HOUSE OF ASSEMBLY

Thursday 25 March 1982

The SPEAKER (Hon. B. C. Eastick) took the Chair at 2 p.m. and read prayers.

EVIDENCE ACT AMENDMENT BILL (No. 2)

The Hon. H. ALLISON (Minister of Education): I have to report that the managers for the two Houses conferred together at the conference, but no agreement was reached.

QUESTIONS

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

ADELAIDE FESTIVAL

In reply to **Mr RANDALL** (3 March).

The Hon. D. C. WOTTON: The workload on the staff of the Adelaide Festival in the period leading up to the highly successful opening on Friday 5 March appears to have led to the matter of mistakes in the publicity material for *La Nuova Compagnia di Conto Popolare*.

The person who was given the responsibility for doing the translations had misrepresented his competence to do such work. As the festival staff had no immediate way of checking his work, nor any reason to doubt its accuracy, the work was accepted, and the Italian publicity material was distributed. Only at that stage did the inaccuracy of the Italian translation present itself. The material was immediately withdrawn from circulation at that stage.

The Festival of Arts staff regret the incident and have undertaken to ensure that a repeat does not occur in the future.

SUPERANNUATION

In reply to **Mr PETERSON** (24 March).

The Hon. D. O. TONKIN: The Superannuation Act allows retiring contributors or the surviving spouses of deceased contributors or pensioners to commute up to 30 per cent of their basic pension for a lump sum. The Act provides that the amount of the lump sum payable shall be fixed by the Public Actuary. Neither the Government nor the Superannuation Board has any part to play in fixing commutation rates. The major factor which the Public Actuary must take into account when fixing commutation rates is the rate of interest available on new investments at the time of commutation. Members interested in the reason for this are referred to section 8 of the report on the 1980 actuarial investigation of the fund, which was tabled on 5 March 1981.

In September 1980 the Public Actuary decided that the movement in interest rates which had occurred since the rates were last fixed (in 1978) was sufficiently large as to require a reduction in commutation rates. The practical problems arising from that reduction resulted in representations being made to the Government to consider changes to that part of the Act governing the mechanism for fixing commutation rates.

Following discussions with the Public Service Association and the South Australian Government Superannuation Federation, the Government has decided to amend the Act so that commutation rates are only determined once a year (instead of the Public Actuary being required to keep them under constant review, as at present). The same rates will apply throughout each financial year in respect of all pensions commencing during that year and will be based on the semi-government interest rate ruling on 24 March preceding the start of that year. Both the organisations mentioned have concurred with the proposed amendment. The new procedure should give adequate notice to all those contemplating retirement.

The Public Actuary has indicated that, in view of the Government's intention to amend the Act, he considers it proper that he should, in the interim, use commutation rates which have been determined using the same principles as those which will be incorporated in the amendments. He has accordingly indicated that, consequent upon the substantial further increases in interest rates which have occurred since September 1980, commutation rates for those retiring during the year commencing 1 July 1982 will be significantly less than those now ruling. The percentage reduction will vary according to age and sex but for most cases will lie in the range 16 per cent to 21 per cent.

The honourable member will therefore see that the reduction in commutation rates does not stem from any action of the present Government. On the contrary, the proposed amendment to the Act has enabled the Public Actuary to postpone reductions which he would otherwise have felt obliged to have introduced already. Future commutation rates will, as explained, depend upon future interest rates. It may be expected that in due course interest rates will fall and, at that time, commutation rates will increase.

MINISTERIAL STATEMENT: MOUNT GAMBIER LAND

The Hon. H. ALLISON (Minister of Education): I seek leave to make a statement.

Leave granted.

The Hon. H. ALLISON: The Deputy Leader yesterday asked a question of me concerning an earlier question he posed in this place about the sale of land owned by the Education Department in Mount Gambier. Although I have answered the Deputy's claims by way of a press release issued at the time of his unfounded accusations, which was printed in both the *Advertiser* and the *Border Watch* that week, I now wish to inform the House fully of the facts. I must say that I consider the imputations made by the Deputy Leader on the integrity of one of my constituents and on me personally as quite reprehensible and I challenge him to repeat them outside this House.

The transfer of the land in Mount Gambier occurred when it became apparent that land owned by the Education Department—

Mr Hemmings: You're trembling, Harold.

The SPEAKER: Order! The Minister of Education has been granted leave by the House to make a Ministerial statement.

The Hon. H. ALLISON: The transfer of the land in Mount Gambier occurred when it became apparent that land owned by the Education Department and set aside for a third high school would not be needed and that land not owned by the Education Department adjacent to the new Mount Gambier North West Primary School (Mulga Street) would be needed. This land was owned by a Mount Gambier real estate agent who expressed an interest in the high school site. The land transaction was conducted through the normal departmental channels and was valued by the Valuer-General.

The Director of Educational Facilities, the responsible Education Department officer, approached the real estate agent by letter concerning the land adjacent to the Mulga Street school and the real estate agent approached the Education Department at a later date regarding the land previously set aside for a new high school on North Terrace and held under three titles.

The Valuer-General valued the parcels, conforming with usual practices, and he calculated a figure of $47 500 for the land, which was on three titles and subsequently transferred to Auvale Pty Ltd. The valuation report stated that the cost of a pumping station and rising main to sewer the land, sold to Auvale, would cost in the order of $34 000, or $3 630 per hectare. This, I am advised, is an extraordinary cost and placed the land at a distinct disadvantage when compared with sales of other unsubdivided land at Mount Gambier.

It should be drawn to the attention of honourable members that the land in question which was transferred to the real estate agent was already being leased in part to him and, in accordance with accepted Government policy, the agent was therefore given first option of purchase. Coupled with the fact that this was a land exchange transaction, and the deal therefore relied on the agent's willingness, in turn, to sell land which the department considered vital to the Mulga Street school development, the department found there was no need to advertise the land more widely.

I wish to stress again, Mr Speaker, that the land transactions to which the honourable member referred were conducted by the appropriate officers of the Government, that valuations were undertaken by the Valuer-General in accordance with usual practice, and that there was no instigation of the transaction by me or any other member of the Government. The figures quoted by the Deputy Leader as likely returns on the property purchased by Auvale Pty Ltd are, I am advised by my officers, widely unrealistic. While small sections of the parcel may receive a high price, the overall value of the land is well below the member's claims for the reasons I have explained and because of the added costs of subdivision.

QUESTION TIME

The SPEAKER: Before calling on questions, I indicate that any questions relating to the portfolios of the Minister of Health or the Minister of Tourism will be taken by the Minister of Industrial Affairs.

INTEREST RATES

Mr BANNON: Will the Premier insist on the formulation of a package of relief measures to alleviate the effect of increased interest rates before he approves any rise in building society interest rates, and, if not, why not? A little over three weeks ago I called on the Premier, in the light of the inevitable increase in building society interest rates that was forecast, to formulate a contingency claim or package of proposals that would accompany any approval of increased rates.

At the time, I suggested that the increases would take place within a fortnight. In fact, the time has been longer, of course, in part because of the Lowe by-election. The Premier's response to that call was to accuse me of 'scare mongering tactics'. The Premier went on to say:

> It seems Mr Bannon is intent on stirring things up. There is no indication of any imminent approach to increase interest rates. Mr Bannon's behaviour is quite disgraceful.

Later, in another newspaper report, he accused me of irresponsibility. Mr Aird, the President of the South Australian Association of Permanent Building Societies, said at the time:

> The societies would seek an interest rate rise if the Federal Government approved higher rates for banks.

That, in fact, has happened. The Premier also said in his reply:

> Mr Bannon knows full well that the State Government has no control over building society rates and that there is a duty on the societies to notify any change.

That was contradicted by Mr Pounsett, who is the Managing Director of one of the largest societies, the Co-operative Building Society, when he said that it was not true that the Government could not control building society home loan charges. He went on to say:

> We cannot raise home loan interest rates until the Government agrees.

He added:

> Approval must be sought from the Treasurer by making an application backed up by strong reasons to the Building Societies Advisory Council.

Of course, the legislative sanction for that statement is contained in section 27 of the Building Societies Act, which allows the Minister to fix a maximum rate of interest to loans made by the society, or to any class of loans, or to vary or revoke a rate of interest fixed under the subsection in the absence of approval. In other words, section 27 of the Act allows a rate to be fixed and thus any increase requires the Premier's approval, contrary to what he has stated.

The Hon. D. O. TONKIN: I do not know whether the Leader of the Opposition is claiming that he foresaw what the Federal Government was about to do. If the Leader wants to be petty about it, he in fact predicted that at least one building society was thinking of raising its interest by 1 per cent: in actual fact what he is now taking credit for is the decision by the Federal Government to allow savings banks to increase their interest rates by 1 per cent. I really cannot see that he is very well soundly based because—

Mr Bannon: You're saying there has been no increase in building society rates.

The Hon. D. O. TONKIN: I hesitate to interrupt the consultations which are going on, but I would put to the Leader of the Opposition that he has developed a particularly impolite and discourteous habit of being heard in silence and then interrupting as fast as he can whenever the answer that is coming does not suit him. If that is what he wants to do, I think people will judge him by his actions, but I find it discourteous in the extreme.

I simply make the point that the building societies were under the same constraints as any other financial institution and that at present they will be considering whether or not they will apply for interest rate increases to match the increases which have been allowed for the savings banks in Australia. That is something that I am quite certain the Leader of the Opposition could not really take credit for predicting.

I am not quite sure what the Lowe by-election has to do with interest rates in building societies in South Australia. I am quite certain that the Leader has had other things on his mind and therefore did not read the housing package details which were in the evening newspaper yesterday in some detail. Further, a mortgage crisis relief scheme has been included as part of the interest relief package announced by the Federal Government recently.

Mr Hemmings: Do you support it?

The SPEAKER: I suggest to the honourable member for Napier that he remain silent.

The Hon. D. O. TONKIN: He is just proving my point, Mr Speaker. The matter will be examined very carefully to make quite certain of the details before any further action is taken by this Government. The representative of the association has already been to see me to discuss the situation and I will be having further discussions with the people concerned over the next 24 hours. They will be maintaining close contact with the Government over the whole question of interest rates and mortgage relief schemes. Until those details are clarified, I have no further comment to make.

PREMIER'S OVERSEAS TRIP

Dr BILLARD: Does the Premier intend to cancel the arrangements made for his visit to South-East Asia and Japan, as suggested today by the Leader of the Opposition. In a statement made today by the Leader of the Opposition he said:

> There is a strong case emerging for Parliament to put the Bill [the Roxby Downs Indenture Bill] to the vote immediately and for Mr Tonkin to postpone his travelling schutzenfest and face Parliament squarely on the issue next week.

The Hon. D. O. TONKIN: The statement made by the Leader of the Opposition today seems to me to be a measure of the desperation with which the Opposition is now addressing the problems currently facing them. I think it can be epitomised by the editorial in this morning's press and indeed by the Atchison cartoon, which I think put the situation very succinctly indeed.

I cannot quite understand what the Leader of the Opposition is on about again. He is now asking the Government 'to have an immediate vote or to support the Parliamentary process of inquiry'. I would have thought that we were supporting the Parliamentary process of inquiry.

The Hon. J. D. WRIGHT: On a point of order, Mr Speaker, the matter that the Premier is now discussing is the subject of a Select Committee, and one would think that such discussion should be refrained from until the Select Committee reports.

The SPEAKER: Any discussion or answer relating to a possible result of the Select Committee would be unacceptable to the Chair. An answer to a question which relates to a statement made relative to a programme, provided that it does not transgress the likely result of the Select Committee, is in my opinion acceptable. The honourable Premier.

The Hon. D. O. TONKIN: Thank you, Mr Speaker. I repeat that that is what we do, I think, by going on with the procedures adopted.

The Hon. E. R. Goldsworthy: He gets ridiculouser every day.

The Hon. D. O. TONKIN: He does get ridiculouser every day. Obviously, the Leader and his Party do not know which way to turn at present. If I can recall the events to members, when the indenture was first made public the Leader and his Party rejected it outright, almost within a matter of hours, but certainly without having had the opportunity of looking at it. A few hours later we had a turnabout, a change of mind, and we were told that the Party would reconsider the legislation. Recently, we had a shocking episode of equivocation and deception with the release of a package which attempted to appear responsible and to justify the Labor Party's attitude but which in effect stymied the Bill and the indenture and would negate it.

Mr BANNON: On a point of order, Sir, the Premier is traversing these matters. If he is in order, we would have had a debate on this question today. We refrained from doing so on advice given that to introduce it into the House would have been improper. I fail to see how the Premier can be allowed to traverse these matters in the form of a Dorothy Dix question.

The SPEAKER: I take the first point on advice given, and pick up a point that was not taken by the Chair during debate last evening that it is not acceptable, from either side of the House, to refer to advice given, whether it be from the table, from an adviser, or from Parliamentary Counsel. I think that the time is opportune to draw that fact to the attention of the House. Regarding the point of order taken by the Leader, I was at the time he rose starting to take exception to the manner in which the Premier was answering the question, because he was dealing with a matter relative to the activities of the Select Committee. I ask the honourable Premier to keep very closely to the guidelines indicated previously. There may be no presumption of what the result will be or of the manner in which the Select Committee will go about its task.

The Hon. D. O. TONKIN: Indeed. I am sorry if I gave a misleading impression, but the point I was making was that the Opposition, as the records show, voted to support reference of this matter to a Select Committee. That was a preface purely to yet another turn-about, because today apparently the Leader wants a vote next week on the issue. In doing so, he has attacked Western Mining, quite viciously, I find, for simply confirming what the Deputy Premier had said publicly and in this House at great length about the indenture Bill. The Government has always given an undertaking, both publicly and in this House, that the indenture would be open to public scrutiny and careful attention for a period of some weeks—in this case nearly three months. We are very conscious of the needs of the Australian Democrat members in this Parliament whose council has in fact required them to insist on a long period of discussion. There is no doubt that the general public has welcomed the decision taken to refer the whole matter to a Select Committee. That is the proper place for consideration, so that everyone in the community can have a say. The project is far too important—

Mr Bannon interjecting:

The Hon. D. O. TONKIN: The Leader knows full well that indentures are never amended, and never have been in this House, and that statement simply emphasises the Leader's immaturity in politics if he believes that anything else is the case. The Government will maintain its undertaking to allow that examination in any possible way. It will make available copies of the indenture to all interested people. The indenture should be examined carefully because of its potential impact on the future of South Australia in terms of jobs and financial security for all South Australians. To suggest, as the Leader has done today, that I break the detailed arrangements that have been made with the Prime Minister of Singapore, the Chief Secretary of Hong Kong and Cabinet Ministers in Japan, not to mention the business and industrial leaders in each country just to suit the Leader's changing whims, is sheer nonsense, and it again shows nothing but an agony of indecision. I also find it quite amazing that the Leader of the Opposition, in now making this attack, some time ago strongly urged me at all costs to leave no stone unturned in promoting South Australia. I was very pleased indeed—

Mr Bannon: Not while Parliament was sitting.

The Hon. D. O. TONKIN: I did not realise that the Leader put any sort of condition on that. He certainly did not make that clear and in any case it is not his place to do so. I was pleased to have the Leader's support, because, although he did not know at the time, we had already made preliminary plans to do just that, and the arrangements have been confirmed for some time. Now the Leader does not want me to go—yet another turn-around. The Leader does not want the Premier to promote South Australia in

Japan and South-East Asia. I am sure that the Leader would like me to go on a slow boat to China, stay there, and never come back, but I assure him that I intend to come back, just as this Party will come back to power after the next election.

There is no doubt, from the Leader's activities today, and indeed from this whole sorry history of his turning about and thrashing about in the past week or so, that he is in a blind panic. He is thrashing around in the deep end and does not know which way to go. If I can give the Leader a little advice, he should calm down, stop carrying on, take stock, examine the whole question most carefully, look at the indenture and the Bill on their merits, and then support this tremendous opportunity for South Australia.

LETTING AGENCIES

Mr HEMMINGS: Will the Premier say whether, in view of the now overwhelming evidence that unlicensed letting agencies are ripping off people who are seeking accommodation on the private rental market, the Government will introduce legislation to control the activities of those letting agencies? Rental accommodation in South Australia is at an all-time low. The vacancy rate as estimated by the Real Estate Institute is 0.7 per cent. In this tight market situation, desperate rental-home seekers have been forced to turn to private letting agencies for assistance in finding accommodation suitable to their needs and income.

I have been informed of numerous complaints about the high cost and the poor service involving these agencies. The minimum charge now required by these agencies is $40. In the *Advertiser* of 24 March 1982, the Superintendent of the Lutheran City Mission, Mr K. Fisher, criticised the exploitation of those people who are in desperate need of rental accommodation. I understand that the South Australian Housing Trust has advised the Minister of Housing to raise with the Minister of Community Welfare the issue of regulating the control and operations of private letting agencies.

The Minister's attitude so far has been that no action was necessary. He has said, 'Consumer education, not regulation, is required.' Today I received a report from Shelter, a housing consumer organisation, which severely criticises the private letting agencies. The report dealt with a survey of people who had used agencies, and I think the following comments from the people surveyed sum up quite adequately the situation in metropolitan Adelaide:

'Didn't seem to have the houses that they advertised.'

'I think they are a bloody rip-off mob. I couldn't afford it and they wouldn't give me my money back.'

