HOUSE OF ASSEMBLY

Tuesday 10 May 1983

The SPEAKER (Hon T.M. McRae) took the Chair at 12 noon and read prayers.

PETITION: CASINO

A petition signed by 84 residents of South Australia praying that the House reject the proposal to establish a casino in South Australia was presented by the Hon. D.C. Wotton.

Petition received.

PETITION: POORAKA KINDERGARTEN

A petition signed by 450 residents of South Australia praying that the House urge the Government to maintain adequate staffing levels for 12 months at the Pooraka Kindergarten was presented by Mr Trainer.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* questions on the Notice Paper Nos 111, 114, 156, 157, 166, 167, 180, 189, 192, 200, 202, 210, 213 to 217, 219 and 220.

YATALA LABOUR PRISON

In reply to **Hon. E.R. GOLDSWORTHY** (23 March).

The Hon. G.F. KENEALLY: The two prisoners who assaulted three officers in January have been charged with attempted murder. A committal hearing has been set down for 18 May 1983, at the Holden Hill Magistrates Court. The two prisoners immediately after the incident were placed in 'S' and 'D' Divisions in Yatala Labour Prison awaiting the outcome of the court case. As a result of the non-violent sit-in at Yatala Labour Prison in March of this year, 71 prisoners have been charged with disobeying an order of the Acting Superintendent to return to their cells. One of these prisoners has been further charged with matters relating to abuse of staff. These charges have been referred to a visiting magistrate.

PRISON DISTURBANCE

In reply to **Hon. D.C. WOTTON** (23 March).

The Hon. G.F. KENEALLY: The member for Murray has misinterpreted my statement made in the House on 23 March 1983. No women prisoners were assaulted at the Womens Rehabilitation Centre. The three prisoners referred to in my statement were male prisoners from 'A' Division in Yatala Labour Prison who were allegedly assaulted by other prisoners during the disturbance there. They were transferred to the Womens Rehabilitation Centre for their protection and moved to other prisons the following day. Police are investigating these allegations of assault.

MINISTERIAL STATEMENT: THIRD PARTY INSURANCE

The Hon. R.K. ABBOTT (Minister of Transport): I seek leave to make a statement.

Leave granted.

The Hon. R.K. ABBOTT: The Government has approved an increase of 12½ per cent in motor vehicle third party insurance premiums to apply from 6 July this year. I received an application from the State Government Insurance Commission in February this year, seeking an increase of 12½ per cent. The last increase in premiums had been granted from 1 July 1981. I referred this application to the Third Party Premiums Committee under the chairmanship of Mr Justice Sangster, and the committee resolved, at a meeting in late March, that an increase of 12½ per cent was justifiable.

The Government considers the increase to be a modest one in the circumstances. Although the Government has the power to refuse any increase, to do so merely delays and compounds the problem. Eventually, the increase becomes unavoidable, and extended delays or artificially suppressed premium levels then require massive catch-up adjustments. These cause greater distress to the community. Some strong arguments were put forward by S.G.I.C. in support of this claim for an increase. In the six months to 31 December 1982, S.G.I.C. recorded a trading loss on third party insurance of $5 900 000. This indicates a 12-month loss of nearly $12 000 000. Since the last increase in premiums in the period 30 June 1981 to 31 March 1983, the consumer price index in South Australia has risen by 20.73 per cent.

In the same period, average weekly earnings have risen by 25.39 per cent. Claims pressure on third party insurers both here and in other States has risen substantially in this period. Some of the reasons put forward by insurers to explain the increased claims include:

- Larger amounts awarded to persons sustaining permanent injury on the basis that such persons are incapable of competing in a job market overloaded with able-bodied unemployed persons.
- Higher awards from the courts for general damages—that is, pain and suffering, loss of amenities, enjoyment of life, etc.
- Greater awareness in the community of a person's legal rights and a greater willingness to pursue claims.
- And, of course, the general increases in salaries and wages, hospital and medical costs.

In other States the situation is similar. In Victoria, where the State Insurance Office reported a loss of approximately $130 000 000 last financial year, third party premiums were increased in January this year by some 30 per cent. The rate for private motorists rose from $136 to $177.30. In Queensland, third party rates were increased last week by 48.1 per cent overall but for private motorists the increase was from $70 to $112, an increase of 60 per cent.

The 12½ per cent increase in this State will take the private motorists rate from $130 to $146. This compares with current rates for private motorists in New South Wales of $168; Western Australia, $124.20; and Australian Capital Territory, $189. The Queensland and Victorian figures I have already given. The problems of controlling the continual increase in third party premiums are massive. Obviously, reducing the accident rates would have an impact, and Governments continually work on methods of improving road safety. No-fault insurance systems may also be a device to reduce the impact of third party claims. I have set up a committee to report on the application of no-fault schemes to South Australia. However, the committee is currently awaiting information from the Federal Government as to the proposal for a national no-fault scheme. In the meantime, the Government considers the present increase to be necessary and reasonable in the circumstances.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Environment and Planning (Hon. D.J. Hopgood)—

Pursuant to Statute—

Planning Act, 1982—Crown Development Reports by South Australian Planning Commission on—

I. Proposed land division at Elizabeth Field by South Australian Railways Commissioner.

II. Proposed erection of a transportable dual classroom at Murray Bridge High School.

III. Proposed land acquisition for road purposes, Peterborough.

IV. Disposal and transfer of allotments in hundred of Wonoka for road purposes.

By the Minister of Transport (Hon. R.K. Abbott)—

Pursuant to Statute—

Third Party Premiums Committee—Report, 1983.

By the Minister of Education (Hon. Lynn Arnold)—

Pursuant to Statute—

South Australian Meat Corporation—Review of the structure and operation of the Corporation, 1979-80 to 1981-82.

By the Chief Secretary (Hon. G.F. Keneally)—

Pursuant to Statute—

Prisons Act, 1936-1981—Regulations—Relocation of Prisoners.

By the Minister of Community Welfare (Hon. G.J. Crafter)—

Pursuant to Statute—

Rules of Court—Supreme Court—

Supreme Court Act, 1935-1982—

I. Companies (Acquisition of Shares) (South Australia) Code—Applications.

II. Securities Industry (South Australia) Code—Inspector Requirements.

III. National Companies and Securities Commission (State Provisions) Act, 1981-1982—National Companies and Securities Commission—Witnesses.

By the Minister of Water Resources (Hon. J.W. Slater)—

Pursuant to Statute—

Engineering and Water Supply, Department of—Report, 1981-82.

By the Minister of Local Government (Hon. T.H. Hemmings)—

Pursuant to Statute—

City of Whyalla—By-law No. 36—Omnibuses.

QUESTION TIME

SPECIAL BRANCH

Mr OLSEN: Will the Chief Secretary say whether South Australian Special Branch is still operating according to guidelines approved by Executive Council in November 1980 and, if so, was the branch involved in providing any information which assisted the Federal Government in making its decision to order the expulsion of Russian diplomat, Mr Ivanov, last month? In asking this question, I recognise that it is a matter that relates to national security. I make it clear, therefore, that I am not seeking any information which would in any way tend to identify any person, persons or organisations who may have had contact with the expelled diplomat, or with whom he may have sought contact.

However, I do believe that the South Australian public has a right to be assured that all necessary precautions could be, and were, taken to ensure that his presence in South Australia was kept under adequate surveillance, and I assume that the Chief Secretary has taken action to assure himself that this was the case. This is especially important when the Minister for Foreign Affairs, Mr Hayden, has said that, by his actions, Mr Ivanov has threatened Australia's security in a way that the Government could not tolerate. It has been revealed that Mr Ivanov was visiting Adelaide as recently as the day before—

The SPEAKER: Order! The honourable gentleman is now entering into the realm of debate. Would he please restrict himself to the facts.

Mr OLSEN: It has been put to me that, in such circumstances, it would have been entirely proper for Special Branch to have co-operated with ASIO in providing any information which may have been requested to assist the Federal Government in making its decision to expel Mr Ivanov. A new order issued by Executive Council on 20 November 1980 set out the scope of activities for Special Branch. This followed the decision of the former Labor Government to curtail the operations of Special Branch. As the present Government has now been in office for six months, I seek general information from the Chief Secretary as to whether these guidelines still apply, and particular information about any involvement of Special Branch in the exposing of Mr Ivanov.

The Hon. G.F. KENEALLY: No, the regulations have not been changed. Because of the sensitivity of the issue raised by the Leader, I will speak to the Police Commissioner about this matter and bring down a report, having regard to those matters that, quite obviously, cannot be made public.

SWIMMING POOL CONTRACTORS

Ms LENEHAN: Can the Minister of Community Welfare, representing the Minister of Consumer Affairs, tell the House what progress has been made in respect to my calling for an investigation into the practices of swimming pool contractors and the Swimming Pools and Spa Association?

The Hon. G.J. CRAFTER: I thank the honourable member for her follow-up question on this matter. I appreciate the honourable member's concern about this issue, and her taking it up on behalf of her constituents who are directly affected by it and, indeed, on behalf of the whole community. I have been informed by my colleague in the other place that the Commissioner of Consumer Affairs received the information referred to by the honourable member about a week or so ago. Also, he has had officers of that department interview her constituents to elicit all relevant information about their complaints. The Hon. Mr Sumner, the responsible Minister, has also discussed this matter with the Commissioner of Consumer Affairs and will, in the near future, provide a detailed report on this particular instance and on the general issues that the honourable member has raised.

COMPANIES LEGISLATION

The Hon. E.R. GOLDSWORTHY: Does the Premier support wide changes to companies and securities legislation being considered by the Federal Government? It has been reported that the Federal Government's proposal will oblige company directors to disclose wide ranging and usually secret information including the following: the objectives, policies and plans of companies or corporations; any products or services supplied to or by any company in a business group; any research, development or exploration by the company; finance and resources of the company; and, economic and market condition of the company.

In the *News* yesterday the General Manager of the Chamber of Commerce, Mr Schrape, said that the proposals were 'too ridiculous for words'. The Mixed Business Association said that the proposals were totally unnecessary. In view of

the widespread concern amongst the South Australian business community on the Federal Government's proposals, has the Premier been informed of any such proposals and, if so, what is his attitude and does he intend to take any action to see that such proposals are not visited upon the business community of South Australia?

The Hon. J.C. BANNON: No, I have not had these matters referred to me. The only things I have seen, as has the Deputy Leader of the Opposition, are newspaper reports. There is nothing I can say to throw light on the matter. Obviously, in terms of company information, there must be a balance between those matters which are properly to be recorded in order to ensure that no commercial malpractice occurs and that some kind of ethical standard is maintained in industry or in particular corporations, balanced against the protection of sensitive commercial data, or whatever. That would be the sort of principle on which my Government would operate. My colleague, the Minister of Corporate Affairs in another place, obviously will be taking up the matter. At this stage, I have no details which I can offer to the House.

FLOOD AID

Mr GROOM: Will the Minister of Community Welfare indicate what assistance has been given by the South Australian Government to people who suffered loss as a result of flooding on 2 March 1983 and, in particular, assistance given to residents of the Barossa Valley? My interest in this matter arises because of the ever-present risk of flooding in my own electorate, as highlighted by the June 1981 floods. I understand that, at a public meeting at Nuriootpa recently, concern was expressed that assistance being given by the State Government to persons who suffered loss in the flooding was not as generous as possible assistance given to those who suffered loss in the Ash Wednesday bush fires.

The Hon. G.J. CRAFTER: I thank the honourable member for his question, as it is a most important one. It is true that there has not been the recognition in the community of the nature and extent of flooding which took place 14 days after the Ash Wednesday bush fires. Whilst the Barossa Valley was the substantial victim of that flooding, flooding of a substantial nature also occurred in many other parts of the State. Indeed, in my own electorate, many properties were substantially damaged. It is not possible to compare assistance being given to those people who suffered loss in the floods with assistance being given to those who suffered as a result of the bush fires, as I am sure honourable members would be well aware. There are different scales of loss and a lesser number of people were affected. Fortunately, there were no fatalities in the floods. The type of damage suffered was different in nature.

A further factor is that there has been an incredibly generous response, not only from the South Australian people but, indeed, around Australia and from overseas, to the public appeal for financial assistance for victims of the bush fires. I believe that that has overshadowed some of the publicity that properly should have been given to the victims of the floods and has directed public attention and generosity away from that cause as well. That is very difficult for the Government or any affected groups to rectify. The Government has provided substantial assistance to flood victims, and it is estimated at this stage that some $4 000 000 of State money will flow to them; a substantial amount of that money will go to residents of the Barossa Valley. The Barossa Valley Senior Citizens Home, at Nuriootpa, was severely hit. I visited that home recently with the Deputy Leader of the Opposition, local government officials and other persons concerned in the Barossa Valley.

The estimated cost of repair to those units, which are fundamental to the provision of that essential service in the Barossa Valley, is $200 000. Some work has already been done pursuant to the limited insurance coverage that was carried; indeed, the insurance companies involved have, in my view, been quite generous in their assistance on this occasion. The Public Buildings Department has been asked to move into the home and complete the work as soon as possible. Although the organisation is eligible for a Government loan to cover the cost of repairs, it does not have the income earning capacity to meet the requirements of that loan. At the moment, the Government is considering the availability of a grant to cover the cost of the work. In the meantime, the Government itself is withstanding the costs of that repair work.

The Government has also set up a flood relief unit in my own department, comprising an executive officer (who is a senior member of the Public Service) and two staff who are administering payment of Government assistance and who are also helping to distribute funds raised by way of public appeal. In addition, there are three flood relief workers, trained social workers, two located in Nuriootpa and one in Gawler. They were engaged initially for two months; one will remain in the Barossa Valley for a further four months. Their job is to provide on-the-spot assistance to any person who has suffered loss in the flooding and requires assistance with the rehabilitation of property, completion of forms, and other matters that have resulted from the disaster.

The Government has made a direct donation of $20 000 to the District Council of Angaston Chairman's flood relief appeal, which is designed to assist all those affected by the flooding, not just those in the Barossa Valley. It is perhaps in the allocation of this money, as opposed to the other moneys provided from State Government coffers, that some misunderstanding has arisen, particularly in the Barossa Valley, because all of that money, of course, comes from the same taxpayers and the same Treasury. However, it was perceived in some people's minds that the extent of State Government assistance was $20 000. As I have explained to the House, that is not so. Indeed, there has been substantial press coverage now and I have met with the leaders in the Barossa Valley and have explained the situation to them very clearly.

I am aware that whatever funding is provided from State Government sources will be insufficient to meet even an adequate portion of the damage that has been experienced. It is expected that the first payments from those appeal funds will be made shortly. I take this opportunity to urge members and all South Australians, indeed, to support the appeal. I hope that the press will not see that the floods have passed and should now be forgotten, but will continue to explain the long-term effects of all the disasters experienced in this State in recent times—that is, not only the bush fires and floods, but the drought as well. I hope that the South Australian community will continue to show its generosity and support the Chairman's appeal which has been established and which is strongly supported by the Government.

The Barossa Valley wineries have co-operated; indeed, the co-operation that has existed throughout the Barossa Valley is traditional, and in this case it has come through again that there has been a great camaraderie and support within the valley for the victims of the floods. On this occasion, the Barossa Valley wineries have co-operated to produce a special red wine, which is of a very high quality. I urge all honourable members to purchase bottles and to encourage others to do so. In fact, I have a bottle with me. I understand—

Members interjecting:

Mr EVANS: I rise on a point of order, Mr Speaker. According to previous practice, members cannot exhibit

items in the Chamber in the course of debate. I believe that the Minister is exhibiting an item, and that is against Standing Orders.

The SPEAKER: It seems pretty clear to me that, as the point of order has been taken, I must rule that the Minister is exhibiting an item and that he must take that item off the table. Of course, the only other contingency plan would be to give the bottle of wine to *Hansard*.

The Hon. E.R. GOLDSWORTHY: I rise on a point of order, Mr Speaker. Is there anything in Standing Orders that allows you, Sir, to put aside temporarily that ruling? This is such a worthy cause that I would like the bottle of wine to go on display.

The SPEAKER: Order! I am very sympathetic to the honourable member's point of view, but I am afraid that the answer is, 'No'. It seems to me that the southern and northern groups of the Opposition will have to get their act together.

The Hon. G.J. CRAFTER: I certainly accede to your ruling, Mr Speaker. I would like to table a bottle of wine in every house in the State. I point out that this wine is available widely in the community through liquor outlets, and I take this opportunity to urge all South Australians to show further generosity to the victims of the floods.

RIVERSIDE PROPRIETORS

Mr BECKER: Will the Premier say whether an application for drought relief from the company Riverside Proprietors has been referred to the Premier or discussed by Cabinet?

The Hon. J.C. BANNON: No, not to my knowledge.

SHEARERS DISPUTE

Mr PLUNKETT: Has the Minister of Labour taken any action in regard to the dispute in the Federal pastoral industry over wide combs? If not, what action does he intend to take?

The Hon. J.D. WRIGHT: I thank the honourable member for the question. I have taken quite a lot of action in regard to the dispute. Already, one meeting has been held between the Premier, the industry, and the unions, and two meetings have been held between the industry, the unions, and me. The week before last one of the ingredients for final settlement of the dispute was achieved.

This dispute is very serious, and the Government and I have considered the matter seriously from the beginning. In fact, it would be true to say that most people in Australia did not believe that the dispute would flare as badly as it has flared. It has continued for some seven weeks, and has caused great chaos in the industry, pitting mate against mate, friend against friend. It is obvious that remedial action must be taken as quickly as possible. I have had consultations on three occasions with the Federal Minister, Ralph Willis, who decided last week that he, not I, had the power (as it is a Federal award) to get the parties back together. That meeting should be in progress at this very moment.

To ensure that the rights of the South Australian Government and the people of this State are protected, I have initiated action with the Federal Minister that will allow the counsel who is acting for the Federal Government to represent the South Australian Government. Simply, that means that, instead of a South Australian lawyer representing the State Government, necessitating fairly large costs, we will use the lawyer engaged by the Federal Government, and will support the stand that the Federal Government takes. Honourable members will know that the A.W.U. has recommended a return to work, as it did a couple of weeks ago: that call was not accepted. Yesterday a vote was taken in South Australia and Victoria and the recommendation of the national body of the A.W.U. has been accepted. I understand that the New South Wales branch will meet today. I am not in a position to inform the House of the outcome of the vote, but one can only hope that it is consistent with the outcome in South Australia and Victoria, so that the case can proceed and fresh evidence can be presented. It seems that there will be a return to work some time this week.

RIVERSIDE PROPRIETORS

The Hon. W.E. CHAPMAN: I ask the Premier a question supplementary to that asked by the member for Hanson. As the former Minister of Agriculture (Hon. Brian Chatterton) is a proprietor of the company Riverside Proprietors, does the Premier agree that any application by that company for drought relief or rural industries assistance should have been referred to him and, indeed, to his Cabinet.

It has been reported to the Opposition that Riverside Proprietors applied for and have received rural industries assistance or drought relief payable under the Primary Producers Emergency Assistance Act. It is also understood that application for assistance was made and approved after the last State election. From information provided to the Opposition, I understand that the Hon. Brian Chatterton is one of three proprietors of the company, another being his mother. I am aware that under the Constitution Act members of Parliament are not precluded from receiving advances or payments under the Primary Producers Emergency Assistance Act. However, it has been put to me in this case that a distinction must be recognised, that distinction being that, at the time the assistance was allegedly approved for Riverside Proprietors, a member of that company, the Hon. Brian Chatterton, was the Minister administering that Act. In these circumstances it is considered that the Minister had a responsibility to refer the matter to the Premier and to Cabinet.

I make clear to the House that at this stage I make no direct or indirect allegation of impropriety in this matter. However, it has been suggested to me that certain irregularities may have been attached to the manner in which the application for assistance was made by Riverside Proprietors. The report indicates that there has been discussion concerning this matter amongst property owners in the Barossa Valley. The land owned and worked by the said company is in the vicinity of the Barossa Valley. As the Premier has not been able to assure the House that either he or the Cabinet have discussed the special circumstances of this apparent application for drought relief, I ask him to make inquiries to determine whether or not all the necessary proprieties have been followed in this matter.

