for country fire services. The committee is to comprise two members of the Fire Brigades Board, two members shall be appointed on the nomination of the Country Fire Services Board and one (the Chairman) shall be appointed on the nomination of the Minister. Can the Minister say who may be the Chairman? What expertise will he have? Will he have a clear knowledge of the activities of the country fire services, and is it likely that in conjunction with the two persons nominated from the Country Fire Services Board he will be able to give this important country fire legislation a balance weighted towards the peculiarities of country fire service as opposed to fire brigades services in a built-up area?

The Hon. J. D. CORCORAN: Whilst the provision for the establishment of this Fire Fighting Advisory Committee is contained in this Bill, there is an over-riding responsibility not only in relation to the country fire services but

also in relation to the Fire Brigades Board. The advisory committee is to advise the Minister on any matter affecting the co-ordination or rationalisation of fire-fighting services in the State. The member for Eyre made a point that could be considered; if it wants to rationalise something it could alter it, but it would not wipe out any branch. No decision has been made about the membership of this committee. I think the honourable member can rest assured that the Chairman and members will be and should be people well versed and experienced in the things which they will examine and on which they will advise the Minister. The Government would be more than remiss if it did not ensure that that happened. Although I cannot say who the members will be, I can say that they will be experienced in these matters.

Clause passed.

Clauses 28 and 29 passed.

Clause 30—"Contribution to the fund by insurers."

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

Page 12, line 13—After "one-quarter", insert "and not more than one-half".

This amendment limits the contributions that may be required from insurers towards the cost of administering the Act. Under clause 30, the Treasurer is to make an estimate of the total administration cost for each financial year, and under subclause (2) the board may recover a proportion of this expense. The effect of the amendment is to limit the maximum proportion to one-half of these expenses. This limitation is considerably more generous than are corresponding provisions in other States: in Victoria, insurers are required to contribute two-thirds of the administration cost. Whilst the Treasurer is required to issue a certificate, the amendment restricts the amount that insurers will be required to pay towards the fund to 50 per cent.

Amendment carried; clause as amended passed.

Clause 31—"Apportionment of insurers' contribution."

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

Page 12—Lines 26 to 41—Leave out subclause (1) and insert subclause as follows:

(1) An insurer is liable to pay to the board as his share of the total contribution to be made by insurers for each financial year an amount determined in accordance with the following formula:

$$A = B \times \frac{C}{D}$$

where—

A = the contribution to be made by the insurer

B = the total contribution to be made by all insurers

C = the premium income received by the insurer during the previous financial year in respect of the insurance of property outside fire brigade districts

D = the total premium income received by all insurers during the previous financial year in respect of the insurances of property outside fire brigade districts.

Lines 42 to 44—Leave out subclause (2).

The first amendment deals with the apportionment of the insurers' contribution among the various individual insurers. At present the Bill provides for the contribution to be divided among the various insurers in the ratio of stamp duty payable by them under section 33 of the Stamp Duties Act. The insurers have represented to the Government that it would be fairer if the contributions were divided in proportion to the amount of premium income received by each insurer in respect of the insurance of property outside fire brigade districts. The Government is willing to accept those proposals, and subclauses (1) and (2) are deleted and a new provision is inserted.

Mr. EVANS: No matter what the complexion of the Government, once these provisions are included we are placing on the insurance industry a heavier burden of costs. We should be aware that we are creating a situation in which premiums in areas served by the C.F.S. will increase substantially and that, because of a tendency for people to say that Joe Blow or someone else should be paid, the voluntary aspects of these services will fade out and we will have paid services. This clause and the previous clause are the first step in that direction. That is not the present concept, but there seems to be a tendency in many voluntary organisations for time and resources to be paid for instead of being voluntary.

The Hon. J. D. Corcoran: In 200 years time you might be right.

Mr. EVANS: I predict that the wheels will turn in five years time, and that insurance companies will have a greater burden placed on them and thus property holders will have to pay increased premiums. Gradually, the voluntary effort will fade away, and in time I will be proved to be correct.

Mr. GUNN: Obviously, people who insure in order to protect their properties will have to pay higher premiums in future. At present, South Australia does not have a loading for country fire policies, but in Victoria there is a loading of 29 per cent; in New South Wales it is 20 per cent; in Queensland it is 40 per cent; in Tasmania 10 per cent; whilst Western Australia does not have this loading. Obviously, we could reach the stage in which a loading will be applied in this State and people, faced with higher premiums, will take out less insurance. I share the concern expressed by the member for Fisher. If we are not careful we will have paid permanent employees throughout the State and, as a result, because of the increased burden on insurance companies premiums will be increased, and a situation that is undesirable will be reached.

Mr. EVANS: Often, the person who insures is unfairly treated. He has taken the correct precautions by insuring his property and valuables, but the person who does not insure and does not pay an insurance premium, and therefore will not have to pay the loading, receives the benefits of the service given by fire-fighting units. When a bad fire occurs in a specific area, headlines in the media show that Joe Blow has lost all his possessions and, because he was not insured, has nothing left. When a relief fund is started, careless and neglectful Joe Blow will get a handout, but the person who has insured his property and paid the premiums receives nothing from this fund. When this happens, the newspapers are the first to suggest that these unfortunate people should be helped, but it is mainly because they did not take responsible action in the first place.

Amendments carried; clause as amended passed.

Clause 32—"Provision of fire-fighting equipment by council."

Mr. GUNN: Obviously, the provisions of subclause (5) will not be used on many occasions, if at all. We have councils representing areas which, unfortunately, have fluctuating seasons. In one year the ratepayers may be flush, and in the following year they may experience a drought. The council might not be in a position to increase rates to comply with an order of the board. It would be quite unreasonable to pass legislation to give the board wide powers to force a council to acquire equipment if it would be necessary to increase rates to do so. Although many people in these organisations are

well-meaning, and whilst I commend them on their efforts and their enthusiasm, sometimes they do get a little carried away. We could see a situation arising where requests were made for equipment that was not strictly necessary. I hope the Minister will consider these matters before we pass this clause.

The Hon. J. D. CORCORAN: I think the honourable member would agree, if he were to read the whole clause (as no doubt he has done), that adequate protection is provided for a council in the circumstances he has outlined. The first provision of the clause is that every council whose area lies wholly or partially outside a fire brigade district is responsible for providing adequate equipment for fire fighting within its area. I am sure the honourable member would not disagree with that provision, nor would any other honourable member. The clause further provides that, if the board is of the opinion that a council has not provided adequate equipment as required by the section, the board may give notice in writing to the council, requiring it to provide such equipment as is specified in the notice. A council may appeal to the Minister against any such requirement, and the Minister may vary the requirement in such manner as he considers just. I appreciate the points made by the honourable member, but I think a safety valve is provided in the appeal to the Minister; if the Minister recognised that the requirement was unrealistic and that the council was in financial difficulties and could not possibly lay out the funds necessary to purchase the equipment, he would be able to vary the requirement of the board. That provision would temper any extravagance on the part of the board or demands on the part of the council.

Clause passed.

Clause 33 passed.

Clause 34—"Grants from fund to various organisations."

Mr. GUNN: I move:

Page 14, lines 6 to 12—Leave out subclause (3).

This matter was discussed by the working party established to review the existing Bush Fires Act, and on its recommendation this legislation was framed. In its sixteenth recommendation the working party recommended that funds be provided from the general revenue of the State to contribute towards the cost of insuring all persons engaged in fire-fighting areas in fire-fighting volunteer capacities. I knew of this problem seven or eight years ago, when I was a member of the council. It was brought to my attention only last week that each year, when the local Emergency Fire Services organisation has to nominate to the council all the people who will be on its fire trucks, it always wants to put more names than the council is prepared to accept. The insurance premium is worked out on the number of people named. The stage has been reached where the council has had to take action, and there has been concern that not everyone will be insured. The working party considered this matter in making its recommendations, and I think it should be up to the Treasurer to provide the funds to insure these people. If that occurred, the Government may get a lower rate of insurance than that presently available. I hope the Minister will give the amendment favourable consideration.

The Hon. J. D. CORCORAN: I cannot accept the amendment, for two reasons: first, the Treasurer can arrange an insurance scheme to cover the people named far more economically than can individual councils; secondly, unlike the council with which the honourable member was involved, some councils in the past have failed to insure people. In this case, a check by the board and a reminder to the councils would rectify the problem. I think the clause is best left as it is. Whilst I appreciate the difficulties mentioned, those difficulties will not disappear as a result of the amendment. The two things I have mentioned are an advantage over the old system, and the Government does not intend to accept the amendment.

Amendment negatived; clause passed.

Clause 35 passed.

Clause 36—"Exemption from certain rates and taxes."

Mr. WOTTON: Paragraph (*b*) refers to rates under the Waterworks Act or the Sewerage Act. Would the paragraph apply to rates and charges, referring particularly to the Engineering and Water Supply Department provision that properties exempt from rating on assessment will pay an annual charge of $24 and an annual charge of $6 for each water closet connected to the sewer? Will those charges be included under the provisions of paragraph (*b*)?

The Hon. J. D. CORCORAN: As I understand the position, this is an exemption only from rates, and not from charges. Obviously, if organisations wanted all sorts of things put in, they would have to be responsible for the charges. They are not liable for rates.

Dr. EASTICK: I infer from the Minister's statement that subsequent connections will be at the cost of the organisation. I do not think anyone would argue about that, but as I understand the provision of document insert No. 31, forwarded to various people and referring to Engineering and Water Supply Department rate increases for 1976-77, and minimum charges, properties exempt from rating on assessment will pay a minimum annual water charge of $24 and an annual charge of $6 for each water closet connected to the sewer. In essence the honourable member is asking whether the organisation can be relieved of any responsibility for both the minimum charge and, subsequently, of rating, because the $24 minimum charge is four quarters at the $6 rate a quarter. I appreciate that this may be a request that has not previously been made of the department, and the Minister might like to consider it and seek to alter the Bill in another place if he cannot give this degree of concession at the moment.

The Hon. J. D. CORCORAN: I think it is desirable that they do not become involved in these charges and I am not certain that this provision will exempt them from it. I will check and, if it does not and my colleague is agreeable, we will have it remedied in another place.

Mr. EVANS: The point I intended to make was that there was a danger that they would be paying 16c a kilolitre for water for hosing down at the depot, although I realise that filling the tanks would usually be done at a main.

Clause passed.

Clause 37—"Alterations of fire danger season by board."

Mr. GUNN: I move:

Page 15, line 2—Leave out "after consultation with" and insert "with the agreement of".

I believe this amendment is vital to the measure. Subclause (2) provides:

The board shall not make an order, in relation to the area of a council, under this section, except after consultation with the council concerned.

That means that the board can have a discussion with the council and, if agreement is not reached, the board's decision will stand. That situation has proved to be unsatisfactory in the past. It gives the board, which is a long way from the councils, particularly in the North and

the West of this State, wide powers, and in many cases it is not familiar with existing circumstances. I believe if the amendment is carried it will place the decision-making back with the local people who have to live with the decisions they make and who are in the best place to make decisions. I hope the Minister will accept this amendment. If he does not, I see problems relating to the total administration of this Act. Unless local people are given that power, I shall be making representations to my colleagues in another place. The previous Minister of Agriculture made decisions when he knew nothing about the problem. When discussing problems about the Bush Fires Act and burning-off operations, it was obvious that he did not know what he was talking about, and he was not willing to talk to people who did know. If he had had discussions with his responsible officers, he would have made the right decision, but he always seemed to want to impart to people who went to see him his own decisions, thereby displaying to people that he knew nothing about what he was talking about. I believe this amendment is vital to the carriage of this Bill.

The Hon. J. D. CORCORAN: This amendment would defeat a very important principle in the Bill, the principle which seeks to rationalise on a regional basis the duration of the fire danger season. The provisions of the Bush Fires Act authorising councils to prescribe prohibited conditional burning periods for their districts cause, as members have said, administrative difficulties and create confusion in the minds of the public generally due to the multiplicity of commencing and finishing dates of burning periods throughout the State. I have a schedule which is a random sample of dates of prohibited and conditional burning periods of adjoining council areas under the present Bush Fires Act, and for the information of members I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

RANDOM SAMPLE

DATES OF "PROHIBITED" AND "CONDITIONAL" BURNING PERIODS OF ADJOINING COUNCIL AREAS
(Under Present Bushfires Act)

Region	Council	Prohibited Period	Conditional Period
Mid-North	Blyth	1/11 to 15/2	16/2 to 30/4
	Saddleworth/Auburn	1/11 to 15/2	16/2 to 30/4
	Burra Burra, part "a"	1/11 to 15/2	16/2 to 30/4
	Exceptions—		
	Burra Burra, part "b"	15/11 to 15/2	16/2 to 30/4
	Clare	15/11 to 15/2	16/2 to 30/4
	Spalding	15/11 to 15/2	16/2 to 30/4
Upper North	Laura	1/11 to 15/2	16/2 to 30/4
	Orroroo	1/11 to 15/2	16/2 to 30/4
	Wilmington	1/11 to 15/2	16/2 to 30/4
	Exception—		
	Port Germein, part "a"	15/11 to 15/2	16/2 to 30/4
	Port Germein, part "b"	1/11 to 31/1	1/2 to 30/4
Mount Lofty Range	Gumeracha	1/12 to 29/2	1/3 to 14/4
	Meadows	15/12 to 31/3	1/4 to 15/4
	Mount Barker, zone "A"	30/11 to 15/3	16/3 to 16/4
	Mount Barker, zone "B"	7/11 to 15/3	16/3 to 16/4
	Onkaparinga	15/12 to 31/3	1/12 to 14/12 1/4 to 14/4
	Stirling (All vary)	18/12 to 31/3	1/4 to 30/4
West Coast	Elliston	1/11 to 15/2	16/2 to 30/4
	Le Hunte	1/11 to 15/2	16/2 to 30/4
	Exceptions—		
	Murat Bay	1/11 to 31/1	1/2 to 30/4
	Streaky Bay	15/10 to 31/1	1/2 to 15/4
Lower South-East	Lucindale	1/12 to 9/3 (also has an "early" conditional period between 9/11 and 30/11)	10/3 to 30/4
	Naracoorte	1/12 to 9/3 (similar "early" conditional period to Lucindale's)	10/3 to 30/4
	Exceptions—		
	Beachport	15/12 to 21/3 (also has an "early" conditional period between 24/11 and 14/12)	22/3 to 30/4
	Penola, part "a"	1/12 to 9/3 (part "a" also has an "early" conditional period between 9/11 and 30/11)	10/3 to 30/4
	Penola part "b"	7/12 to 21/3 (part "b" also has an "early" conditional period between 24/11 and 6/12)	22/3 to 30/4
Mallee	Browns Well	1/11 to 15/2	16/2 to 30/4
	Karoonda	1/11 to 15/2	16/2 to 30/4
	Loxton	1/11 to 15/2	16/2 to 30/4
	East Murray	1/11 to 15/2	16/2 to 30/4
	(No exceptions)		

NOTE:—Dates quoted are considered to be the permanent or "normal" dates over a period of years. However, many of these have been varied from season to season.

The Hon. J. D. CORCORAN: That schedule shows the great difficulty experienced by the public in this matter. Whilst the member has been trenchant in his criticism of the previous Minister, I am talking not of a Minister but of a board, and that will consist of country people. It is not a matter of just going to a council and saying, "This is what is going to happen." In every case, every attempt will be made by the board to reach agreement with the council. This is not something the board is going to wield a big stick about. I think it is most desirable to rationalise this matter on a regional basis, and I cannot agree to the amendment.

Mr. GUNN: I am disappointed at the Minister's attitude. I do not think he understands the problems that arise. The bush fire season alters considerably from one council to another, and in some council areas from ward to ward. Councils are concerned about the effect of this clause, and they believe the board is all-powerful in this and other clauses. As so much of the power the board will exercise will be covered in the regulations, I have been requested to move the amendment I have moved in the best interests of those concerned. This measure can always be amended, and I believe that, if this provision does not operate as it should, a future Government from this side will take appropriate action to rectify any problems that arise.

The Committee divided on the amendment:

Ayes (21)—Messrs. Allen, Allison, Arnold, Blacker, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn (teller), Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Noes (21)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran (teller), Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Becker and Boundy. Noes—Messrs. Broomhill and Virgo.

The CHAIRMAN: There are 21 Ayes and 21 Noes. There being an equality of votes, I give my casting vote in favour of the Noes.

Amendment thus negatived; clause passed.

Clause 38—"Restriction on lighting of fires in the open air during the fire danger season."

Mr. GUNN: I move:

Page 15, Lines 30 to 32—Leave out subparagraph (i) and insert subparagraph as follows:

(i) he is authorised to do so—

(A) where the land to be burnt off is situated within the area of a council—by a resolution of the council;

or

(B) in any other case—by an order of the board;.

Page 16, Line 20—Leave out all words in the line after "fixed" and insert:

—

(*a*) where that part of the State lies within the area of a council—by resolution of the council;

or

(*b*) where that part of the State lies outside the area of a council—by order of the board.

I move these amendments basically for the same reasons as those for which I moved my previous amendments. I believe that local government should be able to act independently when dealing with matters in its own area. The board should not have the power of veto, as it has under the Bill. The clause contains insufficient information. For example, we do not know what the regulations will contain. The provision in the existing Act would provide a fair guide, but the Minister has given no undertaking that the existing situation will exist in the future. This matter is causing concern. It is unreasonable to leave so much to be done by regulations. This may be an easy way out for those who draft the regulations and those who implement them, but it is objectionable to the Opposition. If the Government intends to legislate in this fashion, it should be prepared to accept reasonable amendments to make the legislation clear to those who will be administering it.

The Hon. J. D. CORCORAN: I oppose the amendments for the same reasons as I opposed the amendment to the previous clause, except that I point out to the honourable member, who has served on a council, the difficulty the amendments might cause for several reasons which I will not cite. The board would not have the difficulty a council now has in imposing its will on a landholder, because it would not be subjected to the sort of things to which a council would be subjected. Regarding the second amendment, dealing with the prescribed day, I point out the urgent need to do what we are doing in this matter so as to avoid the situation that has occurred in the past whereby a primary producer whose property lay in adjoining council areas has been able to burn certain sections of stubble, but not other sections of stubble. However, the Bill corrects that ridiculous situation.

Mr. GUNN: I am disappointed that the Minister is unable to accept the amendments. I see little point in continuing a fight with the Minister.

Mr. Venning: Are you giving it away?

Mr. GUNN: No, but the record is straight regarding where the Opposition stands on these matters. When problems arise, we will clearly be able to point to those who must accept the responsibility for the legislation. These proper amendments would not destroy the Bill but would improve it, certainly for local government.

Amendments negatived.

The ACTING CHAIRMAN (Mr. Keneally): Does the honourable member intend to proceed with the remainder of his amendments?

Mr. GUNN: As they are consequential, there is no point in my proceeding with them.