'Vicious circle, you couldn't get anything without them, the house was filthy.'

'They are a bunch of liars and cheats.'

I think the final comment on the survey is pertinent to my question. It states:

I kept saying I won't do it again but when you get desperate enough and if you can afford it you do it again and each time you feel sucked in and swear it won't happen again but they are successfully dominating the house rental market so it becomes more and more difficult to avoid.

The Hon. D. O. TONKIN: The honourable member may recall that this subject was raised by the member for Brighton a week or so ago.

Mr Hemmings: I know, but nothing has happened.

The SPEAKER: Order! The honourable member for Napier has asked his question. He will now take the answer.

The Hon. D. O. TONKIN: He is now proving my point, again, too. The member for Brighton raised this subject and asked the Minister of Health to take it up with the Minister of Consumer Affairs, who has now undertaken to investigate the matter and bring down a report. When that report is available I will make it available also to the honourable member.

The shortage of rental accommodation is very much one of the features of the present interest rate situation. It shows quite conclusively what happens when interest rates are kept artificially down in respect of money made available for housing and rental accommodation, not welfare accommodation but private accommodation, when compared with the short-term money market and the prime rates that are available in other investments. There is now a great tendency for investors with capital to invest to put their money out on the short-term money market or indeed at prime rate because the difference in the return that they get from that and the return that they get from the housing rental market is so great. It is very much a question of the increased interest rates attracting money away from what was traditionally an investment market which provided rental accommodation, and it is something that is, again, a product of the interest rate situation that is not always recognised.

SOUTH AUSTRALIAN INVESTMENT

Mr ASHENDEN: Can the Premier tell the House the latest investment figures for the manufacturing, retailing and service industries in South Australia and describe their employment impact within the State? It has been reported to me that a survey of South Australian manufacturing, retailing and service industries has been undertaken. I understand that the committed investment indicated in South Australia in the past 2½ years might now total $1 000 000 000. Does this now make South Australia a billion-dollar State?

The Hon. D. O. TONKIN: Yes, it does, and I am proud indeed of the Government's record in this regard. We now have nearly $1 000 000 000 worth of investment since we came to office. This Government ever since it came to office has had a broad policy of encouraging industrial and commercial development and of committing industry and commerce to establish and expand in South Australia. It is a policy that has been followed through with the officers of the State Development Office, with the Minister of Industrial Affairs and officers of the Department of Trade and Industry, and it has been followed through most successfully. I should also pay a tribute (and the member for Victoria, formerly the Chief Secretary, can take a great deal of credit for this) to the development of sites in the Port Adelaide industrial area. The Government has been so successful in attracting industry at this rate that the list is now most impressive and accounts for almost $1 000 000 000 of new capital investment. There are still, as is usual, many development projects that cannot be referred to, for commercial reasons, but the commitment means an employment impact of nearly 4 000 new jobs for the South Australian community. They involve now more than 100 organisations which have either established in South Australia in the past 2½ years or have expanded their activities in this State. That is a record of which we can be very proud, particularly when we look at the growth in mining activity, which has again been reflected in money available for increased investment and exploration. There is no doubt that the figures have been—

The Hon. J. D. Wright: You issue your own questions instead of—

The Hon. D. O. TONKIN: I am quite certain that we will never get any questions from the Opposition that highlight the good things that happen in South Australia. They are only interested in doom and gloom stories. I do not

know why the Opposition members seem to be so touchy today. They all seem to be touchy.

Mr Mathwin: They are getting upset about it.

The Hon. D. O. TONKIN: They are getting upset about something. I do not understand it.

The SPEAKER: Order! Members on both sides of the House will benefit the conduct of the business if they listen to the questioner and answerer in silence.

The Hon. D. O. TONKIN: I will not go through the committed industrial development figures, because they have been mentioned many times, but they have gone up dramatically. I recall for honourable members the figure of 870 per cent, which still applies. It is important that we understand that the staggering growth in the areas of exploration, mining, manufacturing and retail service industries has occurred without taking into account any of the development of Roxby Downs. The Leader of the Opposition has made great play in recent months, in trying to defend an impossible situation, of what he says is the Government's intention to place all its eggs in one basket; that is, depending only upon Roxby Downs for development in South Australia.

He simply shows how foolish he is when he makes such claims, because that $1 000 000 000 result to date (and there will be more to come) has been calculated without any reference to Roxby Downs at all. It does not mean that we do not need Roxby Downs. It does not mean that we do not need, for instance, one of the coal deposits, perhaps the Kingston deposit or the Sedan deposit, developed. It does not mean that we can do without the Cooper Basin or Stony Point project, but it means that we have a sound base in our existing industry.

Not only that, but we have a sound base in our primary industry, so that South Australia is now moving forward in investment and development to an astonishing degree compared with the lack of progress that characterised this State's development in the 1970s. I am very proud of this record to date. We can rightly lay claim to being the billion dollar State at present, which is much more than the other States can do. When I refer to the general economic situation in South Australia and look at public sector and the Government's management, I find it compares more than favourably—

Members interjecting:

The Hon. D. O. TONKIN: It compares more than favourably with New South Wales, which is in a most unfavourable position. Having budgeted for a deficit of $3 000 000, the New South Wales Government is now $131 000 000 in deficit and the projected deficit for this year is $200 000 000. That is a very conservative estimate. I would have thought that members of the Opposition would be particularly interested to hear that, because they have always held up the Wran Government and its management technique as being their shining example.

They are not shining terribly well at present: the lights are out. Not only that, but its record of management and the extraordinary deficit that is now being confidently predicted are very good examples to the people of South Australia that they should not and must not follow any suggestions of Labor Party policy in the years to come.

EMERGENCY FINANCIAL ASSISTANCE

Mr ABBOTT: I ask the Minister of Industrial Affairs, representing the Minister of Health, who represents the Minister of Community Welfare in another place, whether it is true that people seeking emergency financial assistance from the Department for Community Welfare can only receive a maximum of 80 cents a day in times of crisis or situations where families are at risk of breakdown. Can the Minister say how many applications for emergency financial assistance have been received to the end of February 1982 and how many of those have been approved?

It has been reported to me that the Port Adelaide, Woodville, The Parks, and Thebarton district offices have already overspent their 1981-82 Budget allocations for emergency financial assistance and that until recently the maximum assistance was restricted to 70 cents per day per person, the equivalent of one average single train fare. However, because of the very high level of unemployment and increasing numbers of people living in poverty in the western region of Adelaide, the amount has now been extended to 80 cents per day per person.

It has been reported to me that the situation has now become almost impossible, because, in the main, the applicants are people who just cannot manage on the dole. I understand also that instructions have gone out to other agencies, such as the Department of Social Security, not to refer people to the Department for Community Welfare unless it is absolutely necessary. It is not only impossible for those seeking emergency assistance; it is also impossible for social workers to fulfil their obligations to these people.

The Hon. D. C. BROWN: The honourable member has asked for detailed statistical information and I must apologise for not having that detailed information here at my fingertips. However, I will ask my colleague, the Minister of Health, who will request her colleague, the Minister of Community Welfare, in another place, to obtain that detailed information, which I am sure will then be referred back to my colleague, the Minister of Health, who will supply a written answer to the honourable member.

HIGH SCHOOL CLOSURE

Mr RANDALL: Is the Minister of Education aware that local newspapers in my electorate recently carried headlines implying that a local high school may close? In last week's local newspapers the major headline was 'Local high school may close'. Alongside that headline appeared an up-to-date photograph of the Minister. In having that photograph—

Mr Hamilton: It wasn't very complimentary, either.

Mr RANDALL: I repeat, for the benefit of members opposite, that having that photograph linked with the headline created an image that the information in the article was factual information given by the Minister from his office. The article stated, in part:

> Diminishing student numbers could force one of five western districts high schools to close, according to Education Minister Harold Allison.
>
> The schools, named in a report by Education Department research and planning assistant director, John Cusack are Adelaide, Thebarton, Underdale, Kidman Park and Henley Beach high schools.
>
> But there is a mystery about whether Mr Allison was referring to one of these schools, all of which are between Henley Beach and Grange Roads.

From my local knowledge of the area, all the schools are not situated between Henley Beach Road and Grange Road: there is one school between those roads, being the Henley Beach High School, and as was quite rightly pointed out to me, that school this year for the first time had an increased enrolment of year 8 students. So, from that article has arisen in the community general concern about which high school is to be singled out. I notice with interest that—

The SPEAKER: Order! The honourable member has been very close to direct commenting previously in his explanation. He is now getting perilously close to being ruled out of order for comment.

Mr RANDALL: I respect that and I thank you, Mr Speaker, for your guidance. What I am trying to put into context is the sorts of comments that have floated back to

my office from parents and students who have seen that headline and been concerned. This week the Minister announced to the House major redevelopment proposals for the Thebarton High School for $2 100 000 for a high school which in the future will cater for 350 students. Concern has been expressed in the community and to me by parents that, if we are going to upgrade Thebarton High School, Henley High School has an increasing enrolment—

The SPEAKER: Order! The honourable member is now repeating the commentary to which I referred him previously. I ask him to quickly come to the conclusion of his explanation.

Mr RANDALL: Thank you, Mr Speaker. The last point I wish to make is that I sat in a classrooom of students and they also have put the same concern to me, being students of those high schools.

The Hon. H. ALLISON: I really have no complaint about the nature of the article that was written in the *Weekly Times* on Wednesday 17 March, but I think it is unfortunate that we did have a picture of a smiling Minister of Education, with the caption, 'Favourable news in the future', but with a banner headline saying, 'Local high school may close' as though that were the favourable news. In fact, I do admit to one error and that was that in the House I referred to a corridor of five schools between Thebarton and Brighton. Of course, Brighton is many miles down the coast. As the honourable member for Henley Beach rightly said, the corridor is from Thebarton to Henley Beach High School.

As I told the House in September last year and again in February this year in response to questions, the problem that would emerge if we were to consider closing one of those schools (and Thebarton was the one that was the subject of questions) would be that the school population of Thebarton would have to be transferred and that another problem would be created at the nearby Underdale High School. In that statement reported in *Hansard*, which the young lady printed quite accurately, I said that therefore we are firmly of the opinion that the Thebarton project should go ahead. I also said that favourable news would be forthcoming shortly. Of course, that favourable news has come forth very recently, partly as a result of the re-examination of the original concept by the Public Works Standing Committee and from a review committee that examined the potential futures of those five schools that the honourable member for Henley Beach mentioned.

The good news is that $2 100 000 has now been committed for building additions at Thebarton High School to provide a centre for home economics, music, and drama, for retention of the existing assembly hall with modifications to provide a library resource centre and a year 12 centre, and for the construction of a new multi-purpose hall. A number of other issues have also been resolved as a result of that proposed redevelopment. The adjacent parent-child centre, which was located in three departmentally owned houses in East Street, was fearful that it would have to move out if the redevelopment did not take place and should the high school need those premises for its school-to-work transition programme, for which we also announced a substantial subsidy recently.

The child-parent centre has now been told that it can have a 10-year rental over those three houses, with a further right of 10 years renewal at the expiry of that time. This will enable that parent-child group to apply for Commonwealth funding. Another flow on is that the Education Department and the Thebarton corporation reached a gentlemen's agreement some time ago regarding future use of the nearby Kings Reserve. Now the corporation will receive the old eastern campus for development as a parking area for the Thebarton Oval and the school itself will use the Kings Reserve to augment its much needed playing areas.

I believe that, as a result of that and the school-to-work transition programme, students will now continue to be attracted to Thebarton High School, a school that was steadily declining in student population, and we believe that this latest sequence of moves will stabilise that population and will probably attract students to the school-to-work transition programme.

ADELAIDE AIRPORT

The Hon. J. D. WRIGHT: My question was to have been asked of the Minister of Health but, as she is not here, I direct it to the Premier. Will the Premier request the Minister of Health to support my submission to the Federal Government for a health check to be done on residents in the Thebarton and Mile End areas to determine the effects of noise pollution from overflying aircraft, and for a review of emergency procedures? My constituents are consistent in their complaints about the effect of aircraft noise on their daily lives. They complain about a constant noise irritant early in the morning and late at night, and about the disruptive effect this has on their children's school days, as a number of schools are in the flight path, and of the dangers of noise induced stress. Thebarton residents are also concerned about the health hazards of chemical pollution from aircraft in an area which already records excessive lead levels.

In my submission to the Parliamentary Standing Committee on Public Works I have urged that a Department of Health study be conducted into the physical and psychological effects of noise pollution, and the biological impact of chemical pollution from aircraft on residents living under the direct flight path. I suggested that such a study should not only look at the current situation but should forecast the likely effects of increased usage of wide-bodied aircraft. I have also asked for a thorough review to be undertaken into emergency procedures at and in the vicinity of Adelaide Airport, and for the results of this review to be made public. I have done so because residents are concerned about the results of a simulated aircraft emergency that was conducted late last year. I understand that the official report on that trial found serious flaws in the implementation of emergency procedures, if a plane had gone down in the sea near Adelaide Airport. That report reads like a catalogue of confusion and, in some cases, incompetence.

The SPEAKER: Order! The honourable member is now commenting.

The Hon. J. D. WRIGHT: Thank you, Sir. Naturally, my constituents are concerned about what might happen if a passenger aircraft were to crash in inner suburban Adelaide, not just out to sea.

The Hon. D. O. TONKIN: I think everyone is concerned about what would happen if an aircraft were to crash anywhere, either in the suburbs or outside the suburbs of Adelaide. That is a risk run at every airport, wherever it may be. Any measure that can be taken to prevent such a happening is obviously well worth while. As to the emergency trials conducted, the ones to which the honourable member referred, I think there has been a subsequent exercise that proved far more satisfactory.

On the general question of noise, I will refer the matter to the Minister of Health. I point out to the honourable member—and I am sure the Leader of the Opposition will be very interested in this, since he supports the development of international facilities at Adelaide Airport—that there has been no real change in procedures since the airport was first established. Indeed, people who are living around the airport now are very little disadvantaged as compared with

the situation that existed when the airport was first opened. Only a very small number of the community is presently disturbed by aircraft noise, if we take account of the number of formal complaints received. That surely is the only sensible way of examining the situation. I am informed that, in the period from November 1981 to March 1982, only 10 formal complaints were received by the Department of Transport.

If for any reason some uncommon or unusual non-routine aircraft movement occurs, the number of residents making these formal complaints rises very significantly; in other words, if there is a break of the curfew because of an emergency flight involving the St John Ambulance plane, or something of that sort, or, as has happened in the past, an emergency landing by a jet interrupting a long-haul flight, it is noticeable that people lodge complaints about that unusual happening, so that when there are normal routine movements very few formal complaints are received.

The other thing that the honourable member must take into account is that modern aircraft are becoming much quieter, because of noise restrictions on overseas airports, and that would be of benefit to Adelaide Airport. It is likely that most of the international aircraft that will use the international facilities at Adelaide Airport would be relatively quiet, and I know that special take-off procedures are being investigated at the airport to ensure that the planes are quiet while at low altitudes where they could cause disturbance. Wide-bodied jets, being able to carry more passengers, bring with their introduction the likelihood that the number of movements each day, will reduce certainly in the initial stages, so that the less frequent flights, although carrying as many, if not more, passengers, will be a source of less disturbance.

The Hon. E. R. Goldsworthy: Members opposite are not against the extensions to the airport.

The Hon. D. O. TONKIN: We know that the Opposition is very much in favour of international facilities being established at Adelaide Airport. The number of international flights in and out of Adelaide will be very few compared with the domestic movements, and any additional noise will be either absolutely minimal or absorbed in the less frequent domestic movements due to the use of wide-bodied jets.

The present curfew on heavy jet movements between 11 p.m. and 6 a.m. guarantees a considerable period of relief to residents on the flight path. We have made absolutely clear to the Department of Transport that the State Government will not agree to any breaking or lessening of the curfew hours, and the Minister for Transport has given an undertaking to that effect. While I will certainly refer the matter to the Minister of Health, I assure the Deputy Leader that the results of the inquiry to date show far less cause for concern than he suggests.

TRAFFIC LIGHTS

Mr OSWALD: Will the Minister of Transport initiate a departmental report on the intersection of Tapleys Hill Road with Warren Avenue and Shannon Avenue, Glenelg North, with a view to the early installation of traffic lights? Over the past year since James Melrose Drive was completed, providing a major link between Morphett Road and Tapleys Hill Road on the north/south arteries, the intersection has become one of the most dangerous non-controlled intersections in the district. Not only does the intersection handle a major link between Tapleys Hill Road and Morphett Road with its increased traffic load but also it handles a busy alternative feeder which carries heavy traffic from both Mooringie Avenue and Anzac Highway and which channels traffic via Pine Avenue and Bonython Avenue (south of the Glenelg golf course) into Tapleys Hill Road, meeting the intersection in question.

Residents have informed me that there are accidents or near misses almost daily and, when this is combined with motorists speeding along the unpopulated section of James Melrose Drive, the intersection becomes almost intolerable in its present uncontrolled condition. I have also been informed that long traffic delays occur during peak hours, as motorists try to enter the north/south traffic flow along Tapleys Hill Road, behind the airport.

The Hon. M. M. WILSON: I appreciate the honourable member's concern about this matter. If the information supplied to me is correct, I believe there is no provision at this stage for the installation of such traffic lights. However, I am grateful that the honourable member has brought the matter to my attention. Obviously, his constituents regard this matter as serious, and I give the honourable member an undertaking that I will have the matter investigated as a matter of urgency and forward him a report as soon as possible.