The Hon. J.C. BANNON: As I said in response to the question from the member for Hanson, the matter has not been discussed in Cabinet. I must admit that I did not understand the question put to me by the member for Hanson as the name 'Riverside' meant nothing to me. Now that it has been explained by the member for Alexandra, I understand that this is the property with which the Hon. Brian Chatterton is connected. I am not sure what his partnership arrangements are, certainly in terms of his active working of his property or the financial arrangements. The honourable member has been a full-time member of Parliament and, until quite recently, a Minister of the Crown.

If such an application for drought relief was made by that company, it would have been processed under the normal criteria and guidelines that are applied in such cases. If the

application qualified for assistance, presumably the relief arrangements, which are secured by an Act of Parliament, would have applied. As the member himself said, there is nothing that precludes a member of Parliament from receiving such aid. I am sure that on many occasions in the past a number of members have had quite substantial primary produce holdings, rural property, etc., who have received such assistance. No question of propriety or otherwise has been raised in those cases.

The Hon. W.E. Chapman interjecting:

The Hon. J.C. BANNON: In this instance, because the matter has been raised by the member for Alexandra, and as I have no knowledge of any details, I will make some inquiries.

BUSHFIRE RESEARCH

Mr KLUNDER: Will the Premier inform the House what action is being taken to improve the training of C.F.S. personnel and research programmes designed to reduce the losses in future bushfires? In Monday's *Advertiser,* the member for Davenport was reported as having accused the State Government of being grossly negligent in failing to establish a research programme following the recent bush fires. He said that there was an urgent need to investigate how houses could be made more fire resistant and that there was confusion as to whether certain types of trees around a house may protect it from a bush fire. He said also that research was needed to inform people whether they should remain in their car when a bush fire swept past. The member for Davenport was also quoted as saying:

Yet for the sake of $100 000 and some initiative from the State Government, this advice won't be available.

The Hon. J.C. BANNON: I was certainly surprised by the statements made by the member for Davenport. It is not that I think that the concept which he was promoting (that of research and information) is not a good one, because indeed, it is. However, not only was the information he was giving about it inaccurate but it showed that he has obviously not been following newspaper and media reports since the recent bushfire tragedies. To then move in what I would suggest is a pretty porno-political way to talk about gross negligence completely distorted the message that I would have thought he was trying to get across.

For instance, referring to this very question, several months ago I launched the 'S.A. Great Bushfire Lottery' and announced that proceeds from that lottery would go towards establishing a South Australian Country Fire Services research and training foundation. I understand that the sales of lottery tickets closed last week, and I will draw the tickets for the $48 000 worth of prizes some time within the next week.

The proceeds of that lottery, which has been open for some time (I would have thought that the member for Davenport could have aided in its promotion rather than make the sort of statement that he did), will be used to upgrade training facilities at the Mount Lofty Training Centre and C.F.S. headquarters and develop C.F.S. research activities.

However, many of the concerns raised by the member for Davenport are related not to research but to public education. Indeed, the C.F.S. believes that the most important factor contributing to the increased protection and survival of people and houses during bush fires is not so much continued research into what we already know but an effective public education programme.

Unfortunately, the C.F.S. (and the C.F.S. reported to the previous Government along these lines) was hampered in these activities following the first Ash Wednesday bush fires and since, because the previous Government, of which the member for Davenport was a Minister, significantly cut the budget for publicity and for that programme of the organisation. That was based around its advice that, rather than research, an effective public education programme was necessary. We have been advised that the previous Liberal Government significantly cut that budget. That is the first extraordinary thing about somebody who calls this Government grossly negligent.

I do not think that these matters should really be raised in this way in the light of the recent tragedies. Inquiries are being conducted by the Coroner and the C.F.S., and there is an overall inquiry by the Government. The member for Davenport is seeking to follow what happened across the border in Victoria and, mercifully, we have been free of that until last Sunday. He is making political capital out of the recent tragedy in a scurrilous way and, even worse, he conveniently decided to forget the role that his Government had played (or rather did not play) in this area.

The C.F.S. does have an active research and fire protection division. It offers a free advisory and inspection service to all members of the public, architects and Government departments. There are positive research initiatives which the C.F.S. Board is currently considering, and I am sure that the revenue generated from this lottery, which is being directed to that specific purpose, will be of great assistance in the matter.

MEMBERS' INTERESTS

The Hon. MICHAEL WILSON: My question to the Premier is, supplementary to his answer to the question asked by the member for Alexandra: does the Premier require his Ministers to declare their interests to him and, if so, why was the Premier not aware of the interest of the former Minister of Agriculture in the company known as Riverside Proprietors?

The Hon. J.C. BANNON: I thought I said in my answer that I was aware of the interest of the previous Minister of Agriculture in that company. I think that if the honourable member checks *Hansard* he will find that I did say that.

NORTH HAVEN

Mr PETERSON: Will the Minister for Environment and Planning tell the House of the stage reached in the sale of the North Haven development to Gulf Port Marine, and will he make representations to the purchaser concerning having the name North Haven retained for the harbor development? The sale of North Haven harbor to the Packer consortium was recently announced. Varying figures of up to $100 000 000 have been quoted in regard to the development value. This has created a high level of interest in our community because of the work potential and investment within the community. Further, at the time when that was announced it was reported that the development could be renamed as the Gulf Port Marina. Many people are concerned about this because they would like the name North Haven retained for that development.

The Hon. D.J. HOPGOOD: At the time of the announcement it was revealed that in fact three progressive payments would be made. I have forgotten the exact dates on which those payments were to be made. I therefore think I should get detailed advice for the honourable member and for the House, so that he will know exactly where we stand. In regard to the name, ultimately, of course, that will be a matter for the Geographical Names Board. That would seem to be the appropriate place for resolution of this matter. I

would assume that if the developer wanted to change the name it would be necessary for him to make an approach to the board. In any event, I will have my officers examine the matter and I will report back to the honourable member and the House.

YATALA LABOUR PRISON

The Hon. D.C. WOTTON: What is the Chief Secretary's attitude to the petition signed by some 123 prisoners at Yatala Labour Prison, given to the *Advertiser*, which, according to reports in the *Advertiser* this morning, suggests that the alleged ringleaders of the March riot and fire at Yatala should be allowed to leave the Security and Discipline Division at Yatala? Further, will the Government use the amended regulations 221 and 222 under the Prisons Act to ensure that the prison management has the right to continue discipline by way of appropriate segregation of prison officers?

The Chief Secretary has made no public statement following the decision of Mr Justice White to remove an alleged ringleader of the riot and fire at Yatala in March from the Security and Discipline Division. On Saturday morning, a meeting of prison officers in the presence of a Crown Law officer unanimously supported a resolution which states:

This meeting of correctional officers having been advised of Justice White's decision will return to work under duress (concerning safety, health and welfare) with the following provisos: one, that if any officer in the performance of his duties—

The SPEAKER: Order! It has just occurred to me that the honourable member is unwittingly transgressing Standing Orders by reflecting on the Judiciary. I realise that he himself is not saying it, but I do not think that one can avoid a very clear Standing Order by simply repeating what another person has said. I ask the honourable member to be clear in the continuation of his explanation that he does not reflect on the Judiciary in a secondhand manner.

The Hon. D.C. WOTTON: I do not believe that I am reflecting in that way. Perhaps I could just refer to the present situation at Yatala as it is related in the resolution that was passed at the meeting to which I have just referred.

The SPEAKER: That is what I am taking exception to. I am not taking exception to the honourable member's reciting the chronology of what has occurred; nor am I taking exception to his reading out the reasons given, except for that one reason which, as I understood it, indicated very clearly a reflection on the Judiciary. That is the point that I was making.

The Hon. D.C. WOTTON: With your ruling, Sir, I will not now refer to that resolution. I hope that the Chief Secretary will be aware of the wording of that resolution, and I should like him to advise the House if that is the case: if it is not, I should like to know why he does not know about it. Because of the massive and concerned unrest at Yatala at this time, I seek the Minister's attitude on these matters, particularly in regard to the situation as a result of the petition being handed to the *Advertiser* this morning.

The Hon. G.F. KENEALLY: I was rather amused by the honourable member's attempt to have me transgress the Speaker's ruling when he was unable to do so himself and, of course, if the Speaker will not allow him to canvass certain matters, I am absolutely certain he will not allow me—

The Hon. D.C. Wotton: I asked you—

The SPEAKER: Order!

The Hon. G.F. KENEALLY: Of course I am aware of the resolution that the prison officers moved. I would have been aware of it as soon as it was moved and made known to the prison authorities. I have a copy of the petition that was circulated at the prison, and the honourable member asked me what my attitude towards it is. I believe that the petition (and I do not reflect on the petition or the attitude behind it) misunderstands what has taken place. The decision to place a number of prisoners, who were allegedly involved in the riot, assault on prison officers, and in the fire, in 'S' Division (which is the security division) and not 'D' Division (which is the discipline division), so it is not a punishment division in that sense, was taken by the prison authorities, and it was not taken by the authorities because prison officers were concerned that the prisoners might prove to be dangerous to each other. In fact, the prison officers are more concerned about their security if these prisoners are allowed back into 'B' Division and into the yard.

The Hon. D.C. Wotton: That is not reflected in the petition.

The Hon. G.F. KENEALLY: That is not reflected in the petition, I agree. I am pointing out to the honourable member that the petition misunderstands what has taken place. It was a decision of the prison authorities, of the department, and of the Minister, that these prisoners should be segregated, because there were alleged to be very serious criminal activities: there was an alleged kidnapping, alleged assaults (which of course there were), and there was an alleged arson, as the prison burnt down. It was a decision of the prison authorities to segregate a group of prisoners that they believed to be involved in that fire, in the riot, and in the kidnapping. Those matters have been investigated by the police and it is expected that charges will be laid.

In the meantime, there was a challenge to regulations 221 and 222 that was upheld by the Supreme Court. That meant that the prison authorities could no longer segregate prisoners as they felt they needed to. As the honourable member has reinforced, the authorities should have the power to do that. As a result, last Tuesday a new regulation was gazetted that gave the prison authorities the power to make decisions to segregate prisoners on occasions like those that I have already explained.

It will be, and is already, the policy of the prison authorities to implement that new regulation in relation to the prisoners who are now held in 'S' Division. That will be done. It is more important in Yatala than in most other prison systems throughout Australia (and members ought to be aware of this, as I note my colleague opposite who asked the question is), as we have very limited capacity in South Australia to segregate prisoners. If we have a trouble spot in one area it is not very easy to move a prisoner somewhere else, so there is a constraint on us. That is something we have to address and that is something that has grown up over several years.

Regulations 221 and 222 have been used for all of this century. It was only when they were challenged in respect of this recent incident that they have been proven to be invalid in the sense that they do not allow the authorities to do what rightly they should be able to do. The court has ruled on the legality of the regulations, only the legality of the regulations and not whether or not the department should have that power.

Therefore, we introduced a new regulation that will apply to those people who are now in 'S' Division, which is a security division and not a disciplinary division. People in a security division lose some privileges and rights that prisoners in 'B' Division or prisoners outside 'S' Division have. That is a difficulty we have, because we are so constrained and limited in how we can segregate prisoners at Yatala Labour Prison.

SOLAR GREENHOUSE

Mr GREGORY: Has the Minister of Mines and Energy further information on the solar greenhouse project that he commissioned yesterday at Evanston Gardens? From the television and press coverage I have seen, this project seems to be a most exciting one for the State, with considerable potential for energy conservation and benefits for South Australian manufacturing. For these reasons, I would appreciate further details.

The Hon. R.G. PAYNE: I certainly confirm the honourable member's remarks, that this seems to be an exciting project, and I am certainly pleased to have been associated with it, albeit as the person invited to commission the project. The solar glasshouse project at Evanston Nurseries had its origins in an application by Mr Alan Mortimer to the State Energy Research Advisory Council. He sought a grant to develop a system of installing sufficient heat storage capacity in a heat bank under the floor of the glasshouse to provide sufficient day and night heating without any other heating requirements. Members would be aware that maintaining temperatures in glasshouses at night, using either oil or electricity, is a significant cost to nurserymen. The project satisfied the criteria set by State Energy Research Advisory Council, and Mr Mortimer was awarded a grant of $15 000. Along the way, the project attracted the interest of sheetmetal manufacturer, Stratco, who had identified a market for high-quality glasshouses during export missions to the Middle East.

Because the same need existed in Australia, Stratco had invested heavily in research and development of a modular glasshouse that was suitable for both the overseas and Australian markets. A prototype of the Stratco glasshouse was married with Mr Mortimer's project, and two other companies, Bonaire and Alsynite, also became involved. The result was a demonstration project that was commissioned yesterday. It is clearly an outstanding success and has great potential in local and overseas markets.

I learned yesterday that the fuel bill to run Mr Mortimer's solar glasshouse system is estimated at just 5 per cent of the cost of running a conventional oil-fired or electrical system. In addition, the system requires minimum maintenance, an important consideration in this age of soaring costs. I believe this project is a good example of co-operation between Government, industry and a man with an idea, and also the application to pursue it. The spin-off to local industry is already obvious. But very importantly, Mr Mortimer has agreed quite unselfishly, I believe, to make the results of the project available to other members of the South Australian Nurserymen's Association, and this will help demonstrate the possibilities for using solar energy to reduce conventional energy consumption in commercial glasshouses generally.

The Hon. B.C. Eastick: That is typical of people in my district.

The Hon. R.G. PAYNE: I agree with the honourable member. While I was speaking with Mr Mortimer yesterday, he was approached by a representative of fruit and vegetable growers who asked him whether he would make that information available to him, both individually and as an association, and Mr Mortimer readily agreed to do so. It speaks highly of Mr Mortimer, who is obviously one of the member for Light's constituents. At the same time I took the opportunity yesterday to launch a booklet prepared by my department entitled 'Energy Research Topics for South Australia'.

The booklet is aimed to stimulate interest in energy and research within this State. The department's energy division has compiled a list of about 90 suggested research project ideas in relation to significant areas of South Australia. That is not to say that, if people have ideas that do not fit into the categories that have been suggested in the booklet, they would be unable to pursue them, or unable to make application to SENRAC. It was thought that this was a useful way in which to bring important topics such as energy conservation before tertiary and other institutions so that proper and sensible project ideas could be forthcoming for South Australia's benefit.

YATALA LABOUR PRISON

Mr OSWALD: Can the Chief Secretary say how many prisoners have been charged following the riot and fire at Yatala Labour Prison in March? A report in this morning's *Advertiser* refers to a petition given to that newspaper said to have been signed by 123 of about 160 prisoners at Yatala prison. The report also refers to comments by two former prisoners who delivered the petition to the *Advertiser*. They have claimed in part that only seven of 12 alleged ringleaders in this serious incident have been told so far that they are to be reported, yet the remaining five were still being held in punishment cells. As it is suggested that the present situation is contributing to further unrest at Yatala, I ask the Chief Secretary to report to the House on whether or not all 12 alleged ringleaders of the riot in March are to be charged.

The Hon. G.F. KENEALLY: I do not know whether all of the 12 prisoners who are held in the security division (not the punishment division, which is a discipline division) are to be charged. That will be decided by a police inquiry. The prison authorities had to make a decision based on their information and experience of the prisoners involved in the riot, the kidnap, the assaults and the fire, and they made that decision. As the honourable member knows, this incident is being regarded as a major crime, and the police are proceeding with their investigations.

It would be presumptuous of me to make any statement about who is likely and who is not likely to be charged, for two reasons: first, I would be pre-empting the police investigation (I am unable to do that and, as I am sure the honourable member appreciates, it would be unethical for me to become involved); secondly, as to the prisoners themselves who are subject to investigation, a Minister of the Crown should not be standing up in Parliament and saying that they are all going to be charged or that they are not going to be charged. Those prisoners and anyone else involved in that riot are subject to police investigation. All factors relating to the riot are being investigated by the police. When the police have completed their investigation they will lay charges, and at that stage I will be in possession of the information sought by the honourable member and will proceed to give it to him.

ROWING CHAMPIONSHIPS

Mr HAMILTON: Will the Minister of Recreation and Sport inform the House whether the South Australian Rowing Association is bidding for the 1986 World Youth Rowing Championships to be held in Adelaide? If the association is successful, will West Lakes be the venue for the championships?

The Hon. J.W. SLATER: Yes, the South Australian Rowing Association, in association with the Australian Federation, is bidding for the 1986 World Youth Rowing Championships in Adelaide, and the venue will be West Lakes. A submission will be made to the World Federation in Germany in August. Our major rival for the staging of this event in 1986 is Czechoslovakia. Rowing in South

Australia, if I might use a pun, is riding on the crest of a wave, having won the last three Kings Cup events.

The facility at West Lakes is of international standard. As Minister of Recreation and Sport, and on behalf of all South Australians, I would hope that the submission being made by the Rowing Association will be successful, especially as 1986 is our 150 Jubilee Year and as this event (if I could steal some thunder from the Minister of Tourism) would attract people from overseas. It is anticipated that overall some 2 000 to 3 000 people will be involved in the championships, so it would be a great advantage to this State if we were able to obtain this prestigious event.

Mr Becker: What are you doing—

The SPEAKER: Order!

The Hon. J.W. SLATER: I did not know there was any Opposition spokesman for recreation and sport. It seems that the member for Hanson has taken up that cudgel.

The Hon. T.H. Hemmings: Unpaid, of course.

The Hon. J.W. SLATER: Unpaid and unrecognised, of course. In reply to the interjection, which I know is out of order, I inform the member for Hanson that, during a recent reception hosted by the Premier and me, a cheque for $2 000 was given to the South Australian Rowing Association to assist it with its submission in securing this prestigious event in 1986. If we are successful, this will be the first ever world rowing championships held in Australia, apart from the Melbourne Olympics in 1956, and I therefore, hope that we are successful in securing this event.

YATALA LABOUR PRISON

Mr MATHWIN: Have any allegations been made to the Chief Secretary that prison officers bashed prisoners after the riot and fire at the Yatala Labour Prison in March and, if so, what steps have been taken to investigate these allegations? A report appearing in today's *Advertiser* includes allegations that 12 prison officers bashed prisoners after the serious incident at Yatala Labour Prison in March. The report quotes the comments of two former prisoners who identified themselves to the *Advertiser*, and part of one quote is as follows:

> Not one prisoner has been interviewed about it. Those blokes, the inmates, were forced to run the gauntlet. Twelve screws line up with their batons and the inmate has to run through them. He gets bashed and it's called running the gauntlet. The Government lied—

that is the term in the report, not my term—

> when it said this was being investigated.

As these statements have been given considerable publicity, I ask the Chief Secretary whether any such allegations have been referred to him and, if so, what action he has authorised to investigate those allegations.

The Hon. G.F. KENEALLY: I do not have to authorise investigations of such allegations: the Police Department would do so. As I have pointed out, all matters concerning the riot at the Yatala Labour Prison will be investigated by the police. I read the article this morning and had discussions about it with the Police Commissioner and the Deputy Police Commissioner. A number of matters have to be investigated at the Yatala Labour Prison, including the riot, assaults and fire, etc., and these allegations will be investigated in due course. The prison officers who have been accused will, I am sure, be anxious as I am that this matter be cleared up, because nothing is guaranteed to do more harm to a prison system and prison administrtion than allegations of this kind, as is evident from the experience in New South Wales. I am sure that all prison officers in South Australia would be as anxious as the department and I are that such matters are investigated and cleared up. I anticipate that there will be—

Mr Mathwin: It's been a long time.