Mr. RUSSACK: I have been approached by at least two gentlemen who have had considerable experience with administering the Bush Fires Act and who are concerned about this clause. I realise the difficulty at this stage of knowing what the regulations might contain. However, can the Minister assure me that adequate or better consideration will be given to precautions prior to property owners carrying out burning operations? Clause 38 (2) (*c*) (ii) provides:

he complies with the rules for burning off land;

Clause 38 (3) provides:

The rules for burning off land are as follows:

(*a*) before the fire is lighted, the land adjoining the land to be burnt off must be cleared in accordance with the regulations;

(*b*) notice of intention to burn off the land must be given, in accordance with the regulations, to any persons or authorities stipulated by the regulations;

(*c*) any rules prescribed by regulations.

I endorse what the member for Eyre has said about this measure because one of the greatest concerns that I have and one of the greatest weaknesses contained in legislation is the reliance on regulations. When regulations are used people are in the dark about what will be the grounds on which the conditions of burning off will be based. Sections

49 and 54 of the Bush Fires Act state that not more than seven days and not less than four hours before the fire is lit notice of intention to burn stubble, bush, etc., will be given. In view of what I have said and in view of the concern of people involved, can the Minister assure me that the regulations under this Bill will impose conditions that will be as effective or more effective than provisions contained in the Bush Fires Act?

The Hon. J. D. CORCORAN: What the honourable member has said about regulations relating to this measure suggests that this is the first time that regulations have been used. The honourable member knows that if everything to be done by regulation were to be spelt out in the Bill, the Bill would be absolutely unworkable. The honourable member spoke about his concern that at least the conditions that obtain now will be continued or will be made even more stringent. I cannot give the honourable member an assurance about that, because I do not know what the regulations will contain. It would be foolhardy for the Government to accept less stringent regulations. The Minister will not draw up the regulations, they will be drawn by the people who were on the committee (or whatever it was called), which had on it four country people, and which drew up the Bill. I suggest that they will do everything that the honourable member has suggested to ensure that the conditions that obtain in relation to burning off are just as stringent if not more stringent than those provided in the present regulations.

Mr. RUSSACK: At the outset of my remarks I pointed out that I was speaking on behalf of some constituents. I am aware of the procedure and what regulations provide. It is evident that this Bill departs from the procedure that was adopted in the Bush Fires Act. The Minister has indicated that the people who will prepare the regulations have a good technical knowledge of what is necessary by way of regulation.

Clause passed.

Clauses 39 and 40 passed.

Clause 41—"Warning of days of extreme fire danger."

Mr. WOTTON: I have been led to believe that the committee suggested that as well as the fire warning being broadcast the penalty involved should be broadcast at the same time. Because the penalty will be increased quite substantially by this measure, perhaps many people would be deterred from contravening this provision if the penalty were broadcast.

The Hon. J. D. CORCORAN: I will note the honourable member's remarks and will ask the Minister to consider them to see what can be done.

Mr. EVANS: I have noted that when there is no fire ban the announcement is issued on behalf of the Minister of Agriculture, yet when a fire ban is issued that it is issued on behalf of the Bureau of Meteorology. Therefore when there is no fire ban the Minister takes credit, but when there is a ban it seems that someone else takes the blame.

The Hon. J. D. CORCORAN: Quite frankly, there is someone well above the station of Minister who could be blamed or thanked.

Clause passed.

Clause 42 passed.

Clause 43—"Restriction on the use of certain engines, vehicles, appliances and materials."

Mr. GUNN: This is another clause that refers to regulations. The clause means absolutely nothing because we do not know what the regulations will contain. It is virtually an insult to ask the Chamber to consider this and other clauses. Under the provisions of the Bush Fires Act the classes of engine and equipment are set out. I realise that we can do nothing now, but it is quite wrong to rely on regulations. I sincerely hope that an indication will be given fairly soon about what the Government has in mind.

Mr. VENNING: I am concerned about this clause and should like the Minister to be somewhat more specific about it. The entire Bill is full of regulations, whereas the old Bush Fires Act is not.

The Hon. J. D. CORCORAN: The honourable member knows as well as I do that regulations must come before the Chamber. He would know all about the Joint Committee on Subordinate Legislation and about the rights of members in relation to regulations, and how they can be disallowed or amended. He knows that he along with every other member will have equal opportunity to disallow or amend regulations when they come before the Chamber. Members opposite have given the impression that the Bill is full of regulations and that this is their last opportunity to comment on the regulations. That is not the case. I am satisfied that the board that will draw up the regulations, being the same people who drew up the Bill (and they are country people), will have due regard to the matters about which the honourable member is concerned. The honourable member's fear is baseless.

Clause passed.

Clause 44—"Permit to light and maintain fire on days of extreme fire danger."

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

Page 19, line 44—Leave out "an officer of" and insert "a person authorised by".

The clause deals with the issuing of permits empowering people to light fires in circumstances in which the lighting of a fire would otherwise be unlawful. Subclause (7) provides that an "authorised officer" is an officer who may issue a permit and that he must be an officer of the board or a person authorised by a council to issue permits under this clause. The amendment provides that any person authorised by the board will be an authorised officer for the purpose of this clause. This will enable the board to appoint people who are not actually officers of the board to issue permits on its behalf. As it stood previously the provision was too restrictive, and the amendment wisely provides for it to be broadened.

Amendment carried; clause as amended passed.

Clause 45—"Fire extinguishers to be carried on caravans."

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

Page 19, after line 22—Insert subclause as follows:

(2) This section does not apply within the boundaries of a municipality or township.

It has been suggested to the Government that this clause should not apply within the boundaries of a municipality or township. The Government regards this as a reasonable suggestion, and accordingly the application of the suggestion is limited by the amending provision, which will be limited to a municipality or township.

Mr. EVANS: I do not disagree with the comment made by the Minister when he said representations had been made to the Government that the provision should not apply outside areas covered by councils and that the Government agreed with that suggestion. Surely, they are the areas where caravans should carry fire extinguishers because there will be no emergency fire-fighting service readily available.

The Hon. J. D. CORCORAN: It refers to boundaries of a municipality or township.

Amendment carried; clause as amended passed.

Clauses 46 and 47 passed.

Clause 48—"Fire protection at premises."

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

Page 19, line 42—Leave out "Two hundred" and insert "One thousand".

This clause enables the board or a council to serve notice on the owner of any prescribed premises, for example, a sawmill, requiring him to take prescribed precautions to prevent the outbreak or spread of fire in his premises. It is believed the penalty prescribed in the Bill for non-compliance with the notice is too low, and accordingly this penalty is raised to $1 000.

Mr. EVANS: I am not objecting to the clause but I am making the point that this provision is similar to that contained in the fire brigades' legislation, and in the past individuals have been disadvantaged where the point was reached where *ex gratia* payments were suggested by lawyers and even Government members. I cite the case of the commercial refineries company on South Road which was considerably disadvantaged when the Fire Brigades Board took action to have the premises closed, and representations were made to the Government about it. This sort of power has to be treated with caution.

Amendment carried; clause as amended passed.

Clause 49—"Removal of debris from roads."

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

Page 20, line 10—Before "the council", insert "the board or".

This clause relates to removal of debris from roads. Such debris may constitute a serious fire hazard. At present the clause only empowers a council to remove debris in default of compliance with the requirement. It is believed that the board should also have power to clear roads of flammable debris, and the amendment is moved accordingly.

Amendment carried; clause as amended passed.

Clause 50—"Power of board or council to order clearing of land."

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

Page 20, after line 43—Insert subclause as follows:

(8) This section does not apply in respect of land within a Government reserve.

This clause empowers the board or council to require the clearing of flammable material from land. The Government believes this power should not be exercisable in respect of a Government reserve, because it may result in irreparable damage to native flora and fauna. Accordingly, a new provision is inserted providing that the powers may not be exercised in respect of a Government reserve.

Mr. GUNN: I hope the Minister does not expect us to believe the utter nonsense he has just put to the Committee. If it is good enough for the private landholder to clear firebreaks, it is good enough for the Government to do so in national parks and reserves. When I read this clause I wondered how long it would be before the conservation cranks got hold of it. Those people have no practical knowledge of what they are talking about. They are irresponsible. It is an insult to the Committee to ask it to consider an amendment of this nature.

Members interjecting:

Mr. GUNN: I do not think the member for Mitcham would know anything about clearing firebreaks.

Mr. Millhouse: I want to know what you meant by conservation cranks?

Mr. GUNN: If the cap fits, wear it.

The CHAIRMAN: Order! The honourable member for Mitcham will have his chance to speak.

Mr. GUNN: This amendment will not allow a council to order the department to clear firebreaks, whereas landowners will be forced to do so. I have no objection to landowners being asked to clear land, as long as the people making that decision are aware of the circumstances. We have had trouble in the past with fires starting in national parks. I believe these parks should be fenced and should have a firebreak of at least two bulldozer widths around them. After the bulldozing, they should be stone-rolled so that fire controllers can drive around the edge of the park quickly and efficiently. For the life of me I cannot understand why this amendment is moved. Unfortunately, a few people within the community give the sincere conservationists a bad name. Many conservationists are responsible, but unfortuantely a few are the most vocal and can only be described as cranks. They are most irresponsible.

Mr. BOUNDY: I am disappointed about this amendment because it says in effect that no action is to be taken on national parks to prevent or inhibit the outbreak or spread of a fire. I am most concerned that this provision is to be made in the Bill because it is possible for pressure to be brought to bear on the Environment Department that an endangered species must be protected at all costs, even at the expense of life. When the Minister for the Environment was visiting my area last year he was waylaid by a local resident who pleaded that action be taken to minimise the fire hazard existing in a conservation park near local beach houses. I believe it is appropriate for a council to be able to instruct the Environment Department to take action to burn off an area.

Mr. EVANS: The Minister has tended to refer to national and conservation parks.

The Hon. J. D. Corcoran: No, I didn't.

Mr. EVANS: There are many other types of reserves, such as stone reserves and waterworks reserves, in which the provision would not apply. We need to conserve our natural bushland, especially in the area near the city. Many people have decided to leave natural bushland around their block, but they are now required to clear a firebreak or remove flammable material, and that would include all natural bush. These people, who may have made a physical and financial sacrifice in order to preserve the bushland, must now clean it up or at least provide a fire break but Government reserves are to be exempt from this provision. We must always be conscious of double standards. It is not unreasonable to require breaks to be built around conservation and recreation parks, as this will benefit not only local residents but also the park itself, as natural fauna and flora can be protected. Also, voluntary fire fighters must be given as much protection as can be given to them by having fire breaks around these parks. The amendment will not achieve the objective of preserving as much of our environment as is possible to preserve.

Mr. WOTTON: I join with other Opposition members in opposing this amendment. Representing a district in which many conservation parks are located, I am concerned, as are councils, that adequate precautions are not being taken in these parks. It is not a matter only of saving the parks: it also concerns the protection of people involved in fighting fires. Noxious weeds are allowed to grow in national parks, which are controlled by the Government, but they must be controlled on private property. Today, we are discussing another example of double standards.

Mr. CHAPMAN: I am also concerned. It seems that by this amendment the Minister is taking away the Government's responsibility. Can he say whether it is covered

within the resources of the Government in any other clause?

The Hon. J. D. CORCORAN: This amendment refers to Government reserves in every sense: it could be a forestry reserve. If councils have the power to issue an order to clear any flammable material from reserves, some councils might not be too fussy about what they ordered to be cleared. Any fire control officer, any council, or any primary producer can always (and they often do) make representations to the Government about any problem concerning a reserve, and, if the Government ignores those requests, it does so at its peril. In forestry areas of this State better fire-fighting equipment is provided and more precautions are taken than are provided and taken by any other organisation in the State. From time to time the department has placed fire breaks around boundaries of parks, but has not considered it necessary to criss-cross a park with fire breaks. A council could order that, if it thought necessary, under the provision unless it is amended. This is a protection to ensure that irreparable harm is not done to native flora and fauna as a result of a council's being unreasonable in its order. The Government has its responsibilities. Honourable members opposite are anti-national parks, in the main. I know they will not accept that the Government has a clear responsibility to see that the needs of people living in areas where national parks and Government reserves are situated are not ignored. The Government does not want to hand over that responsibility because of the nature of the parks and what they are supposed to do to local councils. That clearly is the intention of the amendment. I know honourable members will not accept that the Government can do this properly.

Mr. Evans: Are you saying that local councils are not concerned with conservation?

The Hon. J. D. CORCORAN: We are not saying that. We are not going to give councils that may not be concerned the opportunity to do something—

Mr. Evans: What about the board?

The Hon. J. D. CORCORAN: If the council issues the order, the board cannot intervene.

Mr. Evans: Give the board the power.

The Hon. J. D. CORCORAN: That is not a bad idea.

The CHAIRMAN: Order! Each member can address a question to the Minister on three occasions. I will not allow, as has happened in the past few minutes, three interjections at a time. I intend to make sure that members ask one question at a time.

The Hon. J. D. CORCORAN: What the honourable member suggests is not a bad idea as a compromise: if we are not prepared to let councils look at it, the board could have the responsibility. I am not prepared at this stage to accept any amendment about that, but, if this amendment is carried, I undertake to confer with the Minister responsible for the administration of this Bill to see whether we cannot do that to satisfy the fears of honourable members. I know those fears are real, and I am not condemning honourable members for them, but the Government has a responsibility, which it recognises but which it did not want to hand over entirely to councils. If the board is a compromise—and it seems reasonable that it could be—that should be looked at. However, I ask honourable members meanwhile to pass the amendment.

Mr. VANDEPEER: In the main, I oppose the amendment, although what the Minister has said in the past minute or so eases the situation to some extent. In my opinion, those who administer the national parks must change their attitudes to fire and the prevention of it in those parks. I do not oppose national parks and conservation.

Mr. Millhouse: You do not believe in conservation cranks?

Mr. VANDEPEER: I will not comment on that interjection. I believe that they are necessary, but that those in control must not be allowed to get out of hand. The parks must be kept in their natural state, and, in its natural state, our bush land has been subject to fire. I believe that those administering the parks will eventually face the fact that controlled burning is necessary an dthat in many areas it is part of our natural environment. Going back through history, and reading the records of the early explorers, such as William Dampier, one finds many references to Australia as a smoking continent with fire as part of the environment. It remains a part of the environment and a part of conservation. It should be possible to burn scrub areas in parks during the winter; therefore, fire breaks must be provided around the parks, and the adjacent landholders must not be expected to supply the breaks.

The parks should be fenced, and fire breaks must be provided between the fence and the park. If the Minister is willing to consider the suggestion made, the situation will be relieved, but I ask him to look carefully at what I have said. I do not believe that it is good for conservation areas to be crossed by bulldozer tracks in various places. If this is to be avoided, fire breaks around the perimeters of the parks are necessary. Perhaps the Minister will consider a further amendment in the other House.

Mr. CHAPMAN: I did not understand the Minister when he said he might consider that the board should have some control. I can understand the concern expressed by members on this side. Subclause (1) sets out two options. I cannot see why the Minister cannot accept the responsibility under paragraph (*b*), in the same way as the Government accepts responsibility in a limited way for noxious weeds. We have had noxious weeds legislation before the House. The Government was not prepared to eradicate or to eliminate noxious weeds from its holdings, but it was prepared to insert a clause that, where resources were available—it seems that the Minister has taken the point and has something to say.

The Hon. J. D. CORCORAN: I move to amend my amendment by inserting, at the beginning of the amendment, the following words:

Subsection (2) of this section does not apply in respect of land within a Government reserve.

That means that the power is taken from councils but remains with the board, and the board can issue an order on the Government to do something about its reserves.

Mr. BLACKER: I thank the Minister for that consideration. Obviously, it could not be applied to all Government reserves. The expenditure required to put the necessary fire breaks around every reserve on every Government allocation of land would be exorbitant. I believe the board is the proper authority.

Amendment as amended carried; clause as amended passed.

Clause 51—"Power of fire control officer in controlling and suppressing fires."

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

Page 21—Line 37—Leave out "a fire for the purpose of clearing a fire break" and insert "another fire".

Lines 41 and 42—Leave out "for the purpose of clearing a fire break" and insert "in pursuance of this section".

This clause sets out the powers of the fire control officer. Among those powers is the power to light a fire for the purpose of clearing a fire break. It is considered that the words "fire break" may be a little limiting, and the amendment amends the clause to provide that a fire control officer may light a fire for the purpose of controlling a pre-existing fire.

Amendments carried; clause as amended passed.

Clauses 52 to 54 passed.

Clause 55—"Power of fire control officer to inspect premises."

Mr. WOTTON: I believe this clause is impracticable because there are already many fire control officers and supervisors who do a systematic check every year. I believe that subclause (2), which provides that the fire control officer must give notice in writing, is impracticable. Putting it in writing when doing systematic checks will not work.

Clause passed.

Clauses 56 to 60 passed.

Clause 61—"Misuse of fire alarms, etc."

Dr. EASTICK: I move:

Page 24—After line 18 insert subclause as follows:

(3) A person shall not, without lawful authority, destroy, damage or interfere with any vehicle or fire fighting equipment of a C.F.S. organisation.

Penalty: One thousand dollars or imprisonment for six months.

Clause 61 refers to the misuse of fire alarms, etc., and indicates that the Government seriously believes that any person who interferes with those facilities which are there for the protection of property and for raising the alarm should receive a penalty as prescribed. It follows that, if any person was to destroy or interfere with the equipment which was to undertake the fire-fighting control, they, also, should be proceeded against under the provisions of the Bill. I am aware that action could be taken under the Police Offences Act, but that Act is isolated from this legislation and in the promulgation of this Act and its various commitments to the public it would seem (and this is certainly the view held by a number of people in fire-fighting organisations) that it would be better to be able to indicate in that general promulgation that any interference with fire-fighting equipment should also be covered. I therefore seek the concurrence of the Minister in accepting this amendment, because it will enhance the value of this measure.

The Hon. J. D. CORCORAN: As the honourable member has already suggested, this is covered by the Police Offences Act. Whether or not it is a good policy or practice to clutter up every piece of legislation dealing with particular matters, with penalties obtaining to those matters, is questionable. Whilst I would like to be able to say that I see no problem with the amendment, I think, as a general principle, it would be bad if we accepted in every Bill principles relating to whatever the Bill was dealing with and did not try to cover it in either the Police Offences Act or other Statutes. I reluctantly cannot accept the amendment.

Dr. EASTICK: I am disappointed by that attitude, because obviously, although the provision is there under the Police Offences Act, it is a very general one. It is specifically country fire service equipment that we are seeking to have incorporated in the Bill, and an offence would involve a heavier penalty than applies under the Police Offences Act. This equipment is specifically required for the fulfilment of the purpose of this Bill. I ask the Minister to reconsider the attitude he has expressed and accept that it is an area that is consistent with the provisions of this clause.

The Committee divided on the amendment:

Ayes (21)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Coumbe, Eastick (teller), Evans, Goldsworthy, Gunn, Millhouse, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Noes (21)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran (teller), Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Wells, Whitten and Wright.

Pairs—Ayes—Messrs. Chapman and Mathwin. Noes—Messrs. Broomhill and Virgo.

The CHAIRMAN: There are 21 Ayes and 21 Noes. There being an equality of votes, I give my casting vote in favour of the Noes.

Amendment thus negatived; clause passed.

Clause 62—"Immunity of officers, etc."

Mr. GUNN: I know of several fire control officers who are concerned about their liability if they light a fire in the course of preventing a bush fire. Can the Minister explain what constitutes negligence, as set out in this clause?