FESTIVAL OPENING

Mr HAMILTON: Has the Minister of Transport obtained a detailed report from State Transport Authority officers concerning the unsatisfactory services that were provided for Adelaide Festival of Arts patrons on the evening of 5 March this year? If so, will the Minister advise what recommendations were contained in that report? If no report has been obtained, will the Minister seek such a report? An article appearing in the *News* on 10 March and headed 'Revellers—Packed Sardines' criticised the services provided by the State Transport Authority for patrons attending the opening of the festival. The Minister is reported as saying:

> It would appear Mr Hamilton expects the S.T.A. to gaze into a crystal ball.

It went on to say that the railway authorities had used every available carriage to cope with the extra rush both in and out of the city. Upon noting that comment, I went to the Adelaide Railway Station and spoke to a number of employees who are well known to me. One employee who worked the 5.30 p.m. train to Belair that evening said that a normal concept of a single car had returned at 6.59 p.m., and by the time that car had reached Blackwood, three stops away, it was packed. Advice was sought by the employee working that train. It was alleged that he was advised by the controller to leave the passengers standing on the platform at subsequent stops. He informed me that the statement that every available carriage had been used was absolute rubbish.

He also informed me that upon arrival at Adelaide Railway Station he informed senior staff there that additional carriages would be required for the return of patrons from the festival activities that evening. Moreover, he informed me that the normal number of off-peak services was not increased that evening even though a number of additional carriages were put on those services.

I spoke to another employee who informed me that on the 10.30 p.m. Noarlunga Centre return that night there were eight cars on that train, contrary to regulations, which he informed me state that only seven cars are permissible. He informed me that people were hanging out of the doors and hundreds of passengers were still trying to get on.

The 11 p.m. train to Outer Harbor was standing waiting for additional coaches. He also informed me that on the radio that evening at about 9 p.m. it was reported that 70 000 people were at the festival opening. He further put to me that the State Transport Authority should have had a senior officer on the platform liaising continuously with

the Festival Theatre organisers to see what additional coaches were required. He said that no additional staff were made available and that coaches could have been used had that staff been available. He also informed me that 40 or 50 carriages were lying idle at the rail car depot. He added that staff had been abused by the travelling public because sufficient coaches were not available.

I received a telephone call from a councillor of the Corporation of the City of Woodville who also was most incensed at the lack of facilities available for the travelling public. He informed me that people were lined up along North Terrace trying to get tickets because insufficient staff was made available. In the light of this, I would ask that the Minister treat this matter with the seriousness it deserves so that this situation does not occur again in the future.

The Hon. M. M. WILSON: If the last sentence of the honourable member is in fact his question, yes, I certainly will.

Mr Becker: Did he have your approval to speak to staff?

Mr Hamilton: You did it under your Government.

The SPEAKER: Order!

Mr Becker: Real mongrel tactics.

Mr HAMILTON: I rise on a point of order, Mr Speaker. I take strong exception to the remark made by the member for Hanson in which he called me a mongrel, and I would ask that that be stricken from the record.

The SPEAKER: First, I point out that there are no provisions for any words to be struck from the record. However, I ask the honourable member for Hanson whether he used the term about which the member for Albert Park is complaining.

Mr BECKER: No, Mr Speaker, I used the expression 'mongrel tactics' in relation to the fact that I asked whether the honourable member got the Minister's approval to speak to the staff, which is not—

The SPEAKER: Order!

Mr BECKER: —allowed otherwise.

The SPEAKER: Order! The member for Hanson has answered the question. I ask the honourable member for Albert Park, having heard the explanation, whether he still objects to the words that were used.

Mr HAMILTON: Yes, Mr Speaker, and I seek a withdrawal from the member for Hanson. They were not mongrel tactics at all.

The SPEAKER: I point out that the words which the honourable member said were used as a direct reflection upon himself have been disclaimed by the honourable member for Hanson. Because there has been offence, I ask the honourable member for Hanson whether he wishes to withdraw the remark but it is not an unparliamentary expression in the manner in which it has been delivered. Does the honourable member for Hanson wish to withdraw?

Mr BECKER: No, Mr Speaker.

Members interjecting:

The SPEAKER: Order! The honourable Minister of Transport has been called.

Mr Mathwin interjecting:

The SPEAKER: Order! I warn the honourable member for Glenelg.

The Hon. M. M. WILSON: From the reports that we have had, I believe that the last festival was probably the most successful of the Adelaide Festivals of Arts that we have had. I take this opportunity to congratulate the Adelaide Festival Centre Trust and the Minister of Arts for what has been an outstanding event. The festival opening itself attracted a vast crowd of people. The S.T.A., quite correctly before events such as this, made predictions of the crowd numbers and in doing so it looked at past records and took advice from such authorities as the police and others to try to ascertain how much extra public transport would be required.

In this case the authority took the example of the previous festival in 1980 as a guide as to how many people could be expected at the opening, and the figure supplied for that particular opening was 10 000. I do not know whether the member for Albert Park has heard that before, but that is certainly the figure on which the S.T.A. based its requirements. In that regard one could hardly be surprised if when a crowd of 70 000 to 80 000 people turned up a great deal of inconvenience was caused. I accept that inconvenience was caused to many people. I really can give no other answer than that to the question.

The honourable member did mention several other instances, which I will have looked at, but they are certainly not part of the question. Other than that, I think the S.T.A. did its job, as it should do in connection with any public function of this nature, in ascertaining what extra public transport would be required. The honourable member will recall that for the football grand final last year a lot of the attention was given to the extra transport that would be required, and that is a job which the S.T.A. should do. I assure the honourable member that it will not be caught napping in the future.

LIVE POULTRY IMPORTS

Mr RUSSACK: Will the Minister of Agriculture say whether it is true that he has approved the establishment of a facility on Torrens Island for the importation of live poultry from overseas? If such a facility is to be established, can the Minister give assurances that there is no disease risk to the poultry industry in South Australia from such importation?

The Hon. W. E. CHAPMAN: The answer to the first part of the honourable member's question is 'No'; I did not give authority. Indeed it is not the responsibility of a State department to authorise or otherwise the establishment of facilities for quarantine purposes. The quarantine station referred to on Torrens Island is a Commonwealth Government facility administered by the Commonwealth Department of Health and is one of the islands around Australia which has similar facilities for quarantine purposes. The Commonwealth decided to establish such a facility after consultation with the industry, a matter about which I am pleased to report. Importation will be limited to fertile eggs from countries with similar or better disease status than Australia. The birds from which the eggs are derived will be rigorously treated prior to collection of eggs for export to Australia. The birds hatched from those eggs in the quarantine facility will also be rigorously tested prior to release. I am assured that the facility itself will be at a high-security building, which will prevent any disease from escaping to the outside community. Therefore, I am further assured that these four specific safeguards will obviate any risk of disease entering the country from such importation.

Further, it is important that in Australia, and more especially in South Australia, our primary producers have access to the best and most up-to-date tested genes for the purpose of upgrading our livestock, whether those livestock be bloodstock in the race-horse industry, livestock in the rural industry (cattle, sheep or sheep dogs), or birds for upgrading stock in the poultry industry. In this instance it was implied in the honourable member's question that live birds would be imported and subject to quarantine on Torrens Island. I assure him that no such risk is contemplated. Whilst anxious to allow South Australian poultry breeders access to the highest quality birds that may be available from other countries in the world, it is envisaged that that access be

exercised through the avenue of importation of eggs with the hatching taking place on that site. We are fortunate in Australia that our quarantine laws are so rigorously observed at Cocos Island, Torrens Island and at another location, the name of which escapes me, in Sydney, where these import stocks can be held for the respective periods of quarantine so as to keep disease outside our country.

I am pleased that the honourable member has raised this question because it is a matter, I agree, of great interest to the community at large, particularly to the poultry industry. Some alarm has been raised as a result of a rumour that birds would be imported. I was given the opportunity, therefore, to allay that rumour, and I am happy to give any other information members may need on this subject.

At 3.15 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

INSTITUTE OF MEDICAL AND VETERINARY SCIENCE BILL

Returned from the Legislative Council with amendments.

LEAVE OF ABSENCE: Mr O'NEILL

The Hon. D. J. HOPGOOD (Baudin): I move:

That two weeks leave of absence be granted to the honourable member for Florey (Mr O'Neill) on account of ill health.

Motion carried.

FRIENDLY SOCIETIES ACT AMENDMENT BILL

The Hon. J. W. OLSEN (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Friendly Societies Act, 1919-1975. Read a first time.

The Hon. J. W. OLSEN: I move:

That this Bill be now read a second time.

Under section 7 (2) of the Friendly Societies Act the maximum amount that may be paid out on a life insurance policy issued by a friendly society is limited to $4 000, a figure set in 1961. Inflationary and market trends make it desirable that this limit can be conveniently updated from time to time. The Bill provides for the limit to be set by regulation, rather than by the Act. The Bill also allows for different limits in relation to different classes of life insurance. The Act presently specifies maximum dollar amounts for annuities, sickness benefits, superannuation benefits and for personal loan funds. The Bill provides that these too may, in future, be fixed by regulation. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the limit on the sum that may be paid out by a friendly society on a policy of life assurance to be fixed by regulation. It also provides for limitations on maximum rates of annuities and sickness pensions to be fixed by regulation. Clause 3 provides for maximum rates of superannuation pension to be fixed by regulation. Clause 4 provides for the limitation on the maximum amount that may be lent by a friendly society to any one of its members to be fixed by regulation. It also provides that a regulation may specify a limitation on the amount which a friendly society can lend to its small loans fund from its other funds.

Mr KENEALLY secured the adjournment of the debate.

WORKERS COMPENSATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 March. Page 3559.)

The Hon. D. C. BROWN (Minister of Industrial Affairs): First, I would like to thank honourable members for their contribution to this debate, even though I felt that at times it was rather superficial and long-winded. But, I appreciate the points they made and I will attempt to answer them, because I think they can be answered easily. I was extremely disappointed with the entire thrust of the debate on workers compensation amendments.

The Hon. J. D. Wright: You just thanked us; now you're disappointed.

The Hon. D. C. BROWN: I thanked members for their general contribution, but I was disappointed by its quality, because almost the entire thrust of the comments made last night was on the compensation aspect. All the argument I have heard against workers compensation legislation for years now, as well as the problem with compensation in this State for many years, has been that the entire emphasis is on compensation with virtually no emphasis whatsoever on rehabilitating the injured person into the work force. Consequently, there has been a significant effect of injured persons finding the Act a disability rather than an assistance to return to the work place. I must confess that one or two speakers last night highlighted some of those problems. I thank the member for Whyalla, whose contribution I thought was one of the best he has made in this House.

Mr M. J. Brown: Why don't you take a look at what I'm doing?

The Hon. D. C. BROWN: I thought that the member for Whyalla was unusually good last night and that the member for Elizabeth, who sits just behind him also somewhat shone compared to contributions by other members opposite. But I stress that the whole emphasis of what the Government is trying to achieve with its amendments, the most important part, is rehabilitate the injured worker into the work force as soon as possible. I know that this has problems: it is an emphasis that has pioneered new ground for all of Australia; it will mean setting up new bodies and will not work absolutely perfectly, because no-one would expect it to, but it is a step taken with a great deal of courage by the Government. As a result of that, we were delighted by the positive responses of those who understand workers compensation. From the outset we did not find it easy to work out this method of implementing rehabilitation procedures.

This was because there was so much division within the community, and especially among the people who understand rehabilitation, as to what was the best recommendation to adopt. We had considerable consultation. The Deputy Leader of the Opposition has quite rightly raised the matter of the rehabilitation report which was handed down and which is often known as the Byrne Report. I compliment members of that committee on the excellent report that was prepared. However, as the Deputy Leader of the Opposition said last night, the lack of support for that report was disappointing, especially as one of the recommendations was that all of the committee's recommendations had to be adopted in their entirety. That left the Government in a position where virtually no-one supported the recommendations in that report. In light of that, the Government was determined to

implement the measures concerning rehabilitation but, in doing so, to try to achieve a large degree of concensus within the community.

I think the proposals we have put forward in the Bill have achieved that degree of consensus. Perhaps that was reflected last night by the fact that there was no real objection to what is proposed by members opposite. There has been no objection from the trade union movement, employers, or those involved in rehabilation or from the medical profession as a whole and there has been no objection from the specialist doctors in the specialist areas.

The Hon. J. D. Wright: You want the workers to pay for it.

The Hon. D. C. BROWN: I will come to that area shortly. I think only one or two doctors have expressed any doubt as to whether or not this is the most effective means of rehabilitating persons back into the work force. I simply highlight that point, and highlight the fact that this Bill is significant. It is far more significant than the 1973 Bill, because it is the first time in Australia that a Government, in legislation, has placed emphasis on rehabilitating injured workers.

Once this Bill is approved, I would ask for the co-operation of all people involved to implement those measures. It would certainly be a great disappointment to me and to those who will be injured in the future, as well as to the medical profession, if this Bill should be defeated in another place, because this Bill is required, and it is required urgently. The Deputy Leader last night raised the point as to why there was delay. There has been a delay because the Governemnt has been trying to achieve a degree of consensus in this area of rehabilitation, which we have now achieved. Now that that has been achieved, I think it would be severely disappointing to many people if the Bill was defeated in another place.

Perhaps the key point raised in the debate by members opposite relates to weekly payments. Members would realise that at present a person on compensation receives the average of his weekly payments for the previous 12 months. There is a provision in the principal Act for that to be adjusted according to significant wage movements. The Bill provides for the deletion of two factors in calculating those average weekly payments. The provisions delete the payment of overtime and the payment of specific site allowances. I will refer to these in some detail. Overtime is something that the worker receives for specific extra duties. It has caused problems and certainly did several years ago when quite a few people were receiving considerably higher payments on workers compensation than they would have received had they been back in the work force, because the level of overtime had dropped at that time.

The Government has looked at this matter and it believes (and this is not only the Government's judgment but it is also contained in provisions in other Acts in Australia) that there is a reasonable case to be put forward that a person on compensation should not receive any special payment for overtime that he has worked previously, especially in view of the fact that a person on compensation is not at work at all. The Government is not trying to deny the worker anything. We are in fact paying the workers their normal weekly payments. However, I do not think any of us would say that overtime is a normal weekly payment.

I also point out that special site allowances are special allowances that are traditionally paid in the building industry for a specific building site because of disabilities of that site. An example of that is that recently there was a case where the Federal Industrial Commission handed down a site allowance for some work being done at the Hillcrest Hospital. Because of the special muddy conditions at that site and because of other potential difficulties at the site at the Hillcrest Hospital, it was decided in the commission that a special site allowance should be paid to the workers. I do not think it was particularly substantial; I forget the exact amount, but I think it was something like $3 or $4 a day. I believe that there is a reasonable argument and one that is certainly to be supported morally, namely, why should a person on compensation receive a special site allowance when the person is not on that site? If a worker had gone to any other building site, he would not have received that special site allowance. Therefore, I do not believe that that provision should be included in any calculation for average weekly payment, either.

I stress that, despite the apparent hysteria at times created last night when suggestions were made that we were about to deprive workers of something very substantial and were about to commit the most immoral act that any Government in Australia had ever done, all we are doing is making a very minor adjustment to the average weekly payments for the preceding 12 months by excluding overtime and special site allowances. We are not excluding over-award payments, general shift penalty payments, or anything like that. We are excluding only the special site allowance. I think those comments put much of the argument last night in its true perspective.

The next point I raise concerns the reduction of the 95 per cent payment after a period of three months. It is appropriate at this stage to look at what occurs in other States. Although the Deputy Leader of the Opposition last night was trying to suggest that South Australia is an island unto itself and that we should not look at what happens in the rest of Australia, I believe it is important that we do.

The Hon. J. D. Wright: I didn't say that at all, and you know it.

The Hon. D. C. BROWN: You gave the impression that that was so when you talked about lump sum payments, when you said that, irrespective of what is paid in other States, the important thing is what is paid here.

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

The Hon. D. C. BROWN: I am glad that the Deputy Leader of the Opposition agrees that, when looking at compensation paid in South Australia, we also need to look at what is paid in other States of Australia. In all other States of Australia with the exception of Tasmania and Western Australia, where a different rate applies, there is significant reduction in weekly payments after a person has been on compensation for a period of 26 weeks. Again, I find it incredible that of the eight speakers last night not one of them acknowledged that point. I shall outline to members what the various reductions are: in the Labor State of New South Wales, after a period of being on compensation for 26 weeks, the rate of compensation drops from the award rate, which is already less than South Australia's, down to $115.60 a week, probably less than half the sort of payment a person would receive on the basic award rate.

Mr McRae: That's disgraceful.

The Hon. D. C. BROWN: That is a Labor State, that grand State, administered by Premier Wran, which is so often lauded by the Leader of the Opposition here in South Australia as the great State. Moving to the other States, Queensland drops from the award rate down to $103.40 per week after 26 weeks. In the Northern Territory it drops from the normal weekly earnings down to $101.70 after 26 weeks. In the A.C.T., it drops from normal weekly earnings down to $116.82 a week. Commonwealth Government employees from full sick pay down to $114 per week. Victoria drops from $130 a week, plus award makeup, down to $130 a week after 26 weeks.