The Hon. G.F. KENEALLY: It has been a long time. I could not twist the arms of the investigators to tell them to investigate one matter before another. We have an effective and efficient Police Department in South Australia: I have heard the honourable member say that it is the best in Australia, and I agree with that remark, and I am not about to tell these officers how to do their jobs. However, in reply to the honourable member's question, I assure him that as a result of his question, all allegations and matters in relation to the riot, fire, assault, and kidnapping at Yatala Labour Prison will be investigated.

GLENELG TRAM

Mr MAYES: Will the Minister of Transport investigate and report on the need to provide improved warnings of approaching trams to the public who live near to or use the Glenelg tram? I raise this because of a letter to the Editor written on 6 May regarding the visibility of the Glenelg tram and the possible dangers that may be incurred by the public who live near or use the Glenelg tram.

The Hon. R.K. ABBOTT: I read the letter to which the honourable member has referred with much interest. Having thought that the suggestion was a good idea, I discussed it with the State Transport Authority. I think that all members will be aware that children walking along the enclosed section of the Glenelg tramline or crossing the track at locations other than those provided for that purpose, are guilty of trespass and should be discouraged from doing so by parents and other responsible adults.

However, several experiments have been conducted in Australia and overseas to determine the most effective method of improving the visibility of railcars or rail vehicles. Based on the results of these tests, it is considered that the use of headlights during daylight hours is more effective than the use of luminous panels on the front of vehicles, as luminous panels tend to lose their effectiveness when they become soiled. The State Transport Authority has agreed to operate Glenelg tramcars with headlights switched on during daylight hours to improve their visibility and so reduce the risk of injury to persons crossing that tramline.

RIVERSIDE PROPRIETORS

The Hon. D.C. BROWN: Does the Premier agree that the application for drought relief by a company in which the then Minister of Agriculture was a shareholder should be a matter for a Cabinet decision rather than that of the Minister himself? To ensure that there has been no impropriety, will the Premier table in Parliament the application form and all other relevant documents held by the Department of Agriculture relating to Riverside Proprietors?

The Hon. J.C. BANNON: This is an odd little vendetta being waged against the former Minister. I think that it is pretty shabby stuff. I would have thought that being—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I have already said that I would investigate this matter, and I will report to the House the outcome of those investigations.

SAND CARTING

Mr FERGUSON: Can the Minister for Environment and Planning inform the House what action has been taken by the Coast Protection Board to explain to local residents the reason why sand carting has occurred along the coastal area? Work by the Coast Protection Board has been very valuable to my electorate, and many people familiar with the work of the board have expressed their approval and admiration for this statutory authority. However, a body of residents has been critical and unsure as to why sand carting was occurring, as they thought that it was a waste of taxpayers' money. Many residents in the coastal area are unaware that the normal drift of sand is more south to north, and that large reserves are built up in the northern beaches, while southern beaches are denuded.

The Hon. D.J. HOPGOOD: With the indulgence of the House I will slightly prolong the reply that I was going to give, though not too much. Among other things the Coast Protection Board has produced a film: some honourable members may have seen it—

Members interjecting:

The SPEAKER: Order!

Mr Becker: I wouldn't take too much credit for the film.

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: I am not too sure what is agitating members opposite. However, I have viewed the film, as have some other honourable members. It is not quite in the *Gandhi* class, but I think that it will be useful in assisting to convey to people the reasons behind the sand replenishment programme. This is a problem that has attracted some public debate, particularly in the Port Adelaide area. Discussions have been held with the corporation in that area about the future of the programme: I think that we have received a reasonable sort of hearing, and we have some sort of a basis for an agreement as to how the replenishment programme should continue.

I place on record my appreciation to the Mayor of Woodville for his ready acquiescence to the alteration to procedure that means greater activity on his council's part of the beach rather than farther north. Finally, I point out to the honourable member that soon the Government will be receiving a report about the future of the programme together with various other methods that might be used for securing the beach zone. It may be that some further modification of the present system may come out of that.

PUBLIC ACCOUNTS COMMITTEE

Mr KLUNDER (Newland): I move:

That, pursuant to section 15 of the Public Accounts Committee Act, 1972-1978, the members of this House appointed to the Public Accounts Committee under that Act have leave to sit on that committee during the sittings of the House this week.

Motion carried.

SITTINGS AND BUSINESS

The Hon. J.D. WRIGHT (Deputy Premier): I move:

That the House at its rising adjourn until tomorrow, Wednesday 11 May at 10.30 a.m., and that at its rising tomorrow adjourn until Thursday 12 May at 10.30 a.m., and further that, if the House be sitting at 1 p.m. on either day, the sitting shall be suspended for one hour.

Motion carried.

[Sitting suspended from 1.13 to 2.30 p.m.]

HIGHWAYS ACT AMENDMENT BILL

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

At 2.31 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

INDUSTRIAL RELATIONS ADVISORY COUNCIL BILL

Adjourned debate on second reading.

(Continued from 21 April. Page 1012.)

Mr MATHWIN (Glenelg): Originally, this was to be a priority Bill of the Government but, since it was introduced, we have had another priority Bill, the Casino Bill, which has taken precedence over this Bill, which was originally described by the Minister as being the Government's most important Bill.

Mr Groom: Which one are you debating?

Mr MATHWIN: We are on the industrial relations Bill, which was demoted by the Government so that the Casino Bill could be brought in last Thursday, the honourable member will recall. When this debate was adjourned I had been speaking to clause 7. Clause 8 provides:

> A member of the council (other than the Minister and the permanent head) shall be entitled to such allowances and expenses as may be determined by the Governor.

I hope, when the Minister replies, that he will give us some idea of whether there will be a permanent fee or a fee for each sitting of the council. Clause 9 (1) and (2) deals with the proceedings of the council, and it provides:

> 9. (1) The council shall meet for the transaction of its business at such times as may be appointed by the Minister, but there must be at least one meeting of the council in each quarter.
>
> (2) The Minister shall convene a meeting of the council if requested to do so by four or more members of the council.

That means that, if members of the council believe there is a need for a meeting, they shall be able to request a meeting to discuss a particular matter. Subclause (6) provides:

> In the determination of any question arising before the council the permanent head shall not be entitled to a vote.

Obviously, the Minister has been watching *Yes, Minister,* because he does not want to receive advice from only the permanent head. Another matter to which I refer is clause 9 (7) *(a),* which provides:

> . . . proceedings of the council shall be conducted on a non-political basis;

What does the Minister mean by 'non-political basis'? If he means non-Party political basis, I would imagine that he would have had that written into the legislation. The definition of 'political' in the *Shorter Oxford Dictionary* is:

> Of, belonging or pertaining to, the state, its government and policy; public, civil; of or pertaining to the science or art of politics. Of persons: Engaged in civil administration;

Clause 9 provides for an advisory council to be set up by the Minister that is to be conducted on a non-political basis. I would suggest if that is done on a non-political basis, no decisions could be made by the council, because anything has a political basis, using the definition I have just given. I believe that the Minister should have referred to Party politics. It is all right for the junior Minister to keep saying something to try to draw a red herring across the path, but it is a fact of life, and perhaps we know what is meant.

However, if it is in the legislation, the rule book, in future people might not know what was meant when the legislation was drawn up. We are honest people, and we know what the definition means, but who in 20 years, when most of us will not be around, will define 'politics' then. If we are to legislate, let us get it right.

The definition of 'political' in the *Shorter Oxford* also refers to persons 'engaged in civil administration'. Surely the Minister is not suggesting in this Bill that the proceedings of the council should be conducted in a non-political way, which could mean that anyone engaged in civil administration will be ineligible to be a member of the council. That is a situation that even the Government would not want. The definition of 'political' in the *Concise Oxford Dictionary* is:

> Of the State or its Government; of public affairs;—

this mainly will be a matter of public affairs—

> of politics; (of person) engaged in civil administration: having an organised form of society or government.

I suggest that it will be impossible for the council to undertake the provisions of clause 9 if the definition in subclause (7) *(a)* is not altered. Clause 10 (1) provides:

> The council may, with the consent of the Minister establish committees to inquire into and advise it upon any matter upon which the council requires advice.

I take that to mean, reading between the lines, that any decision of the council would require the Minister's consent. Clause 11 provides:

> 11. (1) The functions of the council are as follows:
> *(a)* to assist the Minister in the formulation, and advise the Minister on the implementation, of policies affecting industrial relations, manpower and other related matters;
> *(b)* to advise the Minister upon legislative proposals of industrial significance;

If the council is to do this, I point out with respect that the provision I had just quoted clashes with clause 9 (7) *(a)* of the Bill because it will not be possible, in view of the wording of the Bill, for the council to carry out its functions. There must be a non-political situation right through. There may be a non-Party situation, but a 'non-political' situation has wide connotations. After all, paragraph *(a)* provides for a 'non-political basis'. Clause 11 (3) *(a)* provides:

> *(a)* it does not apply to a legislative proposal embodied in a Bill introduced into Parliament by a member who is not a Minister of the Crown;

Clause 11 (3) *(b)* provides:

> *(b)* it does not apply to legislative proposals introduced into a Bill, by amendment, during its passage through Parliament.

Therefore, that provision clashes entirely with the provisions of clause 9 (7) *(a)*, which provides that the 'proceedings of the council should be conducted on a non-political basis'. I also draw the attention of members to clause 12, which provides:

> 12. The council shall, as soon as practicable after the end of each calendar year, submit a written report to the Premier on its work during that year.

How often do we hear members of the Labor Party tell Parliament and the people of South Australia that the Party believes in open government and, indeed, open government is a good thing when put into practice. This legislation, however, gives the council the power to write a report for the Premier: in other words, for the Minister, for the Premier, and for Cabinet. That is as far as the report will go because of the provision I have quoted. Why should such a report not be submitted to Parliament? Why should members of Parliament not be allowed to read such a report? We have heard much screaming from Government members about the shocking state of affairs which it alleges was due to the action by the previous Minister in strangling the Cawthorne Report yet, at the first opportunity that the Minister of Labour has since last year's election to introduce legislation of this kind, he introduces a provision stating that the annual report shall be submitted to the Premier: in other words, the report is to be kept under the cloak of Cabinet and this House will not see it. Is that open government?

The other matter that is causing me concern is the final clause of the Bill, which provides:

> 13. This Act shall expire on the third anniversary of its commencement.

That means that the Act must continue to operate for at least three years. Apparently, the Labor Government does not realise that it is occupying the Treasury benches only temporarily and that, at the next election, the tables will be turned completely and a Labor Government will not be in power.

The Hon. T.H. Hemmings: I bet you that the—

Mr MATHWIN: Let the Minister save his betting for the Casino Bill.

The SPEAKER: Order! Let the honourable member for Glenelg continue in his own style.

Mr MATHWIN: Thank you for your protection, Mr Speaker. This legislation will continue to operate for three years and, in the likely event of a Liberal Government taking over at the end of that period, such a Government might not wish to continue with this legislation; therefore, to provide that it must operate for three years is wrong. It would be far better if the legislation was introduced and reassessed each year. However, to provide for its operation for three years when the Labor Government may not be in office at the end of that period is wrong, and I oppose clause 13. In general, this is not a strong Bill: rather it is a gutless Bill in many respects.

Mr Ashenden: A bit of window-dressing.

Mr MATHWIN: Yes. I suppose that, as is his style, the Minister will be delighted to say at a given time, 'I have achieved it.' However, I would like him to examine the points I have made, especially those relating to the provision of clause 9 (7) *(a)*, that the 'proceedings of the council shall be conducted on a non-political basis', and my argument that that provision will prevent the council from doing anything. I ask the Minister and his advisers in this House to reconsider that provision.

Mr HAMILTON (Albert Park): This Bill honours an undertaking given by the Labor Party when in Opposition to introduce this type of legislation. After all, members on this side were elected on an industrial relations policy that specifically referred to this type of legislation. Conservative members opposite are no doubt smarting a little because of their defeat at the polls and, naturally, they tend to oppose anything to do with conciliation, especially when it involves the trade union movement. The previous Minister of Industrial Affairs was quick off the mark in introducing Bills pertaining to industrial affairs and on very few occasions did he consult with the trade union movement.

Members will recall the stoppages we had in South Australia during the Tonkin Liberal Government's term of office: we had the first strike by teachers and the first strike by public servants. We witnessed the introduction of hastily drafted legislation. Almost on the eve of the introduction of the Bill, the unions were required to comment on the Bill to be introduced by the former Liberal Minister.

As promised by the Labor Party when in Opposition, this Bill provides for the Minister to consult with, and seek advice from, the trade union movement, employer organisations, and the executive director of the department. The proposed council will have access to policy resources within the Labour Relations Department and will be expected to anticipate future problems and provide advice for the Min-

ister. That was spelt out in the Labor Party's industrial relations platform prior to last year's State election.

As stated in our policy, the council will be formed to consider the framing of better labour relations laws and the Bill provides that any legislative proposal of industrial significance shall be referred to the council at least two months prior to an amending Bill being introduced in Parliament.

This Government believes in sitting down and talking with various groups in the industrial sector, unlike the bullheaded approach demonstrated by the former Government, particularly in relation to the amendments to the Conciliation and Arbitration Act to which I referred a few moments ago. Hopefully, the free exchange by each representative on this council will enable each person to have a greater understanding and appreciation of each other's views, and achieve greater consensus of industrial matters and, also, a reduction in industrial disputation. Clause 9 (5) states:

> The council shall seek to achieve, to the maximum possible extent, consensus on all questions arising before it.

Surely this is the guts of the Bill: to strive, to discuss rationally and to scrutinise those Bills placed before the council prior to the Bills being introduced into Parliament. I for one do not believe that all the members, no matter from which group they come, will agree with everything that is contained in each Bill, but at least in the presence of the Minister the various issues can be pulled to pieces. Even if agreement cannot be reached on each clause, the Minister will know first hand the respective views, and he may be able to offer a compromise. Surely that is the answer? Surely it is better than the confrontationist attitude of the previous Government. It is not my intention to rehash the points made by my colleagues on this side of the Chamber, but I just place on record that I support the Bill.

Mr MAYES (Unley): I support my colleague, the member for Albert Park, in regard to this Bill. I make my contribution to this debate in relation to clause 11 of the Bill which deals with notice to the council before being submitted to Parliament. I think that it is important to note the aspect of prior notice contained in this Bill as being an important one, and certainly important from my experience as an official of the Public Service Association (my former capacity). I can recall the antics which occurred with the previous Government prior to the introduction of the amendments to the Industrial Conciliation and Arbitration Act last year. In my capacity as an officer of that association, the only way we found out about any proposals to amend that Act was in fact by reading the daily press. I have in front of me a copy of the press article which deals with this exact point.

I think that consultation is a very critical and important aspect within this Bill. The public became aware of this proposal to amend the Industrial Conciliation and Arbitration Act by the former Government in the *Sunday Mail* of 29 August 1982, when the reporter from that paper approached the former Minister, and his Ministerial aide said:

> You have really stirred things up in here. Nobody is supposed to know about it.

What an amazing situation to find ourselves in when the former Government was introducing major changes to that Act. The Government of the day sat on it until the last moment. As a consequence of that press article, the association, of which I was an officer, wrote to the then Minister seeking some clarification and some understanding on what in fact was occurring in that area, because it had no sure knowledge that there were going to be any amendments. The association received a very blunt answer: a blunt no. I think that that is extrordinary when one considers the amendments which were introduced by the former Government. It was only days after that letter had been forwarded to the Minister that the Bill was introduced into Parliament without any consultation. If that is how the former Government conducted its industrial relations policy, I think that its track record shows how it succeeds!

I think that this is one of the very important aspects of the Bill, that the process of consultation involves employee organisations and employer organisations. My comments are particularly directed in this area, are very pertinent, and should be supported by the whole of the community in regard to the introduction of any amendment in relation to the Industrial Conciliation and Arbitration Act.

The Hon. J.D. WRIGHT (Minister of Labour): I reply to the comments made in the debate by saying that the debate has not been of a high standard. I do not think that members of the Opposition have come to grips with the philosophy of the Bill. They have also not attempted to understand how we intend to proceed over the next three years with this piece of legislation.

The Deputy Leader of the Opposition made three major points: the first was that the Bill does not compulsorily require the council to meet at set intervals; secondly, the consensus approach is to be deferred; thirdly, the council is enjoined to act in a non-political manner. All these matters make for the effective and efficient functioning of the council so that it can act as a useful medium for information and advice to the Minister and the Government. The basic idea is for the council to be spontaneously called together as need arises, and the evidence to date shows that the council has met extremely frequently. However, certain provisions have been inserted in the Bill to ensure that consultation does occur regularly. For instance, clause 9 (1) ensures that the council meets at least quarterly, while clause 9 (2) requires the Minister to convene a meeting of the council if requested to do so by four or more members.

I would suggest that that is adequate protection, representation and recognition of the powers of this council. If any four members of the council desire to have a meeting (and that means the four employer representatives, for example, or the four union representatives) those members can exercise the right to call a meeting—as well as the regular quarterly meetings and as well as those meetings that will be called as legislation is required.

The Labor Government has only been back in office for six months and already we have called five meetings of the Industrial Relations Advisory Council. We have called more meetings than the former Government had called during its more than three years in office. I do not see where the Deputy Leader of the Opposition has any cause for complaint in that area.

I am surprised that the Deputy Leader makes light of the benefits that can be gained from the adoption of a consensus approach when tripartite interests are involved. However, the Government recognises the progress that can be made through consensus and does not denigrate the importance of consensus in this way. On the same lines, nothing would be gained if the members of IRAC chose and were able to act in a political manner. If the council became a political forum it would prevent, or at least hinder, frank discussion and the free exchange of ideas. This is contrary to the spirit of this legislation and would make a mockery of the advisory nature of the council, which is to be set up to promote three-way communication between the major interests in industrial relations.

If we do not seek that type of protection which is embodied in the legislation then one could imagine what would happen. The political point could be (and I am not saying that it would be but it could be) scored after every meeting. The

opportunity would be there for everyone attending the council meeting. For example, a new member or deputy member could in fact be attending that meeting not knowing the background of what the preceding meetings had discussed; therefore, not understanding what the committee was about, and could go out and make a public statement destroying all of the consensus that that committee was trying to achieve.

I do not want the committee to be recognised as a political forum with each of the sides having shoved one another. I do not believe that the principles and the fundamentals that come from such a legislative body can be achieved when we find that immediately after the meeting either side is going out to make a public statement on what has happened at the committee. I think for that reason the legislation can and will act, but if we allow that procedure and that conduct to eventuate, then I believe that that in itself would be self destructive to the committee. There are no sanctions if members of the council choose to breach the confidentiality provisions. That is a simple fact of life.

The Bill provides in clause 7 (2) that the Governor may remove a member of IRAC from office if '*(b)* he is guilty of neglect of duty or dishonourable conduct'. Any such breach would provide evidence of such conduct by a member. Some concern has been expressed, however, that this provision would severely restrict IRAC members from expressing any point of view outside the council on matters the subject of discussion.

I take this opportunity to confirm that while it is the Government's intention that members should not be able to divulge details of the IRAC discussion, this is in no way intended to prohibit individual members from expressing their own opinion or that of their associations outside the confines of the council. Thus, the individual contributions to council consideration can be revealed by the members concerned, both in the form of reporting back to those whom they represent and to the community at large. The provision simply protects that without prejudice utterances of other IRAC participants and will ensure that council members can be open in their comments without fear of their views being misrepresented by other council members.

I have said that I believe that is proper. It has not been in any way criticised by the current council members and they have had this particular piece of legislation since it was drawn as did all members of Parliament and as did all organisations right throughout the State in a very wide attempt, and very honest attempt, to ensure that everybody had the opportunity to examine this legislation long before it came into Parliament.

The Hon. E.R. Goldsworthy: We did not get a copy of it.

The Hon. J.D. WRIGHT: It was posted to you.

The Hon. E.R. Goldsworthy: We did not get anything until the Bill came to Parliament.