The Hon. J. D. CORCORAN: I think that the honourable member, when talking to these people, ought to have been able to explain in simple terms what negligence means.

Mr. Millhouse: He would be better than anyone else if he could.

The Hon. J. D. CORCORAN: I said "in simple terms". I would be negligent if I did not do what could reasonably be expected of me, in certain circumstances, and that would have to be proved. It would be for the court to decide what negligence constituted. If a person in a certain circumstance did not do what could reasonably be expected of him, he could be called negligent. I know of no way of clearly defining it. It is a matter of common sense and practical approach.

Mr. EVANS: I suggest that the deletion of "and without negligence" might make the clause easier to interpret.

Clause passed.

Clause 63—"Onus of proof."

Mr. GUNN: This is a bad clause. Although it is contained in the existing Act, that makes it no better. I oppose the clause, and will call for a division on it.

The Hon. J. D. CORCORAN: When we were in Opposition, we invariably opposed. Now that the Liberal Party is in Opposition, it does the same thing. I suppose that that is the way it will always be.

Mr. CHAPMAN: For the short time during which we will remain in Opposition we will oppose the provision, because it is unfair to place the onus of proof on the occupier, as in subclause (1). That is bad enough in itself, but subclause (2) refers to the offence, and places the onus of proof on the occupier of the land, whether or not present and, indeed, whether or not he has lit the fire. He may not even be in the country, but he must prove his innocence in the circumstances. How ridiculous can we get? One would think that it would be automatic for the charge to be laid against the person who lit the fire and, if he could not be located, there would be no need to place the onus on the occupier. That would be too ridiculous for words.

Mr. Gunn: What about lightning?

Mr. CHAPMAN: There would be all kinds of causes, but we will deal with that after the dinner adjournment.

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

Mr. MILLHOUSE: I oppose this clause. I understand that this provision was included in the Bush Fires Act before. I do not care whether or not that is the case because, if I had any part in supporting it in the past, I am ashamed of myself. It is a bad clause. Any clause that changes the onus is open to a good deal of scrutiny. It means that, if a landowner is unfortunate enough to have a fire lit on his property by a passing traveller, lightning or anything else, the onus is on him to prove affirmatively that he is not responsible for the fire. I should like to hear from the Minister why it is necessary to have a clause of this nature and what would be the effect on this legislation if the clause were not included.

The CHAIRMAN: Order! I must admit to the Committee that I have made an error and that I should have called the honourable member for Alexandra. If the honourable member for Alexandra wishes to speak, he now has the opportunity.

Mr. CHAPMAN: Thank you, Mr. Chairman. I appreciate your apology; however, it is quite irrelevant. I was referring to what I believed to be an unreasonable provision that is embodied in this clause, particularly in relation to subclause (1) whereby, as the member for Mitcham has already pointed out, irrespective of where the owner of the property is at the time a fire starts, the responsibility is on him for the fire. To me that provision is not only improper but it is also out of line with the ordinary course of justice. For the life of me I could not understand the Minister's admission when he said that in Opposition he would oppose this sort of provision but that in Government he would support it. He said he could therefore understand the opposition for this clause.

It is incredible that the Minister should admit such a fact. When things are different they are not the same. Can the Minister say what are the circumstances that have caused the Government to change its mind? I am not aware of previous attitudes on this matter. I am at a loss to understand the Minister's comment. The onus is on the owner to prove his innocence, when he may have been innocent anyway. This provision is contrary to the ordinary course of justice and procedure, and I cannot understand why the Minister should be pressing for the inclusion of this subclause. Subclause (2) is understandable because it provides that, where it is established that the defendant lit or maintained the fire or caused it to be lit, he must prove his innocence. Accordingly, he has the opportunity to do so. The principle embodied in subclause (1) is quite wrong and in no way can I support it now or at any other stage, whether it be in relation to this or any other Bill.

The Hon. J. D. CORCORAN: There is a streak of hypocrisy running through the points raised by the member for Alexandra and by the member for Mitcham.

Mr. Millhouse: Oh?

The Hon. J. D. CORCORAN: You have been known to be hypocritical before. Members opposite have demonstrated for about 7½ hours or 7¼ hours during the course of the debate on the Bill—

Mr. Dean Brown: It was only six hours before the dinner adjournment.

The Hon. J. D. CORCORAN: I suggest that the honourable member should check the time to ascertain how long we have been debating the measure. The provision is important because any person who is likely to be involved in creating or in any way contributing towards a bush fire, a scrub fire or anything one wishes to call it, must view anything related to that in a serious way. Why should someone who owns a property not take every possible care to prevent this sort of thing happening?

Mr. Chapman: That's not—

The CHAIRMAN: Order!

The Hon. J. D. CORCORAN: Why should not anyone (and I say this candidly) be willing, if he is seriously minded about this sort of provision, to show that he did not cause or did not do anything that led to the cause of the fire?

Mr. Millhouse. You can argue that on any offence.

The Hon. J. D. CORCORAN: That is exactly why it has been included; the honourable member has given the answer. The Government considers this provision serious enough to put the onus of proof in this clause. It is a provision that is already contained in the Bush Fires Act. If this provision is not passed it is still in that Act, so what has the member for Mitcham to say about that?

Mr. Harrison: No answer!

The Hon. J. D. CORCORAN: Of course he does not have an answer. The honourable member knows that that sort of provision was embodied in several other Acts of Parliament while he was a back-bencher or a Minister in Governments that passed some of those measures. He now has the temerity, the hide, to say that this provision should not be included now. Just because he sits where he does now and because he knows that he has no responsibility and never will have as far as the law of this State is concerned, he says it. It ill behoves the member for Alexandra to make such a song and dance about something that his colleagues of the same political complexion over the years actually started. He can say, "I am independent of that; I have this great independence, this rugged individualism to say that I do not agree with them." As far as the Government is concerned—

Mr. Chapman: We agree with the principle of the Bill, but not this clause.

Mr. Coumbe: Take it or leave it.

The Hon. J. D. CORCORAN: No, it is not a matter of "take it or leave it". It ill behoves the member for Torrens to say that, because he was a member of a Government that supported this sort of provision. I am trying to demonstrate to the Chamber that the Government views so seriously anything that can occur carelessly—

Mr. Chapman: There is no—

The CHAIRMAN: Order!

The Hon. J. D. CORCORAN: —as the result of someone who owns a property—

Mr. Chapman: —mention of carelessness.

The CHAIRMAN: Order! I warn the honourable member for Alexandra. He has the opportunity—

The Hon. J. D. CORCORAN: If anyone—

The CHAIRMAN: Order! I warn the honourable member for Alexandra. It is not the first time today that I have had to speak to him. The honourable member has an opportunity three times to speak in Committee. We do not want three questions at the same time. The honourable Minister is replying to a question and, if the honourable member is not satisfied with the reply, he can put his point of view again later. The honourable Minister.

The Hon. J. D. CORCORAN: Had people suffered from bush fires and lost stock, pasture, and personal effects, I do not think members would be protesting that the onus of proof really mattered. I ask the honourable member to examine seriously this question of whether he should stand on his dignity and say that the

provision is too harsh. I know it may seem to be the reverse of justice and I have used that argument, but in this case we will continue a practice which has obtained in the past and which is provided for in the present legislation. It is not new; it is not peculiar to this legislation, as it is contained in other Statutes.

Progress reported; Committee to sit again.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL (No. 2)

In Committee.

(Continued from November 9. Page 1996.)

Clause 3—"Interpretation."

Mr. DEAN BROWN: I move:

Page 2, lines 3 to 27—Leave out all words in these lines. I have a series of amendments that I will speak to, and then refer specifically to each amendment. If the first is defeated the others will fall by the wayside. I will speak about the various amendments that I have on file. The overall effect of these amendments is to introduce a new system of weekly payments whilst a person is receiving compensation. The weekly payment for such a person shall be the normal award rate plus over-award payments, but excluding overtime pay and special disability and site allowances. The amendments will ensure that the man is no better or worse off financially on compensation than is the man who remains at work receiving normal payments. These amendments will overcome the major weaknesses of this Bill, in which a man on compensation is better off financially than the man at work, who is still incurring travel and other expenses in connection with his work. The amendments include provisions to cover incentive payments and the upgrading of award and over-award payments, and will bring South Australia into line with Western Australia and also in line with the make-up provisions of compensation in New South Wales and Victoria in relation to the metal trades industry award and other awards.

This series of amendments will provide that a person working at two or more jobs at the same time at the time of injury will receive payment only for a normal working week for the job that he was working at when injured. This is an entirely new concept that is not covered in the Bill. Under the existing Act, a person can take on several jobs, perhaps for a short time, in addition to his normal work, and if at that time he goes on compensation he would receive a huge payment. I have been told of a case in which a person has been receiving about $160 a week in his normal job, but has been receiving about $280 a week as compensation, because, before going on compensation, he had taken two special jobs involving overtime and high penalty rates. Unions would support this provision, because I understand it is union policy that a workman should have only a primary job particularly during times of high unemployment, and I believe this to be a reasonable amendment.

I now specifically refer to each of my amendments. The first to clause 3 deletes a series of definitions that have been included in the Bill. In particular, it leaves out the definitions of "special benefit" and of "special payment", but it accepts the other definitions outlined in the clause. There is no need to have definitions of "special benefit" and "special payment" because, under the amendment put forward in clause 7, we clearly state what payments would be included in payments while on compensation and those that would not be included. Our statement is much more specific than is the definition included in the Government Bill.

Turning to clause 6, which is the Government's proposal on compensation, we insert a new clause which I shall deal with under a separate amendment and move separately. Then we intend to oppose the existing clause 7 and insert a new clause 7 which amends section 51 of the principal Act. After 16 months, following a promise from the Premier before the last State election, a promise from the Premier in this House that the Government would amend the Act, and a promise from the Minister of Labour and Industry, finally we have this Bill, which is supposed to cut out certain anomalies in the existing Act. However, the proposal put forward by the Government is a pathetic attempt, to say the least. I believe (and this has been backed up by comments from people involved in the administration of workmen's compensation) that more clerical work would be involved in trying to work out the rate of payments under the new amendments than was involved under the old ones.

Mr. Goldsworthy: It would be a different sum every week, according to the overtime payment.

Mr. DEAN BROWN: Yes. One would have to be a mathematical gymnast to perform the feat, and it would end up bogging down the administration of any company. I have had a number of companies complaining about the tremendous administration costs involved in working out the average payments, even for the past 12 months. The amendments put forward by the Government are worse than that. The person would first need to work out the average payment for the past 12 months, as at present. As much clerical work will be involved under this provision as is involved at present.

In addition, each overtime payment for each of the past 52 weeks would have to be subtracted from the amount paid, including also the subtraction of any special payments. One can see the complication of having to look at 52 different weeks of payments and subtract these various amounts and then add up the total. On top of that, under the Minister's provision we need to work out the average overtime for the four weeks before the person went on compensation, and add that to the average for the past 12 months, minus special payments and minus overtime. He then puts up two other amounts which the man may receive, and he is to receive the highest of these three amounts.

The next is a weekly wage, excluding any amount paid by way of overtime and special payments. That requires calculation, although certainly it is not as difficult as the previous provision. The third possibility is a prescribed amount. Anyone with any sense can see the tremendous work involved, and can see that it does not overcome the anomaly in the present Act. A person on compensation can, in effect, be better off financially now than a person at work, because the person on compensation does not pay travelling expenses which, in the most humble of situations where a person lives reasonably close to his place of work, would be at least $5 a week, and he is not involved in other expenses he would incur whilst attending work, such as wear and tear on clothing, and so on.

Mr. Goldsworthy: If they cut out overtime at work, he is still getting an average overtime payment.

Mr. DEAN BROWN: There is an adjustment for that. Either the employer or the employee can apply for average overtime to be adjusted, but of course that creates new administrative problems. Obviously, the worker would want a continual check as to how much overtime was

being worked by his colleagues to make sure he was not missing out on additional overtime. New complications would be created. The other problem with the method of taking the highest of the three alternatives is that not only would this have to be calculated at the beginning, but also on a continuing basis. It would be quite feasible that the first proposal, the average pay for the past 12 months minus overtime plus back in the overtime, minus the special payments, may after three or four months fall below what is then the average pay the employee would have received at work, minus the overtime.

Just because at the beginning of being on compensation a person is working on proposal A does not mean that he will stay on it. It may well be that he is committing an offence unless he changes to proposal B and, for some unexpected reason, he may change to proposal C, although that is most unlikely because the prescribed amount is generally the minimum. It is obvious that the Minister's proposal is unworkable because of the extra administrative work it will cause.

People have been outspoken on this matter. I have received letters from people who have read the Bill and from companies working not through insurance companies but doing their own workmen's compensation. They are frightened by the prospect of the provision introduced by the Minister. A letter I received this morning from a truly South Australian company clearly stated that it would rather have the old proposal than the new one which it believes will create new problems. The fact that the Minister has claimed on television that he has solved the problems is far from the truth. He has not done so; if anything, he is creating major new problems.

I turn to page 5, line 3, and the amendments there. Basically, the first part of the two amendments is to repeal section 60 of the principal Act; the other part is to insert a new clause 11a, which inserts in the principal Act new section 64. It is similar to the existing provision, but there are minor amendments which I will not go into at the moment.

The Hon. J. D. Wright: How many amendments are you dealing with?

Mr. DEAN BROWN: I am dealing with six amendments, because they are all consequential. The final one, on page 6, is consequential but of some significance. I refer to clause 15. I oppose the existing clause 15, and seek to insert a new clause which amends section 71 of the principal Act. I believe these amendments provide a realistic alternative to what the Government has proposed in this area. It is probably the most important area of all in relation to this Bill, as it is the basis on which the person will receive weekly payments after being totally incapacitated at work. It is important that people realise the implications that the existing Act has. It is the fundamental reason why premium rates have increased, the fundamental reason why there have been rehabilitation problems, and the fundamental reason why a minority of people have abused the existing Act.

The proposals I put forward are fair and, most importantly, they bring us in line with at least two of the other major industrial States in Australia. The implication of that is that South Australia is competing against Victoria and New South Wales for most of the major consumer markets here in Australia. It is imperative that our manufacturers be not placed at a disadvantage. If possible, they should have certain advantages, because they incur additional expenses in transport costs. Through the proposed amendments, South Australia is being brought into line with the other States, and I hope the Minister has the common sense, for the sake of jobs in this State, to accept these amendments. If he does not, I believe the continuing deterioration of the competitive situation of South Australian industry in comparison with those other two States will be on his and the Government's head. I fully endorse the amendments, and urge all members to vote for them because of the great impact they will have in this State.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): There has been a lot of guff by the member for Davenport covering, in my view, many consequential amendments when really we are talking only about three principles: current weekly payments, overtime provisions, and two or more jobs. The honourable member went on with a lot of other business which was consequential upon what happens to this clause, and I suppose he took the opportunity to debate all the issues. We ought to look at the last aspect first. The member for Davenport said it would be on the Government's shoulders if it was not prepared to accept the amendments proposed by the Opposition. I do not know how anyone with any common sense (and I think he said the Government would not have any common sense if it did not accept the amendments) could equate that statement, bald as it may be, and certainly not in any way examined, with the current unemployment situation, because South Australia is holding up very well, still having the lowest unemployment in Australia.

Mr. Mathwin: Well, you're paying for most of the RED scheme.

The Hon. J. D. WRIGHT: Members opposite do not like it, I suppose, but the facts appeared in the paper. They were released not by me but by a Canberra colleague of members opposite. To make such a wild statement is irresponsible, because the situation is quite the reverse. The Premier has been able to make announcements recently of industry expanding in South Australia.

Mr. Mathwin: Where?

The Hon. J. D. WRIGHT: Chrysler Australia Limited is one industry that comes to mind. Certainly, the Mount Gambier installation that was announced a few weeks ago is another. The Government is accused of having no good sense and of creating unemployment if it does not accept the Opposition's amendments. There is so much tripe in that statement that it cannot stand up. The member for Davenport was critical of the weekly payments. Nobody can accuse me, or the Government, of supporting the current situation.

Mr. Goldsworthy: You're making it worse.

The Hon. J. D. WRIGHT: The member for Kavel attempts to become a specialist in all fields, but I am afraid he is master of none. He just does not know what he is talking about.

Members interjecting:

The CHAIRMAN: Order! I hope members on both sides remember that we are dealing with a certain clause and that the Minister is answering the member for Davenport. We are getting right away from what was put to the Minister. By interjecting, all honourable members are causing us to get far away from the amendment before the House. The Minister of Labour and Industry.

The Hon. J. D. WRIGHT: I did not interject at any stage during the whole 20 minutes of the member for Davenport's speech. This, in my view, is one of the most important matters we are dealing with. It is a social question that we need to look at in a humane manner

and one we should not become hysterical about, as the member for Kavel does on most occasions in this House.

Dr. TONKIN: On a point of order, Mr. Chairman. I ask why on earth, without any provocation at all, the Minister makes a stupid remark about the member for Kavel.

The CHAIRMAN: There is no point of order, but I hope the Minister and the member for Kavel will take notice of what I said a few moments ago.

The Hon. J. D. WRIGHT: The Government has been concerned about the form of payment for many months. The Premier recognised there was something wrong with the form of payment, but I believe that the present form of weekly payment is wrong only in the current economic situation. If the economic situation had not deteriorated as drastically as it did, I do not think there would have been a problem with regard to weekly payments. I do not think there is any great crisis now, because I am informed by many people in industry that there has not been much overtime worked for from 12 to 18 months. I do not deny there were certain people who received more money for being away from work than their friends were receiving at work. The Government gave an undertaking at the last election to do something about that. It has not been easy to implement that undertaking, as this is an area that concerns people. I will not say that I am going to disadvantage people, because the policy of this Party is that nobody ought to be advantaged or disadvantaged by workmen's compensation. Surely a family is entitled to budget on the amount of money the workman would have received if he had been at work; that is a simple and honest principle, and the principle by which the Government stands. In effect, the Government has no intention of accepting this or any of the consequential amendments moved by the member for Davenport.

The next major principle raised by the member for Davenport concerns the two or more job situation. I do not know how many people have three jobs, so I will try to deal with those people who may have two jobs. I have had some figures taken out about this, and the best figure that can be arrived at (and placing it at its highest) is that only 4·4 per cent of the work force have two jobs. I do not know how much that percentage would affect premiums—and that is what this exercise is all about. The purpose of most of the Bill is to try to relieve a premium situation which employers and the industry say has got completely out of hand in South Australia. If only 4·4 per cent of people have second jobs, no-one could convince me that that percentage would have any marked effect on increasing premiums. That is a negligible percentage.

Mr. Dean Brown: How old are those figures?

The Hon. J. D. WRIGHT: They were produced for me today, and they were taken out at the end of September. No-one could suggest that that kind of situation could increase premiums. Arguments could be made that we cannot establish the numbers of those with second jobs, because such people do not always pay taxation on their second jobs. We rely on available statistics, and I suggest that these are somewhere near correct.

Mr. Dean Brown: Where did you get them?