In Western Australia, the best they get is the award rate, which would be well below 95 per cent of the average

weekly earnings for the last 12 months. The only State that does not do that is Tasmania. Members opposite acknowledge that that does occur in other States. I stress again that South Australia should not be an island unto itself. What we are proposing here is not a reduction to about 30 per cent of the average weekly earnings, as applies in other States of Australia after 26 weeks, but a very marginal reduction of 5 per cent to 95 per cent of the average weekly earnings. I might add that with 95 per cent of the average weekly earnings they would still be better than the highest rate ever received in New South Wales, Queensland, Victoria, or Western Australia. They would be better off than those workers would be at any stage.

I think it is appropriate that we do accept the figure of 95 per cent. The argument was put last night that the employer should pay for this. I point out that the employers are already being levied now to cover the Palmdale situation; that is, the situation of insurance companies that go broke. I believe it is appropriate that those on rehabilitation make a very minor contribution to the cost of that rehabilitation. It is a very minor contribution. It is 5 per cent, and nowhere near the sort of reduction of about 70 per cent that takes place in other States of Australia after 26 weeks on compensation.

The next point that was raised was that of the lump sum payments for death. The point was raised by the Deputy Leader of the Opposition and one or two others that we had not lifted this by a sufficiently large amount. I point out that under this amendment we have lifted the maximum payout for death from $25 000 to $50 000.

Dr Billard: 100 per cent.

The Hon. D. C. BROWN: Yes, 100 per cent.

Mr Whitten: Do you realise it is still not in relation to the c.p.i.?

The Hon. D. C. BROWN: I realise it is less than the c.p.i. I will read for the honourable member what applies in other States of Australia. The Deputy Leader of the Opposition himself said, and admitted this afternoon across the House by way of interjection, that when looking at the Workers Compensation Act we should look at what compensation is paid for death in other States of Australia. The rates are as follows: Commonwealth Government employees, $35 500; New South Wales, that great Labor State apparently, $45 200; Victoria, $41 093; Queensland, $36 230; Western Australia, $50 052.25.

Mr Whitten: Which is tied to the c.p.i.

The Hon. D. C. BROWN: That State has now made an adjustment to that. This shows how out of date the honourable member is, because recently that State amended the Act to make an adjustment for the c.p.i.

Mr McRae: You haven't given an actuarial calculation of the amounts that are ordered to be paid to the children over and about that. You are falsifying this. I know you are.

The Hon. D. C. BROWN: The honourable member had a chance to speak last night. If he failed to make a point because of other divergences, that is his fault. The other rates are: Tasmania, $44 730; Northern Territory, $31 640; Australian Capital Territory, $42 630.24; South Australia, previously $25 000 and, under this amendment, $50 000.

Mr Whitten: Every one of those State rates you have read out is in excess of what our rate is at present. It is logical to assume that they will all go up, too.

The Hon. D. C. BROWN: I agree that South Australia is currently the lowest and under this amendment South Australia will become the equal highest, equal to Western Australia, with $50 000.

Mr McRae: It will not. You haven't given us a fair dinkum analysis.

The Hon. D. C. BROWN: I have. I have read out the levels payable in respect of a person for death. I think the honourable member realises that. The facts hurt them because here is a Liberal Government taking the death payment under workmens compensation from being the lowest in Australia, as it was under the previous Government, to now being the highest. Because of their embarrassment they are now screaming and saying we are not giving enough. I say that in comparison with other States of Australia we have gone not only in weekly rates of payment but also in lump sum payments to the highest in Australia.

The next point that was raised last night was the aspect of hearing loss. Again, a great deal of play was made by the Opposition about, apparently, the criminal action that the Government was about to take in not compensating for the first 20 per cent of the hearing loss. I will highlight the thinking behind this. First, it occurs in the British Act. No doubt there have been a large number of very small claims for hearing loss. In fact, I think it was the member for Price who last night gave some figures on how small many of those claims would be. He indicated that more than 70 per cent of the claims for hearing loss were for hearing losses of less than the first 20 per cent.

Mr Hamilton: Between 10 and 15 per cent is when you lose the higher tones.

The Hon. D. C. BROWN: I think the honourable member does not appreciate the audiology of the ear and the nature of a hearing loss. This is a subject I have discussed at great length with a number of people. Perhaps there is room for further consideration of whether it should be 20 per cent or some other adjustment. What we have found is that there has been widespread support for the concept, especially from those people who understand hearing losses and from those people who are specialists in either ear, nose and throat problems or audiologists.

There is widespread support for some base level at which no claim can be made. It was the Deputy Leader of the Opposition who read last night a letter from someone who certainly did not agree with the 20 per cent but did admit there was scope for that sort of concept to be written into the Bill. I stress the fact that the Government believes the concept is good. We have received widespread support for it. There is disagreement about the 20 per cent level set by the Government. Some think that should be 15 per cent, but at least the concept is now recognised and applauded by the specialists in the area.

Mr Whitten: Can you explain why that is?

The Hon. D. C. BROWN: You need to talk to some of the specialists.

Mr Whitten: I thought you might give us a brief explanation.

The Hon. D. C. BROWN: I have already explained it. The point is that, regarding people who suffer a very small hearing loss making claims, there are medical, legal, settlement, and administrative costs involved in all of this, as well as a cost to the Government. They are very small relatively insignificant losses, which cause no personal hardship or loss of income or ability to earn income but they are causing a considerable cost.

The cost of compensation of $1 000 might be $10 000 when one considers medical, administrative and court costs to reach a settlement. No-one would want to see costs of $10 000 or more being incurred for compensation for a very minor hearing loss which most people would not even acknowledge but for which many people, unfortunately, would deliberately claim in case they got a $1 000 windfall, knowing that they do not have to cover any of the costs. Such cases are causing considerable concern in the community, and that is widely acknowledged. It is not just the employers as honourable members opposite often like to

suggest, but it has been widely acknowledged by people in the profession who understand hearing losses that these situations do occur. That is why I believe that they support the setting of a threshold level, as proposed by the Government. They do not necessarily agree with the level set, but they certainly agree with the concept. There is some difference of opinion about what the threshold level should be. I have heard figures of 15 per cent or 20 per cent as recommendations, but I think people need to understand the concept behind it and the reason for the amendment.

Another matter raised in the context of the speech of one honourable member opposite was clause 14, which was also mentioned by the Deputy Leader, and grave concern was expressed that the Government was about to remove the democratic right of a person to take a vacation. The word 'overseas' was to have appeared in the clause, but, because of a printing error, it was omitted.

The Hon. J. D. Wright: You took a long time to pick it up. Personally, I do not believe you.

The Hon. D. C. BROWN: The honourable member can say that, but we have decided—

The Hon. J. D. Wright: I think you are telling mince pies.

The Hon. D. C. BROWN: If the honourable member wishes to claim that I am telling lies, let him do it outside, because I could show him the original transcripts which clearly referred to 'overseas' visits. For him to try to suggest otherwise is wrong. We have discussed this Bill with a number of people, and it was clearly understood in those discussions just what was intended. I could name some of those people, and the honourable member can check it. It was clearly understood that we were referring to people who were going overseas. How could one stop a person from going from his home in Adelaide to his beach shack in Victor Harbor for a weekend? That is a ridiculous suggestion.

Members interjecting:

The Hon. D. C. BROWN: That is why I say that it was an administrative mistake, because the word 'overseas' was inadvertently left out. Surely no-one in his right mind would suggest that the Bill as it is before the House was workable, and I am surprised that anyone took it seriously, because it was so obvious.

The Hon. J. D. Wright: How long ago did you pick it up?

The Hon. D. C. BROWN: As soon as someone said that the clause would not work, I said there was obviously an omission.

Mr Whitten: Why didn't you tell us that?

The Hon. D. C. BROWN: I said so last night, but honourable members did not wish to listen. They gave half-hour speeches, even though they had been told that the word had been left out. I have gone through the points raised in the second reading debate. Again, I urge support for the Bill. It is a significant measure, and something to which many people outside are looking forward. It has been hailed as a significant step forward, particularly in relation to rehabilitation.

The Hon. J. D. Wright interjecting:

The Hon. D. C. BROWN: A lot of people, if the Deputy Leader would like to talk to them. I would hope that it would have not unqualified or unquestioning support, but the full hearted support of all members of this House and in another place.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Interpretation.'

The Hon. J. D. WRIGHT: I have an amendment on file, as has the Minister, and I think we are both trying to achieve the same purpose. As the Bill was originally drafted, I took the view that there could be some serious problem about the place of abode and it worried me that, if the worker was not living at his principal place of abode, he would not be covered. It may be that he had transferred to another location from which he was working. I wanted to ensure that the worker was covered. I think the Minister has recognised the problem in his amendment, which makes it obvious that he has picked up the matter, but I want it cleared up. If the Minister's proposition clears up the point I have raised and ensures that the employee is covered when he is in a temporary place of abode, that is the protection I am looking for.

The Hon. D. C. BROWN: There was some difference of opinion between legal experts as to whether a person would be covered in any position. My view was that, if a person was away at the direction of the employer and was involved in his employment, he was automatically in a position to claim compensation, but there is some doubt about that, so we have suggested an amendment to take care of this situation. For instance, the Deputy Leader was a shearer—

The Hon. J. D. Wright: And a good one.

The Hon. D. C. BROWN: I am prepared to take that at face value. I have shorn some sheep, but I was never at good shearer. To make sure, for instance, that a shearer away from home, who may be staying at a local hotel and shearing on the farm because no shearing quarters were available, could, if he had an accident on the way to work, be in a position to receive compensation, we have had this amendment drawn. If the Deputy Leader is happy with it, I believe that that is the better worded amendment.

The CHAIRMAN: The Deputy Leader has not yet moved his amendment.

The Hon. J. D. WRIGHT: I indicated that, provided we reached the same conclusion, I would not do so. I do not want to be technical. The Minister has given me a guarantee. Is it the case that we are reverting to the *status quo*, where an employee had coverage if he was away from home in a temporary position? I do not know the purpose behind the amendment in the first place, because the Minister has not told us. Perhaps he has made another mistake, but I do not know. I am happy with the position as it now stands, provided that 'temporary place of abode' covers the worker for all purposes in regard to a journey.

The Hon. D. C. BROWN: The precedent is not quite clear, but I can give an example. A person who lives in Adelaide and travels to his beach shack at Robe after work on a Friday may have an accident two-thirds of the way to Robe at, say, Kingston in the South East; he may believe that under the present Act he can claim compensation. However, there is some debate whether that is the intention of the Act. I do not believe that anyone would agree that that is a case in which a person should legitimately receive workers compensation. If for some reason, because of a person's work, he has an accident on the way to his place of abode, he should be covered, but it is not intended to cover people who are on an extended visit to a beach shack, or some other place, simply because he is going on a vacation after work. I move:

Page 2, line 21—After 'abode' insert 'and, where the worker is required by reason of the place or nature of his employment to reside away from his principal place of abode, includes the place at which he so resides'.

Amendment carried.

Mr WHITTEN: Paragraph (b) provides that a spouse means a husband or wife. Would a *de facto* wife be covered? The Family Relations Act provides that a person must make a claim within a limited period. I am concerned that, if this provision passes in its present form, that person may not be able to substantiate the claim.

The Hon. D. C. BROWN: Yes, a *de facto* relationship is covered.

Clause as amended passed.

Clause 5—'Liability of employers to compensate workers for injuries.'

The Hon. J. D. WRIGHT: I oppose subclauses (5a), (5b), and (5c). Why is it necessary to change the legislation in this regard? It appears that an employee who is neither leaving nor returning to his property will be covered for workers compensation. I do not have the records at my disposal in regard to how many workers or employees would be involved in such a situation, but I believe that the number would be fairly minimal. I may be wrong about that and the number may be very high, but one would not think that many such accidents would occur within the home.

But because few such accidents would occur, we should not take away something that gives the benefit of the doubt to the worker who may have an accident while leaving or entering his property. For example, a worker who lives in a double-storey building may fall down the steps and break his leg while on the way to work. Clearly, under the old Act, that person would have been covered for workers compensation. Further, an employee who is returning from or going to work may be injured or killed as a result of a car crash on his property. There are other circumstances in which a person may have an accident either entering or leaving his property. I believe that in those circumstances it is better to give the advantage to the working person instead of easing the burden on the insurance company, which is about all this clause does. I do not know that there has been a great burden. However, this is why we oppose subclauses (5a) and (5b).

Subclause (5c) is a different situation: it concerns a traffic offence under sections 47, 47b, 47e, or 47i of the Road Traffic Act. I know that the Government will put forward an argument to substantiate the fact that, under subclause (5c), a person should not be able to receive compensation if alcohol is involved, but I put to the Minister that this is double punishment. First, the employee will be prosecuted. It could be his normal routine or he could have had a drink at work, or he could have had an accident.

The Hon. D. C. Brown: Not one.

The Hon. J. D. WRIGHT: A person may have a couple of drinks. Alcohol affects people in different ways, and people have a different intake tolerance. There is a discrepancy in that a worker can be doubly counted: he can be maimed, injured, prosecuted, and then not entitled to workers compensation. I believe that is unfair. Again, I do not know how often such an accident would occur or whether there have been recent cases of this sort of thing.

I wonder what brought this matter to the Government's attention. A very strong story is circulating in this place that the initiative did not come from the Minister's office. I do not know whether that is right, but the whispers in the corridors of Parliament House are that the Attorney-General, not the Minister of Industrial Affairs, suggested this action. I believe it involves a double standard and double punishment. A person should not be prosecuted on the one hand for not being able to meet the required standards of a particular Act as well as receiving no compensation.

What would happen in the case of a passenger in the vehicle? That passenger might have consumed the same amount of liquor as had the driver, and both the passenger and the driver may be on their way home on the direct route from work. The driver of the vehicle will be prosecuted, and, if the passenger in the car is injured and not able to attend his work, what will happen to him? Has the Minister considered the case where the passenger will be in the same position as is the driver of the vehicle?

The Hon. D. C. BROWN: The Deputy Leader has raised a number of points, which I will deal with systematically. In regard to subclause (5a), the Act presently provides coverage for any person or worker who is injured in the course of a daily or other periodic journey between his place of abode and his place of employment. One must consider what is meant by 'place of abode' and where the journey starts. The authoritative interpretation relating to this clause is contained in the case of *Vickers* v *Jarrett*, South Australian Industrial Court, 43.

This decision of the Full Supreme Court disregarded the old interpretation of the boundary test as a means of deciding where a journey commenced and ended. The court held that the journey was between two different points—the place of employment and the place of abode. It then read down restrictively the interpretation of 'place of abode' as being the actual building or portion of the building in which the worker resided, thus excluding the land and boundaries to land on which the place of abode stood.

The whole point is that there has been no real definition of where that journey starts. Our argument is, and I think the original intention of the Parliament when it considered this was, that the journey was to commence at the front gate. The trouble is that some people are arguing that it should commence at the front door. However, when the person concerned steps out of the front door, he might do things such as move the garden hose, shift a ladder or any number of things before commencing the journey to work. It could be that when he was moving the garden hose he slipped and hurt his back. This has led to a great deal of litigation and uncertainty.

We believe it is necessary to define the point clearly, and we believe that the journey commences when the person steps out of the front gate. That is obviously when the journey starts, otherwise it would be almost impossible to produce evidence that he slipped over the front steps at the front door as he was really going to work or as he was shifting a hose, picking up the milk bottle or something else. We believe the front gate at the boundary of the property is the obvious starting point, and that would clear up a lot of uncertainty and litigations as a result.

The next point raised related to a person on his way home from work who, having been drinking heavily and has a blood alcohol reading of more than .08, is driving a vehicle and has an accident. At present that person cannot claim for third party insurance against the driver of another vehicle. If he cannot claim for third party insurance, why should he be allowed to turn around and suddenly claim for workers compensation? He has broken the law, he has committed an offence, an offence which this Parliament by its very nature has said is a serious offence and one for which he could be gaoled. Why should a person who has been gaoled for committing that offence suddenly, whilst in gaol, be compensated by the payment of normal average weekly earnings? The whole purpose of putting someone in gaol is to inflict some punishment.

Reference was also made to a passenger who is on his way home from work who has a blood alcohol level of more than .08. There is no restriction on his receiving workers compensation; it does not affect his claim in any way whatsoever. I stress that there is a need to change the Act as it currently stands because this Parliament in its wisdom has severely amended the Road Traffic Act and the law and standards that apply there since Parliament undertook a major review of that Act in 1973. If the laws and the expectations of the State have changed in this regard, I believe it is appropriate that we bring the Workers Compensation Act into line. It is ridiculous to have an Act

which will compensate someone when at the same time other Acts of the Parliament say that that person has committed a serious crime or a breach of the law so severely as to be gaoled for that offence.

Mr McRAE: In relation to new sections 9 (5a) and (5b), let me make quite clear that it has always been the Labor Party's intention that a person leaves for work when he leaves his front door with the intention of going to work. The Minister raised all sorts of difficulties. I quite realise there are inherent difficulties, but judicial interpretations of the fact—judicial fact finding, difficult though it might be—could sort that out. I am opposed to the concept being presented. The Minister has two options before him, and he has chosen the one that goes against the worker.