The Hon. J.D. WRIGHT: There were instructions that a copy was to be posted to you. I left instructions. It must have gone astray. Nevertheless, if you did not receive it from me I am sure you have seen it elsewhere. I am sure you did because quite obviously the employer organisations would have consulted with the Opposition. They are consulting with the Opposition all the time about my legislation. If the Opposition has been overlooked there has been a mistake somewhere. As far as my instructions were concerned, it was the intention that you would receive a copy of it.

Another objection from the Opposition was that the Minister is not required to submit legislative proposals of industrial significance and other subjects to the council. Quite clearly in my view the Deputy Leader does not appreciate the role of Parliament in making legislation and the need for it to act quickly in certain circumstances of special need. It cannot be denied that occasions have arisen, both under Liberal and Labor Governments, when Parliament has had to consider urgent legislation, and on occasions Parliament has been called together especially for this proposal. To provide for the compulsory referral of legislative matters to IRAC not only raises constitutional issues, but also flies in the face of Parliamentary flexibility. However, it should be noted that since the Labor Party's return to office, IRAC has had the opportunity to consider all legislative proposals of industrial significance, in the form of Bills and regulations, which are to be proceeded with.

The Hon. E.R. Goldsworthy: What about workers compensation?

The Hon. J.D. WRIGHT: This practice has included the Workers Compensation Act amendments currently before this House, which Act was referred to specifically by the Deputy Leader. I can assure the Deputy Leader that, as provided for in the Bill, proposed amendments to all Acts under my administration will be submitted to the statutory IRAC for its consideration. However, it was not considered appropriate to specifically go beyond those Acts, in order to avoid the necessity to submit private members' Bills or amendments to Bills in Parliament and the Bill provides accordingly.

Another point raised by the Opposition was that IRAC should report annually to Parliament, not the Premier. The reason why the Bill provides for an annual report to the Premier is that the council is to act as an advisory body to the Minister and not to the Parliament at large.

The last point made by the Opposition was that the life of the Bill should only extend to the life of the present Government. (Supported also by the Member for Todd.) I in fact thought of that, but I thought it would be quite unfair for the following reasons:

It has been stated in the Bill, the proposed statutory IRAC is a non-political tripartite body. Accordingly, it is appropriate that the life of the Act should not be linked to the life of the Government passing that Act. It is also considered useful for the body to continue on for at least a short time after the expiry of the Government's current term of office, if that is to be the case, in order to enable the Government of the day to assess the role of the council and the representation thereon. I think that is perfectly proper, a perfectly proper method of dealing with legislation of this kind. Obviously, it is not supported generally by the Opposition. I have carried this Bill into the second reading stage without much opposition, though I noticed there are two or three amendments on file; so I think it is reasonable to say that, generally, although the Opposition did not attempt to create any consensus while in Government, but tried to create the exact opposite situation, it should be patient and see how this Bill works for the next 2½ to three years, whatever the life of this current Government happens to be. If the Opposition by some small chance happens to regain the Treasury benches, I think it should be left to the new Government to decide whether to cancel the legislation (it does not have to be cancelled, just not renewed) or if the Labor Party stays in office, the Government will have the same opportunity to decide whether or not the legislation should proceed.

They are the major points raised by the Deputy Leader, who is the Opposition spokesman on these matters. The Hon. Dean Brown, the member for Davenport, had some matters which I think need replying to as well. It is claimed the Minister—

The Hon. E.R. Goldsworthy: The Minister has copious notes.

The Hon. J.D. WRIGHT: Yes, I have.

The Hon. E.R. Goldsworthy: Very copious.

The SPEAKER: Order! I have been extraordinarily tolerant, in fact far too tolerant, with the Deputy Leader, who should now consider himself brought to order.

The Hon. E.R. Goldsworthy: I had not objected all day.

The SPEAKER: That is not quite true.

The Hon. J.D. WRIGHT: I do not care whether I have copious notes.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order!

The Hon. J.D. WRIGHT: The position relating to the first point that the honourable member for Davenport wanted to make is that I made a political football of this particular piece of legislation and he went on to say this (I am quoting if the Deputy Leader does not mind), 'The Minister has turned the introduction of this legislation into a political issue to embarrass and denigrate the former Minister.'

The second reading speech merely highlighted the deficiencies of the former Government in its handling of industrial relations issues and in no way served as a personal attack on the former Minister. However, it is interesting to speculate on why the former Minister is no longer the Liberal Party's spokesman on industrial matters. He has been replaced by the Deputy Leader and it is very interesting to observe just why the member for Davenport did not hold this position when the change of Government took place.

The Hon. E.R. Goldsworthy: I am noted for consensus.

The SPEAKER: Order! I ask members not to encourage further interjections.

The Hon. J.D. WRIGHT: I am usually able to make some reply but that stumps me. If there is one thing the honourable member is noted for it is certainly not consensus; it is mostly disagreement, let me say that. The member for Davenport also said:

> The Liberal Government, under Premier Tonkin, introduced the best industrial record that this State has seen for many years.

That is a statement which I do not think is a fair one. Let me refer the House to the statistics for that period. The statistics used by the former Minister do not relate to comparable periods. The years 1974 to 1976 saw a high degree of economic and industrial activity during which trade unions sought to improve the working conditions of their members. It can be seen from the two other periods referred to by the Minister (1977 to 1979 and 1980 to 1982) that the figures are remarkably similar and certainly do not give any justification to the former Minister's boast.

That is what it was, a boast. I do not think the honourable member has any cause to boast about his record in industrial relations during the three years he was there, hence the fact that he no longer holds the shadow position. That is where the current member finished, right down the line in order of priority, and lost what I consider to be the most important portfolio any Government has to offer.

The Hon. E.R. Goldsworthy: No; that is not—

The Hon. J.D. WRIGHT: You say Mines and Energy is the most important?

The SPEAKER: Order! I hope the two honourable gentlemen are not going to continue these discussions.

The Hon. J.D. WRIGHT: The third point raised by the member for Davenport concerned the matter of adequate consultation occurring on the 1982 Workers Compensation Act and Industrial Conciliation and Arbitration Act amendments. It is true, despite the former Minister's assertions, the dissatisfaction of both sides of the industrial fence with the scant opportunity for consideration of these amendments has been well documented. The existence of formal consultative machinery will ensure that sufficient time is given for detailed consideration of both the policy and the content of future legislation. It is true that in three years and three months, whatever the period may have been, when the Opposition was in Government, the Minister did not consult. In fact, I was congratulated by members of IRAC, the employer members of IRAC, for reconstituting the committee and getting it moving again.

To my knowledge, it had met twice in that time. It may have met three times or once a year, but it had certainly never met any more frequently than that. Since I have been back there, we have met five times in six months, and another meeting is being arranged for next week. He went on to say:

> IRAC is based largely upon the National Labour Consultative Committee which 'has not been particularly effective'.

I can give some reasons for that, too, and I hope that they do not eventuate here. It has been my understanding that the N.L.C.C. has fulfilled an extremely difficult role in discussing a wide range of industrial issues. However, from time to time trade union support has been withdrawn because of the manipulations of the former Prime Minister (Mr Fraser), who had little understanding of the sensitive nature of industrial relations. Indeed, a lesson has been learnt by the N.L.C.C. and this Bill contains certain provisions to avoid the use of a council as a political forum. If we can avoid politicising this council, I believe that it can work effectively for the benefit of all South Australians. The previous Minister (the member for Davenport) went on to say:

> IRAC should include a representative of community interests.

This was a feature of the former Government's industrial relations policy (which, I might say, it never implemented) which in whole was submitted to the Cawthorne review for consideration. However, in this discussion paper, Mr Cawthorne said:

> . . . while the principle of community involvement in industrial relations is one which deserves closer examination, the question remains as to whether any one community group can be said to be representative of the community at large or only representative of particular interests which may not be especially relevant to industrial relations.

It is my understanding that no consideration was given by the former Minister during his term of office to adding to the existing representatives of IRAC. The previous Minister went on to say:

> IRAC should have six employer representatives.

I think that anyone would realise that the size of any council or committee is always a matter for consideration in order that it remain as a useful and effective size, and IRAC would not be any exception in this respect. It should be noted that consultation is not to be limited solely to IRAC members. I have continued my former practice of consulting with the eight peak employer bodies in this State in seeking comments on proposed Bills to amend Acts under my administration.

The major point that the member for Todd made was that nominations for appointment to IRAC by the Minister were open to abuse. I do not believe that they are. The purpose of the council's membership is that the employer and employee members will represent the interests of employers and employees generally, and not the individual associations involved. As members will be aware, a number of organisations and individuals would be eligible to represent these interests. Thus, in such circumstances where a choice must necessarily be made, the Minister is vested with the authority to nominate the most suitable persons as members of the council.

However, the Bill ensures that, even on the question of appointments and nominations, the proper consultative procedures are followed. To this end, it provides that the Minister is to consult with the United Trades and Labor Council and associations of employers in determining his

nominations for council membership. So total and full consultation must be afforded to those organisations in the first place before any nominations are made.

The other point that the member for Todd made is that the Bill should enable the council to be called together in the Minister's absence. My reply to that is that, with a body whose principal function is to advise the Minister, it is imperative that the Minister be present at each meeting. As I say, it would be my intention to consult as often as possible and as necessary. It will be my intention to attend all meetings. I do not believe that the Minister should set up a committee such as this to advise him and then not want to go along to those meetings. Whoever the Minister may be in future, it is clearly the Minister's responsibility to attend all meetings.

The member for Glenelg raised a matter of some substance (I think that I have answered the other questions that he raised) involving the fees to be paid to members of this body. Quite obviously, as in all such circumstances, I would be guided by the Public Service Board recommendations in that area. No doubt, the board will examine the requirements, including the hours to be put in by the respective members, and make a recommendation to me—a method that I have always adopted, in any case.

Mr Mathwin: There will be a sitting fee that—

The Hon. J.D. WRIGHT: The Chairman of the Public Service Board would have to be asked to have a thorough examination conducted. It could be either a sitting fee or an annual fee. However, as I say, that recommendation will come from the Public Service Board and a fee paid accordingly. The Opposition's opinion on this Bill is somewhat confusing, but its arguments seem to centre principally around the allegation that the Bill is merely window-dressing. This is the first time in South Australia that we have attempted to set up a statutory authority, with such powers and opportunities as this body will be given, to examine legislation coming before the Parliament. IRAC has existed in a way, but it has not been formalised. I think that it was first brought in in 1973.

Mr Mathwin: It has done its job quite—

The Hon. J.D. WRIGHT: Did you say that it has done its job? It never did its job under your Government, because it was not asked to, and I make no criticism of the members of IRAC from either the employer or employee organisations. They were not given the opportunity under the previous Minister. I believe that all those people have very good expertise and advice to offer. Quite obviously, we will not be in complete agreement with the decisions of IRAC. Sometimes the employers will not want me to do something, and at other times the unions will want me to do something which the Government does not see fit to do at the time.

We must formalise this body so that we can then say to it, 'Here is the proposed legislation: will you examine it? Here's our policy: will you examine that? Here's the Cawthorne Report,' (which it has had). Incidentally, I suppose that there will be some employers who read this debate. I would appeal to employers (and unions, for that matter) to get back their replies on the Cawthorne Report, which they have had for many months since I stole it back from the Minister who stole it in the first place. I cannot prepare my legislation if people are not forwarding the appropriate submissions.

Therefore, I make this final appeal to all concerned: we want their submissions within the next couple of weeks when Parliament is not sitting, so that those submissions can be given to IRAC, by which time it will be a statutory body. IRAC can collate and research those submissions and make any criticism. I believe that most people in South Australia are looking for some sort of consensus (I think that Bob Hawke is doing a tremendous job nationally on that basis), and I believe that this measure in itself can bring about a certain amount of consensus, although I do not expect it to perform miracles. I hope that all members can find their way clear to supporting the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Membership of council.'

The Hon. E.R. GOLDSWORTHY: We see in this clause the following provision:

(ii) four shall be persons nominated by the Minister, after consultation with associations of employers to represent the interests of employers.

There is a multitude of employer groups. Some are associated with the Chamber of Commerce and Industry, but many other employer groups are not. Of course, the U.T.L.C. is mentioned in the other part of the clause, so that there is probably no problem there in getting nominations. I wonder which employer groups the Minister will seek to have represented and whether he believes that four from that area could be representative of all the employer groups throughout South Australia, bearing in mind that there is a multitude of employers and employer groups.

The Hon. J.D. WRIGHT: I do not agree with the Deputy Leader very often, but on this occasion I do. It will not be an easy task. It will cause no difficulty in regard to the Trades and Labor Council because it is affiliated as one body, and obviously it will provide me with the names of whoever it wants on the council. However, the employers' side is more difficult as they do not have a general affiliate. They seem to run their own race, and are not affiliated, as such, as a body. I do not want to pre-empt anything in this regard by indicating to any organisation that it will have automatic representation, nor do I want to indicate to any of the other organisations that they will not get representation. I would hope that the employers would get together on this provision in the Bill and work out where they think their representation ought to come from. I realise that it will not be an easy task for them. Similarly, it will not be an easy task for me if I am given 20 names from, say, 20 organisations all wanting representation on the council.

There is keen interest in regard to the nominations to this body; people in organisations not represented in the past have already indicated an interest. In the first instance I would make a plea to employers to try to get their own house in order and to present me with some nominations. If that does not work, if employer organisations cannot get together, then possibly hard decisions will have to be made.

Clause passed.

Clause 7—'Terms of office, etc.'

The Hon. E.R. GOLDSWORTHY: I take it that the Minister is seeking to include in the legislation a standard clause in relation to appointment of members. I assume that this is an attempt simply to include the standard clause that applies in most legislation in relation to those appointments and the length of term of appointment, impinging on the fact that there is a sunset clause in this legislation, so that when the legislation dies these provisions will become irrelevant.

The Hon. J.D. WRIGHT: This clause contains standard provisions. The life of the appointments to the council can be no longer than the life of the legislation. Therefore, whatever happens to the legislation after the next election, effectively the same thing will happen to appointments to the council: their terms of office will expire if the Act expires. If the Act is reintroduced by whichever Government is in office following the next election (and I am pretty sure that it will be the Labor Party), then the appointees will be able to be reappointed or renominated.

Clause passed.

Clause 8—'Remuneration and expenses.'

The Hon. E.R. GOLDSWORTHY: The member for Glenelg raised the matter of remuneration. I take it that the Minister has in mind the standard half-day allowances which are prescribed after a determination by Cabinet in relation to the level of fees paid to committees, including public servants in some instances.

The Hon. J.D. WRIGHT: The Bill provides that no payment shall be made to the Minister or to the permanent head. That includes any public servants associated with the council, because they would be paid their normal salary. To be honest with the honourable member, I am not sure yet whether or not half-day payment shall apply or whether payment will be on an annual basis or possibly on the basis of sitting fees. I want the Public Service Board to look at this matter very closely and give me a report on the best way, compensating those involved. I do not want them to be underpaid, but I certainly do not want them to be overpaid either: I want them to be paid for performance. Maybe in the initial stages before that investigation occurs we will have to introduce some type of interim payment. However, I assure members that, whatever the final payment is, it will be on the recommendation of the investigating officers of the Public Service Board. I think that it is their responsibility to work out just what the method of payment ought to be and what amount should be paid.

Clause passed.

Clause 9—'Proceedings of the council.'

The Hon. E.R. GOLDSWORTHY: I have indicated that I wish to move an amendment to this clause to tidy up one matter. Before doing so, I refer to the first line of the clause which provides:

> The council shall meet for the transaction of its business at such times as may be appointed by the Minister, but there must be at least one meeting of the council in each quarter.

That is all very fine, but what if the council does not meet because the Minister is on an extended overseas trip, or is not available for some reason or other, for a quarter? It appears to me that it does not matter a damn if the council does not meet: there is no compulsion to meet, and there is no sanction if it does not meet. The provision is really only setting down a set of conditions which may or may not be adhered to. In other places in the Bill the discretionary word 'may' is used, such as the provision that legislation may be referred to the council, but in regard to this matter providing that the council shall meet seems to me to be a fine expression of intent but with no real compulsion for the council to meet and no sanction if it does not meet.

The Hon. J.D. WRIGHT: In regard to the first matter raised by the honourable member, I point out that it is not my intention to go for extended trips overseas. There will be no three-month overseas trips for me—nothing like it. I do not believe in extended trips overseas. If a person has some business to do, he should do it, but I do not believe in extended trips: five or six weeks is obviously long enough for anyone to do whatever he wants to do.

The Hon. E.R. Goldsworthy interjecting:

The Hon. J.D. WRIGHT: The time between meetings cannot exceed three months. If one were going away, a meeting could be held before leaving. If the honourable member, who is a former schoolteacher reputed to be good at words and spelling, can provide for me a stronger term than 'shall meet', I will be prepared to listen.

The Hon. E.R. Goldsworthy: It doesn't mean anything.

The Hon. J.D. WRIGHT: It does mean something, because it is mandatory for the Minister to abide by the law, and I have to call a meeting.

An honourable member: What if you don't?

The Hon. J.D. WRIGHT: Then the honourable member can take me to task. In any event, the honourable member need not worry because I will be calling a meeting, and I will be having more than four meetings a year. I am suggesting that, if members opposite do not like the wording, they may be able to find a word better than 'shall'. I do not know of a better word, but there may be one in the dictionary. If a better word can be found, we will certainly insert it.

The CHAIRMAN: I point out that two small amendments are proposed which the Chair suggests can be put together as one amendment.

The Hon. E.R. GOLDSWORTHY: They are really part and parcel with the same intent.

The CHAIRMAN: The Chair is asking the honourable member whether they can be put as one.

The Hon. E.R. GOLDSWORTHY: That would be sensible, Sir. In the Minister's second reading speech he referred to the so-called freedom for the members in that they could speak about what had transpired, but they could not quote what other members had said. It is all fine and dandy to say that they will not be inhibited in their right to report, but clause 9 specifically precludes them from doing just that. Subclause (8) provides:

> (8) No public announcement of a decision or view reached by the council shall be made by the council, a member of the council, or any other person unless the members of the council are unanimously of the opinion that the announcement should be made.

The way that reads it is obvious that council members will be muzzled. It is all right for the Minister to say that his interpretation is such that they can report and make statements, but that is not what the clause provides. I think that it would be unreasonable for members of the council not to have the right to go back to their parent organisation (if they are representing such an organisation) and for a spokesman of that organisation to make a public statement about the stand which that parent organisation takes in relation to the legislation. Perhaps the Minister did not have that point put to him by the employers, but it has been pointed out to me that they are concerned about the clause as it stands because they believe that it would muzzle them legally.

The amendment that I seek to move will simply allow a parent organisation, if it so wishes, to make a public statement. A moral obligation is inherent in that clause, although there is no sanction anywhere in the Bill. If they want to hold a press conference on the steps of the building in which the meeting was held, there is nothing to stop them from doing so. The legislation has no teeth, but there is a moral obligation on any person who is a member of the council not to go out from that meeting and talk about it. It is perfectly clear: if a member of the council who represents an employer organisation reports back to the organisation, there is a clear moral obligation on that employer organisation not to publicly report anything that the council discussed. The finger would be pointed at the member of IRAC who represented that group. In my judgment there is a moral obligation on them not to report anything publicly.

My amendment calls for the removal of the words 'or any other person'. That means that a parent group, if it is the group which the member of the council is representing, has a right to say publicly what it believes to be the case and my opinion is that 'any other person' inhibits that happening. I believe that that view is shared by many others. I move:

> Page 3—
> Line 42—After 'council' first occurring insert 'or'.
> Line 42—Leave out ', or any other person'.

That will not inhibit what I think is the proper democratic process of a parent organisation being able to comment on the activities of the council. The Minister said that he referred this legislation to the present committee. The Government is in a tremendous hurry to get its Workers Com-

pensation Bill passed before this council is set up. I know from my contact with many employer groups that they are all opposed to the major amendments to the Workers Compensation Act, which will be considered today. Yet, the Minister putting this Bill through claimed, in answer to an interjection earlier, that the workers compensation legislation had been presented to IRAC. All I can say is that there would have been no consensus there in relation to the employers rights, because all employer groups in the community are totally opposed to anything that will increase their burdens. So much for the consultative process. It would be unthinkable that any employer group, or any group for that matter, should be shackled in the way that this clause envisages.