The Hon. J. D. WRIGHT: From the Bureau of Statistics. If those figures are correct, how many of that percentage would be on workmen's compensation? It is logical to argue that it would be almost a minus figure. I would like examples of how much this percentage would be affecting premiums, because I do not think that it would be affecting them all. Time and time again we have to put up with this folly of the Opposition's criticising the Government for its inactivity in certain areas and for not taking certain action that the Opposition itself did not take when in Government.

I have had this matter checked, and I am informed that this provision was inserted in the Act in 1911. It was copied from an English Act that came into effect in 1897. Some years later South Australia, in its wisdom (and we have had some wise fathers), decided that it ought to follow the English law. I know that we cannot make comparisons with the English law today, because of the many social service systems incorporated in their current legislation. The Liberal Party has governed this State, unfortunately, historically for most of the time since 1911. As much as I respect the member for Torrens, he did not see fit, when Minister, to remove the provision from the legislation. This Government is certainly not going to remove it, because it believes in the simple system of not advantaging or disadvantaging such people. An employee ought to be able to receive what he would have received had he been at work. I do not think there is anything else for me to reply to. The principles have been enunciated by the member for Davenport, and I have tried to answer them and to explain the Government's position at the same time. We oppose the amendments.

Mr. DEAN BROWN: I am somewhat disappointed that the Minister has not touched on the main points I raised. It is most disappointing that he did not refer to the new administrative problems his amendments would create, and the other problems that have been encountered under the existing system. The Minister talked about industrial development, and replied to my claim, which is well substantiated. If one looks at capital investment in industry in this State during the past three years, one will realise that it has been the lowest of any of the mainland States. The sum for South Australia for the past three years for capital investment amounted to $54 000 000, whereas in one week Western Australia announced investments of $1 600 000 000. We cannot even compare the two. Furthermore, for the past 12 months statistics from the bureau show that the number of people working in manufacturing industry in South Australia declined by 2·11 per cent, which was the greatest decline of any Australian State.

For the past 12 months, we have had a significant decline of people working in secondary industry. The Minister cannot deny those statistics. The statement I made earlier was fully justifiable.

The Minister then raised the point concerning two or more jobs. I know that the percentage is small, but the argument he put forward was that the provision has been in the Act since 1911 so it must be right, despite the change in circumstances. Between 1911 and 1973, we had a totally different method of compensation or determining pay for a person on compensation. Equally, under his rather fallible argument, the present rate of compensation must also be the wrong method. Because it has been in the Act since 1911, that does not mean that it is suitable in today's legislation.

It has not been a problem in the past, because the rate of compensation has been totally different. Now that we have changed that rate of compensation it has become a real problem, and we should examine it. The Minister should reassess his attitude to the amendment. The other

point I raise was raised by the member for Playford during the second reading debate. He said that the man on compensation should be able to live up to the expectations of what he had budgeted on.

The Hon. J. D. Wright: I said that myself.

Mr. DEAN BROWN: Yes, you said that, and the member for Playford said it.

The CHAIRMAN: I hope that the honourable member will address the Chair at some stage, because he has not been doing so for the past few minutes.

Mr. DEAN BROWN: Yes, Mr. Chairman. I come to that point, because it is an argument that should be well and truly answered. No worker would budget the entire amount of his pay for reasons other than work. I have already said that included in his budget must be travelling expenses, meal expenses, and clothing expenses incurred through going to work. Therefore, the Minister's argument on budgeting is weak and does not apply, because there are certain expenses that the worker would not incur if on compensation. Therefore, we believe that, through the award plus over-award payment, that man is on a fair and reasonable wage. A further point is that he cannot guarantee overtime at any rate, so why is he budgeting on receiving that money? He would be a fool if he did so. We are giving him what he can expect while he maintains his position in the company: the award rate plus the over-award rate. That is fair and just, and I again plead with the Government to accept the amendment.

Mr. COUMBE: The Minister's reaction to the amendment was rather predictable. I agree with him on one matter: we are certainly talking about a major social problem and about people. However, we differ in our approach to solving the problems. The Minister said that there were problems in the legislation and that the Government was conscious of the anomalies and weaknesses generated by those problems. At the same time, however, the Minister is not willing to accept the reasonable proposition and arguments put forward by the member for Davenport. The debate has been of a high level and we should debate it calmly. We can get excited about it when we cannot get our own way. The amendments are reasonable. I do not believe that the Minister would say that they are unreasonable, but instead he states, "I will not agree to them."

The Minister's reaction to the amendments is predictable. We are considering an amendment that encompasses a series of consequential amendments dealing with a major facet of workmen's compensation—the weekly payment question. The amendments are fair and reasonable. What disappointments me in considering the Bill first and the Minister's amendments second are the anomalies which are now contained in the Act and which the Minister this evening has recognised publicly. However, those anomalies are not removed by the Bill or by the further amendments that the Minister has on file.

Regarding weekly payments and their calculation, despite the latest amendments that the Minister has on file, the arithmetic and accounting procedure involved in some offices would be completely unworkable. The mind boggles at the problems that could be created in some enterprises because of the magnitude of the exercise. It applies whether the firm be small employing only five or six people, or large employing hundreds or thousands of people. The mind also boggles when one considers the three alternatives that the Minister has put forward. The Bill that we considered in February was withdrawn, and we have in its place a Bill containing a method of calculation of weekly payments that uses three steps, one taking the highest of the three steps. If one considers that aspect closely one sees that the anomalies remain in the legislation. We have all awaited this legislation eagerly (and I am referring to the first amendment) for the anomalies to be withdrawn, but they are not even withdrawn by the series of amendments that the Minister has on file.

The amendments of the member for Davenport would in practice overcome many of the anomalies about which people are complaining. Those people are not only employees but also employers. I am referring now to the major subject of the Bill, the topic that has caused the greatest contention in the community and on which most argument has been generated since 1973—weekly payments. What we are proposing in this series of amendments (and they all hinge on the first amendment) relates to award payments plus over-award payments, but not to overtime. That is where the difference occurs. As I said the other evening, we are considering the content of what, in the Commonwealth sphere, is a total wage as opposed to the average weekly earnings for the past 12 months. We can take into account award payments, margins (which are extremely important), and over-award payments.

I suppose that very few places in certain industries do not pay over-award payments. If there were no over-award payments in some industries, they would not obtain skilled workmen. In effect, the Opposition is suggesting 100 per cent. That is what it proposed in the 1973 fairly major debate on this issue. It was 85 per cent then, and it was proposed by the Opposition that it be increased to 100 per cent. The Government, however, prevailed and we inserted average weekly earnings for the past 12 months, taking into account overtime rates. Since that time we have had much trouble. That is the nub of the whole matter; it could be called the linchpin of the trouble. Having said that he is conscious of the anomalies, the Minister must agree that it was in 1973 and since that all the trouble has started. The Opposition is suggesting a way to overcome the problems and is providing what it regards as fair and proper compensation for those who are totally or partially incapacitated. This aspect was made perfectly clear in 1973.

Mr. Chapman: The Minister has not caught up with the ground swell against the move.

Mr. COUMBE: There is much dissatisfaction in the work force and among employers in this regard. We do not want to get into the position of saying that the Government is exporting jobs from South Australia.

Dr. Tonkin: The Government has already exported jobs.

Mr. COUMBE: It happened once before, too, when Labor was in Government, and it caused the downfall of the Walsh-Dunstan Government. It looks as though it could cause the downfall of the present Dunstan Government, too. The other amendments relate to multi-jobs, a matter on which I thought the Minister put up a weak argument. By multi-jobs, I mean that a person holds two jobs and is paid for both if he is injured. The amendment provides payment for only one job. The position is that an employer under the present legislation is responsible for payment where a person does not even work for him. Although the employer has no oversight of or responsibility for the person, he can suddenly be lumbered with a bill and an obligation to pay that employee even though he does not work for him at the time of the injury. Is that real justice? In the second reading explanation

and in Committee the Minister has stated that this provision has operated for many years, and that I did not amend the legislation when I was a Minister. I admit that. The Minister also said that the provision had operated since 1911, but that should not be an excuse. The member for Mitcham used that sort of statement in another context today. If the provision has existed for so long, it is now out of date, because we are considering a different type of reimbursement. Even though only 4·2 per cent of the work force is involved, the provision is wrong in principle. Let us not live in the past like the Minister does; let us be progressive and get on with the job.

The Minister has said that the 4·2 per cent of the work force that is involved is quite negligible. If that is so, what harm would be done to the legislation if the provision were to be removed? I suggest that that is all the more reason why the provision should be amended. The member for Davenport's series of amendments will stand or fall on the acceptance or otherwise of his first amendment. Members will be asked to consider whether the present unsatisfactory system of weekly payments should be continued, or whether it should be replaced by a more equitable, manageable, and fairer type of payment.

Mr. McRAE: The member for Davenport referred to the economic position of other States but, apart from Queensland and Western Australia, which have significant mining advantages over other States, South Australia is in no better or worse position than are other States concerning economic advancement. I am not convinced by the argument on that score. We have one of four choices: we have the new L.M. formula of 85 per cent of average weekly earnings; we have the Liberal Party formula, which is average weekly earnings plus over-award payments less overtime; we have the old formula that is being attacked; and we have the new formula proposed by the Minister.

This series of amendments highlights the difference in philosophy between the three Parties and the experience and outlook of the members of those Parties. I have always adhered to the principle that average weekly earnings are essential, because 80 per cent of the community find these earnings the least that they can live on. In many cases the wife has to work as well, and that says little for the state of social justice in this country. In districts like mine, Elizabeth, and Whyalla, as well as others represented by Government members, people do not have the luxury of being able to budget and save on their award rates plus overtime, and not even on a combined income, so that many people take a second job. In affluent districts people can have the luxury of budgeting and saving.

Mr. Goldsworthy: Are you suggesting that our wives don't work?

Mr McRAE: I am being sensible. Members know that most people in the community cannot save out of a total weekly income, especially in the case of large families and families experiencing problems. This was the evil we sought to remedy. If the economic climate had been the opposite of what it was when the Act was passed, the evil now pointed to might not have occurred.

Mr. Goldsworthy: You are saying that if a person is on compensation he should be able to save?

Mr. McRAE: No; I am saying that a person on workmen's compensation should receive no less than he would have received had he not been injured. That principle has applied in the common law for centuries.

Mr. Millhouse: Come on! You have to acknowledge that there you have to establish fault.

Mr. McRAE: Of course, but the Government when introducing this legislation in 1973 drew the analogy between what one might recover at common law and what should apply as a statutory norm. I believe that in this matter, I am less of a conservative than is the member for Mitcham. His solution of 85 per cent is Draconian, and he should be ashamed of himself.

Mr. Millhouse: You'll have to work hard to make me ashamed.

Mr. McRAE: For once I am far more radical than is the member for Mitcham. I am not saying that a person on compensation should receive more than a person working: of course he should not, and that is the idea of the Government's legislation. I know, the member for Davenport knows, the Liberal front bench knows, and the member for Mitcham knows that the employers and insurers, now that things have stabilised, would rather leave the whole situation where it is.

Mr. Goldsworthy: They don't like the new Bill.

Mr. McRAE: Of course they do not, because they would rather be where they are at present.

Mr. Millhouse: The devil they know rather than the devil they don't.

Mr. McRAE: Exactly: they can live with it and with a few amendments they will accept it. This debate is really a sham. I would not expect the member for Torrens to fall into the error that he has, because he is one of the luminaries of his Party and one of the few on that side who know anything about industrial legislation. For him to say that he had received complaints from the work force amazes me. No-one on this side has received such a complaint, because the worker is getting basic elementary justice. As I understand the member for Torrens, he said that the Minister had admitted some error of principle concerning the case of a person with two or three jobs. I did not understand the Minister to say that. Many unskilled or semi-skilled people in the community must have two jobs, especially if they do not receive overtime, in order to live, and opposition from members opposite would destroy the principle involving a person whose wage is so low that he must have another job.

Everyone accepts that there was an anomaly because of a down-turn in the economy, and all that is happening is that, for the purposes of a sham fight, the Government is being attacked. The insurance companies do not give a damn; they would rather stay where they are than accept the new amendments, but they are not prepared to say that. They are attacking this, on the face of it, because it is wrong in principle, but really they are not adducing that argument at all. They are saying this will increase their administration costs. If they were honest and said they did not want it to do that but would stay where they were and cut down administrative expenses, I would admire them. This is a sham and a farce, and anyone who has worked in the area knows it is a farce. It is hardly worth debating. The member for Davenport knows it, and so do the members on the front bench of the Liberal Party, and the member for Mitcham. Anyone who has worked in this field knows that what I am saying is the case.

When we return, as I hope we will under one Government or another on the Federal scene, to a buoyant economy, we will have that phenomenon, not known to the member for Davenport, but well known to the member for Torrens and the member for Mitcham, of compulsory overtime. That was the bane of the 1950's. The honourable member's amendment will explode in his face if he is

ever lucky enough to be on the opposite side of the House in a situation of a buoyant economy. The arguments of the 1950's and 1960's revolved around the problems of compulsory overtime where, having been forced to work overtime, the worker was pegged to an artificially low rate and cut to ribbons in every direction. Every member opposite knows (or, if he does not, it is a disgrace) that the old system was an abomination; no other word will describe it. Members opposite would not dare tell the working-class people in their communities or any employee in their communities that they would go back to the old system. And, if they fully explained the consequences of what they are saying tonight, they would not dare say to the ordinary people (not to the insurance companies, the massive employers, the multi-nationals, the banks, and so on) what they are attempting to do tonight.

It is a sham. The member for Davenport, having led what was supposed to be a massive debate, has found that it has exploded in his face. It is a bubble that has burst. His insurance company instructors want to cut down administrative costs. We are all wasting our time. The Labor Party has been right in principle before. It was right in 1973. This principle was agreed to by this House and by the Upper House, and it has been agreed to by the whole State ever since then, by a huge majority of the population. We are wasting our time on artificially constructed arguments which mean nothing, simply to save the face of opponents of the existing Act.

Dr. TONKIN (Leader of the Opposition): I cannot agree in any way with the member for Playford. I do not think we are wasting our time, and I hope we would never be considered to be doing so when we were debating a matter of principle. A matter of extreme principle is involved. The member for Playford has done his best to take the heat and enthusiasm out of the debate. He has lugubriously talked about a sham fight and he has said the matter is not worth debating. As I understand it, the only reason we are considering this legislation is the problem that has arisen, according to him, because of a down-turn in the economy. I cannot agree in any way.

Mr. Mathwin: That's pitiful.

Dr. TONKIN: It is a pitiful argument, not worthy of the member for Playford, for whom as a general rule I have great respect.

Mr. Goldsworthy: He is usually better.

Dr. TONKIN: He is usually much better. I am surprised that he should adopt this stance, because it is quite untypical of him.

Mr. Goldsworthy: He is one of the best men they've got.

Dr. TONKIN: He is unrecognised. The member for Playford expressed, not very well, the attitude that the employer could live with the legislation; it does not matter whether it is the current legislation or the proposed legislation. This is one of those myths which has been depended on by the Government for years. It does not matter where the expense has come from or who has to meet it, as long as it is not the trade unions, the Labor Party, or the people in the work force. The employer can meet the expense and take up any added expense; it does not matter whether we refer to increased water charges or increased workmen's compensation charges. Industry has taken up the added expense and it has gone on doing so bit by bit, absorbing it, passing some of it on, but being unable to pass all of it on.

In an inflationary situation with inflationary accounting, we have had the problem of determining whether or not a company is showing a profit. Many businesses can no longer accept increasing costs. Workmen's compensation premiums, in the present state of the legislation, are one of the major reasons why industry is going backwards. The Minister of Labour and Industry talks about unemployment and says he is concerned about it. That may be so, but he is doing nothing about the problem. He need not believe that any credit is due to him because the South Australian unemployment level is lower than that in some other States. By this legislation he will cause more unemployment. He will cause small businesses and small industries to close. They have been on a knife edge for some time.

Mr. Russack: Country builders are going out of business.

Dr. TONKIN: Yes, and small industries are going out of business.

The Hon. J. D. Wright: This is not increasing their problem; it is eradicating it.

Dr. TONKIN: That is typical. That is exactly the attitude the Government has had: to get rid of the problems in industry, send them broke, make them fold up, and send them away. It is absolutely typical of the Government. Finally, we have had it from the Minister's own lips. I revise my opinion: I agree with the member for Playford. This debate is a sham, because the Minister could not care less about industry and, by his own admission, what is happening now will cause people to go bankrupt, to close, jobs will be lost, unemployment will go up. The people he is supposed to be protecting, the working people, will be disadvantaged.

I cannot understand why the Minister cannot see this; I do not think he wants to see it. He has raised no new points. I have listened carefully, and all he can say is that this is the way it is going to be. He is not going to listen to reason. He is simply going to push through his own point of view, and it does not matter whether or not the Opposition has a point of view. The member for Playford said that people should be able to save. He says that what is provided in this legislation is the position that applies under common law. The position at common law is that a matter of fault must be established. If the employer is at fault, the common law rate still applies, regardless of the legislation. When we get to the stage that we have unlimited overtime available, I believe we can look at the problem again. I would be happy to open the Act again if we arrived at that stage. We are not at that stage; we are in an economic crisis and we need to do everything we can to increase productivity and to maintain jobs. It is a measure of the sickness of our industrial structure at present that we find people bartering increased productivity in return for higher wages or shorter hours.

Mr. Goldsworthy: Sweetheart agreements with the Government.

Dr. TONKIN: Yes. It is ridiculous to find the work force, and the trade unions particularly, bartering increased productivity and saying that they will only have increased productivity if they get higher wages or shorter hours.

The CHAIRMAN: Order! The honourable Leader of the Opposition is now straying from the content of the clause. I do not think there is anything in the Bill concerning sweetheart agreements.

Dr. TONKIN: I was saying that at the present time increased productivity is what will help our nation out of its economical problems. However, these workmen's compensation provisions are actively destroying the ability of people to increase their productivity, because it will destroy their jobs. This is a direct negation of the whole

principle. I cannot accept that anything that has been said by members opposite has had any validity at all. I am disappointed that I have not heard any mention of the individual worker. This clause will have an effect on the individual. Compensation neurosis is a matter I have dealt with before. People are being actively encouraged to remain ill and will continue to be encouraged if this Bill remains as it is. I have often heard members opposite say that individual workers are important. I say that those members do not care two cents for the individual worker; they are just keen on principle. Whether their principles are right or wrong, they will persist with them. There are people who, because of this legislation, will become in the future victims of compensation neurosis. Those people will be given no incentive to recover and a proportion of them will remain permanently ill. That is something the Minister may or may not have on his conscience. No-one can get the Minister off that hook. The Government also has to share that responsibility.

The member for Stuart is shaking his head. He should at some time have a look at some of the pathetic people who are ill purely and simply because of compensation neurosis. It is not a pleasant prospect, because their lives are destroyed as effectively and efficiently as if they had been permanently crippled physically.

Mr. Keneally: You think that if you give them a burst of starvation that will encourage them to go back to work?

Dr. TONKIN: Those comments show how little thought the honourable member has given to this matter. That statement is totally irresponsible, and without foundation and shows how shallow he is. I make a plea for the individual worker, because such people will suffer. I am surprised that this aspect has not been brought forward by those great humanitarians opposite, but it would not suit their case to do so. I support the amendments moved so efficiently by the member for Davenport. I ask that, even at this late stage, the Government give serious consideration to those amendments. I think members opposite will agree that those amendments would create a much better situation than the 85 per cent payment scheme which has been suggested on a number of occasions by people skilled in this sphere.