In relation to new subsection (5c), the Minister is wrong in his comprehension of the law. Let us presume that a person is driving under the influence of alcohol and there is a road accident. He is not debarred at civil law; it is a factor which will be taken into account in determining the relative liability of the parties. Where he is occasioning problems is that clearly he will be in breach of his own third party policy and possibly his comprehensive policy, but it does not affect his claim for civil remedies. That is step No. 1. Step No. 2 is that we are returning to a mediaeval view of the law by this Draconian pronunciation. We are now doubly penalising the worker.

The worker is involved in a motor car accident whilst in an inebriated state, a state which is above that contemplated by the sections mentioned in the new subsection (5c). Just listen to the punishments that he will suffer assuming that he has been negligent: first, his third party policy and comprehensive policy will be nullified, so that he will be liable to meet the full cost of the damages to the other party (his own insurance company will pay in the first instance but it will claim the money back from him). Eventually he will be responsible for the personal injuries and the property damage of the other motorist. He will not receive on his own account anything. Then he will be punished by the criminal law, and finally he will receive no benefit at all under this legislation. That is punishment that is so Draconian that, in fact, he would be better off to punch his neighbour in the face because he would get a bond for that. It is remarkable that in this State personal violence seems to get a bag of lollies, but break the licensing laws and you are for it.

Clause passed.

Clause 6—'Time within which notice and claim must be given or made.'

The Hon. J. D. WRIGHT: This clause provides:

> Where a worker retires or its retired from employment on account of age or ill health, then notwithstanding the foregoing provisions of this section, a claim in respect of hearing loss arising our of or in the course of that employment shall, unless made within one year of the date of retirement, be barred.

I think that that is a Draconian piece of legislation because it compels the employee to make an application within one year. I think personally there should not be any limit, but looking at some other Acts in Australia, I notice that there is a time limit. Why should an employee be barred from receiving his just entitlement because there is a time limit in this legislation? It does not make sense to me why an employee should be forced into this situation. To the best of my knowledge, it has worked well in the past. There have been no glaring examples of employees using this provision for their benefit. It seems to be a simple fact that this Government is coming down on the side of the employers and the insurance companies rather than on the side of the worker.

Surely, if there is going to be any benefit of doubt it is the working person who ought to be placed in the position of gaining that benefit. It is a similar clause to the last one. Where there is a conflict of interests, we find that the Government tends to come down on the side of the insurance company rather than on the side of the employee. I think it is positively wrong in any circumstances to place any limit but, as I have said, other States have looked at this matter, and time limits have been placed in the legislation in some other States. I do not know whether the Minister is prepared to move on this. There is no amendment on file. I thought rather than moving an amendment I would oppose the provision outright. It is entirely wrong and Draconian, in my view.

Mr WHITTEN: Again, I raise the matter I raised last night (and I am not sure whether the Minister was in the Chamber then) that the 12-month period seemed wrong to me. I know that when an employee leaves an industry, particularly a noisy industry, and goes into a quiet environment he may believe that his hearing improves to a certain extent. It is perhaps not until 12 months or more later that he realises that he has a greater hearing loss than he would have thought when in an industry where he shouted to make himself heard. Will the Minister look into this matter?

The Hon. D. C. BROWN: I do not think that the measure proposed in the Bill is Draconian, as suggested. I point out that this Parliament decided that, if an employer has a right to claim an eligible pre-employment hearing test, he must carry it out within the first three months of employment. If it is good enough for the employer and for the Parliament to say that he has to carry out that test within the first three months, why is it not good enough to say to the worker when he has retired, 'You must carry out your test within 12 months,' which is four times the period given to the employer? The whole purpose is to find out exactly what the problem is and to quantify it, rather than allow uncertainty of these claims to continue from year to year.

I understand the point raised by the member for Price, that when one immediately retires and goes into the home, one says, 'Aren't things quiet,' but I think anyone would realise that the potential effects of hearing loss would become apparent well within 12 months. There is no difficulty in getting a test fairly readily. It might take a month for appointments, and so on, but it is not a long drawn-out court case. A court case result is not needed in that period, but the person has to submit to a test and make the claim. I think 12 months is quite reasonable, especially as it is four times longer than given to the employer to carry out the pre-employment test at the beginning of employment.

The Hon. J. D. WRIGHT: The Minister's analogy about the employer being bound by the Act of Parliament to test the employee within three months bears no comparison with the employee being tested after his retirement. The Minister raises the point about work commencement. We know that that is to protect the employer more than anything so that he does not have to meet a great claim later. It seems to me that the Minister has something about hearing claims on his mind.

Throughout this legislation one finds an attack on people unfortunate enough to lose their hearing. We will come to more specific clauses on that later. The person best able to judge this is the member for Price, who has been a boilermaker. He pointed out that one year may not be enough time. I do not see why the Minister should be hard and fast about this. He could indicate that he is prepared to look at amendments from the Legislative Council. We would be quite satisfied with that, but we are not satisfied with one year. I urge the Minister to consider at least doubling that period to give the worker an opportunity after he retires to settle down and find out how he is, and then make the claim, if he desires. This way he is forced to make a claim before he wants to consider it.

Mr WHITTEN: I support the Deputy Leader on this matter. The Minister's statement about three months is for the employer's protection, as he would know. If the employee suffers hearing impairment not long after he goes into new employment, it is important that a hearing test be done as soon as possible, because if it is not done in the first three months the employer is liable for compensation. The Minister is looking at it wrongly. Having to do that within three months is for the employer's protection. Let us give a little to the employee. I ask the Minister to have another look at this matter. Do not be hard and fast and require 12 months. If the Minister assures us that he will look at the matter again, I will be quite satisfied.

The Hon. D. C. BROWN: Opposition members have asked me to look at the matter. I am a reasonable man, so I will do that, but I am not prepared to amend it here.

Clause passed.

Clauses 7 and 8 passed.

Clause 9—'Amount of compensation where worker dies leaving dependants.'

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

Pages 3 and 4—Leave out paragraphs *(a)*, *(b)*, *(c)* and *(d)* and insert paragraph as follows:

(a) by inserting after subsection (5) the following subsection:

(5*a*) For the purposes of applying subsections (1) and (5)—

(a) the pecuniary amounts specified in those subsections shall be adjusted by dividing those amounts by the consumer price index for the March quarter 1973 and multiplying the quotient by the consumer price index for the March quarter immediately preceding the financial year in which the death of the worker occurred;

and

(b) the references in those subsections to specified pecuniary amounts shall be read as references to those amounts as adjusted under paragraph *(a)*.

This is one of the testing clauses, so far as the Government's attitude is concerned, in relation to my Party's policy on lump sum payments and pecuniary amounts. In the Bill, the Minister has consistently somehow or other arrived at a figure by doubling all the amounts. Maybe there was some magical formula.

The Hon. D. C. Brown: I multiplied by two.

The Hon. J. D. WRIGHT: That is not a formula. That is about what the Minister did. He awoke one morning and said, 'That is what I will do.' Labor Party policy has been well enunciated in two Bills brought into this House in 1980 and 1981 relating to lump sum payments. I have criticised the Government several times about not moving this legislation. I referred to that last night, and the Minister mentioned it today. The most reasonable way to arrive at amounts in this arena is to pick up Labor Party policy, because these amounts have not been moved since 1974. I did not use the term last night 'irrespective of what other States pay'; I did not mention what other States pay, and I am talking about what other States are entitled to—

The Hon. D. C. Brown: It would be embarrassing.

The Hon. J. D. WRIGHT: Some other States are better in other areas. I am not talking about lump sums. One must take all the legislation into consideration and not just one piece when looking at best and worst. I intend to make this a test. The policy has been clearly enunciated. There is every justification in the Labor Party proposition to properly remunerate people for the eight years that they have waited for some increase in the lump sum payments, which is a scandal. I sincerely regret that. One has to praise trade unions and the working class generally in this State for not really having agitated much more than they have. There has been some advocacy for it but no great demonstration about the Bill when there easily could have been, because there is no question in my mind or in any fair man's mind that these amounts should have been moved.

The other point I want to make is that not only should payments be adjusted by c.p.i. movement, a formula for which we have presented to the House for consideration, but also the Opposition suggests that those amounts should now be indexed. That is a very popular word these days; one hears about indexation of wages, salaries, and so on, but I think it is the fairest way of ensuring that there is no lapse of time so far as adjusting those amounts is concerned. What will happen under the legislation at the moment is simply that the Government, if it continues to hold its numbers in the Upper House, will merely establish new amounts with no protection system built in, no formula by which circumstances which are beyond anyone's control are considered. I think that some of the circumstances in the past that have delayed these amounts being shifted have been beyond anyone's control. However, I do believe that the Government could have moved the payment figures during the last 2½ years it has been in office.

At the moment the Labor Party is trying to correct an eight-year-old anomaly and at the same time create a formula that in future will guarantee that those circumstances do not occur again. I believe that that is a fair proposition. In a couple of weeks the Minister will put out his hand for an indexation increase in salary, and he will take it, and I think he asked for 13 per cent or something like that when he went before the court. If Parliamentarians are going to accept wage indexation of their salaries (and I am not going to knock it back, either: I place that on record now. I think that everyone is entitled to wage indexation as a central wage-fixing system) there can be no reason why we should not establish a principle and a formula that in the future will guarantee that any injured person in South Australia, whatever the circumstances, will receive properly evaluated rates, indexed following c.p.i. movements.

Mr WHITTEN: I think that the Committee should consider the amendment moved by the Deputy Leader. The greatest weakness in the Minister's argument is that he has offered no reason for the way in which he has arrived at this figure: it is simply something which he has plucked out of the air. He says that the present amount is the worst in the Commonwealth at present and so he has plucked a figure out of the air, saying that it will bring the figures somewhere near those of Western Australia, although not quite as good, but he says that he will then be able to say that all the other States are worse. During my second reading speech last night I indicated that I was perturbed that nothing had been done during the period 1974 to 1979, but as a Party we have endeavoured to do something during the past two years. However, these attempts have been knocked back by the Minister probably with the idea that he can sell to people outside the fact that he has done something great by way of doubling fixed amounts awarded under workers compensation. The Minister has made no attempt whatever to explain how he has arrived at the figure he has fixed. He simply says that is the figure, and that is it. I think that the Minister should have another look at the figures.

The ACTING CHAIRMAN (Mr Russack): Does the Minister propose to proceed with his amendment to clause 9? I point out that the words in the Minister's amendment affect the amendment moved by the Deputy Leader.

The Hon. D. C. BROWN: I move:

Page 3, lines 37 to 39—Leave out all words in paragraph *(b)* after 'subsection (1)' in line 37 and insert the passage 'eight thousand dollars, plus five hundred dollars' and substituting the passage 'sixteen thousand dollars, plus one thousand dollars.'

Mr WHITTEN: I would further ask the Minister to explain how he has arrived at the amending figures contained in clause 9*(b)*.

The Hon. D. C. BROWN: I do not want to go back over all the points I raised on this matter in the second reading debate. However, I want to emphasise one or two key features. First, there is only one other State in Australia that set out to index according to the c.p.i., and that State—Western Australia, as I recall—soon found that it ran into enormous problems, and it has now abandoned that indexing based on the c.p.i. What the Government is providing for is to lift the lump sums; I have given an example to members—the payment for death has risen from $25 000 to $50 000, which takes us now to the equal highest State in Australia.

It is not that we are trying to be tight in that sort of situation; we did some calculations and looked at the averages in the other States in Australia, and not only do we believe that the escalation that we have built in takes us, at least in most cases (and we are talking of the principle, because there were many areas that had to be increased) above the Australian average but in some cases we are paying the highest figure. I do not think there is anything Draconian or nasty about that. We are not trying to be tight. My opinion is that if a person is killed at work we do not want to be squabbling about the payment; that is why we have lifted the payment figure to that which is now the equal highest in Australia.

At this stage I am not prepared to accept the proposal of the Labor Party that the amount should be indexed according to the c.p.i. That would not only take a whole series of payments under this Act not only to the equal highest in Australia but put them out of all kilter with other payments made in Australia. That is exactly what Western Australia found when it indexed its figures. In fact, Western Australia got to the stage where it got so far ahead of the rest of Australia that it became an acute embarassment, and it had to make adjustments to alter the base of indexing.

This matter has been discussed by the Ministers of Industrial Affairs from each State of Australia at the Ministers' Conference. All the Ministers acknowledge the problems that occur if amounts are indexed according to the c.p.i. It is interesting that in the legislation it can be seen that no other State in Australia bothers to index according to the c.p.i., and so this Government does not wish to set out to create a cost of workers compensation that would be out of touch with the rest of Australia. That is the very thing that began the damage in the mid-1970s, and the very thing that started to cause a significant drop in employment in this State, because industry lost its confidence.

For the sake of jobs in this State, it is fine to set up ideal sorts of situations, and I suppose that ideally no-one would be inconvenienced at all in terms of what compensation is paid, but we do not live in an ideal world; we live in the real world, a world where we are competing with all other States of Australia, and for every extra dollar that we pay out in one area it means that there will be fewer people able to be employed in other areas of industry. This Government has come into office not meaning to be hard or harsh in any way on persons injured at work, and I think the proposed amount shows that we have been generous, but we have not been generous to the point where it will cause significant unemployment in this State compared with other States.

The Hon. J. D. WRIGHT: I cannot accept the Minister's statement that things started to go wrong in 1975 and that it was the Workers Compensation Act that was responsible for the loss of jobs in South Australia because employers lost confidence.

The Hon. D. C. Brown: If you believe me don't look at the employment figures for this State.

The Hon. J. D. WRIGHT: I am talking not about what the employment figures were but about the cause of it. In fact, if one takes the opportunity to look at what has occurred right through, I suggest that in 1975 until about 1979, or certainly late 1978, South Australia was holding up much better than the other States.

There was a period of almost two years when our unemployment figures were much lower than those in other States and the Minister knows that full well. We are not having a debate on economics or unemployment; we are having a debate on the justification so far as workers' rights are concerned for people injured at work; that is the debate at the moment. I think it is quite justifiable. The Minister has not given me any good reason for indexing these rates, except that the Ministers responsible for industrial affairs have tackled the question and have decided to make no decision. I will tell the Minister something for his informtion. I would have attended probably 12 or 16 of those meetings over the 4½ years I was the Minister and they never came to any decisions. What is new? There is nothing new so far as those Ministers not making decisions is concerned. They may have made some recommendations which they would go back and try to fulfil, but it is very rare that they make decisions. It is not good enough for the Minister to say that that is his reason.

The other question I would like to put to the Minister is: what has happened to clause 9? He started off in his legislation with $500 and $1 000 and then had $25 000 plus $500. Now we have gone to an amount of $8 000 plus $500 and substituting the passage $16 000 plus $1 000. Was there a misprint in the first place, or what has happened to the actual clause? It seems to me that something has gone wrong with the clause in the first place. The Minister has not properly explained what has occurred. I would like some explanation on this. I know the Minister is not going to agree with the proposition that the Labor Party is putting forward on c.p.i. movements and indexation. As I said earlier, this is going to be tested as far as the Labor Party is concerned. We will be dividing on this paticular amendment. I would like some information from the Minister on what happened to the actual clause.

The Hon. D. C. BROWN: Throughout, the Government has basically doubled the amounts. When the amendments were put through, there were a whole lot of areas in the Act where that needed to be amended. This is one figure where that doubling did not take place. We picked it up. It had not been doubled so we doubled it. That is the reason for that. There is a doubling of the figure here in line with all the other doublings that I have talked about, including the lump sum payment.

Mr Whitten: The $8 000 to $16 000 was left out, was it?

The Hon. D. C. BROWN: Yes, the doubling has been left out; it has now doubled.

Mr McRAE: It is an extremely complex matter when we have amendments to amendments. The principle of doubling the figures is something that is not acceptable to me or the Labor Party, but that has already been indicated. There is a reliable statistical and actuarial way of justifying these figures to provide justice, fairness and equity to all workers and, for that matter, to employers. So, I am not happy with the concept of a simple doubling up. This is all very easy for the Minister.

I have no complaints about the fact that there was a small oversight and having heard the Minister I now understand the slight confusion that arose there. I have no complaints about that. I am saying now once that in my view there should be a proper formula (as we proposed) to put the worker, or the worker's dependants, in the position that they would have been in had the original figures been adjusted in line with true money values and that in all

justice and equity it is fair and resonable that, having established that figure, whatever it may be, it can be adjusted year by year in accordance with true money figures.

The ACTING CHAIRMAN (Mr Russack): In order to clarify the situation before the Committee at the moment and in order to safeguard the Minister's amendment, I will put the question on the Deputy Leader's amendment as follows. The question is on page 3, lines 34 to 37 to leave out paragraph *(a)* and all words in paragraph *(b)* up to and including the words subsection (1). If passed, the question on the remainder of the Deputy Leader's amendment will be put and the Minister will not be able to proceed, but if negatived the Deputy Leader cannot proceed but the question on the Minister's amendment will be put. The question before the Committee is that the amendment, as outlined in my explanation and moved by the Deputy Leader, be agreed to.

The Committee divided on the Hon. J. D. Wright's amendment:

Ayes (20)—Messrs Abbott, L.M.F. Arnold, Bannon, M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Noes (23)—Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown (teller), Chapman, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, Wilson, and Wotton.

Pair—Aye—Mr O'Neill. No—Mrs Adamson.

Majority of 3 for the Noes.

Amendment thus negatived.