The Hon. J.D. WRIGHT: I cannot accept the amendment. As it stands, the clause is satisfactory to the Government and I think the Deputy Leader of the Opposition is misinterpreting it. The clause makes no attempt to prevent any members of the body from making public comment about their own position. No attempt is made to shackle members of the council from going back to their own organisations and putting their view. All the clause is about is to protect all members by preventing someone from going outside and talking publicly about what was discussed and what was said. The Minister is in exactly the same position as is any other member. The Deputy Leader says that the Bill provides no sanction and that there is no compulsion on people to abide by it. I suggest that the Deputy Leader has not read the Bill because it provides for a member to be removed from the committee if he is guilty of misconduct. What more sanction can there be than that?

Mr Lewis: Which committee?

The CHAIRMAN: Order!

The Hon. J.D. WRIGHT: From the statutory body called IRAC. You know what I am talking about. If you are going to interject, interject with some sense.

The CHAIRMAN: Order! Interjections are out of order.

The Hon. J.D. WRIGHT: I know I should not answer them and I will not. What stronger penalty can there be on any member of a statutory body than to be suspended from it? That is the power in the hands of the Government, so to say that there is no sanction is quite wrong. It seems that the Deputy Leader has not read the Bill.

Mr ASHENDEN: I am a little confused about two aspects of the Minister's reply. First, he has said that there is nothing in the Bill as it stands to stop a member of a committee going back to his own organisation and reporting that a decision has been reached but he believes that that decision will disadvantage his own organisation and, therefore, his organisation (or he, if he represents that organisation) should make a public statement about it. My understanding of the Deputy Premier's reply is that if he did that no action would be taken against him, and yet the Deputy Premier also said that, if anything like that happened, censorship of that person could occur and he could be removed from the committee. That is in absolute conflict.

I believe that subclause (8) as it stands prohibits any member of the council from making a public statement about a decision reached by the council of which he is a member. Therefore, as the annual report of the council goes only to the Premier, the council is a closed shop in every sense of the word. Regardless of what the Minister says in this debate (and his statements are recorded in *Hansard*), such statements will not become law.

The Hon. E.R. GOLDSWORTHY: The Minister's reply concerned me the same as it has concerned my colleague, because it is far fetched to suggest that, if a member of the council goes out of the meeting and refers to something that has happened there, he will be sacked because he would be deemed to be guilty of dishonourable conduct and the Government would seek a proclamation from the Governor to get rid of that member. However, if there is any substance in that interpretation, I share the concern of the member for Todd. The Minister refers to a member of the council recounting some part of the discussion at the council meeting. According to subclause (8), there can be no such public announcement 'unless the members of the council are unanimously of the opinion that the announcement should be made'.

On a strict interpretation, subclause (8) appears to bar a member of the council from reporting to his parent body or any other person from making a public statement. The Minister's interpretation of the clause would not be sustained by a legal opinion.

The Hon. J.D. WRIGHT: I refer members to clause 9 (7) *(c)*, which provides:

> *(c)* subject to the rights of members appointed to represent the interests of employers or employees to report on the proceedings of the council to organisations of employers or employees (as the case may require) and to the right of the council to make announcements that it considers to be in the public interest, the views of members expressed at meetings of the council (as distinct from the views or decisions of the council as a whole) should be kept confidential.

That is the part about which I was speaking when I said that, if a member infringed the provision, he could be dealt with. That was in response to the Deputy Leader of the Opposition saying that there was no way such a person could be dealt with. That provision gives members of the council the right to report back to their organisations. There is therefore nothing to prevent the member making a public statement about his or her position. I am trying to prevent what happened in respect of the N.L.C.C. where immediately people came out of a meeting they started to politicise those meetings by making public statements one against the other. I am trying to ensure that Joe Blow does not come out of a meeting and criticise Jimmy Jones, or vice versa. I do not want the situation that obtained in respect of the N.L.C.C.

The Hon. E.R. GOLDSWORTHY: Members are not arguing about clause 9 (7) *(c)*: they are arguing about clause 9 (8), which stands alone and which clearly provides that no public announcement of a decision or view reached by the council shall be made by the council, a member of the council, or any other person unless the council unanimously decides that such an announcement shall be made. That is unreasonable. The Opposition is not seeking to interfere with the operation of clause 8 (7) *(c)* which, as a statement of intent, is fair enough. However, it would be wrong to have something which legally seeks to inhibit open discussion by interested parties, as is provided in subclause (8).

I am surprised there has not been a greater public outcry from employer groups in relation to workers compensation, because I know that some of them are worried stiff about that matter. True, they can write letters to their member of Parliament but, if they do not let the public know what is happening to them in strong terms when legislation of that type is introduced, they may blame the Government, but really they only have themselves to blame.

Mr ASHENDEN: Following on the points made by the Deputy Leader of the Opposition, I ask the Deputy Premier whether he would agree that the way subclause (8) is now drafted (and it must stand alone) would cause considerable concern to any organisation before it made a statement about a decision of the council, if a member of that organisation was on the council. This is a matter of genuine concern to members on this side. I read the clause in the same way as the Deputy Leader of the Opposition reads it. The Deputy Premier has said that one aim of the Bill is to produce consensus between organisations representing the trade union movement and those representing employer

groups so that they may arrive at answers to problems even before such problems occur.

If the Deputy Premier is sincere (and I believe he is sincere) in his aim to produce consensus, I urge him to accept the Opposition amendment, because the deletion of 'or any other person' would leave the way clear for an organisation with a member on the council to be able to make public statements and pronouncements on any decision arrived at by the council. Although this may seem to be a minor amendment, the Opposition believes that it is important because it removes any doubt whether any organisation could make a comment or not.

Despite the Deputy Premier's assurances, which will be recorded in *Hansard*, I make the point to him again, as I made earlier, that this is not law. This Bill as it is worded will become law and I believe that minor amendments would play a major part in achieving the consensus the Deputy Premier is seeking.

Mr LEWIS: Perhaps given the explanation that the Deputy Premier has provided of the reason for the inclusion of subclause (8), it may have been better if, in subclause 7 *(c)*, he had used the word 'must' instead of 'should' so that that clause would have then read:

> Subject to the rights of members appointed to represent the interests of employers and employees to report on the proceedings of the council to organisations of employers or employees, as the case may require, and to the right of the council to make announcements that it considers to be in the public interest, the views of members expressed at meetings of the council as distinct from the views or decisions of the council as a whole, must be kept confidential.

Had the word 'must' been included, and then the prescription of penalty on breach of that order been included in the penal clauses, subclause (8) would have been unnecessary. As it stands, the word 'should' is included in subclause (7) *(c)*, and subclause (8) is ambiguous and could be used maliciously by a mischievous Minister at a future time to malign any member of that council because of the way the Minister chose to interpret a public remark made by that member of council. Sufficient inexactitude and imprecision exist in the way in which the words in subclause (8) can be interpreted to enable that course to follow wherever and as ever any future Ministers choose to interpret in a way other than the way the Deputy Premier has said he interprets it. That is regrettable. I am not of suspicious mind, but I cannot help thinking that to have made such a simple oversight of changing the word 'should' to 'must' and specifying the penalty for breach, and instead including subclause (8), gives additional latitude to the undesirable censorship aspect of the intention of this clause where the ambit of opinion canvassed by a member of the council can be subjectively interpreted by the Minister as a breach of this subclause according to that Minister's whim at that time. Nothing objective at all about it.

It is sufficiently imprecise, ambiguous, and unclear to enable that course to be followed, to the eternal discredit of the entire organisation that this Bill seeks to establish. How unfortunate that otherwise the measure has considerable merit. But to so muzzle the members of which it is comprised with this ambiguous threat is to certainly ensure that inadequate public debate of matters of importance considered by this organisation will result. I do not understand, unless it is for that reason, why the Minister and the Government would otherwise have drafted it in that way. As the Minister has said, he is not a simpleton.

Can the Minister by some signal or nod show he is willing to acknowledge that the real intention is not to censor but rather to ensure confidentiality, and would he be willing to accept an amendment to subclause (7) and delete subclause (8)? Such an amendment, by changing the word 'should' in subclause (7) to 'must' in the penultimate line and then prescribing the penalty for breach as being automatic dismissal (and I still have no indication by the Minister of his willingness to do so) would solve this problem not only for the Council today but also for the council for the duration of time that it is likely to exist. It would make it capable of a much greater contribution to the overall resolving of industrial problems than it is otherwise likely to be able to contribute.

The CHAIRMAN: I put the amendments to clause 9 as moved by the Deputy Leader.

The Committee divided on the amendments:

Ayes (17)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, Chapman, Goldsworthy (teller), Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (21)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, Klunder, Mayes, Payne, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Majority of 4 for the Noes.

Amendments thus negatived.

Mr MATHWIN: Can the Minister give me information about the definition of 'non-political' as used in subclause 7 *(a)*? From the definitions that I quoted during my second reading speech, it is obvious that everything is 'political'. What does the Minister mean by this? Will he say what he intends by the wording of this subclause?

The Hon. J.D. WRIGHT: I have already replied to this question, but for the benefit of the honourable member I will repeat what I have said. This statutory body could easily become a political battle ground for both sides of the political arena, and I am trying to avoid that sort of situation. Some people could leave the discussion, go outside, and get their point of view over to the media, and it would thus be placed in the public eye. I do not want that to happen, and think that South Australia is small enough to contain such a situation. I have made that clear in this legislation. For the benefit of the member for Glenelg, neither the employer or the employee group complained about this matter. Time will tell whether we will have been successful, but I believe this Bill can be a vehicle to operate for consensus for the benefit of everyone.

Mr MATHWIN: The definition and intentions needed to be placed in *Hansard* for future reference. I considered seriously whether to amend this subclause, but decided against it, and I hope that the Minister's explanation of it will work as he expects it to work.

Mr BAKER: Referring to subclause (6), is it intended that the Minister should have a deliberative and a casting vote?

The Hon. J.D. WRIGHT: One vote.

Clause passed.

Clauses 10 and 11 passed.

Clause 12—'Annual report to Premier.'

The Hon. E.R. GOLDSWORTHY: In the interests of open government (which must be very close to the heart of the present Government in view of the public utterances its members have made over the years), it is our view that the report ought to be to Parliament. It seems rather pointless for a Minister who is responsible for a portfolio to be simply reporting to the Premier. I would have thought that it would be appropriate (if it was appropriate in this legislation it would be appropriate in any legislation) to write in that the Minister reports to the Premier. That happens as a matter of course if there is any matter of particular significance to the Government. If the Minister values his job, he normally tells the Premier about it. Therefore, if this clause has any meaning at all, in my view and in the interests of open

government, the report should be to Parliament, and that is the import of my amendment.

The Hon. J.D. WRIGHT: When we were examining the proposed legislation, one of the choices that the department and I had was to report to me as the Minister. That is obviously out because I am a member of the committee. The second choice was to report to the Cabinet and the third choice was to report to the Premier. In quite a deal of deliberation, Parliament was not considered because the committee is an advisory body to the Minister of Labour and not to the Parliament itself. The bodies that supercede me are either the Cabinet or the Premier. It was felt that, in order to give a proper protection, the report should go to either Cabinet or direct to the Premier.

Quite obviously, the Premier is the leading Minister in the State and, therefore, it was decided that the report should go to the Premier. He will obviously bring it to Cabinet so that Cabinet has a view of it. Personally, I have no objection if it gets its way into Parliament. I would say this: that if the Premier thought that it was necessary, in the interests of open government and good government, and that the report was of some use to the Parliament, the Premier may decide to bring it here. So far, I have not discussed that matter with him as to whether or not he intends to do so. However, they are basically the reasons why the Bill is in its present form. It certainly does not prevent the actual report being laid before the Parliament if the Premier so desires. However, that is the way the Government decided to bring in the Bill and I think that it is the proper way.

The CHAIRMAN: Before the Deputy Leader is called, I point out again that there are on file two amendments as such: one is consequential on the other. I intend to put the first amendment as a test case if that is satisfactory to the Deputy Leader.

The Hon. E.R. GOLDSWORTHY: Mr Chairman, you can put them together.

The CHAIRMAN: The Deputy Leader can speak to both of them. However, what the Chair is saying is that one is consequential on the other and there is no stringency about speaking to both.

The Hon. E.R. GOLDSWORTHY: As I understand it, the two amendments are together. I have no objection to that. This time the suggestion is that the Chair puts one as a test case. I think that to save time it would be advisable to put them together.

The CHAIRMAN: If that is satisfactory, the honourable member knows what the situation is. Does the honourable member wish to speak?

The Hon. E.R. GOLDSWORTHY: That is scarcely really getting to the nub of what we are on about with this amendment. In the normal course of events, if a report is of any significance at all it goes to other Ministers. If there is any major impact on the Government, then these reports are circulated. We know this from our experience in Government. One of the problems is keeping abreast of reports which come to one's desk from other Government departments. The Minister might as well have nothing in the Bill if that is his thinking. If it is simply to channel a report around Government circles, he might as well leave the clause out.

As far as the public is concerned, the clause is not worth a crumpet. In fact, all it says is that the Minister will report to his Premier. If there is supposed to be some significance in this clause in terms of channelling information around, obviously what I am proposing is the only sensible thing to do. If the Minister does not want his report to be made public, then no clause should appear. However, to put in a clause that he will report to the Premier is nonsense because that would happen in the normal course of events. As the Minister himself has just conceded, reports go to all Ministers. Therefore, the departmental thinking on which the Minister relied was that, in the first instance, the report would go to the Minister. He was on the council, so he said that that did not make much sense: that is fair enough. He said that it would then go to Cabinet and to the Premier. I do not think that it matters a damn because, if the report has anything in it, it will go to the other Ministers anyway.

Therefore, I repeat: if the Minister is fair dinkum about anything in this clause at all and is interested in letting the public know what is going on in an area which he claims is of the greatest importance to the public, namely, industrial relations, then he has an obligation to keep the public informed.

When we used to report annually to this Parliament, we used to lay the report, for example, of the Uranium Enrichment Committee on the table, simply because we believed that it was a matter of considerable interest to the public and certainly to the Opposition. Sometimes we had to hurry up ourselves to get a report ready so that we had something to put to Parliament. However, if there is any matter which is of compelling interest (and the Minister tells us time and again: he said earlier today that there is nothing more important than the job he has in Government: nothing more important than being the Minister of Labour) and if those questions of industrial relations, consensus and the workings of IRAC are as important (and I believe that they are important) and of compelling interest as the Minister suggests, of course, the public has a right to know what is going on. The only way for the public to know what is going on is to lay the thing on the table of these Houses of Parliament and let the press run through it by the normal democratic processes.

Therefore, the clause is nonsense in my view unless the Minister is interested in dissemination of information. I agree that industrial relations is an important topic. Certainly, the legislation on that annexed to the Bill is of vital importance to the whole community. I believe that it is only sensible that the community knows what has been happening, what Bills are being referred to IRAC and what conclusions were reached. Under those circumstances, it is appropriate that the report be tabled in Parliament.

Mr ASHENDEN: I would like to endorse completely the remarks of the Deputy Leader. When this Bill first came before the House I gave it the benefit of the doubt. I thought, 'Okay: from what the Deputy Premier said in his second reading explanation, perhaps the intentions of the Government are honourable.' However, on reading the Bill there are a number of areas that cause me concern and lead me to believe that, unless they are amended, they will certainly not be achieving the purported aims put forward by the Deputy Premier.

Unfortunately, the further we go into discussion on this Bill, the more it has become obvious to me that it is not the Deputy Premier's intention to bring about consensus at all. He wants to put up a lot of window-dressing and be able to say to the people of South Australia, 'I have brought in IRAC. IRAC is all about consensus. It is to bring the two factions, the employers and the employee groups, together. In discussions with me, we will make sure that everything runs smoothly in this State.'

The decisions that have already been made in this Parliament this afternoon leave a lot of doubt as to whether the intention of the Deputy Premier is at all honourable, as he states. Certainly what is happening now is leading me to believe that the situation has not changed.

The Deputy Premier is putting so many constraints on this new council it will not be successful in achieving any of the purported aims. We have seen already that the Government in using its numbers and has made sure that no

member of the council will be able to make any public statement. At the same time that decision will mean that any organisation or any of the members could find themselves in serious trouble if they make any public statements. We now find that the report of the council will be made to the Premier, which means, of course, that if there is anything that the Government does not want to disclose to the public, it certainly will not be disclosed.

Members of the council will not be able to disclose anything to the public under a decision that has already been made. The Minister in reporting to the Premier will be able to make quite sure that the Premier is made aware of certain matters that in his opinion should not be released to the public. What we will find is that (and the Deputy Premier's words were such) if the Premier chooses, he can release the report to Parliament, but the likelihood of the Premier's choosing to do that, against the advice of his Deputy Premier, I think is pretty remote indeed. Therefore, we will find that members of the council will be gagged, and the council will be gagged, because the report will go to the Premier. The Parliament and the people of South Australia deliberately will be kept in the dark by this Government.

The Hon. J.D. Wright: He had a chance of winning this until he got up.

The Hon. E.R. Goldsworthy: That just shows that you are petty.

The Hon. J.D. Wright: There is none now.

Mr ASHENDEN: I would like it reported in *Hansard* that the Deputy Premier stated that until I began to speak the Opposition had a chance of winning this. The Deputy Premier in his reply to the Deputy Leader said that he would not accept the amendment.

The Hon. J.D. Wright interjecting:

Mr ASHENDEN: I am sorry, Sir, but you did say you would not accept his amendment. If the Deputy Premier is prepared to accept the amendment I will be delighted, and I would be only too happy to withdraw my allegations that I believed that the Deputy Premier was not sincere. If he reads *Hansard* he will find that it is only his latest decision that has made me believe that the Deputy Premier is not sincere. If he is prepared to accept this amendment I will be delighted, because at least then the Parliament will be able to be provided with a report that will enable public discussion to occur. I hope that the Deputy Premier's interjection is correct. I will certainly resume my seat so that I can hear what the Deputy Premier has to say. I hope that it will not be necessary for me to continue my remarks.

The Hon. J.D. WRIGHT: I was gradually coming to the conclusion that there may have been some merit in this amendment until the member for Todd got up and accused me of all sorts of things. He accused me of gagging and suffocating the debate.

Mr Ashenden: No, of gagging the Council's members.

The Hon. J.D. WRIGHT: Let us be honest about what this report is. It will be a bland type of report that will consist of all of the things that go to IRAC and the decisions made. That is what it will contain. Who would want to hide that? All of the matters that IRAC has discussed throughout the year will come to Parliament anyway. I am not trying to hide anything or gag anyone. I take offence at the member for Todd's remarks, although this is not the only time he has carried on like this.

Mr Ashenden: Have I struck a tender chord?

The CHAIRMAN: Order!

The Hon. J.D. WRIGHT: I was getting very close to accepting this amendment, although I have now decided not to accept it today. I think that if *Hansard* is checked it will reveal that I have not said in this debate that I would not accept it. Let us look at *Hansard* later: I do not think that I said I would not accept the amendment. I shall let the Bill go on to the Legislative Council in its present form and at the first opportunity I will discuss the matter with those members on the IRAC committee. That will be before this Bill is finalised in the Legislative Council, anyway. If they are of the opinion that the report ought to go to Parliament, I will be prepared to accept either the amendment at that juncture when the Bill is in the Legislative Council, or alternatively, the calling of a conference. However, I would want to discuss the matter with the IRAC: they have not raised this with me, although they have had the Bill for some three or four months. To the best of my knowledge, until the matter was raised in this place today, no criticism of where the report will go has been raised with me. If that is the feeling out there in the community, I do not see any great problem in resolving it. But I will not be abused in this House by the member for Todd when he wants to get something. I think that he should put the argument in such a way as was put by the Deputy Leader, who was convincing me as he went along.