Mr. Millhouse: I cannot agree with you on that.

Dr. TONKIN: I do not expect the member for Mitcham to agree with me and that does not worry me. The point is that this is a better scheme. It is a good compromise and would serve the workers well; it would certainly help industry in this State. It would return our State to prosperity, help industrial development, create new jobs by expansion and, in the long term, it would be the best thing that could happen to South Australia. That is what is at stake now and is exactly what the Minister is playing with—the future industrial prosperity of South Australia. South Australia is either going to go forward or backward.

If the Minister is unreasonable, or if he persists with his present attitude, it is going to go backward. I am afraid that by the time the Minister sits back in one, two or three years and looks (probably from this side of the Chamber. if he is still here) at what has happened, it will be too late to say that he wishes he had not done this.

The Hon. J. D. Wright: You might change my mind with logic, but not with that sort of talk.

Dr. TONKIN: We are dealing tonight with the future of South Australia, and I ask for the last time that the Minister look carefully at what he is doing.

Mr. MATHWIN: I support the amendments, because of the complete failure of the Bill before us to do what the Minister said it would do. One wonders how many Bills were drawn up before this one was eventually submitted. I imagine this the best of three Bills drawn up by the Minister on this occasion. The Minister has given us three alternatives in this matter, but as he and the member for Playford have so rightly said administration costs are involved, not only affecting insurance companies but also business and industry generally in this State.

The member for Playford argued that people were entitled to receive the full benefit when they were on compensation. I believe it is unfair that people on compensation should be able to receive more money than a colleague who is working; this is actually happening and it will continue to happen under this Bill. The Minister bragged about the employment situation in this State. We are well aware that the unemployment figure is down because of the amount of taxpayers' money that has gone into the Regional Employment Development scheme to keep people employed in a fashion. When the Minister said that he said it with his tongue in cheek. I was surprised and disappointed that the Ministers did not refer to the problems that these provisions will create.

The Hon. J. D. Wright: I don't see any problem.

Mr MATHWIN: The last time this Bill was debated in this place there was no problem seen, either. The member for Playford made that clear and the then Minister did, too—that the Bill would not create unemployment, or hardship to industry, or the like. Yet the Minister has introduced this Bill to solve the problems in the Act, but it does nothing to assist in the matter. The member for Playford said that a worker should not be disadvantaged if on compensation, but under the Bill he will be given all the allowances, plus overtime. We know (and it is no use the Government's arguing this) that there are workers in the community who are working on the bench, who are fit and who work hard and who wish to work hard, but who are complaining about their colleagues earning more than they are earning. No attempt is made by them to go back to work, because of this situation. If the Government were honest, it would admit that it has received complaints from workers about this matter.

I believe that payments for compensation should be at the award rate, plus the over-award payments, which most good tradesmen and other trained workers are receiving. Proper margins for competence should be included, but I do not support the inclusion of overtime. The member for Playford has suggested that some workers cannot manage on the wages they are receiving and, therefore, they should be paid overtime when on compensation. In other words, he is saying that every firm in South Australia is operating on overtime, but anyone familiar with the position knows that that is incorrect. It is ridiculous for the Minister and the member for Playford to say that workers should receive overtime payments together with their compensation payments. The member for Stuart is one Government member who suggested that he had not received complaints along these lines but, surely, during his recent oversea trip while the member for Whyalla was looking after his interests, his colleague would have received complaints. This happens regularly.

The member for Davenport put the case clearly to the Minister on these matters. We are dealing with several clauses, because of the complicated manner in which the Bill has been drawn. Every amendment is

consequential on other amendments. The Minister ought to realise that the problem exists. He should not put the boots into the insurance companies, because we are all familiar with other aspects of the matter: the main basis of the whole Bill and of the Government's argument is to get all this kind of insurance into the State Government Insurance Commission eventually. I support the amendment and hope that the Minister, or some of his colleagues, will have the guts to support the amendment, and to talk some sense into the Minister.

The Committee divided on the amendment:

Ayes (21)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Boundy, Dean Brown (teller), Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Rodda, Russack, Tonkin, Vandepeer, Venning, and Wotton.

Noes (21)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Wells, Whitten, and Wright (teller).

Pairs—Ayes—Messrs. Nankivell and Wardle. Noes—Messrs. Broomhill and Virgo.

The CHAIRMAN: There are 21 Ayes and 21 Noes. There being an equality of votes, I give my casting vote in favour of the Noes.

Amendment thus negatived; clause passed.

Clause 4 passed.

Clause 5—"Repeal of s. 22 of principal Act."

Mr. DEAN BROWN: I do not oppose this clause, but simply point out that it is important that the President of the Industrial Court should lay down certain provisions whereby a magistrate can act. It is important that a magistrate act principally in chambers and, on other occasions, only with the consent of both parties involved. It would be most unfortunate if magistrates started to act in cases where major principles of law were involved in the matter before the court. The Opposition supports the clause, which will tend to remove some of the backlog of cases before the Industrial Court.

Clause passed.

Clause 6 passed.

New clause 6a—"Copies of medical certificate to be exchanged for purposes of proceedings."

Mr. DEAN BROWN: I move:

Page 3, after line 35—Insert new clause as follows:

6a. The following section is enacted and inserted in the principal Act after section 32 thereof:

32a. In any proceedings under this Act, evidence shall not be adduced from a medical practitioner concerning the medical condition of a workman, unless at least seven days before the day on which it is proposed to adduce that evidence (or on the Courts being satisfied that reasonable cause exists within such lesser period as is fixed by the Court) the party proposing to adduce that evidence furnishes to each other party to the proceedings a copy of every medical report given by that medical practitioner to the firstmentioned party in relation to that workman.

The purpose of the new clause is to ensure the exchange of medical certificates relating to the medical condition of a worker when his case is before the court. This procedure will ensure that all medical details relating to the injury can be brought out during the court hearing. The new clause will ensure that abuse of the Act will be made more difficult in future. This is an entirely new and reasonable procedure. All we are asking is that, when a matter comes before the court, all medical certificates relating to the injury should be divulged to the court. It is important that the Government accept the new clause. After all, no basic principle or philosophy is at stake: it simply ensures that it has before it all the details of a case. I hope that the Minister will at least be reasonable enough to accept a minor amendment such as this. Even though the amendment is minor, it is important because cases now occur where medical certificates that are not divulged could be divulged, and that would bring relevant and important information before the court.

The Hon. J. D. WRIGHT: I am surprised that the member for Davenport should suggest that I would not be reasonable if I did not accept the amendment. He knows that I am reasonable all the time. However, I cannot accept the amendment. When I first considered the matter, the only possible advantage I could see was that there could be a possibility (and I use the term advisedly) that compensation matters could be settled more quickly. I do not agree that that is sufficient reason, however, for accepting the new clause, as other factors must also be considered. Just because a case is settled expeditiously does not mean that it is settled in a proper manner. Some lawyers have a long list of hearings, and the hold-ups have been so bad that, some months ago, the President of the Industrial Court discussed the matter with me and then practically forced people to have their cases heard. That decisoin helped to clean up many of the cases where both sides may have been hanging off saying, "We are not ready for settlement". That decision cleaned up the backlog. This new clause may assist to clear up cases, but I am not so naive as to believe that it will clear up the cases to the advantage of the worker. Expeditious settlement does not mean proper settlement.

As I understand the Act, an insurance company has the right, which no-one is attempting to take away, to have the compensation-claiming employee examined by its own specialist. That examination takes place often where the insurance company is dissatisfied with the reports or the discussions coming from the employee's lawyer. The insurance companies therefore decide that it is necessary, for their own satisfaction, to use their own doctors. One leading specialist is forever making all sorts of accusations against people on workmen's compensation. Other doctors are providing reports that mostly do not favour workmen.

Mr. McRae: The reports are on roneoed sheets.

The Hon. J. D. WRIGHT: That could be so. It is not impracticable to suggest that there is another method, apart from the further exchange of medical certificates, other than the certificates being provided by the employer's doctor. In those circumstances, I oppose the new clause.

Mr. COUMBE: What an extraordinary defence by the Minister. He put forward no reason for not accepting the new clause. To listen to the Minister as a completely dispassionate listener, one would have imagined that he favoured the new clause. I ask the Committee to consider what the Minister has said. He brought forward nothing against the amendment. When one considers what the Minister said, one could believe that he saw no harm in it.

The Hon. J. D. Wright: I didn't say that.

Mr. COUMBE: They are my words. Why will the Minister not be gracious for once and accept this reasonable amendment? The Minister referred to medical practitioners and their reports. If the Minister were to consider carefully the wording of the new clause he would note that medical certificates have to be produced and exchanged in seven days. Perhaps the Minister is reading something into the new clause which does not exist. Nothing in the amendment would work to the detriment of other parties involved in a case. What the Minister is saying is not

quite to the point and is rather a weak argument. If the Minister were to read tomorrow what he said today he would, on reflection, agree with what I have said.

Mr. McRAE: On the face of it, this is a reasonable amendment, and I should like to be in a position to support it, for reasons I will now give. An ever-widening practice has developed, and until it is eradicated no-one could support this amendment. This is what happens: certain medical practitioners are used by insurance companies, quite wrongly in my opinion, in the following way. It is the desire of the insurance company to stop weekly payments. Instead, as the Act contemplated, of sending the workman to his own doctor and to a doctor of the insurance company's choice, with a proper exchange of medical reports, which was what I argued for vehemently in 1973 and again in the second reading debate, the insurance companies are sending people to certain selected medical practitioners (whom I will not name) who are using roneoed sheets.

I had one of these shown to me by a legal practitioner only this afternoon. I wanted to ensure that this practice was still obtaining right to this day and, sure enough, the legal practitioner had one. It was a strike-out roneoed sheet which had obviously been prepared by an insurance company. I say that because, if it had been prepared by the doctor, it would have been even worse. There was a provision at the top for the name and address of the workman to be inserted, and then there were a number of conditions such as "was able to work"', "was not able to work", or "was partially disabled". A series of conditions was listed, and the practitioner struck out those that did not apply, and proceeded to sign it.

That was good compared to the next document that I saw. It involved a much better thought that had just struck some insurance companies. We need not this amendment but, from what I have seen today, to tighten the Act. We now have tear-off slips. This is unbelievable, although I assure members that it is true. To save the roneoed paper, the next document produced to me had obviously been cut from a sheet of foolscap paper that had five sections. On it was written "I", and there was then a space for the medical practitioner to insert his name. This same person, who was involved in the previous less sophisticated device, then entered his name. Thereafter was typed "certify that", and there was then a space where the name of the workman was to be included. Thereafter followed "is fit to resume duties". It was then signed and dated. This is an appalling set of circumstances.

The whole philosophy behind this Act was to knock the parties' heads together. That is why I am pleased that the member for Davenport supported the amendment that will enable magistrates to deal with matters that are not of any great legal sophistication. Certainly, I would support his amendment if we could get undertakings from insurance companies and employers that the substance and spirit of the Act would be adhered to. I am not saying by any means that there are not other doctors—

Mr. Coumbe: Would you achieve that by rejecting this amendment?

Mr. McRAE: I think I have put the amendment in its true focus. If we were to accept the amendment on top of everything else that is happening, we would put the workman at a total disadvantage. If we could put it in a different perspective, a different picture would be created. As I said in the second reading debate, this is a social question that ought to be examined in a wider, non-political context. By no means do I say that practices such as those I have mentioned are limited to insurance companies and employers. Unfortunately, certain medical and legal practitioners, as well as other bodies involved, will stoop to the same sort of devious and unprofessional tactics, and I deplore all of them, from whichever source they come. For those reasons and in that context, I cannot support the amendment.

Mr. MILLHOUSE: All this is news to me. I was most interested to hear what the member for Playford said, because I have never come across this practice. I do not do very much work in the workmen's compensation jurisdiction, but, if this sort of thing is happening, I cannot believe that the reputations of the medical practitioners concerned will last for very long. Nor can I believe that, if those reports are ever seen by a court, very much weight will be given to their evidence, because it seems to be appalling.

Mr. McRae: You have only to create a genuine dispute. That's the problem. No credence is given to them at the later trial.

Mr. MILLHOUSE: I see the point that the member for Playford is making. If that is so, it makes the whole situation all the more undesirable. Frankly, I am appalled to know that this is going on, if in fact it is (and I accept what the honourable member says). I agree that in principle the exchange of medical certificates is a good thing, although I suppose it depends a little on one's point of view and for whom one habitually acts.

I do not intend to support this amendment, as I see a number of difficulties regarding it. A period of seven days is mentioned. Frequently, an examination is held close to the date of the hearing, or within that time, and certainly the reports are received within that time. Although I notice in the amendment that power is being given to the court to make it a lesser period, that power may or may not be exercised, because the court may or may not consider that a reasonable cause exists. On balance, I prefer to leave the situation as we have it now and, therefore, I do not intend to support this amendment.

New clause negatived.

Clause 7—"Repeal of s.51 of principal Act and enactment of sections in its place."

The CHAIRMAN: There are on file proposed amendments in the names of the Minister of Labour and Industry and the member for Mitcham. The amendments proposed by the member for Mitcham seek to alter the amount of weekly payments during incapacity, and can be grouped together for the purpose of discussion. However, to safeguard the amendments intended to be moved by the Minister, I will put for decision by the Committee only the first amendment in the name of the member for Mitcham, that is, the proposed amendment in lines 41 and 42 on page 3. If this amendment is negatived, no further decisions will be taken on the remaining amendments in the group, and the Committee will proceed to deal with the Minister's amendments.

Mr. MILLHOUSE: I am happy with that arrangement. I move:

Page 3, lines 41 and 42—Leave out "the sum of—(i)" and insert "eighty-five per centum of";.

The purpose of my amendments is to try (and I know that it is a vain hope, because the Government is against it) to get compensation fixed at 85 per cent of average weekly earnings. I am happy to have the first amendment used as a test amendment (the rest will not matter if I do not succeed, as I know I cannot succeed). I believe very strongly indeed that the only way in which we can get

sanity into our workmen's compensation legislation is by an amendment of this nature. I believe that 85 per cent is the appropriate figure, and I will refer again to the Woodhouse committee report, despite what the Minister said in his reply to the second reading debate. I think that is a fair figure. One could, I suppose, vary it and argue for a little higher or a little lower figure. However, I believe that 85 per cent is the proper figure.

One of the sad things about all this is human nature. There is much medical opinion, and it is a matter of common sense, that rehabilitation is what we want, and that there must be some spur to get people back to work. But this should not be the case. People should be absolutely and utterly honest and be anxious to return to work for the sake of doing so. Unfortunately, if someone is as well off, or perhaps better off, on compensation, the chances of his wanting to return to work are drastically reduced.

I put that in a clumsy way. However, the Woodhouse report does not do so. I simply point out to the Minister certain passages in the Woodhouse report which are not propounding the new scheme but which discuss the present situation and why the figure of 100 per cent is undesirable. The Minister was courteous enough in his reply to refer to my arguments, but he said that we could not compare our scheme to the Woodhouse proposal because that referred to a comprehensive 24-hour seven-day-a-week cover. Passages from the Woodhouse report suggest why 100 per cent is undesirable, and that report states at paragraph 177:

South Australia, Western Australia, and Tasmania have recently enacted laws which give the injured worker 100 per cent of his lost wages while off work.

There is no doubt that this paragraph is dealing with the present situation. The report continues:

Queensland and the Australian Government employees systems pay 100 per cent for the first six months of incapacity; and there are signs that the principle of 100 per cent compensation for work injuries is spreading in Australia. We do not think people should be better off on compensation than at work, yet this really is the result of payments equal to full earnings; and it certainly is no encouragement to rehabilitation. We firmly believe that the principle of 100 per cent compensation must be rejected for the new scheme for the general reasons developed in paragraph 374.

Paragraph 374 is one to which I referred in the second reading debate, and is headed, "Replacements of Earnings", and, the reasons are there set out. Paragraph 529, headed "Level of Benefits", states:

(1) There are arguments advanced in favour of compensation equal to earnings. There are, however, just and essential reasons why a comprehensive scheme of the type recommended should not attempt to provide 100 per cent compensation.

Here it is referring more to its new scheme, but the reasons are just as valid. The report continues:

(2) If compensation for total incapacity equalled normal earnings, including overtime, people would be economically better off incapacitated than when working. They would be saved travelling and incidental expenses incurred during the working week away from home and for all hospitalised cases there would be some further gain in living expenses saved.

(3) Moreover, compensation under the proposals would be paid promptly and as a matter of right; benefits would be paid until the age of retirement and not limited in time as are present schemes that provide 100 per cent compensation; and the margin of effort left for personal initiative if the level is fixed at 85 per cent would create neither hardship nor injustice.

I concede that the passage is dealing with the new scheme, but the reasoning behind it is very strong if applied to our present situation. The Minister has been told many times that this proposal was accepted by the Whitlam Labor Government. That is a good political point, but I do not rely on it for that reason. I rely on it because of its innate common sense and because it is facing the reality of human nature and the need for rehabilitation, and so on. If everyone were perfect, there would be no objection to 100 per cent payment but, because we are not perfect, the present system is discouraging people from getting back to work.

When speaking to this legislation in February, I said that I intended to introduce this amendment every time such a Bill was before the House, because it is the only way to proceed. It will not make the legislation perfect, but no legislation as complex as our workmen's compensation legislation will be perfect. However, it will be the biggest step forward we can make. I wrote a letter to the *Advertiser* about it after some publicity from the Minister, and went into the question of the black list. I stated that I believed that this list still existed: it is a black list of people who have been on compensation and who cannot get jobs because people are afraid to employ them. Employment officers and employers in small businesses regard most people on compensation as malingerers. Some are and some are not, but these people assume that that is the position.

Mr. Max Brown: That black list existed before this legislation was introduced.

Mr. MILLHOUSE: Maybe it did, Perhaps the member for Whyalla can correct me if I am wrong, but I believe it now has a much increased significance compared to what it had before. I refer to Dr. Robertson Crowe of Whyalla.

Mr. Max Brown: I know him well.

Mr. MILLHOUSE: I hope the honourable member pays him due respect.

Mr. Max Brown: He's my arch enemy, in fact.

Mr. MILLHOUSE: The doctor wrote to the newspaper in reply to my letter, and stated:

Mr. Millhouse might have added that the Compensation Act has now rendered it almost impossible for people with heart disease, diabetes or epilepsy to find employment.

I wrote to him privately and asked him to give me examples of this, and he gave me two examples of people in Whyalla (and I believe there are plenty more) who could not get a job, because they had a medical disability. I read a bit of one letter about a bloke from Whyalla, and it states:

The first is a young diabetic who first told me of this difficulty. He is a fitter and turner, and has recently applied for many jobs only to find that the jobs are not available when he told his prospective employer he was a diabetic. Recently, he applied for a B.H.P. job, and was told the job was his once he had filled in an application form. He did so, and stated that he was a diabetic. Subsequently, he was informed that no jobs were available, although later he met a mate in the car park who had applied after him and who was taken on as a fitter and turner.