The Hon. D. C. Brown's amendment carried; clause as amended passed.

Clause 10—'Amount of compensation where worker dies leaving no dependants.'

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

Page 4—

Lines 18 and 19—Leave out paragraph *(a)* and insert paragraph as follows:

(a) by striking out from paragraph *(b)* the passage 'five hundred dollars' and substituting the passage 'the prescribed sum'.

After line 22—Insert subsection as follows:

(1a) In this section—'the prescribed sum' means the sum arrived at by dividing the sum of $500 by the consumer price index for the March quarter 1973 and multiplying the quotient by the consumer price index for the March quarter immediately preceding the financial year in which the death of the worker occurred.

After line 33—Insert subsection as follows:

(4) Compensation payable under this section shall be paid to the personal representative of the deceased worker.

The first and second amendments concern sums of money, and the arguments used by members on this side apply again here. The third amendment introduces a new concept, and seeks the payment of compensation to the personal representative of a deceased worker. This is quite a serious argument and involves a serious principle. It may be said that, if a worker has no dependants, no-one should be compensated for his death. I think the key question here is whether anyone is 'entirely' dependent on that person. All members would have experienced the situation where parents, brothers, sisters, grandparents, and so on, have been, although not entirely dependent on a worker, dependent to some extent. It may be the case of an unmarried or divorced son or daughter living with elderly parents. There is no clear situation of being entirely dependent, but the son or daughter makes a contribution to the upkeep of the home, paints the home, puts a new roof on it, buys a family car, and so on, and the parents would not be able to afford it otherwise. We have to get away from the principle previously held that, because there are no direct dependants, such as a wife or child, there should be no compensation. We should look at the new concept where dependants are partially maintained by a bread-winner.

In a district such as mine, many complaints arise. If no compensation is payable, many of the good things of life are denied the family. I am seeking to establish an entirely new concept. The Minister might not have had an opportunity to examine it, and I do not suppose that I will get much support at this stage, but the principle must be looked at. I am not quite sure whether this is the time to do this, because it may need more research. The Labor Party in principle supports such a proposition.

If we establish a situation in which a partial dependant is entitled to receive some compensation, then we have to consider the amount of money involved. It would be difficult to discriminate. If a court rules, after hearing argument, that the people left behind were partially dependent on the deceased, there should be some compensation for the family. We do not have the numbers to put this through, nor do we expect to get it through unless the Minister decides to support it. I do not expect that at this stage. However, we should be thinking about it, getting the research done, finding out what is involved.

No doubt it will be claimed by insurance companies that increased premiums would result, and that situation must be examined. I do not know whether the companies set their premiums on the basis of people being married, single, divorced, or anything else, and I suggest that such a provision would not increase premiums, although I am not sure of that. However, I am sure there would be such an outcry: premiums would be raised, because insurance companies do not budget for compensation for people with no direct dependants. I do not dispute that at this stage, but I suggest it would not affect the premiums.

The Hon. D. C. BROWN: The first and second amendments are basically in line with the escalation clause, and we oppose them as we have opposed previous amendments. I was not aware until an hour or so ago that the third amendment was to be moved by the Deputy Leader.

I am aware of the sort of case to which the Deputy Leader refers. In fact, I can think of a specific case in which a young lad was electrocuted and killed. That lad had been living with his parents, who were on a pension and who were partly dependent on his income for support. They suffered severe personal loss as well as financial loss.

I am not prepared to support the Deputy Leader's amendment, because I believe that he should consider whether it is the best form of wording and whether there are other implications. The Deputy Leader has raised a number of problems. I assure the honourable member that I will seriously consider the matter. I have some sympathy with the point he has made. I know of such a case, as I have said, and if we believe that it is at all feasible, I will have an amendment moved in another place to ensure that this concept is adopted. I do not give a definite undertaking on behalf of the Government, but I acknowledge the point, and I believe it warrants further investigation. It will require some consultation with the various parties.

The honourable member has indicated that this is a new concept in many ways, and when one is dealing with a new concept in an Act, one does not suddenly adopt it without consulting the parties involved. I can indicate that at present I cannot accept the amendment, but I will consult with the parties involved to see whether something can be done, if there is agreement, so that the concept is accepted. I will ensure that the appropriate amendment is moved in another place.

Mr PLUNKETT: I support the Deputy Leader in regard to this clause, mainly because I know of a case in which a

person was killed on the road when working for the Highways Department at Keith about six or seven years ago. This man's wife had passed away, but he had two boys, both over the age of 21 years. They lived with their father at the Highways Department camp at Keith. There were no dependents, because both boys were over 21 years. After the death of their father, those boys came to see me, because they had to find the cost of the funeral expenses, and neither of them had the money to bury their father.

The Hon. D. C. Brown: I believe that the cost of the funeral is already covered. There is no trouble with that.

Mr PLUNKETT: My apologies: I must have missed that point. The boys also approached me to see whether they would receive any compensation for the death of their father. I went to the Highways Department and I was able to obtain an agreement that they would receive, I think, about $1 500, but there was no law to say that that money had to be paid.

Amendments negatived; clause passed.

The Hon. D. C. BROWN (Minister of Industrial Affairs): I move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

Clause 11—'Compensation for incapacity.'

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

Pages 4 and 5—Leave out all words in the clause after 'is' in line 34 on page 4 and insert 'repealed and the following sections are substituted:

51. (1) Where total incapacity for work results from the injury, the amount of the compensation shall, subject to this Act, be a weekly payment during the incapacity equal to—

(a) the sum of—

(i) the average weekly earnings (excluding any amount paid by way of overtime and any special payments) of the worker in the employment and grade of employment in which he was employed or last employed before the incapacity ascertained in respect of the period for which the worker was in that employment and grade of employment during the period of twelve months immediately preceding the incapacity; and

(ii) the average weekly earnings by way of overtime of the worker in the employment and grade of employment in which he was employed or last employed before the incapacity ascertained in respect of the period for which the worker was in that employment and grade of employment during the period of four weeks immediately preceding the incapacity;

(b) the weekly wage (excluding any amount paid by way of overtime and any special payments) under the industrial award or agreement, if any, applicable to the employment in which the worker was employed or last employed before the incapacity to which he was last entitled before the incapacity; or

(c) the prescribed amount,

whichever is the greatest amount.

(2) For the purposes of subsection (1)—

(a) in ascertaining the average weekly earnings of a worker any period of the employment during which the worker was absent from work due to illness or any other unavoidable cause shall be disregarded;

(b) where the worker was, 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, in the employment of two or more employers, his employment is the aggregate service rendered to those employers.

(3) Notwithstanding the provisions of subsection (1), where the injury results in the total and permanent incapacity for work of a worker who immediately before the incapacity, or, if he was not then in employment, immediately before the end of the employment in which he was last employed before the incapacity, was, by reason of his age, in receipt of a wage less than the adult wage for the work he performed in that employment, or was an indentured apprentice, the amount of the compensation shall, subject to this Act, be a weekly payment equal to the weekly amount (excluding any special payments) which he would probably have been able to earn in that employment if he had then attained the age entitling him to the adult wage, or had then completed his apprenticeship, as the case may be.

(4) Notwithstanding the provisions of subsection (1), where the injury results in the total incapacity for work of a worker whose employment in which he was employed or last employed before the incapacity was work deemed by section 8 (1a) of this Act to be employment, the sum of the average weekly earnings of the worker referred to in subsection (1)*(a)* 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 worker for ordinary hours of work to the average number of hours that the worker worked in the employment in a week ascertained in respect of the period for which the worker was in the employment during the period of 12 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 worker, an amount ascertained in a manner determined by the court.

(5) Where partial incapacity for work results from the injury, the amount of compensation shall, subject to this Act, be equal to the difference between the weekly payment which would have been payable to the worker if his incapacity had been total incapacity and the weekly amount which during the period of the partial incapacity the worker is earning, or would be able to earn, in some suitable work.

(6) For the purposes of this section partial incapacity for work shall be regarded as total incapacity for work except during any period in respect of which the employer proves—

(a) that he made available to the worker work for which the worker was fit;
or

(b) that—

(i) it was not reasonably practicable for him to make available to the worker work for which the worker was fit;
and

(ii) such work was reasonably available to the worker elsewhere.

(7) Notwithstanding the provisions of subsection (1), where the injury results in total or partial incapacity for work for part only of a week, the amount of the compensation shall, subject to this section, be equal to the difference between the amount that the worker was entitled to be paid for his work for that week and the amount that he would have been paid for his work for that week had the incapacity not occurred.

(8) Where a worker 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 worker in respect of the week including that public holiday shall be reduced by that amount.

(9) Where a worker was incapacitated before the commencement of the Workers Compensation Act Amendment Act, 1982, and the incapacity continues after the commencement of that amending Act—

(a) the weekly payments to which the worker is entitled in respect of a period of incapacity occurring before the commencement of that amending Act shall be calculated in accordance with the provisions of this Act as in force before that commencement;
and

(b) the weekly payments to which the worker is entitled in respect of a period of incapacity occurring after the commencement of that amending Act shall be calculated in accordance with the pro-

visions of this Act as in force after the commencement.

(10) The total liability of an employer to make weekly payments to a worker (whether under this section, or a corresponding previous provision) shall not exceed:

(a) where the worker is totally and permanently incapacitated for work—the prescribed sum or such greater amount as may be fixed by the court in relation to the particular case;
or

(b) in any other case—seventy-two per centum of the prescribed sum.

(11) In subsection (10)—
'the prescribed sum' means—

(a) in relation to an incapacity commencing before the commencement of the Workers Commensation Act Amendment Act, 1982—$25 000;
and

(b) in relation to an incapacity commencing on or after the commencement of the Workers Compensation Act Amendment Act, 1982—an amount arrived at by dividing the sum of $25 000 by the consumer price index for the March quarter 1973 and multiplying the quotient by the consumer price index for the March quarter immediately preceding the commencement of the financial year in which the incapacity commenced.

51a. (1) Weekly payment may be reviewed by the court at the request either of the employer or of the worker, and on such a review, the weekly payments may be terminated, diminished or increased as from such date as the court thinks fit.

(2) On any such review regard shall be had—

(a) to the past and present condition of the worker;

(b) to any variation in the weekly earnings (excluding any payment by way of overtime and any special payments) which would, pursuant to any industrial award or agreement, have applied to the worker if he had continued in the employment and grade of employment in which he was employed or last employed before the incapacity;

(c) to the weekly payment by way of overtime that the worker would probably have received if he had continued in the employment and grade of employment in which he was employed or last employed before the incapacity;
and

(d) to any special benefits paid to the worker.

This will be a test amendment. It involves the formula by which the actual weekly wage an employee shall receive while on workers compensation is calculated. I believe that the formula is fair to the extent that it overcomes the situation that created a problem in 1976, in which people were receiving more money to stay away from work than they were receiving at work.

The Government at the time did not subscribe to the view that that was correct, and in 1976 we attempted to correct the situation. The formula that was adopted at that time was well accepted in the community, certainly by the employers and the trade unionists and officials, who believed that the wording in certain circumstances gave an advantage to the employee who was receiving more than his workmates were receiving at work. The amendment overcomes that problem.

The Bill clearly indicates that there will be a reduction in the ordinary weekly wage. I do not know how that will be accepted in the community. The Minister said that his proposition was well received, but plenty of people, certainly from the trade union movement, have seen me and they are very dissatisfied about the reductions that will occur because of the Bill. They have protested quite vigorously and it is a wonder the Minister has not been able to pick that up and has not obtained some of the documented evidence that is going around about this Bill. It is quite unpopular, and it is not true for the Minister to say it is receiving popular acclaim in the community.

I believe that this amendment is fair. I believed this in 1976 when we were in Government and I believe it in 1982 when we are in Opposition. I hope that the Minister will give the amendment the consideration to which it is entitled. I do not want to delay the Committee any longer, because we debated this matter last night and today. It is as clear as crystal. I assure the Minister that the proposition will be well accepted from both sides of the political fence. It is fair and it should be supported.

Mr McRAE: I move:

Page 4—Leave out paragraphs *(a)*, *(b)*, *(c)* and *(d)* and insert paragraph as follows:

(a) by inserting after subsection (4) the following subsection:

(4a) For the purpose of applying subsection (4)—

(a) the pecuniary amounts specified in that subsection shall be adjusted by dividing those amounts by the consumer price index for the March quarter 1973 and multiplying the quotient by the consumer price index for the March quarter immediately preceding the financial year in which the incapacity commenced;
and

(b) references in that subsection to specified pecuniary amounts shall be read as references to those amounts as adjusted under paragraph *(a)*.

I expressed grave concern in the second reading stage last night, and I do not want to repeat all that I said: I simply indicate that, in the same way in which the Deputy Leader has found in his dealings with the community that people are not satisfied with the Government's proposed formula, I have received two complaints in relation to the portion of the proposed amount that we are now considering.

First, on the illogicalities of the reduction of 5 per cent after 12 weeks, workers can see no reason why that should be done. The fact is that people budget these days on a yearly basis and there is no reason why there should be this peremptory cut-off point. Secondly, ordinary workers are concerned that persons who are in receipt of higher benefits such as virtually unlimited sick leave because they are in judicial or high executive positions suffer no such discrimination. The third point is the point made by the member for Price. The Opposition can see no justification for rubbing salt into the wound by requiring that this 5 per cent then be used as the funding of workers rehabilitation assistance.

I only want to add one other thing. I confess that I was one of those at fault last evening, as the Minister indicated, in not dwelling perhaps a little more on the rehabilitation aspects of all this. I want to place on record now the very real belief which I have and which my Party shares in this concept of rehabilitation. Unless we get a decent system set up, we will never take steps to overcome our problems. My Party sees this as a threefold situation. The first is the prevention of accidents, the second is a proper provision when unfortunately an accident occurs, and the third is a speedy and effective rehabilitation of a worker. However, that is no easy matter. I regret I did not say that last evening and I place it on record now. It is a matter of fundamental principle and it must be placed on record. We accept that on the numbers it will be defeated. However, upon attaining office, we will rectify the matter forthwith.

The Hon. D. C. BROWN: I am not prepared to accept this amendment. It would cause an administrative nightmare for any employer or insurance company to try to work out what rate should be paid.

The Hon. J. D. Wright: They didn't say so before.

The Hon. D. C. BROWN: I think they did. What it means (correct me if I am wrong) is that in practical application every four weeks the employer has to do a calculation of what overtime was worked. He then has to

notify the insurance company and some adjustment has to be made of the rate of pay because of that change in overtime. I think that would lead to significant administrative problems.

I ask members to put this whole matter of overtime into perspective. I understand that the A.B.S. figures show that where overtime is worked the average overtime is currently about one hour per person per week. We are really talking about a potential average payment in overtime of about one hour of work, about $10 a week.

Mr Hamilton: That's not true. That's a false representation of it and you know it.

The Hon. D. C. BROWN: I am just relying on A.B.S. figures. I think the latest A.B.S. figures show the average overtime is one hour a week. I do not believe any serious economic loss would occur to the people involved. In fact, from what I hear of the honourable members arguements so often put forward is that they are consistently argueing that there is not enough overtime, that industry in this State is not buoyant enough and it does not have enough overtime.

Mr Hamilton: Who says that?

The Hon. D. C. BROWN: That is the sort of message that your Leader and Deputy keep harping on time after time. I cannot accept the amendment put forward by the Deputy Leader of the Opposition, nor the one put forward by the member for Playford.

The Committee divided on the Hon. J. D. Wright's amendment:

Ayes (19)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, Payne, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Noes (22)—Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, D. C. Brown (teller), Chapman, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, Wilson, and Wotton.

Pair—Aye—Mr O'Neill. No—Mrs Adamson.

Majority of 3 for the Noes.

Amendment thus negatived.

Mr McRae's amendment negatived; clause passed.

Clause 12 passed.

Clause 13—'Annual and long service leave.'

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

Clause 13, page 6, lines 6 and 7—

Leave out 'deemed to have been satisfied' and insert 'be deferred until—

(a) the cessation of the incapacity;

or

(b) the employer has satisfied in full his liability to make weekly payments in respect of the incapicity, whichever first occurs.'

The proposition put forward by the Minister means that, if an employee has been on workers compensation for 52 weeks or more, he would lose his annual leave entitlement, as I understand it.

The Hon. D. C. Brown: He loses double pay for annual leave.

The Hon. J. D. WRIGHT: The way I am informed about the proposition is that he would completely lose annual leave. I believe that my amendment protects him in that situation. I do not believe that there are 56 weeks in the year, so obviously we are not subscribing to the view that he should get double counting. What worries me is that in my interpretation of the provision he may well be deprived of his annual leave if he spends 52 weeks on workers compensation. My amendment guarantees that, at the conclusion of the term for which the worker is incapacited, whether it be 52 or 104 weeks, if he is then fit and able to return to work, he does not lose his annual leave calculations. He would then be entitled to three, maybe four or six weeks, but would not lose his annual leave. Time spent on workers compensation would not be counted as his annual leave.

I do not believe that an employee's time for annual leave should be taken into consideration in that period that he is off on workers compensation. It would be quite unfair to expect that. That is the way I interpret the Minister's clause, although there may be some other interpretation. I have had a few people look at it and we agree that that seems as though an employee will lose his leave. He should receive credit for the annual leave, and should not be forced to take it whilst on workers compensation. Of course, double counting is not involved.