Mr Ashenden interjecting:

The CHAIRMAN: Order!

The Hon. E.R. GOLDSWORTHY: The Deputy Premier's remarks amazed me. I thought better of him. If the Deputy Premier had listened more carefully to what the member for Todd said, he would have realised that the member for Todd was being critical of clause 9 (which has now passed), which referred to the ability of members of IRAC to make statements. I think that the Deputy Premier was being over sensitive. The member for Todd was simply saying what had been said earlier, namely, that the council would be effectively gagged; that is the literal interpretation that has been put on it. I did not detect any personal abuse at all in what the member for Todd was saying. I do not believe that he was being personally abusive. However, what the Deputy Premier's remarks do indicate is what I think is a fundamental weakness in the Minister, that is, that he may intend to legislate by pique: in other words, if his sensitivities are offended he will change his mind on a matter of judgment in relation to the merit of legislation. In my book that is a serious flaw in the Minister's make-up if that is the way he is going to operate. The Minister said that he was going to accept the amendment but because of the member for Todd's remarks—

The Hon. J.D. Wright: I said that I was thinking about it.

The Hon. E.R. GOLDSWORTHY: That has been modified as time has gone on: the Minister knows perfectly well what he said to me across the Chamber—he was going to accept it until the member for Todd spoke. If that is the case, I think the Minister is incapable of judging an argument on its merits: it is on the merits of the argument that legislation should rise or fall.

The Hon. J.D. Wright interjecting:

The Hon. E.R. GOLDSWORTHY: I will come to that point in a moment, because that also disturbed me. However, I was very disturbed indeed about the fact that in a fit of pique the Minister said that, although he was convinced on the merits of the argument, he did not like what the member for Todd said about him (although I do not believe that that criticism is valid), and that therefore he had changed his mind. That sort of approach will lead to mighty poor legislation in this State. Frankly, I am surprised about this. The Minister might be thin skinned on occasions, but if it gets to the extent of affecting his judgment in relation to the merits of an argument, I would be very disturbed. The Minister said that he would go and talk to IRAC. However, in my view this is a matter for Government determination and policy. I can understand why the employer groups would not see this as being important to them. It is not the sort of thing that is within their normal ken. It is a matter

of Government policy whether the Government intends to make information available to the public, or whether it wants to keep it in-house. Of course, one of the popular cries to the public is, 'We all believe in open government', but when it comes to the crunch, if there is anything in the report that is likely to be disadvantageous to a Government they all scurry for cover—whatever Government may be involved—and they try to sit on it. The Minister has accused the former Minister of Industrial Affairs, the member for Davenport, of doing just that in regard to a report, and that matter has really had a hiding in this House.

The Hon. J.D. Wright interjecting:

The Hon. E.R. GOLDSWORTHY: The former Minister was accused of trying to hide it. The Minister of Labour cannot have it all ways. In one breath he said that the report will not be controversial and that there is no reason why it should not be tabled in the House. The former Government, of which I was a member, went out of its way to put information before the public, and I cite the case of the Uranium Enrichment Committee, particularly, which was involved with a controversial public issue, which I believed the public had a right to know about. The Minister says that in his view this is a most important area of Government. It may be that the report does not contain any earth-shattering conclusions, but why should it be kept in-house in regard to the Parliament and the public finding out how the council is operating.

I repeat, I was disappointed indeed, because the Minister is going to allow his judgment to be affected by what he took to be a personal attack and which I do not believe was. Let us face it, that is part of the play in this place and if the heat in the kitchen gets too much, you should not be there.

The Hon. J.D. Wright: Sit down and I'll show you.

The CHAIRMAN: Order!

Mr ASHENDEN: I would like to speak briefly. I do not resile from or apologise for any of the statements I made earlier but I would for the sake of this clause like to explain to the Deputy Premier and have it on the record that, when I was referring to the gagging situation, I was not inferring that the Deputy Premier was gagging this Parliament. What I was referring to was subclause (8) of clause 9 which I said effectively gagged members of the council and I was referring to clause 12 which effectively gags the council in that it would have to report to the Premier unless this amendment is adopted when, of course, the report would come to the Parliament. I hope the Deputy Premier will accept that explanation and I believe that if he had listened carefully to my comments he would have found that was what I was referring to.

The Hon. J.D. WRIGHT: I was almost coming to the conclusion that the Government could concede this particular amendment. I know it is of no major consequence and I am not quite sure why two members of the Opposition have made such a great thing about it. I want to place on record that to the best of my knowledge no complaints have reached me from anyone outside about the report being directed away from the Premier's Department. If there had been I would have discussed them.

The Hon. E.R. Goldsworthy: They're not members of Parliament, are they?

The Hon. J.D. WRIGHT: No. As I say, I want to place on record the fact that there was no attempt to hide the report from anyone. It was a departmental advice that the best place to send it was probably the Premier. We had three options of where it should go. There was no attempt to gag members of the Opposition and there was no attempt to gag the State. Members of IRAC would have all had a copy of the report which could then be distributed to their own organisations. I think it is wrong to accuse me of trying to hide anything. The member for Todd has given an explanation which I accept. In the circumstances if that is the best thing to do at this time as far as I am concerned the amendment can be carried.

The Hon. E.R. GOLDSWORTHY: I move:

Page 4, lines 31 and 32—Leave out 'to the Premier on its work during that year' and insert 'on its work during that year to the Speaker of the House of Assembly and the President of the Legislative Council'.

After line 32 insert subclause as follows:

(2) As soon as practicable after receipt of a report under this section, the Speaker shall cause the report to be laid before the house of Assembly and the President shall cause the report to be laid before the Legislative Council.

Amendments carried; clause as amended passed.

Clause 13—'Expiry of Act.'

The Hon. E.R. GOLDSWORTHY: I move:

Page 4, line 33—Leave out 'the third anniversary of its commencement' and insert 'the dissolution or expiry of the forty-fifth Parliament'.

It seems to me wrong in principle that a Government which has accepted the fact that there should be a sunset clause in the legislation seeks to bind any future Government to any time. The Minister has sponsored this legislation because he as a Minister intends to act in a certain way. I do not think it is right as a principle for a Minister to impose his will on a future Minister—and there will be a future Minister at the dissolution of this Parliament at the next State election. It seems to me a far more appropriate time for the legislation to expire at the time of the next election. It could well be that a Minister in some future Labor Government will find this legislation not to his liking. I do not know, but it seems to me that the Minister is imposing a certain code of behaviour on himself in this legislation but I do not think it is proper that he should seek to do it for any future Minister who may be Minister of Labour and there certainly will be another Minister of Labour at the next State election and it may or may not be the present incumbent; the chances are it will not be. I think it is wrong in principle to seek to confine any future Minister to a course of behaviour that is dictated in this Bill. I do not think it is unconstitutional but in my view it is certainly wrong in principle. If the Minister accepts as he obviously does that there ought to be a sunset clause, then it seems to me to be far more appropriate that it ought to expire at the life of this Parliament.

The Hon. J.D. WRIGHT: I cannot accept the amendment. I did deal with this in some detail in my response to the second reading debate. There is no argument between the Opposition and the Government on the fundamental principle of this particular clause, so that is a start. Both sides of the political fence, all members of IRAC, the trade union movement and the employers' organisations have conceded that there ought to be a trial period because no-one really knows what is ahead of us. I am advised that other Governments (Labour and Liberal) think that this is a good idea and that it could work and if it does work they will probably adopt it. One does not know what the future holds. The only disagreement between the Parties at the moment is the expiration date.

I am not terribly biased about that but the final conclusion that we reached was that it ought to extend a little beyond the life of the present Parliament and then whoever is elected after the next election (and I am pretty sure it will be a Labor Government) would have only to extend the time; the legislation would not have to be brought in again. Alternatively, the Deputy Leader talked about me imposing my will on some other Minister. I am not doing that because clearly he would not have to act, he could just let the legislation expire. I believe we have chosen a facilitation

date. I think it is the best way to cater for the legislation to proceed or for it not to proceed.

Mr ASHENDEN: I was heartened by some of the comments the Deputy Premier made in his reply to the Deputy Leader. I will choose my words carefully because I certainly do not want to be accused again of being a person who has caused the Deputy Premier to harden his line rather than to soften it.

I believe some comments, however, have to be made in relation to the Deputy Premier's decision not to accept the amendment. I wonder whether the Deputy Premier has read carefully the second reading speeches because if he had he would have found that basically the Opposition agrees with the tenets and aims of the Bill; there is no denying that. However, the Deputy Premier must also admit that obviously from the debate which has ranged this afternoon there are some areas in the Bill with which the Opposition does not agree.

The Deputy Premier has to admit that after the next State election there could very well be (and certainly with that announcement in the *News* this afternoon and with the moving aside of the Premier in New South Wales it is a distinct possibility) a change in Government. This will mean that the new Minister of Labour—and hopefully after that election the spectrum covered by the title will be broader than just the Minister of Labour—but be that as it may, the Minister covering the same area of responsibility as is presently covered by the Deputy Premier, will be saddled with legislation with which he does not agree. I just cannot accept the point being made by the Deputy Premier that sunset legislation should not expire when this Parliament is dissolved.

There is no doubt that both sides agree that sunset legislation is necessary, and the Deputy Premier has said that he is not fussed as to when the sunset clause becomes active. I therefore urge him, purely and simply to ensure that a subsequent Minister is not saddled with legislation he does not want, to provide that the sunset clause be determined at the end of this Parliament. That will mean that the Minister of Labour after the next election could reintroduce this legislation if he chose or modify it to ensure that it would be more suitable to his Government and to the people of South Australia.

Amendment negatived; clause passed.

Schedule and title passed.

Bill read a third time and passed.

WORKERS COMPENSATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 20. Page 957.)

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I do not think that it will come as a surprise to the Minister when I tell him that the Opposition in all conscience believes that this legislation is ill advised. It is interesting to note that the Deputy Premier has not referred this Bill to his new industrial relations council.

The Hon. J.D. Wright: It's not established yet.

The Hon. E.R. GOLDSWORTHY: Possibly not but, according to the Bill the House has just passed, the Bill to amend the Workers Compensation Act should be referred to that council. It seems strange that such an important Bill (and I believe that this is one of the most important Bills I have had to consider since last year's election) is not being sent to that council because the Minister is not willing to let it be given mature consideration by that body. All employer groups and large and small employers in South Australia are concerned about this Bill. I know that the legislation is the result of a pre-election promise given by the Labor Party, but the Government has had to scrap other election promises, such as its promise not to raise existing taxes or to introduce new ones.

The Hon. J.D. Wright: Whose fault is that?

The Hon. E.R. GOLDSWORTHY: It is the fault of the present Government. They told the people that they would create jobs, but unemployment has deteriorated since last year's election.

Mr Mayes: How about the 230 teachers who have jobs they wouldn't otherwise have?

The Hon. E.R. GOLDSWORTHY: That is simply the result of swapping jobs. More than 230 workers have lost their jobs in the private sector. The Government has taken away job opportunities in the construction field and is sacking people right, left and centre. What is so clever about that? Is that the great job-creation scheme that Labor talked about before last year's election? The Liberal Party did not propose it. The Wran Government in New South Wales sacked roadworkers, saying that it could not pay them. We sacked no-one when we were in Government. Our Party gave certain undertakings and we honoured them. If the Labor Party wants to put more people on the pay-roll and thereby improve class sizes at a time like this, that is their decision, but Government members should not come in here and say that this has been done at no cost to anyone else: it has been done at the cost of jobs in the private sector. How else can the Labor Party pay for these promises?

I believe that it can be done only by cutting back massively on public works. So, that great economist, the member for Unley, should not say that his Government has created jobs at no cost. When in office, we did not especially want to be a tough fiscal Government or to put the screws on, but we had no option. The Labor Party, on the other hand, has taken the easy option and promised the world. Although I say that the Labor Party has not kept many of its pre-election promises, here is one promise that the Government is keeping, to the Labor movement. As I say that, I get a knowing look from the Government back-benches because it is a fact: this was a pre-election promise of the Labor Party. Certainly, it was included in a whole heap of other promises, including lower unemployment and lower interest rates. This hotch-potch was presented to the people, and they said, 'Let's give them a go.' The reduction in class sizes by putting more teachers on the pay-roll did not do anything to improve the overall employment position in this State, because the pay for those jobs was taken from employment in the private sector.

Members interjecting:

The DEPUTY SPEAKER: Order! The Chair has been a little lenient, but there is nothing to do with employment or unemployment of teachers in the Bill. I ask members not to interject, and I ask the honourable member for Kavel to come back to the Bill.

The Hon. E.R. GOLDSWORTHY: I have tremendous respect for your ability in the Chair, Mr Deputy Speaker, but I was provoked by the member for Unley. This legislation is the result of a pre-election promise by the Labor Party. The Labor Party has backed away from many of its pre-election promises, but it has not backed away from the promise to give the trade union movement certain benefits, and this Bill is a result of that promise.

It is a pity that this legislation must be rushed through and that this payola measure cannot be referred to the industrial relations council, because I am sure there is no way in the world that consensus would be reached on that body. Indeed, every employer group is adamant that this legislation is ill conceived, especially at present. I realise that the Minister in his second reading explanation said

that the Bill was progressive. He also said that it was equitable, but I do not believe that it is equitable when compared with interstate standards of workers compensation. However, it is progressive, so progressive in fact that it can only increase unemployment in this State. I make that prediction emphatically: that there is nothing surer than that, if this legislation is passed, there will be an increase of 15 per cent in workers compensation premiums.

The Hon. J.D. Wright: Who gave you that figure?

The Hon. E.R. GOLDSWORTHY: An authoritative source. He is somebody who ought to know and it was not an employer as such. In those circumstances any added impost on industry and employers will reduce their ability to employ people.

The Bill has three major elements. The Minister seeks to remove some improvements in workers compensation which were enacted during the life of the Liberal Government—enacted for a very good reason, not because the Liberal Government wanted to screw workers down but because it wanted to come to terms with the competitive realities around Australia and with the enormous impact that workers compensation is having on all employers, large and small, in South Australia and their ability to employ people. Unless the union movement, the Minister and other members in this House, who are spokespersons for the trade union movement come to grips with the fact that people in employment will have to accept conditions which are somewhat less favourable than the conditions they have been enjoying for a number of years, and if they are not prepared to tighten their belts, it will be a long time before we do anything significant about unemployment in this country.

This is another example of a Government thinking that we are living in fair-weather times and thinking that we can legislate for added benefits at a time when this State is at absolute rock bottom. This legislation might be acceptable if the economy were buoyant. I know that the Government throws this back by saying, 'When is the right time?' The right time to be enacting this measure is when we have, say, 2 or 3 per cent unemployment, when companies are profitable and when there is a shortage of labour. When there is a capacity to employ people and when unemployment is at a figure which members of the Labor Party would consider acceptable, that may be the time to introduce this legislation but, to suggest that we can legislate for increased benefits which are far more generous than anything around Australia at a time when we have had the highest unemployment rate in mainland Australia, is absolute stupidity.

I will quote the interstate comparisons in terms of what workers enjoy elsewhere. Of course, by world standards these figures would be considered generous provisions. We had 10 pace-setting years under Labor in South Australia, and look where it got us: it took us to the top of the unemployment list. Where did it get us in terms of development? Nowhere! Not one single development that I can recall during the 10 years of Labor in South Australia added permanently and significantly to the employment base in this State. This is all good fair-weather stuff, when the national economy is buoyant. Let us be pacesetters, with the best superannuation and workers compensation schemes in the nation! To enact provisions that will make workers compensation in this State the most generous in Australia is absolutely foolhardy.

The figures in other States are as follows: in Victoria, the adult rate of compensation is $147 a week plus $42 for a spouse allowance and $14 for each dependent child (maximum of two); maximum weekly payment $218, or average weekly earnings, including overtime, whichever is the less. In New South Wales (a Labor State) for the first 26 weeks it is current weekly award rates for occupation, excluding overtime or over-award payments, etc. If no award, it is the amount prescribed by the commission (at present $237). After 26 weeks, it is an amount prescribed by the commission. From 1 April 1983, the prescribed amount is $133.80 maximum, which is an enormous drop after 26 weeks.

Here is the Minister seeking to remove from what is an inflated workers compensation payment a 5 per cent contribution to a rehabilitation fund. In Queensland, for the first 26 weeks it is the award rate of pay or, when not under an award, average weekly earnings, including everything, or $259, whichever is the less. After the first 26 weeks, it is the equivalent of guaranteed minimum wage at present $170.40—an enormous drop; dependent wife $28.95 and each dependent child (no limit to number) $11.95, but not to exceed the award rate of pay. In Western Australia, it is the normal rate of pay under the industrial award for hours worked; overtime or other allowances are not included. When not under an award, one must try to relate to an award for that occupation; if not possible, the normal weekly wage applies. Overtime and allowances are specifically excluded.

In Tasmania, average weekly earnings apply or the award rate, whichever is the higher. That is the only State which compares to what the Government seeks to enact in South Australia. However, we are a long way in front of all the other States which have any production of consequence and which are our natural competitors, particularly the Eastern States. As I say, I can think of no less opportune time for the Government to be legislating in this fashion. It will again increase the costs in South Australia by an estimated 15 per cent, and that will cost jobs.

I know that I have touched a tender nerve opposite, but I do not believe that the union movement, or certainly the hierarchy of the union movement, are particularly interested in unemployment. The Labor Party says that it is: it gives lip service to it, but when it comes to the crunch the union officials are interested in their own little dung heap and what they can get for the members of their union. The member for Unley—

The Hon. J.D. WRIGHT: I take a point of order. I am getting embarrassed by the Deputy Leader. He keeps pointing at me all the time, and I am wondering whether anything in Standing Orders prevents him from doing that. It might go off eventually.

The DEPUTY SPEAKER: I do not think that that is a point of order.

The Hon. E.R. GOLDSWORTHY: The Deputy Premier is uncommonly sensitive today. As I say, if the fire in the kitchen is getting too warm then one should take a cold shower. I do not believe for a moment that the union hierarchy gives a damn about unemployment. If it does, it is hard to understand, with the way in which it is pressing claims at present, how its behaviour lines up with any real concern that it may have for unemployment.

There are three major elements in this Bill. The first is the rehabilitation provisions which remove the 5 per cent contribution to the rehabilitation fund after 26 weeks. The Minister talks about coercion, etc.: there should be a real emphasis on rehabilitation in relation to workers compensation. There does not appear to be much that takes its place. There are two aspects of the amendments relating to hearing. The 10 per cent threshold before workers are compensable is removed. I can easily envisage a situation where we have 90 per cent of the workers in this State on workers compensation for hearing loss, and the Labor Party may think that that is a good thing. It is very difficult to determine what is normal deterioration in hearing and what is the deterioration of hearing as a result of one's occupation. The provision in relation to a claim having to be made within two years of retirement is removed. As I say, it is very difficult to determine what is hearing loss as a result of

normal aging, particularly after two years from the time of one's employment. I believe that this Bill runs counter to everything that the Premier has recently been saying publicly.

I hope that the Minister accepts the point that this will add to costs and the cost of production in this State. The Premier has been making speeches around the nation. We have had a national economic summit conference where some of these matters have been canvassed, and I believe that this Bill runs completely counter to the sort of sentiments the Premier has been recently expressing, both in South Australia and in Canberra. The following is part of a speech made by the South Australian Premier to the national economic summit on 12 April:

> If we allow ourselves to be locked into prescribed, set piece positions, we will have failed. We—

this is the Government—

> like business men, caught in a recession and unable to make profits, have few options . . . sack workers, fritter away our reserves, borrow recklessly or cut back community services now regarded as essential. None of these options is palatable.