Mr. Keneally: Isn't that a comment on the B.H.P.?

Mr. MILLHOUSE: It may be, but it is also a comment on the way in which employers regard this legislation.

Mr. Max Brown: That position existed in 1950.

Mr. MILLHOUSE: I do not intend to take the matter further. That was one example given to me of the way in which the Act has made it more difficult for people with a medical disability or who have had an injury and been on compo to get a job. I may be wrong. Frankly, I am not convinced by the interjections of members opposite that

I am wrong. I may be, but I do not believe I am. I have merely cited these as examples of the sort of thing taking place.

Mr. Becker: The Minister is not showing any interest.

Mr. MILLHOUSE: I think the Minister understands my case, and I am content, even though the member for Hanson wants to pick the Minister. Those are my arguments in favour of this. Although the member for Playford suggested that this was a Draconian amendment, I think that was hyperbole; he knows it is not so. He chided me for being over-conservative in this matter. This is what the Chamber of Commerce and Industry has advocated, and perhaps that puts me in the conservative camp on this matter, but it is part of the policy of my Party as I enunciated it at the last election. It is a realistic approach to the matter, and I think it would be the biggest step forward that we could make in this legislation. I believe that inevitably, sooner or later, we will come to it. I know that that will not be palatable to the Minister and that he will say I am completely wrong, but I believe that inevitably we will have to come to it and that, the sooner we do, the better it will be.

The Hon. J. D. WRIGHT: I would not be so discourteous as not to say something about the honourable member's contribution, because I know that he is sincere in his approach. He has spoken on the matter several times in this Chamber. I have no intention of going over the ground I have covered already in relation to the amendments moved by the member for Davenport. They are not similar, but the answer must remain the same.

I must make one valid point. If we had not seen an almost rebellious situation in the insurance industry following the Woodhouse report to the Australian Government of the time, we may have been in the position that the member for Mitcham talks about of having a national compensation scheme. I do not suggest that, at some stage in the future, we may not move towards the situation described by the honourable member, but I must remind him that it would be on a national basis, or certainly on a State-wide basis, rather than relying on workmen's compensation. I hope that, within a year, we will be able to give the people of South Australia some indication that we are in a position to move towards the Canadian scheme, which has conditions similar to those outlined in the Woodhouse report. At the moment, however, we are dealing in isolation with workmen's compensation. I rely on the arguments I used in opposing the amendments of the member for Davenport to inform the Committee that we will be voting against this amendment.

Mr. DEAN BROWN: I do not believe the member for Mitcham is being realistic in putting forwarding this amendment. As soon as it was adopted, the trade unions, and in some cases the employers, would go to the Industrial Court and apply for make-up pay, as has occurred in New South Wales and Victoria. The courts would grant such make-up pay, and we would be back to the same effect as our amendment would have had: award plus over-award payments, as occurs in New South Wales and Victoria. We will support this, because there is a chance that, if it was adopted, it would end up with the very amendment we put forward, but I think the member for Mitcham is being unrealistic in expecting the figure to stay at 85 per cent with some sort of make-up pay.

To put this forward believing it could ever go back to 85 per cent under the present legislation is unrealistic, particularly in the industrial scene within Australia. We will support the amendment. I agree with many of the remarks made by the member for Mitcham, but he must be realistic and appreciate that a person on compensation should not be disadvantaged greatly. In the amendment we put forward earlier, which was defeated, we adequately covered the position. At the same time, we put some incentive there to make sure that a person returns to work as quickly as possible.

Mr. MILLHOUSE: The member for Davenport apparently is going to support my amendment with the same lack of enthusiasm as I supported his. I regarded mine as much better, but I gave him the benefit of the doubt and gave him my vote, for what it was worth, which was nothing. I appreciate his support, even although it is given so grudgingly.

Mr. McRAE: I oppose the amendment. I am amazed that the Liberal Party is supporting it, because they say it is unrealistic.

The Committee divided on the amendment:

Ayes (21)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Gunn, Mathwin, Millhouse (teller), Nankivell, Rodda, Russack, Vandepeer, Venning, Wardle, and Wotton.

Noes (21)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Wells, Whitten, and Wright (teller).

Pairs—Ayes—Messrs. Goldsworthy and Tonkin. Noes—Messrs. Broomhill and Virgo.

The CHAIRMAN: There are 21 Ayes and 21 Noes. There being an equality of votes, I give my casting vote in favour of the Noes.

Amendment thus negatived.

Progress reported; Committee to sit again.

The Hon. J. D. WRIGHT moved:

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

Motion carried.

In Committee.

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

Page 3—

Lines 44 to 46—Leave out "during the period of twelve months immediately preceding the incapacity".

Line 48—After the last word in that line, insert "ascertained in respect of the period for which the workman was in that employment and grade of employment during the period of twelve months immediately preceding the incapacity".

The basic reason for these amendments is requests from the Industrial Court, which is doubtful about the clarity of the situation, so it has asked for these amendments to clarify it so that the interpretation of the provision can be in no doubt.

Amendments carried.

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

Page 4—

Lines 2 and 3—Leave out "during the period of four weeks immediately preceding the incapacity".

Line 6—After the last word in that line, insert "ascertained in respect of the period for which the workman was in that employment and grade of employment during the period of four weeks immediately preceding the incapacity".

The explanation is exactly the same. These amendments spell out the situation so far as the interpretation is concerned, to make the position clear.

Amendments carried.

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

Page 4, Line 21—Leave out "at the relevant time" and insert "immediately before the incapacity, or if he was

not then in any employment, immediately before the end of the employment in which he was last employed before the incapacity".

The reasons for this amendment are the same as those for the preceding amendments.

Amendment carried.

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

Page 4, after line 35—Insert new subclause as follows:

(3*a*) Notwithstanding the provisions of subsection (1) of this section, where the injury results in the total incapacity for work of a workman whose employment in which he was employed or last employed before the incapacity was work the subject of a contract deemed by subsection (1*a*) of section 8 of this Act to be employment, the sum of the average weekly earnings of the workman referred to in paragraph (*a*) of subsection (1) of this section shall be deemed to be—

(*a*) the amount obtained by applying the rate under the industrial award or agreement, if any, applicable in relation to work of the kind performed by the workman under the contract for ordinary hours of work to the average number of hours that the workman worked in the employment in a week ascertained in respect of the period for which the workman was in the employment during the period of twelve months immediately preceding the incapacity;

or

(*b*) where there is not any industrial award or agreement applicable in relation to work of the kind performed by the workman under the contract the amount ascertained in a manner determined by the Court.

This is really re-enacting the provisions of the old Act and bringing it into order. That is the simple explanation.

Amendment carried.

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

Page 5, after line 9—Insert new subclause as follows:

(6*a*) Where a workman is entitled, pursuant to any law of this State, the Commonwealth or any other State or Territory of the Commonwealth, to be paid an amount in respect of a public holiday occurring during the period of his incapacity, the weekly payment payable to the workman in respect of the week including that public holiday shall be reduced by that amount.

In the past the situation has been that the employee, while on workmen's compensation, has been able to receive his ordinary average weekly earnings and, in addition, payments for public holidays. In the Government's view, this is a mistake, and this amendment will rectify the error. It simply means that in future an employee will not be advantaged or disadvantaged: he will merely receive his workmen's compensation for the five days and will not be paid for six days, as in the past, and public holidays.

Amendment carried.

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

Page 5, line 40—Leave out "or" and insert "and".

The purpose of this amendment is to allow me to appoint the insurer of the last resort prior to the setting up of the Workmen's Compensation Advisory Committee. That is the simple explanation. If honourable members want to know more, I will provide further information.

Mr. MILLHOUSE: As my amendment on page 6, lines 1 to 4, is consequential on my earlier amendment, there is no point in my moving it.

Mr. DEAN BROWN: I now speak to clause 7 as amended. The very fact that we had to introduce over a page of amendments to this Bill since it was introduced by the Minister shows the extent to which it was introduced in a hurry. The Government for 16 months had poked, pushed, prodded and thought, trying to solve this problem. It did not come up with anything substantial, but it came up eventually with a proposal that it rather sheepishly showed to the Industries Development Advisory Council the day before it intended to introduce the Bill in this House. I do not know what happened, but it was interesting to see that the Government took the Bill away and completely rewrote it before introducing it here the next day. The main clause rewritten was clause 7.

I have had a gentleman, who is a member of I.D.A.C., complain bitterly. I.D.A.C. is the main body that advices the Premier and the Government on all industrial matters. It is of major significance that the Government took away the Bill, apparently, and completely rewrote it in the last 24 hours, and it was because of that haste and of the manner in which the whole thing was done that we see so many amendments before us now. It is an embarrassment to any Government to see that it has introduced such shoddy legislation as this, which needs such substantial amendment before it can pass through even the Lower House.

My second point is some of the rumours that are being spread by the political opponents of the Liberal Party and my own political opponents. Deliberate and malicious lies are being spread by these political opponents, to the effect that the Liberal Party and I are advocating that people on compensation should receive no payment at all. That shows the depths of despair to which our political opponents have sunk. I say that because two migrants have telephoned my office and have clearly stated where they have heard this and what is claimed to have been advocated by me on behalf of the Liberal Party.

Mr. Evans: Is it rumourmongering?

Mr. DEAN BROWN: It is more than that: it is deliberate lies by the political opponents of the Liberal Party. They are trying to scare people about this important legislation. The Government knows how weak its stand is; it knows that there are holes throughout the present legislation. It knows that it is causing major weaknesses not only to employers and insurance companies but also to employees. The Government knows that employees are critical of the legislation, and it is trying to protect itself, not by amending the legislation sensibly but by reverting to scare tactics about what the Opposition is advocating in regard to compensation. The facts show that we are ensuring that people on compensation do receive fair and reasonable pay. Our opponents should be more aware of the truth instead of spreading malicious lies.

The Minister has created the impression that the provisions of the Bill have been suitable and that the Act needs little amendment. The Minister has suggested that the Act encouraged industrial development in South Australia. Has the Minister received complaints about the existing Act? If he has, what has been the nature of these complaints and why has he not, in debating the Bill, admitted that he has received numerous complaints? Many people have come to me with copies of letters they have sent to the Minister complaining about it. They have come to me because they have been totally dissatisfied with the replies given by the Minister.

Amendment carried; clause as amended passed.

New clause 7a—"Contribution in case of two or more injuries."

Mr. DEAN BROWN: I move:

Page 6, after line 6—insert new clause as follows:

7a. The following section is enacted and inserted in the principal Act after section 51 thereof:

51a. (1) Where death or incapacity results from injuries arising out of or in the course of

the employment of two or more employers, any employer liable to a workman for that death or incapacity may recover contribution from any other employer so liable.

(2) For the purposes of subsection (1) of this section—

(*a*) an employer who is a party to proceedings brought by or against a workman may join as an additional party any other employer;

(*b*) in determining the amount of contribution in respect of each of the injuries in the employment of the employers who are parties to the proceedings the court shall have regard—

(i) to the extent to which such injury was responsible for the death or incapacity;

and

(ii) to the total liability in force at the time of that injury of the employer in the employment of which the injury occurred;

and

(*c*) an employer who has already discharged his liability to the workman shall be exempted from any liability to contribute.

(3) Where death or incapacity results from two or more injuries arising out of or in the course of the employment of the one employer upon the request of the employer in any proceedings to determine his liability for that death or incapacity, the court shall apportion that liability between those injuries having regard to the extent to which each injury was responsible for the death or incapacity and to the total liability of the employer in force at the time of each injury.

(4) This section shall not apply to an injury to which section 90 of this Act refers.

(5) This section shall not affect any right to contribution which may exist independently of this Act.

The effect of the new clause concerns the apportionment of liability for claims made in relation to recurring injuries, and it will help in the rehabilitation problem currently existing. The Government's Bill does not deal with the apportionment of liability at all, and I was surprised to find that it did not. The amendment will ensure that a person with a history of recurring injuries will find it easier to obtain new employment because a new employer will not be required to carry the full liability for the recurring injuries. The previous employer will be expected to carry some of that liability.

The Minister has referred to rehabilitation problems. This new clause is a major step overcoming some of those rehabilitation problems. I hope that the Minister uses his commonsense, not for the sake of employers or insurance companies, because it will not help them, but for the sake of destitute employees that have been injured and cannot get a job because of their previous injury. The Minister would be helping those people if he accepted this new clause.

The Hon. J. D. WRIGHT: I oppose the new clause. I have some common sense, and I have a little bit more than the member for Davenport, who made a feeble attempt to stir up the political content in this debate when I thought most honourable members were treating the Bill as social legislation and trying to play it as cool as possible. Things were moving along well, but the honourable member had to introduce such comments. There are three reasons why the Government cannot accept this new clause. First, its effect will be to make insurers and empoyers eager to make a final settlement, possibly to the detriment of a workman's rehabilitation. The member for Davenport has only just realised that there is a need for rehabilitation, yet I have been referring to it for at least 18 months.

The Government believes that, if there is pressure on a workman to disclose previous injuries or claims, it may work against his re-employment. As was pointed out by the member for Mitcham earlier, there is a black list in circulation. If that is the case (no black list has come into my hands), having to disclose an accident or injury would certainly enhance the escalation of the circulation of such a list, if it exists. That is the second reason why we cannot accept the new clause.

Thirdly, there is no time limit concerning how far back contributions can be taken. The original injury may have occurred many years ago and, should recovery be afforded in such a case, it seems that one cannot justify a situation of long-term injury and short-term injury. A workman could have been injured when working for the Commonwealth Railways in 1957 under Commonwealth legislation and been injured again under South Australian workmen's compensation legislation in 1975. How would one apportion that situation? It is a difficult area. I do not see that this new clause is a benefit to the workman at all. I do not see that it has any rehabilitation effect whatever. It would place a workman in much more jeopardy in obtaining re-employment, and it is difficult enough to obtain employment anyway. All honourable members know that employers are told by insurance companies that anyone who has had a workmen's compensation claim is a bad risk. In some cases, they are saying that they will not insure them. Currently, there is a chance of the employee obtaining employment but, if this new clause were accepted, an employee's work opportunities would be reduced and I doubt whether such people would find work at all. We oppose the new clause.

The Committee divided on the new clause:

Ayes (21)—Messrs. Allison, Arnold, Becker, Blacker, Dean Brown (teller), Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Noes (21)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs, Connelly, Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Wells, Whitten, and Wright (teller).

Pairs—Ayes—Messrs. Allen and Boundy. Noes—Messrs. Broomhill and Virgo.

The CHAIRMAN: There are 21 Ayes and 21 Noes. There being an equality of votes, I give my casting vote in favour of the Noes.

New clause thus negatived.

Clause 8—"Unlawful discontinuance of weekly payments."

Mr. DEAN BROWN: I move:

Page 6, lines 36 to 41—Leave out all words in these lines and insert paragraph as follows:

(*b*) by striking out subsections (2) and (3) and inserting in lieu thereof the following subsections:

(2) A workman may within the period of twenty-one days referred to in subsection (1) of this section take out an application to the court for an order that the weekly payments shall not be discontinued or diminished and such application shall be heard and determined as a proceeding in the summary list.

(3) Upon the hearing of an application referred to in subsection (2) of this section the court—

(*a*) may adjourn the application on such terms as it thinks fit;

(*b*) if it considers that the employer has demonstrated that a genuine dispute exists concerning the

liability of the employer to make weekly payments, shall dismiss the application;
or
(c) may make such order as to the continuance of the weekly payments as it thinks fit.

The effect of this amendment basically is that, if a workman failed to supply medical reports or certificates that he was incapable of returning to work, the employer could lodge an application to terminate payment. At the end of 21 days, if the medical certificates have not been produced, automatically payment will cease. I understand that at present, just before the 21 days expires, if a workman wishes to abuse the provision in the principal Act, he will lodge an application to appeal against that termination of payment and, about six or eight weeks later, his case will be due to come before the court, but two or three days before it does he will withdraw the appeal.

He receives payment for 21 days, plus from six to eight weeks, on full pay, when he really did not have any grounds on which to claim payment under the Act. This is a major area where abuses are occuring. Employers have commented to me about the number of employees who will abuse the provision as it stands. I know that the member for Playford would be one of the first to object if that occurred, and I assure him that it does occur. We believe that 21 days is adequate notice to produce the necessary medical certificates. If employees fail to do so, their payment should cease. My amendment is yet another way to try to cut down on extreme costs and prevent people who wish to abuse the Act from having a free holiday for from six to eight weeks.

The Hon. J. D. WRIGHT: I oppose the amendment, because the Government has already made concessions to the employers by insisting that there be a continuity of medical certificates. That would guarantee that, if certificates were not submitted in a continual way, the payment could stop. The honourable member is seeking to include powers that do not exist under the Act and to provide in section 52 powers similar to those that can be used in section 53. We are assisting the situation, and we oppose the amendment.

Mr. McRAE: In my experience, the evil is opposite to that as stated by the member for Davenport and, if anything, the Government has gone too far in placating some false howls from sections of the insurance industry. At present, all the company has to do is prove that there is a genuine dispute. That does not go to the rights or wrongs of what is before the court: it goes to what is in the mind of the employer, his insurer, or his solicitor.

As long as he says, "I am genuinely disputing," weekly payments will be terminated, and the matter is not as simple as the honourable member has stated. Appeals may be lodged, but those lodging them must get legal advice, and the cases do not come on as quickly as within six to eight weeks, unless the appellant is lucky. One observation by the insurance industry that is very valid relates to the costs and administration costs in this whole area. It was never intended that this be a legal bananza, but it has become so because people have not availed themselves of the conciliation and arbitration proceedings. If they did avail themselves of those proceedings, they could cut the cost, as some companies have done. In 1973, the Government's attitude was that solicitors should be involved in this matter, but I have changed my mind on that and tend to favour observations that have been made by insurers that, in these arbitral and conciliatory areas, laymen should act as they do on industrial matters in the Conciliation and Arbitration Commission. To have laymen acting would be a way to reduce costs, expedite matters, and, hopefully, reduce total costs in the overall area. I oppose the amendment and support the provision in the Bill. I hope that some of the things that I have said may be considered in due course.

Mr. MATHWIN: I support the amendment. The Minister is consistent in opposing everything that is put forward from this side. The Minister is inflexible.

The ACTING CHAIRMAN (Mr. Keneally): The honourable member will address himself to the amendment.

Mr. MATHWIN: I am, and am answering some of the replies given by the Minister and the member for Playford. The Minister has admitted that this aspect is being abused yet he says that he will do nothing about it and that he will not accept anything.

Mr. McRae: He didn't say that.

Mr. MATHWIN: No, but he meant it. The Minister is well aware, as is the member for Playford, that the cost to the insurance company will be reflected in prices in the industry that will be passed on to the workers of this State. Knowing all that, the Minister refuses to accept the amendment or any amendment. The Minister is immovable on this Bill; he is emphatic that the whole philosophy behind the Bill is moulded into one principle.

Amendment negatived; clause passed.

Clause 9 passed.

Clause 10—"Annual and long service leave."

The ACTING CHAIRMAN: For the benefit of the member for Davenport I point out that he cannot replace clause 10 unless it is defeated in Committee. If clause 10 is defeated I will call the honourable member; however, if clause 10 is carried the honourable member's clause will not be debated.