The Hon. D. C. BROWN: I think that the honourable member does not understand how the existing Bill would operate. I will explain it. If a worker is on compensation for exactly 52 weeks, a full year, he would currently receive compensation payments for 52 weeks from the insurance company, plus four weeks pay from the employer. All we are doing is compensating him for 48 weeks from the insurance company, and he then gets four weeks pay from the employer. If he is on compensation for 1½ years, only his full year is affected. In other words, he is paid 48 weeks for his full year and four from the employer, so he still gets his 52 weeks. His second year is not affected in any way.

If a person took his annual leave each year in January and was injured, started compensation on 1 December 1980, was on compensation right through 1981 and half-way into 1982, as I understand it he does not lose his normal holidays for the second year, because he is on compensation for only part of that year. However, he would not receive what is effectively 56 weeks of pay for the 52-week period of his first year on compensation. It only applies where there is a full year of compensation. I think the honourable member will find that he is not really losing anything under our proposal. We cover only a full year, not for the part year that the honourable member is worrying about. We are not attempting to reduce the right to annual leave for that extra part year whilst on compensation.

The Hon. J. D. WRIGHT: I thank the Minister for his explanation, but what I guessed is happening was perfectly right. I am objecting to the worker not being guaranteed annual leave. The Minister says that if a worker is off for 52 weeks, for 48 he will get workers compensation and four weeks annual leave. That deprives him of annual leave. If he is on workers compensation he is not fit to take annual leave. He may be in bed with a broken leg or a bad back.

The Hon. D. C. Brown: You want to give him double pay.

The Hon. J. D. WRIGHT: I do not. That provision does not give him double time. It protects his right while he is on workers compensation in hospital with, say, a broken leg or bad back. The Minister wants to pay him annual leave at that time, while I say he should get workers compensation. He gets the credit for his annual leave when returning to work, and takes the annual leave then. That is not double counting; it is a fair way to approach the situation.

I thought it was a relatively simple matter to attend to. I did not think there would be any objection from the Minister of Industrial Affairs to ensure that any worker was entitled to annual leave, irrespective of whether he is on workers compensation or not. This provision clearly and utterly denies the worker's right to receive annual leave.

The Hon. D. C. BROWN: If what the Deputy Leader has said were put into practice it would effectively give the worker double pay. For example, a person is seriously injured and is on compensation for three years. He is a shift worker eligible for six weeks annual leave a year. The Deputy

Leader is saying that the man has been on compensation for those three years and is slowly getting better. At the end of three years he has gone from being 90 per cent to 95 per cent to 100 per cent fit and is capable of returning to work, and the first thing he does when the doctor tells him he can go back to work is to say, 'I am eligible for six weeks annual leave for each of the three years; I will now go on 18 weeks holiday.'

The Hon. J. D. Wright: That's right.

The Hon. D. C. BROWN: That is incredible; that is exactly the same sort of double pay that I talked about before. There is no change whatsoever in monetary terms, in cost terms.

The Hon. J. D. WRIGHT: There is none so blind as those who do not want to see, and the Minister is being absolutely blind at this stage, without a question of doubt. He is taking four weeks of pay from a person who is incapacitated. Clearly, anyone can see that. The proposition I have put forward does not mean double counting; it is a preservation of leave that a worker would have been entitled to had he been at work. Had he been at work he would have been entitled to four weeks annual leave. But, if he is not at work because of some incapacity caused by work, how can he then be on annual leave?

I thought that the Minister would at least be realistic about this situation; I thought he would accept this amendment, because it is reasonable, proper and fair. I did not intend to divide on this proposition, as I thought it would be acceptable, but I now indicate that, if it is not accepted or if no indication is given that it will be looked at in the Upper House, the Opposition will divide on it, because a very strong principle is at stake.

Mr PLUNKETT: The whole problem as I see it is that the Minister and his advisers consider that a person who is incapacitated by an injury is on a holiday. No-one looks to be injured at work and, if a person is injured, normally it is the fault of machinery or something that happens on the job. The Minister has just said that if a person is injured and is on workers compensation for three years, he should not get any annual leave. Of course he should get annual leave, and if he does not it is an infringement of his rights. Article 24 of the Universal Declaration of Human Rights states:

> Everyone has a right to rest and leisure including reasonable limitation of working hours and periodic holidays with pay.

Four weeks annual leave is part of a worker's entitlement under his award and, whether he is off work and on compensation for six years, he is still entitled to that leave.

Mr McRAE: I put the following proposition to the Minister and ask that he consider it very seriously. This whole question has been debated throughout the time that I have been here. There are obviously two philosophies on the matter, but the matter goes beyond the philosophy. What my colleague, the member for Peake said had a lot of validity.

One gets into the whole concept of annual leave as industrial tribunals intended it to be; in other words, the whole purpose of granting annual leave is to guarantee a worker a recreation period. It may be that, if a person has a minimal injury, it could be said that there might be some element of rest and recuperation involved, but it cannot honestly be said that a person with a serious injury is getting rest and recuperation as intended by the arbitral authority.

Would the Minister be prepared to have an informal working party in which the Opposition can discuss the matter with him, together with any of his advisers that he chooses, or, for that matter, any advisers that the Opposition chooses, in an attempt to see whether we can come to grips at long last with this problem? If we can at least get that far, I believe that we are approaching the matter in an objective fashion, rather than going overboard on what might be imagined to be philosophical principles. I do not want to criticise anyone on this; I want to be totally objective.

Mr HAMILTON: I ask the Minister to consider not only the trauma of the worker himself but also that of the family and children involved, in cases where a worker may be laid up in hospital for months or perhaps years. The Minister will effectively deny not only the worker but also his family and children. I think that is pretty rough. If the Minister had indicated this prior to the 1979 election, or if his Party had indicated what it was about to do, I feel sure that many of the workers here in South Australia who might have intended to support his Party would certainly not have supported him on this issue. It is another attempt to deny workers their conditions and recreational leave.

The Hon. D. C. BROWN: First, members seem to have forgotten that this provision applies only to workmen who have been on compensation for more than 52 weeks. With regard to the last comment made, if a worker has sustained a serious injury and has been in hospital, he is not going to climb out of his hospital bed and go back to work the next day. We all know that such a person would undergo a long period of recuperation at home. The Government appreciates that annual leave or recreation leave is a break from work, but, in these circumstances a person has not been to work for 52 weeks to start with. The answer to the member for Playford is 'No', but if Opposition members wish to discuss the matter with me at any stage I shall be only too happy to talk to them.

The Hon. J. D. WRIGHT: I indicated earlier that I did not think there would be a great deal of difficulty with this clause, because my proposition is a fair one. The Minister's is unfair and it is discriminatory. I said that I had no intention of dividing on the clause because I realise that we are attempting to finish this legislation tonight. However, because of the Minister's arrogant attitude towards the matter and his refusal of the simple and fair request made by the member for Playford, I have no option but to call for a division.

The Committee divided on the amendment:

Ayes (17)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Corcoran, Crafter, Hamilton, Hemmings, Hopgood, Keneally, McRae, Payne, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Noes (20)—Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, D. C. Brown (teller), Chapman, Eastick, Glazbrook, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, Wilson, and Wotton.

Pairs—Ayes—Messrs Duncan, Langley, O'Neill, and Peterson. Noes—Messrs Blacker, Evans, Goldsworthy, and Randall.

Majority of 3 for the Noes.

Amendment thus negatived.

Clause passed.

Clause 14—'Place at which worker is to reside.'

The Hon. D. C. BROWN: I move:

> Page 6, line 15—Leave out 'away from his place of abode' and substitute the passage 'outside the Commonwealth'.

This is a matter that has caused some concern. I point out to members that a vacation overseas or outside the Commonwealth is prohibited at least whilst on weekly payments unless you have the approval of either the employer or the rehabilitation unit. I stress to the members that I put in that choice because you might find an employer who appears to be unreasonable in this regard.

Mr PLUNKETT: I would like to clear up a point with the Minister. As the Minister is well aware, there are many workers in Australia from countries all over the world. The situation I put to the Minister involves an Italian family. The breadwinner—the father—has been injured and is off

work for six months. He gets word three months after his injury that, say, one of his parents has died in Italy. He is offered the chance to go back for the funeral and he has another three months on workmen's compensation when he is in Italy after attending the funeral. I would like the Minister's advice on that person attending the funeral.

While in Italy, the other parent may say, 'Look, you've been injured; it will do you good while you are here to stay another two weeks.' Does the Minister mean that that person's compensation would then cease? I take it that that is the case. I do not know whether I should ask the Minister to answer this point and then speak further on it.

The ACTING CHAIRMAN (Mr Russack): I suggest to the honourable member for Peake that he seek all the information he requires, because he will only have three opportunities.

Mr PLUNKETT: Thank you for your guidance, Mr Acting Chairman. The Minister may be well aware of the document I have in front of me, namely, the Universal Declaration of Human Rights.

Mr Evans: What about the freedom of association?

Mr PLUNKETT: I think that if the honourable member gives me a chance to speak to the Minister and stops interjecting, we will get this over with more quickly. Article 13 states:

(1) Everyone has the right to freedom of movement and residence within the borders of the State.

(2) Everyone has the right to leave any country including his own and to return to his country.

I would like the Minister to take me seriously, because he seems to think it is a joke. I do not think it is a joke. Article 24—I think this is the very important part—states:

Everyone has the right to rest and leisure including reasonable limitation of working hours and periodic holidays with pay.

I would like the Minister to give me his honest answer there, because I think the amendment that he has moved is most certainly an infringement on a person's civil rights.

The Hon. D. C. BROWN: First, on the cases raised I presume that the death of a parent involves a parent who lives overseas. It is not up to me: it is up to the employer, but I would expect any employer to take a compassionate view in such a case. If his employer did not, I am sure the rehabilitation unit would, unless it is likely to cause a serious aggravation of his injury. It might be that the person concerned is not allowed to fly and then he does so at his own risk. Whether or not he can stay, is up to the rehabilitation advisory unit. If it thinks that it will seriously impair his rehabilitation, it may say 'No', but if it thinks it will enhance it, as the honourable member suggested, I think it would say 'Yes'. It is up to the unit or his employer.

The other point the honourable member raised concerned the Universal Declaration of Human Rights. I assure the honourable member that, if he carefully reads the Act and understands how it is going to apply, he will find absolutely no infringement of the Declaration of Human Rights, none whatsoever. We are in no way impeding his movements. He can go anywhere in the world if he wants to. What it says is that, if a person takes off overseas without the permission of the rehabilitation unit or his employer and wants to be away for six months, he is free to move but he will not get compensation. I think that is reasonable. I assure the honourable member that there is absolutely no infringement of the Universal Declaration of Human Rights.

The Hon. J. D. WRIGHT: I do not follow the purpose of this clause as it was originally in the amending measure, nor do I follow the need for it now with the new amendment. What the Minister is clearly trying to do is restrict people from movement. It is no good the Minister saying on one hand that a person can go where he likes; he cannot go where he likes if he is not going to be paid while he is away. I do not see much difference in the clause as it will read if this provision is included. The Minister has assured us that he intended to provide in it for outside the Commonwealth, and it is now there. I am prepared to accept that some sort of mistake was made, but I still do not see that it is not an interference with the privileges and obligations of people.

Why does the Minister want to interfere? Why should the Rehabilitation Board say whether a person who has been declared unfit for work can go away for a holiday? That might be the best part of his rehabilitation.

The Hon. D. C. Brown: Then I am sure that he would be given permission.

The Hon. J. D. WRIGHT: I do not see that there should be that control. The Minister has picked this idea up from the old section 56, which prevented a person from receiving weekly payments to live and reside outside the Commonwealth. I would not support that, but the Minister is going further and restricting absence for any period unless the person receives the permission of his employer and the unit.

The Hon. D. C. Brown: Or.

The Hon. J. D. WRIGHT: One or the other; there is still a restriction. It is much too rigid, and it should be looked at very closely.

Mr PLUNKETT: I am not happy with the Minister's answers, and I still think this is an infringement of a person's rights. If his doctor tells him there is no reason why he could not make a trip to, say, Italy, or anywhere else, I see no reason why there should be any objection to his going for two or three weeks or whatever period is involved. The Minister has said that he can go, but he loses his right to compensation. The Minister should read the Declaration of Human Rights. I have read it, and I have received advice from others on it. Certainly, it is an infringement of a worker's rights, and the Minister should look at this further amendment which was not before us last night. I will be opposing the amendment.

Amendment carried; clause as amended passed.

Clause 15—'Additional compensation.'

The Acting CHAIRMAN (Mr Russack): I draw to the attention of the Committee that there are on file two amendments to this clause. They are substantially the same in that they leave out certain words and propose to insert similar words. I propose to call on the Minister to move his amendment and invite the Deputy Leader, if he wishes to cover all his amendments, to move to amend the Minister's amendment by inserting after the word 'by' the words 'striking out the words "or on the prescription of a legally qualified medical practitioner" and.'

The Hon. D. C. BROWN: I move:

Page 6, lines 26 to 28—

Leave out paragraph *(b)* and insert paragraph as follows:

(b) by inserting after the passage 'by a registered physiotherapist' in paragraph *(a)* of the definition of "medical services" in subsection (2) the passage ', by a registered chiropractor',

This has been done to bring it into line with the rest of the legislation. All other paramedical areas require a reference by a doctor, and it is only appropriate that chiropractors should require the same thing. Otherwise, paramedicals in different areas would have different conditions.

The ACTING CHAIRMAN: Does the Deputy Leader wish to proceed with his amendment?

The Hon. J. D. WRIGHT: Yes, Sir.

The Acting CHAIRMAN: It will be an amendment to the Minister's amendment. As I have explained, the words are very similar.

The Hon. J. D. WRIGHT: But the content is not similar—it is vastly different.

The ACTING CHAIRMAN: The Minister has moved his amendment, and I invite the Deputy Leader, if he wishes to cover all his amendments, to move as I have indicated.

The Hon. J. D. WRIGHT: I so move, providing that that achieves the purpose I am about. The Minister has egg on his face over this.

The ACTING CHAIRMAN: Perhaps the Deputy Leader will explain to the Committee the difference he sees in his amendment as compared with the Minister's amendment.

The Hon. J. D. WRIGHT: There is a vast difference. The Minister's amendment is to ensure that all the areas of chiropractic, physiotherapy or podiatary are excluded from having a primary interest of their own in a patient. My amendment restores that primary interest to give those professions an opportunity to see their patients without medical referral. The Minister agreed in the first instance with the Chiropractors Association of Australia, and sent a letter to the association saying that he had agreed and had a suitable provision inserted in the Bill. The letter was read out last night and it is on file. The Minister has been bullied (he is a bullish man himself) by the A.M.A. or the medical profession, because if its members do not make referrals it will cost them money. I do not believe that that is a proper practice. The Minister will pay the penalty for his actions on this. It has been described by the Chiropractic Association as an act of treachery.

That is the difference between the two propositions. My proposition gives the right to those three professions to examine patients without medical referral. It was the Minister's intention in the first place to extend it to chiropractors. I have a letter from the Australian Podiatry Association, which puts up a very strong case in support of what is a registered and recognised situation. The Minister will ensure that this legislation passes in this place, but I do not think it will go through the other place. That association is a very reputable one and does a great service for podiatry. Why should the medical profession have it on its own? Why should it have the right to interfere with other people who are registered in this State? Surely it would be sufficient for those people to act in those interests.

I cannot understand the Minister's actions. Having given his word, having guaranteed that word by bringing in the legislation, and having guaranteed the legislation by writing to the Chiropractic Association, he has now backed off, he is being stood over, and he wants to change the legislation. He has done a despicable thing. I called last night for his resignation, and I stand by that. If the positions were reversed, the Minister would be screaming from the rooftops. At least I am keeping calm about it. Nevertheless, that is the true situation. The Minister has clearly broken his word to these people. It is on his conscience and on his and the Government's shoulders.

The Hon. W. E. Chapman: It is not as bad as that, Jack.

The Hon. J. D. WRIGHT: That is true: I have related every word of the truth, and well the Minister knows it. That is the situation, and that is why there is a vast difference between the Minister's amendment and my amendment.

The Committee divided on the Hon. J. D. Wright's amendment to the Hon. D. C. Brown's amendment:

Ayes (18)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Corcoran, Crafter, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, Payne, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Noes (20)—Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, D. C. Brown (teller), Chapman, Eastick, Evans, Glazbrook, Lewis, Mathwin, Olsen, Oswald, Rodda, Russack, Schmidt, Tonkin, Wilson, and Wotton.

Pairs—Ayes—Messrs Duncan, O'Neill, and Peterson. Noes—Mrs Adamson, and Messrs Blacker and Goldsworthy.

Majority of 2 for the Noes.

Amendment to the amendment thus negatived.

Amendment carried; clause as amended passed.

The Hon. D. C. BROWN (Minister of Industrial Affairs): I move:

That the time for moving the adjournment of the House be extended beyond 6 p.m.

Motion carried.

Clause 16—'Certain amounts not to be included in earnings.'

The Hon. J. D. WRIGHT: I believe that this clause was tested in clause 11, but I want to place on record my disagreement to it.

Clause passed.

Clause 17—'Fixed rates of compensation for certain injuries.'