These are the only options available to employers outside Government. They do not have the option of raising taxes; they have no tax-raising power. But here is the Premier complaining about the options open to Government. Those options are not open to employers in the private sector, where there is only one option: if they are not profitable they either go out of business or reduce their costs. The major element in their cost structure is, of course, the labour component, as everybody recognises, which is also the major component in Government. When Government cannot balance its Budget and cannot dismiss people, of course, it raises taxes. However, the option available to people in the private sector is to raise prices, and if they cannot sell their goods they are out of business. The Premier also said at the summit:

> We must aim for a restoration of strong employment growth in Australia. In the short term our manufacturing industries need a breathing space, plus incentives for longer-term restoration. of higher levels of economic growth.

What does the Government think that this Bill does for our manufacturing industry? All the representatives of manufacturing industries and every employer group to whom I have spoken are concerned about the impact of this legislation, because I do not believe that they are trying to grind their workers into the ground. They are trying to keep them on the pay-roll; that is the main concern I detect from employer groups in this State at the moment, and they are very concerned and worried. They are not these heartless profiteers that they are painted to be in many instances. They are generally worried and saying, 'We're having to put off good people'. How often have I heard that around the State from friends of mine, some of whom may be small employers and some of whom may be larger?

They are concerned that they are having to dismiss people who have been in their employ for a quarter of a century, and their concern about this Bill is not that they will have to pay more in premiums: it is the impact on the things they have to do. The first thing that they have to do (and they have had to do it since this Labor Government was elected) is to put people off the pay-roll. It is a question of balance. Is the Government going to give certain sections more benefit to those who are in work than to those who are injured, or is it more interested in giving their children a job?

That is the question that the Government has to address at a time of record unemployment. Where do its priorities lie? Does it want added benefits for the people in work or does it want to spread those benefits? (That is the only way that it will get more people in work—of that I am absolutely convinced). This is what the Premier has been saying on the one hand—we have to give manufacturing industries a breathing space. What sort of breathing space does this legislation give them? It does not matter what the Deputy Premier says: he might dispute my 15 per cent, which I believe is conservative, but he knows that this must be paid for and that the only way is via premiums, which have to be borne by the employer. The Premier is saying that to be successful, however, an economic breathing space must include a prices and incomes accord.

The Hon. J.D. Wright: If you're right about the 15 per cent, that means that the insurance companies should have reduced it by 15 per cent when your Government actually implemented it. What in fact they did was put it up by about 12 per cent.

The Hon. E.R. GOLDSWORTHY: Yes, but they would have put it up by 27 per cent. If the Deputy Premier is not aware of the fact, from the common law judgments which are handing out enormous sums of money over and above the impact of the legislation, that there are great pressures at the moment to increase workers compensation premiums, other than this legislation he is not very well informed.

Mr Groom: Surely you are not opposed to common law?

The Hon. E.R. GOLDSWORTHY: I am not saying I am opposed to it: I am talking about the pressures which are on in terms of the cost of workers compensation and compensating workers for injury. I am saying that if you are not aware of that scene you have got your eyes shut. I have quoted from the Premier's speech at the summit. He talks about being competitive. If he is talking about the competitiveness of Australia, the competitiveness of South Australia is, in my judgment, equally valid. In a speech made two days later by the Premier on the question of protection, he said:

> We must also have an appropriate set of industry policies dealing with protection, structure adjustment and measures to support industrial development and growth—

he is certainly on the industrial development and growth kick—

> Although most of these questions are ultimately questions of Government policy. This is a valuable opportunity to address them and at least identify some basic truths and actions which need to be taken. Put simply, we have to hold the line against further massive job losses and provide a coherent context for growth.

This is all fine rhetorical stuff. What does this legislation do to help that? It operates in direct opposition to the sentiments expressed here. He continues:

> The remarks which I am about to make may seem pointed. They are intended to be. Times are tough, and the situation demands plain speaking and specific action.

That is so much baloney in the context of this legislation. Let us look at the communique—at the distilled wisdom of the Premier and others who went off to the summit conference. Is this just so much window-dressing or does it have some meaning? Some of the sentiments expressed at the summit conference are as follows:

> The participants recognise the challenge facing the nation, as outlined by the Treasurer in his submission to the conference. The Australian economy is in deep recession. Economic activity and employment are continuing to fall, and unemployment is still rising. Profits are depressed, and wage earners have had to accept deferral of improvements and maintenance of living standards—

there is no deferral detected here—no deferral at all—

> Inflation and interest rates remain high. There are signs of improvement in the world economy and of an end to the drought in the Eastern States. There is wide agreement, however, that sustained economic recovery and significant inroads into the unacceptably high level of unemployment will require a steady improvement in business and consumer confidence and more effective processes of income determination.

I can tell the House that, if the Government thinks that this Bill will do anything to improve business confidence, it is sorely mistaken. The communique continues:

There is also wide recognition that Australia's economic problems are deep-seated and not amenable to rapid solution.

This Bill will certainly put off the day of solution. Point 6 in the communique states:

To ensure that such generated growth is equitably and efficiently distributed requires a community prepared to place a priority on employment and a restraint on self-interest.

This simply reinforces what I said earlier: people in employment have to be prepared to accept a bit less if people out of employment are to have a chance. Point 9 of the communique states:

The reality also is that we live in a mixed economy in which the private sector is an integral part, providing some 75 per cent of jobs in the community. The preservation of the private sector as a profitable operating sector is essential—

I do not know how the member for Florey sights that, but that is what the communique says—

to Australia's well-being and to encourage job creating investment both from within Australia and abroad.

In point 15, the communique goes on to say:

Business participants have emphasised their concern with overall unit costs of production and their importance in preserving the competitiveness of business and therefore its ability to survive, expand and create jobs.

A group of people who saw us this morning has a new President, because the President's business in the construction industry has gone defunct: he is out of business. Therefore, it is a matter of survival and of priorities. Point 16 of the communique states:

They maintain that to achieve the growth in G.D.P. and employment on which the nation's prosperity will depend, increased profitability is now essential if new investment is to be generated at an effective level.

Point 20 of the communique states:

It is recognised that if a centralised system is to work effectively as the only way in which wage increases are generated, a suppression of sectional claims is essential . . .

So it goes on. Turning to other aspects of the Bill, the matter of average weekly earnings is probably as damaging as anything in the Bill in terms of impact on payments. In my view, it would be particularly damaging in terms of the construction industry, where site allowances are geared to the nature of the work. It seems incongruous that people on workers compensation who are not experiencing the rigours or the added expense of being on some site doing a job should be included in the average weekly earnings. I am sure that this will have a significant impact on the construction industry, where site allowances are significant and, particularly, in some of the areas which were of concern to us in government. I refer, for instance, to construction work in the Cooper Basin and on mining locations in outback Australia where construction work attracts significant site allowances. If a worker in that situation is injured, it seems quite incongruous to include a site allowance in the computation of average weekly earnings. I say that that view is universally shared by anyone who employs anyone in South Australia.

There are three major elements in the provisions in relation to workers compensation and rehabilitation, the provisions in relation to hearing loss, and the computation of average weekly earnings. There is a 'protect the unions' clause, where any time loss in relation to diminution of earnings through strikes is to be disregarded. I found that a quaint explanation, because the worker may not want to be on strike (I think that is how the explanation puts it). In many instances, the workers do not get much say, in this day and age, about whether or not they go on strike. Many of them do not want to go on strike, and for the first time there is a real admission by the Government that that is the case; the reason for neglecting to include in average weekly earnings the fact that they did not earn while they were on strike is that they may not want to be on strike. I find that quite quaint.

The Bill itself is a bit intricate, darting in and out of the Act and seeking to find out precisely the import of the Act. However, from my examination of the second reading explanation, it accurately reflects the import of the amendments. There is all the ballyhoo in that explanation that the Minister's legislation seems to bring forth. He cannot resist the temptation to blast the former Government at every opportunity. Some refreshing second reading explanations in similar legislation that I have handled have given the facts without the political ballyhoo. However, the Minister (or whoever assists him) cannot escape the necessity (as they see it) of writing in political ballyhoo in what I suggest would be prepared by the professionals.

The Hon. D.C. Brown: He seems to have a hang-up about it.

The Hon. E.R. GOLDSWORTHY: He has a real hang-up about the former Minister in the Liberal Government and about the Cawthorne Report. He leans heavily on the Cawthorne Report to enhance everything he seeks to do. However, if that is how the Minister chooses to operate, so be it. I find no fault with the explanation of the clauses. I believe that it is an accurate synopsis of what the Bill is all about. The only clause which really has merit is the one in relation to umpires and referees, the inclusion of which I think is something that has become necessary. However, unfortunate as it may be for the umpires, I would like to see this Bill defeated, not for that reason, of course, because I think that that is necessary: that clause is one with which we have no argument. However, the three areas with which I have dealt are particularly ill-advised at present.

The last clause of the Bill refers to sanctions on employers increasing penalties on employers if they do not submit satisfactory returns. I do not know how pressing that is in the Government's thinking. However, I believe that the major parts of the Bill are quite ill-advised for the reasons that I have adduced. For that reason, we intend to oppose the Bill. If the Government can enact the provisions in relation to umpires and referees, so be it, but it is just not acceptable to have that bob up at the tail end of a Bill which is obviously so damaging to the economy of this State.

Therefore, I think that from what I have said, the attitude of the Opposition is clear. We do not believe in legislating to increase unemployment, and I am absolutely convinced that that is what this legislation will do. It is not in the spirit of, and it certainly does not coincide with, what the Premier has been saying publicly and what he said at the summit in terms of giving industry and employers a breathing space. It certainly does not coincide with the conclusions of the summit. If the Government is incapable of seeing that, then I am afraid that the pay-off to the unions will simply swamp any broader considerations of the economy, the general good of the community, and the economy of the State as a whole. The fact that it puts us well in front in terms of interstate comparisons is especially fool-hardy when our unemployment is still amongst the highest in the nation.

Mr BAKER (Mitcham): Dealing with this Bill, I feel a little sad that the Minister has taken this action, because I believe that it is fundamentally against the needs of South Australia, and the difficult circumstances in which we find ourselves. I think that it is useful to review the changes proposed in the light of what has happened in the workers compensation field over the past few years. I have extracted some information provided by the Australian Bureau of Statistics on the performance of general insurance from

1979-80 to 1981-82 in respect of employer liability, the item which covers workers compensation.

The figures are quite revealing in terms of what has happened to the cost of premiums and the liabilities borne over those three years. Of course, that trend has continued during the past year. Unfortunately, figures are not available for 1982-83. The principle is that in 1979-80 premiums paid by employer groups amounted to $774 400 000; in 1980-81, $875 700 000; and in 1981-82, $1 175 800 000. At the same time, the liabilities amounted to $698 200 000, which in 1979-80 showed a surplus of $76 200 000, or about a 10 per cent return on money. In 1980-81, $922 400 000 was paid out in liabilities and the net loss at that stage was $46 700 000; in 1981-82 the liabilities amounted to $1 324 800 000, with a net loss to the insurance industry of $150 000 000.

In South Australia we followed a very similar trend. The net profitability of the industry in 1979-80 was $12 400 000; it fell to $4 300 000 in 1980-81; and in 1981-82 the industry sustained an $8 300 000 loss. Those figures show that the insurance industry is under attack: it is unable to set premiums that will meet its liabilities. As can be seen from the figures I have provided, liabilities over the three-year period have increased by almost 100 per cent. However, premiums have increased somewhat less, of the order of 80 per cent. That is in regard to the Australian situation, but it is reflected also in the South Australian situation. We have had a massive escalation in this field.

I think it is worth while looking at the information that is available. I noted an article which appeared in the *Weekend Australian* of 19 and 20 March 1983, entitled 'The huge burden that's crushing Australian industry'. The report alludes to some of the matters raised already by the shadow Minister. I shall quote various parts of the article, because I think that there are some important points that need to be brought out in this debate in which we are considering a substantial change to the Act which will cause increased costs to the industry. The article states:

> In theory workers compensation exists to protect the worker against loss of livelihood. In practice the compensation monster has turned on its master, consuming the jobs of an unaccountable number—possibly thousands—of Australian workers.

It makes that point very clearly, namely, that the major loss has been incurred by the Australian workers. The article further continues:

> Many are being sacked as insurance premiums skyrocket (up to 200 per cent in one year). Many more are seduced into inactivity by systems which make return to work either impossible or unattractive. Broach the subject with hard-headed business people and they become emotional. Normally cool insurance executives fume over figures which don't add up—they claim to be losing hundreds of millions of dollars.
>
> Governments set up inquiries, with new legislation in mind, but the critics say 'trigger happy legislators' won't solve all the problems. Even the Judiciary, not normally cast in the role of activist for social change, has spoken out. High Court judges have made unusually strong criticisms, while Mr Justice Lee of the New South Wales Supreme Court speaks of 'grave disquiet' in the community over assessment of damages which he sees as 'an exercise in sheer fantasy'.

Those remarks were made by a justice of the New South Wales Supreme Court.

Mr Groom: That is referring to New South Wales—come back to what they say in South Australia.

Mr BAKER: For the benefit of the member for Hartley, I intend to refer to some items on South Australia in a moment.

Mr Groom: New South Wales has always been different.

Mr BAKER: Yes, I know that. The article to which I was referring further states:

> Large awards for damages come from the common law courts in cases where the injured worker can prove negligence on behalf of an employer, and thus qualify for something more than the usual compensation for lost wages. The advent of unlimited claims has opened the gate to huge sums being awarded. In New South Wales, in many ways the national trendsetter, where the statutory upper limit for damages has been removed, an award of $236 417 was made this week to a factory assembler who injured her back on the job.

The article cites these examples, as follows:

> The executive director of the Victorian Employers Federation, Mr Ian Spicer, says employers can no longer carry the burden of ballooning insurance premiums. Workers compensation is now the third largest cost after raw materials and direct wages in Victoria. Consequently employers hit by rising insurance premiums are laying off workers to keep costs down.

That is the evidence that is emerging: members opposite say continually that we must push up premiums, that we must provide greater and greater benefits, yet in the same process they know that their workmates and friends are being laid off. It is incomprehensible to me that the Government should wish to go ahead with measures that I believe run counter to the very philosophy that it espouses.

I believe that the article to which I referred is worth reading because a number of claims are made. One interesting claim made is that there has been a huge escalation in not only the number but the size of claims, and its correlation with increasing unemployment is highlighted. The stern message, if you like, contained in the article is that people find some sort of complaint to put forward to the commission: this is done because they believe that they will do better on workers compensation. There has been an escalation in claims of something like 90 per cent because people are in a shaky situation as far as employment is concerned.

Some of the most serious complaints so found have related to industries which have been at risk in terms of their markets. We find that those industries that are reporting very high losses suddenly having an escalating number of people desiring workers compensation. It has nothing to do with safety: in fact, some of these firms have a very enviable safety record. It is to do with the fact that people who are concerned about their employment then go to the obvious means at their disposal to secure long-term income—they take up workers compensation. The point is made very strongly in the article that all legislators must be concerned about this massive increase in claims, because it is based not on the fact that more people are having accidents, but on other things which unfortunately have intervened because of the unemployment situation and the difficulties being faced by firms.

A table indicating recent changes in the Victorian schedule of premiums refers to figures in one year of 147 per cent, 70 per cent, and 136 per cent; there is a whole range of figures. Obviously they have taken a very selective group, but the smallest amount that I can see is well over 30 per cent, and that is for equipment hire. Of course, there are other industries where this has not been necessary, but there are some interesting industries included in the list given where these premiums have had to increase because the burden has been too great.

I turn now to what is being said in South Australia. I think that one member opposite suggested that I should make some reference to South Australian conditions. Honourable members may recall a small item that appeared in the *Advertiser* of 22 April 1983 by industrial reporter, Michael Grealy, which stated:

> South Australian workers compensation law amendments introduced this week would prejudice employment and discourage development, employer group leaders said yesterday.
>
> The South Australian Employer's Federation director, Mr D.R. Nolan, described as 'ludicrous' an amendment to include weekly overtime and site allowances in calculating workers compensation benefits.
>
> 'We think it is ridiculous that, at a time when all parties in the business and industry sectors are trying to generate new employment, the State Government is taking action which can only prejudice the potential to generate new employment, he said.

'The site allowance and overtime inclusion will be a very immediate and substantial disincentive to desperately needed development industries and construction activity.'

I am sad to see the Minister moving in that direction because I believe that it runs counter to his beliefs. If members read the various articles in the press, they will see that right across Australia there is tremendous concern for the workers compensation industry, which I refer to as an industry because it has become flaunted and no longer does the job it was originally designed to do: to give injured workers, disabled in their employment, justice under the law.

The law needs substantial changes and, more importantly, we need to change the attitudes of the various Ministers of Labour to the potential safety measures which would overcome some of the dangers in industry. The article in the *Australian* makes another interesting point, which may not be appreciated by members opposite, that Queensland's workers compensation is regarded as the most efficient system in Australia. The premiums in Queensland are lower than are those in this State and also lower than in any other of the Eastern States. I suggest that the Minister read the article to which I have referred in order to see what are the reasons for that state of affairs, because it states that one is better off in Queensland than in New South Wales or Victoria, where the liabilities and premiums have got out of hand. The assessment in that article is that Queensland workers are far better off than are those in either New South Wales or Victoria. There are lessons to be learned, and I hope that this Government will look at something different rather than just introduce workers compensation legislation in the belief that what is being done here is the best for everyone concerned.

Mr Groom: What do you suggest?

Mr BAKER: We should put this Bill where it belongs: in the waste-paper bin.

Members interjecting:

The ACTING SPEAKER (Mr Whitten): I am sure that the honourable member does not require assistance from either the member for Todd or the member for Hartley.

Mr BAKER: Thank you, Sir. I could quite well do without assistance from the member for Hartley. The first revision to which I refer is that which concerns the hearing loss and the two-year limit at present prescribed on claims made after retirement in respect of that disability. One would expect that within two years a person suffering from some disability (and there are industries of which I am aware where hearing defects are especially high) would have determined it. I have been in factories where the sound level is extraordinary and where workers do not wear the required equipment. Indeed, some factories do not supply such equipment. However, most factories do comply with the regulations but the workers, because of the heat or for some other reason, will not wear the equipment.

Mr Gregory: Have you worn it?

Mr BAKER: Yes.

Mr Gregory: It's uncomfortable, isn't it?

Mr BAKER: Yes, and I hope to get the Minister to look at the comfort of some of the protective clothing supplied. It would be marvellous if people could work in comfort in temperatures of 90 degrees or higher and have their ears protected. This Bill removes the two-year limit in respect of hearing disabilities. The existing legislation provides that claims referring to loss of hearing must be picked up within two years of retirement, but the Bill removes that limit, and the problems of assessment beyond that period of time will be enormous.

Last session, the previous Government in good faith introduced a provision concerning rehabilitation that was aimed at giving workers suffering from a serious disability a chance to improve their condition. The requirement of the Act that provides sanctions against workers refusing to avail themselves of this facility, we are told, is to be removed from the legislation.

The Bill refers to overtime and site allowances. I am philosophically opposed to the inclusion of overtime within the workers compensation area. When I was working, I was sometimes called on to work regular overtime, but I did not expect to be compensated for injury sustained while working overtime because it was part and parcel of my job and not of my basic duty. New subsection (2) of section 63 provides:

(2) This section, as amended by the Workers Compensation Act Amendment Act, 1983, applies in relation to weekly payments that fall due after the commencement of that amending Act, whether the incapacity in respect of which they are payable commenced before or after the commencement of that amending Act.

If I am correct, it would appear that we are to do a complete review of every person at present on workers compensation, because that is what is stated here. I hope that my interpretation, which I have gained from only a brief glance at the amendment, is not correct because I would hate to think that the new provisions were to apply to everyone presently on workers compensation. The Minister said that the average increase in workers compensation benefits under the Bill would be 5 per cent but, if I have interpreted the provision correctly, the cost would be greater than 15 per cent in the early stages.