Mr. DEAN BROWN: In that case I presume that I should speak to my amendment now; otherwise, I will not have a chance to explain it.

The ACTING CHAIRMAN: No, the honourable member should speak to clause 10, and I imagine that he will give his reasons for opposing the clause.

Mr. DEAN BROWN: Certainly. I ask members to oppose clause 10 so that a further amendment can be moved. I have outlined that further amendment, but it is as follows:

10. Section 54 of the principal Act is repealed.

In addition, I would move a consequential amendment, as follows:

14a. Section 68 of the principal Act is repealed and the following section is enacted and inserted in its place:
68. Subject to this Act, the amount of weekly payments of compensation to a workman shall be reduced by any payment, allowance or benefit which the employer is expressly required by a law of this State, the Commonwealth or any other State or Territory of the Commonwealth, or by any agreement with the workman to pay to, or confer upon, the workman in respect of his incapacity.

The repeal of section 54, which should be considered with new section 68, means that an injured worker would no longer receive certain preferential treatment compared to a person at work. An injured worker now receives whilst absent on compensation average weekly earnings as well as payment for public holidays and a credit for annual and long service leave. He is therefore now entitled to double pay on public holidays. The amendment simply removes some of the double payment that a workman would receive whilst on compensation. The Government has

spoken out against the double payment provision. I therefore hope that the Government will accept the amendment and vote against clause 10. Later amendments that I will move deal with double payment for annual leave. I again make the plea, because this is yet another area that has received much criticism, since people on compensation receive additional payment over and above the payment they receive on the day concerned for being on compensation.

It is farcical that people on compensation can receive not only their payment for 52 weeks, if they are away for that period, but also additional payment for annual leave, public holidays and other special payments, too. That practice has encouraged abuse. What workman would go back to work on compensation if he could receive more than 56 weeks pay plus payment for all public holidays instead of receiving pay for the normal 52 weeks if he were back at work? This is yet another case where the Opposition points out that the person on compensation is far better off than is the person at work.

Mr. Chapman: Yet the Minister says repeatedly that they get no more and no less under the Government measure.

Mr. DEAN BROWN: Yes. No doubt the Minister will, in his stereotype fashion, say, "The Government opposes the amendment."

The Hon. J. D. Wright: We cannot do that, because it has already doubled.

Mr. DEAN BROWN: No, we have not dealt with it. We have dealt with the second part of the two new clauses, but the instructions with which I dealt earlier, relating to consequential clauses on the very first amendment that I moved, did not relate to this clause. I oppose the existing clause and ask members to vote for my amendment if this clause is defeated.

Clause passed.

The ACTING CHAIRMAN: New clause 10a is on file.

Mr. DEAN BROWN: New clause 10a was consequential on the first amendment I moved this evening. The same applies to the next new clause after clause 11.

Clause 11 passed.

Clause 12—"Absences from employment not to affect certain leave."

Mr. DEAN BROWN: I move:

Page 7—
Line 2—After "amended" insert "—(*a*)".
After line 3—Insert:

and

(*b*) by striking out the passage "that absence shall be regarded as service by the workman in the employment" and inserting in lieu thereof the passage "any such absence up to a maximum period of twelve months shall be regarded as service by the workman in the employment and any rights arising in respect of such service relating to such leave shall be suspended until the return of the workman to his employment, the cessation of his employment, or his death, whichever first occurs."

We are dealing with everything that occurs from "and (*b*)" and also with the consequential amendment with which I will deal but will not move if this amendment is defeated. The consequential amendment relates to clause 13 and is as follows:

Page 7, lines 16 to 20—Leave out the last word in line 16 and all the words in the other lines and insert "up to a maximum of twelve months been regarded as service and that amount shall be payable upon the return of the workman to his employment, the cessation of his employment or his death, whichever first occurs."

This amendment again deals with double payment and covers the situation where a person on compensation will not have his annual leave interfered with provided that he is on compensation for less than 12 months. In other words, a person could be on compensation for up to a complete year and still receive his full entitlement of four weeks annual leave plus leave loading. However, if a person is on compensation for more than 52 weeks he is entitled not only to annual leave for the following year but also to four weeks annual leave to compensate him whilst he has been on compensation. The amendment is to prevent the person on compensation for more than 12 months receiving 56 weeks pay during a 52-week period, as occurs under the existing Act. Although the Bill removes double pay for public holidays, it does not remove double pay for annual leave. This amendment does not restrict (and this is most important) the right of a workman to annual leave if the period of compensation is for less than 12 months. We have heard much from the Minister on this aspect of double leave. If he is sincere, he will accept this amendment.

The Hon. J. D. WRIGHT: I have no intention of accepting the amendment because it could deprive a workman of his credit for annual holidays if he was away from work for more than 12 months. Having considered paragraph (*b*), I indicated that I was willing to discuss it with the honourable member today. However, after he had examined my proposals, he would not accept them. So, I do not think it can be said that I was unreasonable. I offered to consider accepting paragraph (*b*), which I thought had merit, but I will not place employees who are away from work for more than 12 months in the position where they cannot receive credits for annual leave.

Mr. Dean Brown: They are still entitled to their leave.

The Hon. J. D. WRIGHT: Under the amendment, if employees are away for more than 12 months, the credits do not stand. I therefore cannot accept the amendment.

Mr. DEAN BROWN: If the Minister re-examines the amendment, he will see that an employee loses his four weeks annual leave for the period he was on compensation, but he does not lose his annual leave for the period prior to the time he went on compensation and for the period after he returned to work.

The Hon. J. D. Wright: So, you admit that he loses credit for that period while he is on compensation?

Mr. DEAN BROWN: He loses credit for the actual time on compensation, but he does not lose credit (and this is where the Minister has made a mistake) for annual leave already owing to him up to the time he goes on compensation. The amendment simply ensures that he does not get 56 weeks pay for a 52-week period. For a period of less than 52 weeks, this amendment does not affect the situation at all. I urge the Minister to accept the amendment.

Mr. McRAE: The amendment falls into two portions: the first is objectionable, and the second is understandable. A further difficulty for the member for Davenport is that this is a treacherous area of legislation. The honourable member just said that he believed that leave accrued due would not be forfeited but, of course, it would be under the provisions of most awards, because, if it is not taken in the year in which it is accrued, it is automatically lost; or some awards provide a three-month grace period after the completion of the year. So, even in that respect there are technicalities and difficulties. On his own admission, the honourable member has got himself into a further difficulty: accrued leave simply would not retain its credit

if, in fact, the year in which it was accrued was completed, or the award provision was framed in such a way that it had to be taken inside a fixed period. So, in any event the honourable member would not achieve his object. For those reasons I urge the Committee to oppose the amendment.

Amendment negatived; clause passed.

Clause 13 passed.

Clause 14—"Repeal of ss. 67 and 68 of principal Act."

Mr. DEAN BROWN: I urge members to oppose this clause. I take it that, if the clause is not defeated, I cannot move the amendments I have foreshadowed. Is that correct, Mr. Acting Chairman?

The ACTING CHAIRMAN: That is correct.

Mr. DEAN BROWN: The Government had no intention of considering our amendments. The Opposition at least has considered the Bill, accepted the reasonable portions of it, suggested amendments, and given rational reasons for our attitude. The amendment I have foreshadowed puts an obligation on the worker who has partially recovered and is capable of light duties to inform his employer that he is willing to do light work with the approval of his doctor. This amendment will encourage the return to his place of work of a partially injured workman. Occasionally, after a protracted period of injury, the matter may come before a court, and the employer may be asked whether he has offered light work to the employee. He may say, "No, because I did not know the employee was capable of light duties." My amendment removes the area of doubt and puts an obligation on the workman, who must be willing, when he is told he is medically fit enough, to tell his employer that he is capable of light work. This amendment deals with the rehabilitation problem, and I hope the Minister will accept it.

The Hon. J. D. WRIGHT: I agree that the amendment is reasonable, but I am not willing to accept it in its present form, because some safeguards are needed. I am a little worried about what may occur in the initial stages where an employee has to give notice to the employer that he is available for light duties. Who makes the decision concerning categories of light duties? While not completely opposing the amendment, I give notice that I am willing to examine the matter later. However, I cannot accept it at present because I cannot immediately provide for the safeguards that I require.

Mr. DEAN BROWN: I look forward to seeing the results of the Minister's further examination of the matter. Some of the Minister's fears are already covered. So, the Minister need not be very worried. I hope the Minister does not drastically alter what is proposed.

Mr. Millhouse: Take what the Minister said at its face value.

Mr. DEAN BROWN: Outside this Chamber the Minister also suggested further amendments about which the member for Mitcham does not know. The effect of the Minister's proposals (and he agreed to accept my amendments if I accepted his consequential further amendments) would be to take the guts out of the Opposition's amendments, and I am not willing to accept any proposal that does this. I am willing to hear the views of the member for Mitcham, who has been very silent on this matter. I suspect that he has thought about one or two clauses but has not examined the more important implications of rehabilitation.

Clause passed.

Clause 15 passed.

Clause 16—"Repeal of s. 73 of principle Act."

Mr. DEAN BROWN: We accept the present clause, details of which I have discussed with the Secretary of the Minister's department, who had invited Mr. Colin Branson to be present.

The Hon. J. D. Wright: Did you invite Colin down to Holden's?

Mr. DEAN BROWN: I invited the Director of the department and Mr. Branson a ride in my vehicle, and Mr. Branson accepted my offer. I query whether this amendment will cover what I believe is an abuse of this section. Any worker working in a place with a tolerable noise level can claim under this section and will receive between $1 000 and $2 000 in settlement simply in order to dismiss the case. I understand that this provision is used widely, and I am not sure that repealing section 73 will solve the problem. It is a technical one, and I should like to seek further advice from medical specialists. I hope that an amendment will be made in another place, because retaining the present section would equally not solve the problem. It needs a new type of amendment in order to prevent abuse and to retain the standards, accepted by the Government, that have been adopted by the acoustic laboratory. I support the intention of the clause, but hope that it is returned with an amendment.

The Hon. J. D. WRIGHT: I hope it is not amended. We have considered this situation in detail, and I had thought that the discussion the honourable member had with my officers had convinced him that our approach was correct. I read a relevant document in regard to this problem: it is a letter from Dr. Neil Reilly, Consulting Otologist to the Deafness Guidance Clinic, and states:

MEMO TO: THE PRINCIPAL MEDICAL OFFICER—OCCUPATIONAL HEALTH

In reply to your minute of February 3, 1976, I consider first, that the new National Acoustic Laboratory method of assessing hearing impairment should be adopted for the following reasons:

(1) That it is the most recent method of assessment, and the most accurate that has been brought forward to date in Australia;
(2) That it has been adopted by the National Acoustic Laboratory throughout Australia:
(3) That the method has been adopted by the Otolaryngological Society of Australia, "to be used from January 1, 1976".

Unfortunately, it is illegal for the new method to be used in South Australia, as the wording of the Workmen's Compensation Act stands at present, and I believe that new regulations will be necessary to remove from the Act the wording in relation to the method of assessment of hearing impairment due to presbyacusis before it would be legal to use this particular method.

The Otolaryngological Society of Australia Hearing Impairment Committee, of which I am a member, considers that this method is the best available, and agrees with the National Acoustic Laboratory that present evidence suggests that the subtraction of a figure or a percentage for presbyacusis is unnecessary, because of evidence that has been brought forward to show that the effect of presbyacusis is not evident in the hearing damage which follows exposure to excessive sound.

I may point out that the procedure for determining percentage loss of hearing from the National Acoustic Laboratory dated March 11, 1974, has been superseded by the new document adopted for use as from January 1, 1976, by the Otolaryngological Society of Australia, and the National Acoustic Laboratory.

That is what the provision inserted by the Government would allow, and if any amendment were made we would be in some difficulty.

Mr. DEAN BROWN: We do not oppose this clause, but other aspects of how compensation is paid for hearing loss need considering further. Also, there is a spelling mistake in section 73 of the principal Act, where presbyacusis is spelt incorrectly.

Clause passed.

Clause 17 passed.

Clause 18—"Enactment of ss. 122*a* and 122*b* of principal Act."

Mr. DEAN BROWN: I move:

Page 7, line 35—Leave out all words in this line and insert "The Minister shall not unreasonably or capriciously refuse to grant any such application."

I understand that the Government may accept this amendment, because I believe it places an obligation on the Minister, if he refuses an application from an insurance company, to give good grounds for doing so. Insurance companies are already controlled under Commonwealth legislation, which provides conditions under which companies must operate and for approving conditions for insurance companies to operate throughout Australia. It would be wrong to set up an entirely new procedure or for the Minister to set new standards before approval is given to insurance companies to operate in South Australia. The only ground on which the Minister should require insurance companies to be approved is to know which companies are operating in order to obtain information. If that is not supplied, approval can be withdrawn and, if companies do not adhere to the requirements of the insurance provisions of the Bill, approval can also be withdrawn.

The Hon. J. D. WRIGHT: I understand that there is a precedent for this provision in other legislation. After giving it some consideration, I do not think that this is an unreasonable amendment. However, I remind the honourable member that I have not been capricious or unreasonable.

Mr. Millhouse: You won't always be the Minister.

The Hon. J. D. WRIGHT: I wonder whether the proposition is being made to cater for the time when the member for Davenport becomes the Minister. He might be trying to protect himself, rather than to protect me. I do not strongly oppose the proposition. The member for Davenport has made many accusations that I am playing a straight line and will not concede anything. I am prepared to concede this, on the basis that I would not be acting capriciously. Now the honourable member wants to upset things, to laugh and make a joke. It is impossible to deal with this man. I am trying to make concessions and he tries to upset me.

Mr. Millhouse: He spoils the gesture.

The Hon. J. D. WRIGHT: That is right. I am prepared to accept this, but not the conduct and the manner in which it is being received.

Amendment carried; clause as amended passed.

Clause 19 passed.

Clause 20—"Enactment of ss. 123a, 123b, 123c, 123d, 123e, and 123f of principal Act."

Mr. DEAN BROWN: I move:

Page 10, lines 32 to 35—Leave out all words in these lines.

Page 11, lines 14 to 26—Leave out all words in these lines.

The amendments would require the Minister to set up a procedure which would collect the funds from the approved insurance companies before any claim was made or at the time the premiums would be collected. By the deletion of these lines, the whole of new section 123d is removed. At present, the Minister operates his compulsory third party nominal insurance scheme on the basis of new section 123d. If an insurance company defaults in payment or meeting its commitments, the Minister pays money from the Treasury, and the Treasury collects it from the insurance companies which, at the time of default of the other insurance companies, were approved or registered insurance companies.

At present, in relation to compulsory third party insurance, companies which are no longer taking out third party insurance are making payments to the nominal insurer for what may have occurred three or four years ago. They have no idea how substantial those claims will be, and therefore they have no way of building that into their premiums. It is a matter at present of taking these claims out of other areas of insurance. Obviously, if there are to be claims against the nominal insurer they should be taken at least out of the workmen's compensation field. The only way to achieve this is by a provision similar to that in the long service leave legislation for casual employees, by establishing a trust fund, administered by the Treasurer. Obviously, a small levy would be imposed on all insurance premiums to be paid by the employers to the insurance company, which would pay the premium to the trust fund held by the Treasury.

Mr. Millhouse: You are not doing all that by these amendments.

Mr. DEAN BROWN: No, but that is the effect of them. The Minister would have to outline some scheme under new section 123c. Advance payments or collections or a similar method of collecting money in advance for the nominal insurer would be the only way to operate such a scheme. He would be prohibited from taking the money in retrospect, depending on what claims were made at a later date. The effect of the two amendments is to make the Minister set up a scheme which would be similar to the one I have outlined and of which he would have to give formal notice to the insurance companies. This simply tells the insurance companies their obligations in advance, rather than three or four years later, when they may have moved into a different area of insurance.

The Hon. J. D. WRIGHT: That is the very reason why I will not accept the amendments. The attitude of the Government is to ensure immediate protection for injured workers. One of the past difficulties has been to ensure that everyone is insured. This scheme will guarantee that. I do not see any great delay in setting up a scheme, and we will be moving with all speed to set it up. The member for Davenport spoke of four years, but there is no intention on my part that it will be longer than about four months. Meanwhile, the important thing is that our provision gives uninsured workmen the opportunity of being covered. I cannot accept the amendments.

Mr. DEAN BROWN: The Minister has missed the point. Taking compulsory third party insurance as an example, that is where new section 123d now applies. I understand that provision was taken directly from the relevant legislation dealing with compulsory third party insurance. Insurance companies can be asked to contribute now for a default in payment that may have occurred three or four years ago. The Minister's concern seems to be that, if he adopts these amendments, the nominal insurer will not operate immediately. Of course it can operate immediately. Contributions can begin as soon as the Act is proclaimed. One would hope that the Minister would see the value of forward payments. Knowing their obligations, the companies concerned could build up a reserve. If the claims by the nominal insurer do not adequately match those reserves, the rate of the levy can be varied accordingly. The important thing is that insurance companies know exactly where they are heading in advance, rather than having to meet commitments after they have moved out of the field of insurance or into some other area.

The Committee divided on the amendments:

Ayes (19)—Messrs. Allison, Arnold, Becker, Blacker, Boundy, Dean Brown (teller), Chapman, Coumbe, Eastick, Evans, Gunn, Mathwin, Nankivell, Rodda, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Noes (22)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Millhouse, Olson, Payne, Simmons, Slater, Wells, Whitten, and Wright (teller).

Pairs—Ayes—Messrs. Goldsworthy and Russack. Noes—Messrs. Broomhill and Virgo.

Majority of 3 for the Noes.

Amendment thus negatived.

The CHAIRMAN: Both the member for Davenport and the member for Mitcham have amendments on members' files dealing with lines 27 to 45 on page 11. The member for Davenport seeks to leave out all words in these lines on page 11, together with lines 1 to 11 on page 12, with a view to inserting new sections in lieu thereof, while the member for Mitcham seeks only to leave out all words in lines 34 to 44 on page 11. However, the member for Mitcham also has amendments on file to line 32 on page 11 and to lines 2, 3, 5, and 7 to 11 on page 12. To protect the amendments of both members, I therefore propose to put before the Committee the question that lines 27 to 31 on page 11 be left out: that is, I propose to deal in part with the amendment of the member for Davenport. If this question is agreed to, I will then proceed to put before the Committee the remainder of the amendment of the member for Davenport. However, should the question to leave out all words in lines 27 to 31 on page 11 be negatived, I will not proceed further with the amendment of the member for Davenport but will permit the member for Mitcham to propose his amendments to line 32 on page 11 and to lines 2, 3, 5 and 7 to 11 on page 12.

Mr. DEAN BROWN: I move:

Page 11, lines 27 to 45, page 12, lines 1 to 11—Leave out all words in these lines and insert sections as follows:

123e. Where an insurance broker effects a policy of insurance between an approved insurer and any person against the liabilty of that person to pay compensation under this Act—

(*a*) the insurance broker shall not accept payment of the premium for that policy as agent for that person for the purpose of subsequent payment to the approved insurer or as agent for the approved insurer;

and

(*b*) the approved insurer shall not accept payment of the premium for that policy either through the agency of the insurance broker or from the insurance broker acting as agent for that person.

Penalty: Five thousand dollars.