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

Page 6—Leave out paragraph *(a)*

Page 7—Leave out paragraph *(b)*

Lines 16 to 23—Leave out paragraphs *(a)*, *(b)* and *(c)* of the definition of 'the prescribed sum' and insert paragraphs as follows:

(a) in relation to an injury occurring before the commencement of the Workers Compensation Act Amendment Act, 1982—$20 000;

(b) in relation to an injury occurring on or after the commencement of the Workers Compensation Act Amendment Act, 1982—a sum arrived at by dividing the sum of $20 000 by the consumer price index for the March quarter 1973 and multiplying the quotient by the consumer price index for the March quarter immediately preceding the financial year in which the injury occurred.

Lines 24 to 29—Leave out proposed new subsection (12).

The majority of the clause relates to the provision that the Minister is trying to insert under which people with loss of hearing, unless the percentage is qualified at 20 per cent, will not be permitted to make a claim. Last night, I reiterated the principles and I outlined our stand. I told the Minister about the A.M.W.S.U. situation and that about 70 per cent of the claims involved people with less than 20 per cent hearing. If the Minister continues with the clause, it is on his head that people will lose out. Last night I read into *Hansard* a letter which the Minister has no doubt had time to think about, if he did not previously have a copy of it, from the audiology department. That letter really states the case.

I do not think that anyone could have put matters more clearly than the audiology department has put them. Their argument with me should at least guarantee, with this Minister, that the measure that he is now bringing forward is quite wrong in principle and I think that even at this stage he should withdraw from his position. I do not think that there is any likelihood of this piece of legislation going through the Upper House, as I do not think it is acceptable. I do not think that people who are reasonable and fair minded in their approach to this—

The Hon. D. C. Brown: You are prejudging now.

The Hon. J. D. WRIGHT: I am not prejudging it at all. I am making a forecast. I said, 'I do not think.' I reiterate the points that I made last night, and I stand by the letter from the audiology department because, as I said, no-one could have put matters more clearly. I think that the Minister is being quite difficult in this area of hearing loss. He seems to have a thing about it, and is moving on it in all sorts of directions, and he is moving unfairly on it in relation to injured persons.

Mr WHITTEN: I want to reiterate my strong opposition to this clause. I believe that the Minister is being extremely unfair. He is saying that a person who suffers a one-fifth loss of hearing shall receive no compensation whatsoever. I should have thought that, if the Minister was a little reasonable, he would know that the majority of persons who work in heavy industry over a number of years suffer some loss of hearing. The Minister said last night that those persons could still carry on their work. Certainly they can do so and do the job all right, but they are still disadvantaged. I wish that the Minister of Agriculture would learn something instead of being so blasted ignorant, Mr Chairman.

The CHAIRMAN: Order! I do not think that the honourable member should refer to the Minister of Agriculture in that fashion.

Mr WHITTEN: Perhaps I should not, but I have noticed that he deliberately tries to bait Opposition members who are on their feet if the House is dealing with an industrial matter, particularly if it is a matter of which the Minister of Industrial Affairs has the carriage. I know that it is no good arguing with the Minister because he will never listen, but once more I appeal to him to have a look at this matter because it is serious to say that a person who loses 20 per cent of his hearing will receive no compensation whatever. I think that that is a travesty of justice. I feel sure that when workers understand how callous this Minister can be he will go even further down in their estimation than he is at present.

Mr McRAE: I want to pick up one point made by my two colleagues and repeat that this is yet another matter that, on gaining office, we will put right, so workers need not worry for much longer.

Amendment negatived; clause passed.

Clause 18—'Injuries not mentioned in the table.'

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

Page 7, lines 30 to 32—Leave out all words in the clause after 'amended' in line 30 and insert 'by striking out the passage 'the sum of fourteen thousand dollars' and substituting the passage 'seventy per centum of the prescribed sum as defined for the purposes of section 69'.

I will not reiterate the things I have said previously, as this amendment involves money adjustments and is in line with Labor's policy regarding c.p.i. adjustments and indexation.

Amendment negatived; clause passed.

Clause 19—'Lump sum in redemption of weekly payments.'

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

Page 7, lines 34 to 42—Leave out paragraphs *(a)* and *(b)* and insert paragraphs as follows:

(a) by striking out from subsection (2) the passage 'beyond an amount of twenty five-thousand dollars' and substituting the passage 'beyond the prescribed sum';

and

(b) by inserting after subsection (2) the following subsection:

(2a) For the purposes of subsection (2)—

'the prescribed sum' means—

(a) in relation to an incapacity commencing before the commencement of the Workers Compensation Act Amendment Act, 1982—$25 000;

(b) in relation to an incapacity commencing on or after the commencement of the Workers Compensation Act Amendment Act, 1982—a sum arrived at by dividing $25 000 by the consumer price index for the March quarter 1973 and multiplying the quotient by the consumer price index for the March quarter immediately preceding the financial year in which the incapacity commenced.

The first two parts of this amendment relate to money amounts and are therefore connected to the argument put forward previously relating to the c.p.i. and indexation. The amendment in paragraph *(b)* is interesting. The Minister is attempting to relieve employees of 5 per cent of their total payments on a lump sum pay-out. I am not sure how far the Minister is prepared to go in his attempt to take money away from the workers. Sprinkled through this Bill is a philosophical viewpoint that the Minister has been expressing ever since he entered Parliament, that is, to reduce workmens compensation rates of pay. The Minister cannot deny that. This Bill provides that a worker must pay 5 per cent out of any lump sum payment. In some of the suggestions I have made today I have tried to break new ground. This clause is certainly making new ground, but it is very bad ground. I am quite surprised that the Minister supports this provision.

Amendment negatived; clause passed.

Clause 20 passed.

Clause 21—'Insertion of new Part VIA.'

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

Page 9, lines 5 to 17—Leave out paragraphs *(a)* to *(e)* and insert paragraphs as follows:

(a) three persons nominated by the United Trades and Labor Council;

and

(b) three other persons.

Clearly, there is an imbalance in relation to the representation on the Workers Rehabilitation Advisory Unit. The United Trades and Labor Council has put to me that, if three employer representatives are to be on the board, an equal number of members should be nominated by the United Trades and Labor Council. My amendment provides for three members to be nominated by the United Trades and Labor Council and three other persons. That would distribute equally the advisory powers of the committee.

The Hon. D. C. BROWN: The amendment is not acceptable. The Rehabilitation Advisory Council currently has someone experienced in the field of rehabilitation, a medical practitioner experienced in the field of rehabilitation, and one employer (who could be a self-insurer), a person representing the Trade Union movement (representing the interests of workers), and a representative from the insurance industry. The Deputy Leader is suddenly implying that the medical, rehabilitation, employer, and insurance interests are equated as being anti-workers, based on the assumption that there should be three employee representatives and three other persons from anywhere else, including rehabilitation, medical, insurer or employer interests. That is a sad reflection on the Labor Party. I have discussed this provision with the United Trades and Labor Council and informed it that what it has asked for was unacceptable. I oppose the amendment.

Amendment negatived; clause passed.

Clause 22 passed.

Clause 23—'Injuries attributable to employment by two or more employers.'

The CHAIRMAN: I have been advised that the phrase '. . . aggravation or exacerbation' in lines 43 and 44 should have included all the words relating to an injury which appear in lines 35 and 36, that is, 'aggravation, acceleration, exacerbation, deterioration, or recurrence'. I inform the Committee that I have made the clerical amendment to insert the words that were omitted in the printing of the Bill.

Clause passed.

Clauses 24 to 27 passed.

Clause 28—'Insertion of new Part XA.'

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

Page 14, after line 26 insert subsection as follows:

(10) An employer who is required to be insured under this section shall affix and maintain in a prominent position in an office or other suitable place frequented by his workers a notice stating that he is insured under this section with an insurer named in the notice.

Penalty: Two hundred dollars.

The proposition here came to my attention twice during the past six or eight months when I was visiting factories where workers were talking about workers compensation and they asked me whether it is necessary for an employer to display in part of the factory a notice showing the fact that they were covered by workers compensation. I know that the law provides that all workers ought to be covered by workers compensation but the difficulty is that not everyone is a good law abiding citizen and there have been instances in the past where workers have found themselves uninsured. It is a simple amendment which involves no great fundamental principle.

The Hon. D. C. Brown: A worker can sue the employer, if that is the case.

The Hon. J. D. WRIGHT: I know that. All I am asking is that a notice be displayed so that workers on the job know that they have the cover to which they are entitled. Surely the Minister will not resist that.

Amendment negatived; clause passed.

Clauses 29 and 30 passed.

Clause 31—'Vexatious claims.'

The Hon. J. D. WRIGHT: At this late hour I simply want to place on record the fact that I believe that this is a Draconian clause. When the Minister is successful in getting this provision through, and there is no doubt he will be, any worker in future who makes a workers compensation claim and is subsequently found to be not entitled to do so will be subject to a penalty. How would anyone find that out? It is too discriminatory and Draconian on the worker. How any court can look into the mind of a worker and determine that he was falsifying a claim and attempting to obtain money under false pretences, I will never know. I believe that this provision will not work. I believe it is Draconian to the utmost and the Minister should not proceed with it.

The Hon. D. C. BROWN: I do not think that is the case at all. What always fascinates me is that the Labor Party gets very upset if provisions concerning false claims, etc., against a worker are put in. The Government took an even-handed approach on this matter: we put in the same offence for both employer and employee and the same penalty. I shall relate to the honourable member a case which was brought against the Government itself concerning a worker who was on compensation for 12 months. At the end of that period the Industrial Court found that the worker at no stage had sustained any injury and that the whole thing was a complete fabrication from beginning to end.

The judge made the recommendation to the Government that it dismiss the man immediately, which the Government did. That person walked away with basically a theft of some $20 000 to $30 000-odd. Do we stand there, shrug our shoulders, and say, 'He conned the Government, so what: what a great job he did.' I think it is only appropriate that some form of penalty be imposed on a person who attempts to do that.

The Hon. J. D. Wright: If a claim is established and that occurs, the situation is different from what you are talking about.

The Hon. D. C. BROWN: At no stage did he establish a claim. The court dismissed it.

The Hon. J. D. Wright: But you said he had established a claim.

The Hon. D. C. BROWN: No, he made a claim for workers compensation; he lodged and filled out the forms and we paid it, but at no stage did he convince the court that he had established a claim. It was just the opposite. The court said he put forward a complete fabrication of lies; he invented the evidence that he brought forward and everything else.

The Hon. J. D. Wright: I thought you said he had to receive workers compensation.

The Hon. D. C. BROWN: Yes, we paid him workers compensation.

The Hon. J. D. Wright: That is the point: he established a claim.

The Hon. D. C. BROWN: He went through the documentary procedure to make a claim against the Government, but it was a false claim. The judge at the Industrial Commission said, 'You have in the past 12 months fabricated everything to make your claim for workers compensation.'

The Hon. J. D. Wright: That is different from what you are trying to do here; you are trying to prevent people from making a claim.

The Hon. D. C. BROWN: No, I am saying that if someone fabricates the evidence and puts up an entirely false claim, then he should have a penalty against him. I do not think anyone would object to it.

The Hon. J. D. Wright: I do not object to that, but I object to this provision here—that is different from what you are saying.

The Hon. D. C. BROWN: That is all this provision does; it does not go beyond that.

Mr McRAE: I wish to be very brief and say two things. First, I object to the clause in itself. Secondly, if it is going to go in there at all it ought to be a considerable entitlement. The fact of the matter is that, in the case that the Minister just cited, I do not know why the court did not use the contempt powers; that was the appropriate thing to do. The man had committed perjury. Why was he not dealt with for contempt? The third point is this: why is it that it is only the worker who claims compensation, knowing that reasonable grounds for the claim do not exist, who shall be guilty of an offence? I want to know what the Minister proposes to do about the employer who denies a claim knowing that reasonable grounds do not exist. That happens all the time. Day in and day out there are insurance companies and their paid lackeys in the medical profession who are deliberately blocking workers compensation claims knowing that there are reasonable grounds. That is known throughout the legal profession, and it would be known by the Minister and his officers. This is a sham and a mockery.

The Hon. D. C. BROWN: The member for Playford has, if you like, thrown me a challenge and asked how it affects the employer. I would like to refer him to clause 12, which we have already passed. I would like to quote the exact provision for him that provides for the employer, and, in fact, widens the scope in relation to benefit to the employer. Clause 12 (8) says:

> Where, in pursuance of subsection (3), the court dismisses an application and the court is of the opinion that the applicant made the application without reasonable grounds for doing so and knowing that he had no resonable grounds for doing so, the Court may impose a penalty of an amount not exceeding five hundred dollars on the applicant.

There is a slightly broader approach to the same concept, mirroring what happens in the case of the employee in the case of the employer.

The point is that anyone who falsifies information in the Industrial Court should have some penalty imposed on them. We have taken an even-handed approach. I find it interesting that the Liberal Party takes an even-handed approach to an employer and employee, but not the Labor Party; it wants this provision removed. The employee can tell lies to the Industrial Court and do whatever he likes with no penalty imposed, but the employer should be fined $500 for doing so. I find it incredible that members opposite adopt such double standards. It is no wonder they end up with the reputation of being members of a one-eyed Party.

The Hon. J. D. Wright: It doesn't make any reference to the employers.

The Hon. D. C. BROWN: Yes, it does.

The CHAIRMAN: Order! We do not want this cross-talk across the Chamber.

Clause passed.

New clause 31a—'Vexatious claims.'

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

Page 18, after line 41 insert new clause as follows:

31a. The second schedule to the principal Act is amended by striking out the item commencing "'Q" fever' and substituting the following item:

Brucellosis, leptospriosis, Q fever, or any condition that is consistent with a diagnosis of brucellosis, leptospirosis, or Q fever . . .

Employment at, in or about, or in connection with, a meat works or involving the handling of meat, hides, skins or carcasses.

I depute my right to speak to this new clause to the member for Playford, who has had much experience in this area.

Mr McRAE: This proposed new clause is an important matter. It is well known that in the outdoor situation animal diseases can be transmitted to human beings. The diseases listed in this new clause are the most common of these diseases. However, the problem is wider than that. There are certain circumstances in which the very best specialists in the area are unable to indicate that the worker certainly has a serious 'exotic disease', that is, an animal transmitted disease of some kind; they cannot pin it back to contact with animals at the abattoirs.

Anyone who has ever interviewed a client suffering from brucellosis or Q fever will know the pitiful state that these poor people end up in. Mr Chairman, you may well have known people who have had Q fever or brucellosis. It is a dreadful disease and a thing which modern medical science cannot cure in most cases. It is an ongoing disease, a degenerative process of the most horrible kind. The Opposition is trying to use a simple device which is already used in the Workers Compensation Act.

I looked at a document from New South Wales and there is a procedure of the most incredible complexity. I gather that the Minister is prepared to look at this matter. On the basis that the Minister will give this matter serious consideration, I will close my remarks.

The Hon. D. C. BROWN: I am prepared to look at this matter. The Government will not support the amendment, but I will obtain a detailed report on it. The honourable member suggested that brucellosis, leptospirosis and Q fever are exotic diseases. None of them are exotic diseases; they are endemic.

New clause negatived.

Clause 32 and title passed.

Bill read a third time and passed.

INSTITUTE OF MEDICAL AND VETERINARY SCIENCE BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 3, line 17 (clause 7)—Strike out 'nominated by the Minister of Agriculture' and insert 'selected by the Minister of Agriculture from a panel of three persons nominated by the South Australian Division of the Australian Veterinary Association'.

No. 2. Page 5, lines 20 to 24 (clause 14)—Leave out all words in these lines.

No. 3. Page 5 (clause 14)—After line 26 insert new paragraphs as follow:

(da) to provide and maintain such services and facilities as the Minister of Agriculture may require in relation to the veterinary laboratory services, the services to veterinary surgeons in private practice, and any other veterinary services, provided by the Department of Agriculture;

(db) to provide and maintain such services and facilities as the Minister of Agriculture may require for the conduct of research in the field of veterinary science;

(dc) to conduct research into fields of science related to the services provided by the Institute;

(dd) to provide the University of Adelaide, the Flinders University, or any other authority or person approved by the Institute, with facilities for conducting research of the kind referred to in paragraph *(dc)*;

(de) to provide assistance to tertiary educational authorities in teaching in fields of science related to the services provided by the Institute;'.

No. 4. Page 5, lines 32 to 40 (clause 14)—Leave out all words in these lines.

No. 5. Page 6, line 40 (clause 17)—Leave out 'proclamation' and insert 'regulation'.

No. 6. Page 6, line 42 (clause 17)—Leave out 'specified in the proclamation' and insert 'prescribed'.

No. 7. Page 7, lines 1 and 2 (clause 17)—Leave out all words in these lines.

No. 8. Page 7, line 28 (clause 18)—After 'sick leave' insert ', accouchement leave'.

No. 9. Page 7, line 42 (clause 18)—After 'sick leave' insert ', accouchement leave'.

No. 10. Page 12, line 22 (clause 31)—Leave out 'a date stipulated by the Minister' and substitute 'the thirtieth day of November'.

The Hon. D. C. BROWN: I move:

That the Legislative Council's amendments be agreed to.

Motion carried.

STATUTES AMENDMENT (CONSUMER CREDIT AND TRANSACTIONS) BILL

Received from the Legislative Council and read a first time.

COMMERCIAL TRIBUNAL BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 6.28 p.m. the House adjourned until Tuesday 30 March at 2 p.m.