123f. (1) An insurance broker shall not effect a policy of insurance between an approved insurer and any person against the liability of that person to pay compensation under this Act unless he has first disclosed to that person in writing any payment in the nature of a commission or rebate that he would receive from the approved insurer for effecting that policy.

Penalty: Five thousand dollars.

(2) Notwithstanding the provisions of subsection (1) of this section, a policy of insurance effected by an insurance broker in contravention of that subsection between an approved insurer and any person against the liability of that person to pay compensation under this Act, shall be valid and effectual unless avoided by that person.

The effect of my amendment is, first, to delete sections 123e and 123f. The effect of section 123e is that the Government will impose upon the brokers a rate of fees which would make it impracticable for the brokers to carry out their normal functions at a profit. The obvious effect is that brokers would no longer carry out their functions, as they could not do so economically, and therefore they would move out of the field of workmen's compensation. As that covers about half of the work currently undertaken by brokers, it means that brokers would reduce their employment by about 50 per cent, which would mean a loss of well over 100 jobs in South Australia. For a Government to adopt policies causing at least 100 people to lose their jobs in a State where the economy is already responsible for a high level of unemployment is ridiculous.

The other section, section 123f, has the effect that brokers must be paid by the insured rather than by the insurance company. If we set standard rates overall for workmen's compensation, which could be the case under other clauses in Government legislation in the principal Act, obviously no-one would operate through a broker, as there would be standard rates throughout the industry, which, too, would have the effect of destroying the industry. The Liberal Party sees the need to ensure that the highest possible ethical standards are observed by the brokers. We oppose both these clauses in the Bill but insert three new conditions, which would be that insurance brokers must state in writing to their clients their brokerage rates. We would not dictate what those rates would be; the market place could set those. It may be that the rates would be 2½ per cent, about the present standard. However, I can see that, with large claims for insurance policies, the brokerage rate would drop well below the 2½ per cent.

The second provision is that the brokers may be paid their brokerage by the client, the insured or the insurance company. The third provision we have stipulated is that the insurance premium must be paid direct from the insured to the insurance company; it is not to go through the broker.

Mr. Millhouse: Have you ever had any complaints before about brokers?

Mr. DEAN BROWN: No, I have had no complaints. However, in carefully examining the whole insurance and brokerage business, we have come up with one or two complaints, after this Bill was introduced, the main one being that in certain areas some brokers are holding on to the insurance premium for a long time and investing that money. I have heard of cases of some insurance companies still trying to obtain finance for the policy from the broker six months to 12 months after the broker has been paid by the insured. That is the only area of complaint and therefore the only area in which we will act to ensure that it does not continue.

Mr. Millhouse: What you have just said is completely unsubstantiated.

Mr. DEAN BROWN: It is not; there are specific cases we could quote where this has occurred.

Mr. Millhouse: Go on and do it.

Mr. DEAN BROWN: But it does not apply to virtually the entire brokerage field. However, one or two companies have done this and developed a bad reputation for the rather small sector of the industry, and we will make sure it done not recur. The brokers I put this to were willing to accept this provision, so I do not know what the member for Mitcham is complaining about. They are prepared to accept the standard and believe it is a reasonable standard to be laid down for them. They are willing to have the insurance premium paid directly from the insured to the insurance company rather than to deal with it themselves. Therefore, one area of their activity will be lost to them as they will no longer have to guarantee such moneys, but there is no

trouble about that as it was not a major part of their business. They will be able to carry on in their other areas of service. I urge that the committee accept the amendments put forward and I oppose new section 123*e* and 123*f*.

The Hon. J. D. WRIGHT: I have given this matter much consideration in the last three or four weeks. I was not completely decided tonight, but I did attempt to reach some form of compromise today with the member for Davenport, but he would not accept it. I could leave that as his responsibilty if I so desired, but I will tell the Committee what it was. I do not think the proposition advanced by the honourable member is a bad one as I do not believe he would tell lies and there is a possibility of more than 100 people losing their jobs. If the honourable member's amendments will protect these people I will accept them, but I still believe that there should have been a maximum broker's rate. This will cause some problems in the industry. Perhaps the market will regulate itself and it will be the ruling rate. We did not want to see an uncontrolled rate with different percentages applying. We considered that 5 per cent was reasonable. If the honourable member's amendment does those two things; if the rate will establish itself within a maximum and a minimum and if further unemployment can be prevented, I will accept the amendment.

Mr. MILLHOUSE: I am probably the least contented member because I do not believe it is necessary to do this. Certainly, I will accept the amendment if the Government will accept it, because it is better than what was proposed in the first place. Until this Bill was introduced I had never heard any complaints of insurance brokers operating in this way, and I have not heard about their being parasites. Apparently, people are doing a job and, if they were not wanted, they would not have been paid for their work. When I was in Hobart working in the interests of the State all hell broke loose here because the insurance brokers suddenly found that their livelihood was threatened. That was the first I knew of it. One of the principles of legislation (and it is dealt with in the Acts Interpretation Act) is that legislation should be remedial. One should not fool with something unless there is an evil to be cured. If people do not know of an evil there is a good chance that the matter is not worth touching. That is my view and my amendments on file are now stillborn because the member for Davenport got in first. My amendments would have maintained substantially the *status quo* and set ceilings on the commissions that could have been charged. True, they were generous ceilings and the industry could have gone on as it has in the past.

I cannot see any justification for the regulation and alteration which the Liberal Party has put up and which the Government has accepted. It would have been better to have done nothing at all. As the committee will accept what has been put up I must be content that the Government's proposals will not wreck an occupation that was minding its own business and doing no-one, so far as I have been able to ascertain (and the member for Davenport has not given specific details to the contrary) any harm.

Mr. DEAN BROWN: I thank members of the Committee for accepting the amendments and, to put the concern of the member for Mitcham at rest, my information has been obtained from a gentleman for whom I have a high regard. He was asked to be a director of a brokerage company and he resigned from that company after six months, because he saw the extent it withheld funds from the insurance companies. He resigned because of unethical business practices. I have discussed this matter frankly with other brokers, who have admitted that one or two brokers are involved in this practice. The vast majority are not so involved. It is necessary to ensure that such unethical practices do not develop. The amendments have been moved to ensure that adequate standards apply for the industry.

Amendments carried.

The CHAIRMAN: The Minister has on file an amendment to leave out all words in lines 39 to 47 on page 12 and insert a new subclause. The member for Davenport also has on file a number of amendments to his clause. To protect the interests of both members I intend to put before the Committee that the words "The Minister may" in line 39 be left out. If this question is agreed to, I will then proceed to put to the Committee he remainder of the amendment proposed by the Minister. However, should the question be negatived, I will ask the member for Davenport to proceed with his amendments.

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

Page 12, lines 39 to 47, page 13, lines 1 to 3—Leave out all words in these lines and insert new subclauses as follows:

(2) The Minister may, by notice published in the *Gazette*, appoint an approved insurer to be the Insurer of Last Resort and, by further such notice, vary or revoke a notice under this subsection.

(3) The Minister may, upon the recommendation of the Advisory Committee, by notice published in the *Gazette*—

(*a*) declare that a class of activity specified in the notice shall be declared activity;

(*b*) declare that a premium specified in the notice, or that any premium within a range of premiums specified in the notice, shall be the stipulated premium in relation to a declared activity specified in the notice,

and, by further such notice, vary or revoke a notice under this subsection.

It is to appoint the insurer of last resort.

The CHAIRMAN: Does the honourable member for Davenport wish to explain his amendments?

Mr. DEAN BROWN: Yes, but I am being asked to sit down while something is being sorted out.

The CHAIRMAN: Order! The honourable member has been here long enough to know that the Chair will deal with such matters, regardless of what anyone else says.

Dr. EASTICK: On a point of order, Mr. Chairman, I seek information on how we can proceed to a further amendment when another amendment that has been moved has not been put to a vote. The Minister moved an amendment, and it has not yet been resolved. I ask how the member for Davenport can be asked to move his amendment in those circumstances.

The CHAIRMAN: I have given both the Minister and the honourable member the opportunity to put their cases, and I called the Minister first. That does not prevent the member for Davenport from putting his case as well.

Dr. EASTICK: On a point of order, Mr. Chairman, I accept that situation, but the honourable member was specifically called to put his amendments, and that is a different matter from explaining his case.

The CHAIRMAN: I gave the opportunity for the honourable member to explain his amendments. That is exactly what I said in the first place. I asked the Minister, and the member for Davenport took advantage of the position but did not explain anything. I will now call the Minister.

The Hon. J. D. WRIGHT: Having said that I accept the amendments to be moved by the member for Davenport, there is no need to proceed with my amendment regarding page 12, line 30, and so on.

The CHAIRMAN: Does the Minister wish to withdraw his amendment?

The Hon. J. D. WRIGHT: Yes.

Leave granted; amendment withdrawn.

Mr. DEAN BROWN: I move:

Page 12—
Lines 13 and 14—Leave out all words in these lines.
Lines 19 to 22—Leave out all words in these lines.
Lines 29 to 32—Leave out all words in these lines.

This whole matter deals with the insurer of last resort, and the effect is to restrict the powers given to the insurer of last resort in the Bill. The restriction is to restrict the coverage of the insurer of last resort to eliminate the high-risk industries that may also go to the insurer of last resort. I understand the sorts of industry that the Government had in mind were fairly exceptional, such as those involving timber loggers, uranium enrichment plants, nuclear power stations, operations involving powder monkeys, and so on.

Those people would come to the insurer of last resort and seek insurance coverage at a rate lower than their risk justified. The low-risk industries would be subsidising the high-risk industries, and I would oppose that. My Party believes that an industry should be responsible for its own risk, but we are not destroying the concept of insurer of last resort. If a person is unable to get any other cover, he will go to the insurer of last resort. Secondly, if the premium rate offered by any insurance company was excessively high, which may be the other way of the insurance company's declining to take the risk, equally the person goes to the insurer of last resort, but he must justify to the Workmen's Compensation Advisory Committee that the premium offered by the insurance company was far greater than the risk in his industry, and this could be checked by looking at his previous claim.

I should like to see certain aspects of insurer of last resort further amended. They are technical amendments, but I think they are fairly minor. Instead of having one insurance company acting as insurer of last resort, I believe that it would be possible to have all companies operating as such, those companies being the ones approached in each individual case by people not able to get cover. An amendment on those lines has not been drawn up. It is a technical matter and will require sophisticated drafting. However, I hope that the measure comes back here with a minor amendment of this kind, and I hope that the amendment that I have moved will be accepted.

The Hon. J. D. WRIGHT: I must be in a reasonable mood this evening. I have decided, after hearing the explanation, that the amendments do not in any way affect the Government's intention regarding the establishment of the insurer of last resort. On my interpretation, the amendments merely will prevent an industry from being a declared industry but will not affect the situation if an employer was in that position. I understand that there is no intention of preventing insurer of last resort being established. The Government intends to give assistance in that area, and we accept the amendments.

Amendments carried.

Mr. DEAN BROWN moved:

Page 12—
Lines 39 and 40—Leave out "upon the recommendation of the Advisory Committee".
Lines 41 and 42—Leave out all words in these lines.
Lines 44 to 47—Leave out all words in these lines.

Amendments carried.

Mr. DEAN BROWN moved:

Page 13—
Lines 1 and 2—Leave out "upon recommendation of the Advisory Committee".

Amendment carried.

Mr. DEAN BROWN: I move:

Page 13, lines 45 and 46, and page 14, lines 1 to 5—Leave out all words in these lines and insert paragraphs as follows:—

(*b*) one shall be a person nominated by the Chamber of Commerce and Industry, South Australia, Incorporated;

(*c*) two shall be persons nominated by the Insurance Council of Australia;
and

(*d*) one shall be a person who is, in the opinion of the Governor, representative of the interests of approved insurers who are not members of the Insurance Council of Australia.

Under the Bill the Minister simply provides that one person can be nominated by the United Trades and Labor Council; however, it is up to the Governor to appoint the person representing the employers. Employers should be given the same rights that the United Trades and Labor Council are given and should be able to nominate its own representative. The next part of the amendment provides that two people shall be nominated by the Insurance Council of Australia. I have included this provision because the clause relates to an insurance advisory committee, so it is obviously important that there should be a majority of people representing the insurance industry.

I will deal with the overall composition of the committee later. The final part of the amendment provides that one person shall be nominated by the Governor to represent the interests of approved insurers who are not members of the Insurance Council of Australia. The companies that would be involved would be the State Government Insurance Commission, at least Heath and possibly one or two other companies that would come under the Lloyds of London category; they are not members of the Insurance Council of Australia. In addition, the committee would have an independent Chairman. I presume that he would be a person with legal experience and would be appointed by the Governor. The committee consists of six members, three of whom represent the insurance industry, two come from the Insurance Council of Australia, and one comes from the companies not covered by that council. In other words, the committee would have three non-insurance members and the insurance industry would not have a majority vote on the committee.

The committee could not be accused of favouring employers or employees, because there would be a representative from both sides. It is important to increase the representation from the insurance industry because the committee is an insurance advisory committee: it will not advise the Minister on all matters relating to workmen's compensation, but will simply advise the Minister on matters relating to insurance involving workmen's compensation—the administration of the nominal insurer, the administration of the insurer of last resort, and other matters in relation to premiums. It is important to have expertise on the committee from the insurance industry. I believe that such a committee would be absolutely fair, completely balanced on both sides and, because all the members would be nominated, it would truly represent those sectors of our economy it is expected to represent.

The Hon. J. D. WRIGHT: I oppose the amendment. The best balanced of the two suggestions is that put forward by the Government in which a person is nominated

by the United Trades and Labor Council (with which I do not believe anyone would argue) and a person appointed by the Governor to represent employer interests (and I believe that this is where the imbalance lies). I am rather suspicious of the honourable member's amendment, because he spells out in his amendment that the Chamber of Commerce and Industry shall be the employer organisation that has the right to appoint or nominate a representative on the committee. No employer organisation, whether it be the Employers Federation, the Chamber of Manufactures, the Retail Traders Association, or whoever it may be should have the right to nominate itself.

Mr. Dean Brown: What about trade unions?

The Hon. J. D. WRIGHT: There is only one body, and the honourable member knows that it is the United Trades and Labor Council of South Australia. If there were only one employer body, one would go to that body. It is as simple as that. The honourable member knows that. I will not accept that the Chamber of Commerce and Industry should have a privilege over other employer organisations. I would expect employer organisations to get together to nominate a person to represent them on the committee. If agreement is reached and the representative nominated is an official of the Chamber of Commerce and Industry, I would have no objection. The same would apply if he were a member of the Employers Federation. No employer organisation should be privileged, however. The Government does not accept paragraph (*d*), because the Government believes that the person concerned should be nominated by the insurer of last resort. That nomination would obviously give the committee expertise from the insurance business. No good reason has been put forward why the situation should change in that area. The Government does not support the amendment.

Mr. DEAN BROWN: I hope that the clause will be amended in another place to cover the criticism that the Minister has levelled regarding the person nominated by the Chamber of Commerce and Industry. I would be willing to amend my amendment to cover the Employers Federation, too. The Minister's argument is invalid, because there are unions outside the United Trades and Labor Council.

The Hon. J. D. Wright: I said organisations.

Mr. DEAN BROWN: There are employers outside the two bodies referred to, and employer organisations outside the two employer bodies referred to. On many occasions the Minister has accepted nominations from the Chamber of Commerce and Industry. Under the long service leave for casual workers legislation, the Minister referred only to the Chamber of Commerce and Industry, but that was amended to include a person from the Employers Federation. The Minister can hardly criticise me when he has inserted such a provision in other legislation. I am willing to amend my amendment to ensure that both employer associations are included. Perhaps an amendment could be made in another place to cover his criticism. I am disappointed that the Minister has not heeded the comments I made of the importance of having insurance expertise on the committee. We are trying to ensure that that expertise does not form a majority on the committee, but it is important that it should be there. My other amendments ensure that that would happen. I again urge members and the Government to support the amendment.

The Committee divided on the amendment:

Ayes (20)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Dean Brown (teller), Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, and Wardle.

Noes (21)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Wells, Whitten, and Wright (teller).

Pairs—Ayes—Messrs. Boundy and Wotton. Noes—Messrs. Broomhill and Virgo.

Majority of 1 for the Noes.

Amendment thus negatived; clause as amended passed.

New clause 21—"Regulations."

Mr. DEAN BROWN: I move:

Page 16, line 20—Insert new clause as follows:

21. Section 126 of the principal Act is amended by striking out paragraph (*b*) of subsection (2).

The effect of this new clause is to remove from the principal Act the Minister's power to set standard workmen's compensation premiums for entire industries. Such standard rates would remove the incentive on the employer to ensure the highest safety standards and the rapid rehabilitation of the injured worker. Individual insurance premiums for each company reflect claims made against that employer and ensure a financial incentive for safety and rehabilitation. Standard premium rates have caused major problems in New South Wales, where they have applied for some time. The Minister probably knows about the catastrophic situation in New South Wales; he certainly should know about it, and I hope he will support the new clause. The power has been in the legislation for a long time, so I am not accusing the Government of including it now, but it should be removed. During the second reading debate the Minister did not make clear whether or not he intended to exercise this power, which he has under the principal Act. I wonder whether he intends to do so. Irrespective of whether he intends to do so or not, I would still move to insert the new clause.

The Hon. J. D. WRIGHT: The honourable member is completely correct in saying that this is a new provision. I was not moving any amendments at this time. I have not spelt out in detail publicly or in this Chamber what my intentions are. I have no intention at this stage of controlling premium rates, but I do not see any good reason for removing a power that has stood the test of time without causing any trouble. I do not see why we should accept the new clause at this stage.

The Committee divided on the new clause:

Ayes (20)—Messrs. Allison, Arnold, Becker, Blacker, Boundy, Dean Brown (teller), Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, and Wardle.

Noes (21)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Wells, Whitten, and Wright (teller).

Pairs—Ayes—Messrs. Allen and Wotton. Noes—Messrs. Broomhill and Virgo.

Majority of 1 for the Noes.

New clause thus negatived.

Title passed.

The Hon. J. D. WRIGHT (Minister of Labour and Industry) moved:

That this Bill be now read a third time.

Mr. DEAN BROWN (Davenport): The Opposition will support the third reading. We do so not because we like the Bill as it came out of Committee, as it is almost as bad as it was when it went into Committee (that Bill would be totally unacceptable to the Opposition, especially to the Liberal Party) but, because we would like to see it go to another place, which previously this session has shown that it is capable of amending satisfactorily the Workmen's Compensation Act.

Therefore, we are giving that place the responsibility of putting some suitable amendments into this Bill. I would not oppose the Bill, because the principal Act is totally unsatisfactory, and it is imperative that it be amended as quickly as possible. We have been unsuccessful in achieving satisfactory amendments in this Chamber, so now it is up to our colleagues in another place to amend the Bill and send it back. I hope the Government has the sense, when considering those amendments, to accept them. It is an important Bill and we support it, but we do not support the Bill as it comes out of Committee, except to allow it to pass so that it can be amended in another place.

Bill read a third time and passed.

JUSTICES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

PASTORAL ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 11.54 p.m. the House adjourned until Wednesday, November 17, at 2 p.m.