Another area to which the former Government applied some sense was in respect of hearing loss. The present Act provides that such a loss shall not be compensable unless it is over 10 per cent. The great difficulty in respect of a hearing loss is that we are all subject to some form of deafness because of the various noise levels that we have to bear every day. Anyone who has attended a discotheque has found that his or her hearing has been impaired temporarily whereas, if one continues to go to places with a high noise level, the result is a considerable loss of hearing. About nine months ago, I read an article about this problem and it was suggested that over a period of six months anyone attending a discotheque regularly could suffer a hearing loss of 15 per cent.

Anyone subject to greater than 10 per cent hearing loss would, under the existing legislation, be automatically entitled to workers compensation benefits because such a loss has been suffered where it has been a measurable loss of hearing that could be compensable. That is reasonable, but the Minister has taken that provision out of the legislation. He has also struck out the provision in respect of prescribing the date of retirement as the time when an injury took place. I do not know why he has struck out section 69 (12).

The Minister has applied the knife to the existing provision. The new sections he has inserted are supposed to lighten the day on some of the clauses. In section 71 (4) *(c)*, which relates to the assessment of earnings for workers on compensation, it says:

Any reduction in earnings, consequent upon a strike or other action related to an industrial strike is something which will not be counted when it comes to assessing the worker's entitlement in terms of ongoing earnings.

It does not matter what activities the person has been involved in, it is not taken into account when the provisions are made. I find that a large number of these amendments are quite indefensible. We have the striking out of the payment of 5 per cent of the lump sum payment by the employers to the workers rehabilitation fund. There is also a provision under section 118 *(b)* of the principal Act which states:

No employer shall employ a worker unless he is fully insured by an insurer against his liability to pay compensation under this Act to or in respect of all workers employed by him.

I believe that this section is going to cause a large amount of difficulty in the building and construction industry and in the subcontracting field. Subcontractors take out their own forms of insurance and they will now be required to take out further forms of insurance. I do not think that the Minister has actually had a look at it. I ask him to look at the situation in which the construction industry finds itself. I am sure that he does not want to load that industry down with double payments. I know that the present Government is in need of funds but I assume that the provision will be that the employer pays once only for workers compensation.

As I said at the beginning of my speech, I am fundamentally opposed to most of the provisions contained within this area, not because of reactions that may be attributed to me by the members opposite but because it is important that we have to rationalise this process and look at the ways in which we can make workers compensation a more affordable medium for many of our employers. Workers compensation is the third largest cost to employers at the moment and if the trends are any indication, it will become the largest cost within a very short space of time. The system is completely out of control.

There are some other aspects which have been reported on occasion about workers compensation. Because of the benefits associated with it there will be certain elements within the working population who will judge that they are better off under this system. I know of one person who suffered a bad back and was on workers compensation for a number of weeks. The weeks extended because he felt that he was better off than he would have been in employment. When he found himself completely rehabilitated, he was unable to find employment because employers could not possibly take the risk any more.

This person had had a bad back—I do not know what the circumstances of his injury were but I presume that it was incurred at work rather than on the football field. He did extend his time considerably and in the process made himself quite unemployable. I think we have to meet in the middle in some of these areas and it has to be explained to workers when they put themselves on long-term benefits. In cases where they could rehabilitate themselves and get back into the employment situation, we would all be much better off than we are at the present time.

Mr Groom interjecting:

The SPEAKER: Order!

Mr BAKER: I think I will finish on that note.

Members interjecting:

The SPEAKER: Order!

Mr BAKER: I did not hear the interjections but I know that interruptions are not allowed in this House and that the Speaker keeps excellent order. I do not believe that these amendments are going to produce the desired result; they are going to continue to load industry with unreasonable burdens; they are going to put people out of work as they have done in the past. If the Minister of Labour does want to make some substantial changes to this area he should look to the important aspect of safety and health (about which I do have a little knowledge). We will have to start not only to educate employers but also workers as to their responsibilities. I also commend the Minister's attention to the Queensland situation. From my reading, it is the best system working in Australia and it seems to serve the workers far better than any other State.

Mr GREGORY (Florey): I have listened to what the two members opposite have said and I can only draw one general conclusion from what they have been saying, that is, that if the payments to workers were reduced, compensation premiums would be reduced and more people would be at work. I would like to draw attention to some of the statements from the Deputy Leader; he made the point that now was not the time to increase payments. The time to do that was when we had a 2 or 3 per cent unemployment rate. This leads me to believe that the Deputy Leader and the Party opposite are of the view that we should have a sliding scale of compensation payments to workers so that when there is a level of employment above 2 or 3 per cent the rate of payment to workers is reduced and when the level falls below 2 or 3 per cent then the rate of payment of workers is increased. That is plain ridiculous, stupid nonsense. I would have thought that the Deputy Leader of the Opposition had more sense than to put forward such stupid proposals. He does not seem to understand that the concept of compensation is to provide payment to workers who have been injured at work. That payment is to compensate them for their injury so that when they get well again they can go back to work. If they are not able to recover fully they are paid some other monetary amounts of money to sustain them.

When we think about the cost of compensation and develop the theme the Opposition has developed on it, that is, if we reduce the payment to workers, then things will be all right. Opposition members have not considered the level of injury and this is apparent with their attitude on hearing loss.

One of the significant effects on injury in industry in this State was the effect of the amendments to the Workers Compensation Act of 1974. It is true that those amendments increased costs, but for the first time employers looked at their compensation premiums and were determined to do something about them. One large and successful manufacturing industry in this State, after a large increase in payments to workers compensation in 1975 and 1976, resolved to do something about it. In 2½ years, the injury rate in that industry (the car manufacturing industry) dropped by 60 per cent. One of the things that amazes me about that was in its body-building area where there is a potential for injury to the eyes from flashes from spot welding, about 50 per cent of the workers as well as some supervisors were not wearing safety glasses. When I raised that issue repeatedly with the industrial relations manager, he indicated that perhaps something should be done about it.

If that company was able to reduce its injury rate by 60 per cent and still have that sort of safety factor in a dangerous area, what could it have done if it had proper safety? It is astounding that, when it comes to the disability of workers, whether it be a traumatic disability which is permanent and visible or one which is not directly visible, people can be so blasé about it and say that workers have to be told to do this and that. I refer to the speech by the member for Mitcham when he implied that if workers did the right thing, there would not be so many problems in industry.

In the timber industry in the South-East, the timber workers who fell pine trees had a premium rate of 35 per cent of the annual wage bill, which is very high. That employment was looked upon as being high-risk employment. The employers agreed to participate in a timber industry training programme for tree felling. Within two to three years that training programme had reduced the premium rate to 17 per cent and it was continuing to fall as the programme was extending. All workers could not be trained at once. One only had to go into the forest to see a trained worker and a non-trained worker at work. I am not sure whether it was staged for our benefit, but the untrained worker was amongst a number of trees which appeared to have been dropped like a box of matches on the floor. On the other hand, the trained person had the trees stacked with minimum effort and therefore there was less likelihood of injury. That is the key to training—training so that workers can appreciate the problems with which they will be faced and training so

that supervisors and management can appreciate the problems and can take the right decisions.

The question of industrial safety is not a matter of making workers wear hearing aids. It is not a matter of making workers do something but it is a matter of encouraging workers to participate along with everyone else in the work place for the purposes of safety. With hearing loss—and we have heard a lot from members opposite, and we will probably hear a lot more—

Mr Evans: I can't hear.

The SPEAKER: Order!

Mr GREGORY: Mention was made that people would not wear ear muffs or protective equipment in noisy workplaces. Problems exist with noisy industries. One of the real problems is that employers never apply their engineering technology to reducing noise levels in those factories and towards isolating the noise-producing machinery so that people can walk around and converse normally in those places. My first experience in a loud workshop was when a worker came to speak to me. I thought he was going to kiss me and I knocked him down. He was putting his mouth close to my ear to tell me something. Everyone in that place went deaf. Everyone who worked there as a boilermaker finished up being hard of hearing. Members opposite are saying that because these workers can still work, they should not be compensated. However, those workers cannot drive a motor car or participate in social activities. Also, their home life becomes disarranged. People who are hard of hearing only hear snatches of conversation and they believe that somebody may have said this or that. That is what happens with people who are hard of hearing. It causes all sorts of problems.

Since engineering unions have taken up a campaign of going after every employer where workers have suffered noise-induced hearing loss, there has been an action on the part of employers towards reducing noise levels in those factories. I can recall going around to work places with a noise meter (which was not too accurate) and showing the employer that the noise level was too high and that they should take action. In many instances the actions they needed to take cost very little but meant that some workers would still retain normal hearing. The problem is that non-traumatic injury is not visible. If every worker in an engineering factory who suffered hearing loss severed a portion of his arm in proportion to that hearing loss, there would be a public outcry about the large number of people walking around in Adelaide with only one arm. The only way we can overcome it is to have a campaign on noise-induced hearing loss. The previous Party in Government was told that if they were to go ahead with amendments on noise-induced hearing loss, to put the limit on 10 per cent—

Mr Lewis interjecting:

The SPEAKER: Order!

Mr GREGORY: —there would be a move by those workers who suffered that loss to seek redress in the common law area. The previous speaker said that the high cost of compensation caused by common law claims was bringing about an increase in premiums and therefore we should reduce the benefits under the Workers Compensation Act. I find it incredible that people should have that attitude and that workers should become the casualty of industry and that we should allow industry to proceed to employ people who become maimed and hurt in their employment for the purposes of saving money.

I have had numerous discussions with a doctor who runs the Mile End Injury Clinic. On a previous occasion we were not happy about the way the clinic was sending workers back to work. He made it clear that the best thing that could happen as far as the injury rate in factories was concerned was the high increase in premiums as a result of the 1974 Act. It meant that employers had to do something and had to make their work place a safer environment in which to work. That was the incentive. If employers do not want to have a safe work place, they must pay a higher premium. They should not run to the public of South Australia and ask to be subsidised through reduced premiums and subsequent reduced payments to injured workers.

I know of one employer, when challenged by his insurance company on the 34 joints being removed from the fingers of employees over a period from 1 January to October, stated, 'So what—I am paying my premiums.' What members do not seem to appreciate is that 34 joints are missing from workers' fingers. People are walking around with fingers missing and unsafe machinery still operating. Fortunately that employer is no longer in business. If we look at arguments by members opposite we should reduce the payments and the premiums so that such people could still be in business. That is not good enough. I am pleased that the member for Mitcham supports the concept of a single insurer on a similar basis to the system in Queensland.

I think it may be around 50 insurers out of 130 companies in Adelaide involved in workers compensation which would not approve of that. However, I would approve because it would mean that there would not be continuing shenanigans whereby a company is able to escape the odium of high premiums because of its poor attitude to work safety by going off to another insurance company. Amongst insurers there has been a lot of competition and eagerness for business. Employers have been able to shelve responsibility. In this State it would mean that they would be caught up and the person running a dangerous factory where workers are being injured would be forced to pay the premiums. I am of the view that a single insurer would ensure that that would happen immediately and would overcome one of the real problems we have in this State.

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

Mr GREGORY: Prior to the adjournment I was referring to the inconsistencies and attitudes of members opposite.

Mr Mayes: The member opposite.

Mr GREGORY: I am sure that he is representing the whole lot of them, and that explains their weird and wonderful attitudes from time to time. However, in his address to the House, the member for Mitcham was referring to the major loss of an Australian insurance company which was involved in workers compensation. He referred to the insurance premiums being increased by 200 per cent, and there was an inference in his statement to the House that this huge increase was created because of payments to workers. That is partly true. However, what the member forgot to mention was that the insurance companies (and there are 54 in this State which operate in the area of workers compensation, I think) had been vying for business, and consequently, had been cutting premiums, offering cut-rate premiums and, incidentally, operating at a loss.

Of course, they can only go so far in their discounting and eventually they have to increase the premiums to a level at which they can survive within the industry. It is wrong to blame payment to workers for that. That is a commercial judgment which those people in the insurance industry make, and they made a wrong one. It is wrong for the people on the other side of this Chamber to blame workers for that because they happen to get injured, and because their employers are too lousy, stingy and incompetent to ensure that they work under safe working conditions.

The member for Mitcham also talked about an article in the weekend *Australian*. I have had the opportunity of reading that article which refers to situations in New South Wales, not in this State. The thing that they forgot to mention is that, within the manufacturing industry in Aus-

tralia today, companies are going out of business and new companies are being created. It is wrong merely to say that, because there was an increase in workers compensation, the company decided to go out of business. That company went out of business for a whole number of other reasons. In all probability, it had a lot to do with the attitude of the previous Federal Liberal Government towards the manufacturing industry. It would even be a fact that, if the wages were as low as what they were in Singapore, that employer would have wound up his business anyway because in all probability it had been unprofitable. That is something that the members opposite do not seem to appreciate or understand.

Mr Mayes: There is no workers compensation in Singapore.

Mr GREGORY: The Deputy Leader of the Party opposite had a lot to say, but it is of very little substance. In fact, if one listened to his argument and rated him on a basis of a point on making a point, he would have had one about every 10 minutes. However, the thing that came through to me in his address was that he was trying to create the impression that our Party, in wanting to ensure that workers who are injured at work are paid adequate sums of money, are properly compensated and properly looked after, is driving people out of work.

As I said earlier, the member for Kavel was really saying that, if one pays these people less, it will result in more people being employed. If that attitude were to be adopted we would find that the walking injured would grow in number and more maimed and disabled people would be living in our State because the employers would not undertake a proper industrial safety programme.

In reference to industrial safety programmes, one has to appreciate that it is not on the basis of, 'I, the employer, know best and you do as you are told.' The most efficient safety programmes that I know of involve the supervisors of the company and the workers in joint meetings, joint decision making and a joint approach to the safety question where the management of the company insists that that happens. I have seen and experienced cases where a high injury rate (which could be brought about by poor working attitudes) has been reduced because of attitudes being created where workers can go to the foreman and very bluntly explain to the foreman that he is creating an unsafe situation and where that foreman immediately responds in a responsive attitude, instead of in an abusive way, as I have seen in some other places. I have known of workers being taken off the job before the foreman could understand that he was forcing people to work in dangerous situations where, if something did fall, there would not be an injured worker being taken to a hospital: there would have been a dead worker being taken to a mortuary. That is the situation which one is confronted with in industry and it has not changed at all.

I hope that, in later sessions of this Parliament, our Party in Government will be bringing into this House amendments to the Industrial Safety Health and Welfare Act which will involve all the people in the work place in safe working conditions so that the accident rate will be reduced and that will mean that the cost to the employers, and ultimately to the citizens of this State, will also be reduced.

This Bill deals with a number of matters. In relation to rehabilitation, it takes away the compulsion where, if somebody does not agree with the rehabilitation process recommended, the unit can sign a certificate which eventually means that that worker loses his or her weekly payment. The director of the unit does not want it because he finds that having that there is a positive disincentive to be involved in the work. If anybody knows about involvement with people, by leadership and example one can encourage people to do things and be involved in rehabilitation.

My association with workers leaves me with the understanding that the majority of workers want to be rehabilitated and are concerned that, if they have an injury that causes some disability, they can be made whole again. That is the basis of it. If they cannot, they suffer a disability. It means that they cannot do certain things. They want to be able to be made whole again.

That 5 per cent levy was an imposition and I wish to refer to one aspect of it. In the second reading explanation of the previous Minister of Industrial Affairs and Employment, he said that the 5 per cent reduction in weekly payment provisions would be put to good use rather than lost entirely to the worker. All I can construe from that statement is that he means that the payments made to workers are lost. I find that incredible. It is just incredible to have that approach on the basis that payments made to workers are lost. They are not lost: it is a replacement of earning capacity so that we do not go back to those good old days to which some people want us to go back when workers received no compensation and had to rely upon the common law.

The Act also reintroduces the concept of a worker receiving in weekly payments what he would have received had he been at work. At present, if a worker is injured and not at work, he does not receive compensation for overtime or site allowances. There is a song and dance made about site allowances from members opposite which illustrates their lack of understanding of what happens in the building industry. In that industry, the total minimum and maximum award rate is accepted as the rate that is being paid in the industry and, depending upon where one works, one negotiates with one's employer on a site allowance which, in effect, is another form of over-award payment. That is what it means in reality.

The previous Government decided to remove that from the calculation, and it did that on the basis that some workers might be fortunate enough to receive more money when they were off work injured than they would receive if they had not ceased working. Inherent in that line of thinking was an attitude that if workers were doing that there was no incentive to go back to work. That illustrates the lack of appreciation or an understanding of workers' attitudes. People who work in the health area or within the area of assisting people injured at work—lawyers and doctors (with the exception of one or two)—will tell you that the amount of money that a worker receives each week bears no relationship to his or her desire to go back to work.

We are astounded that these allegations are being made. They are coming from people who have no, or very little, contact with workers in manufacturing industry or other productive industries where these accidents occur. The existing legislation means that about 75 per cent of workers who are suffering from a noise-induced hearing loss, who would have been covered by the Bill prior to the amendments successfully made by the previous Government, have been deprived of any compensation. There seems to be a lack of appreciation and understanding on the part of members opposite of the effect that a noise-induced hearing loss has on a worker. This can be no better illustrated than by reference to comments of the previous Minister, who said:

> Due to the large financial administrative burden, the almost trendy spate of noise-induced hearing loss claims—

He simply put it down to being trendy, not appreciating that those people had lost something that could never be replaced. No operation, medicine or artificial aid can restore noise-induced hearing loss. As I said before the dinner adjournment, if in the case of every worker who suffered a hearing loss a proportion of that hearing loss could be regarded the same as removing a forearm, there would be

so many one-armed people walking around Adelaide that it would not be funny, and something would be done about it. That is not understood or appreciated by members opposite, and that is why the Government is proposing these amendments.

Since the Bill was introduced, employers have stopped their hearing-loss programmes of ensuring that noise levels are reduced in their factories, that noisy machinery is quietened and that workers do not suffer noise-induced hearing loss. Those programmes have been stopped: the people concerned do not have to worry about it any more. All members opposite can do is look at the ceiling in a bored fashion as though they do not care. All I can assume from that is that they do not care and that they have no compassion.

In summary, I support the Bill. It redresses a number of anomalies in the Act. It will ensure that workers are properly protected and that, despite the high cost of payments alleged by members opposite, employers will undertake a course of action that will lead to safer working conditions in the work place and to a declining injury rate, so that South Australia will be a better and safer place in which to live and work.

DISTINGUISHED VISITORS

The SPEAKER: Before calling the honourable member for Todd, I would acknowledge the presence in the gallery of two persons who come from Holland. I would hope that they are managing to keep up with the debate, although when it comes to the South Australian Workers Compensation Act they may find it somewhat difficult to do so. However, I am sure that all honourable members would welcome their presence. The honourable member for Todd.

Mr ASHENDEN (Todd): This Bill, if accepted in its entirety, undoubtedly will have very serious and long-reaching effects on South Australia's employment future. The member for Florey has just said that members on this side of the House have no comprehension of the situation confronting workers. Of course, that is absolute nonsense, and I will illustrate that fact as I proceed. Certainly, the member for Florey showed his complete and total ignorance of the situation relating to employers. I point out to the honourable member that if there were no employers there would be very few employees.

There is no doubt that the effect of the Bill will be to increase the cost of employment to employers in companies which at the moment are finding it very difficult to survive. There is no doubt whatsoever that if this Bill is passed fewer people will be employed in many companies. The honourable member talked about adequate recompense for injury. No member of the Opposition has at any time contested the right of an employee to have adequate compensation for injury. However, this Bill will give people compensation which is far more than adequate; it will make their situation—

Members interjecting:

The SPEAKER: Order!

Mr ASHENDEN: Thank you, Mr Speaker. I always know when I am making a point that members opposite do not like, because they react exactly as they have just done. The point is that the employer has only so much money coming into his business and, when more and more money is going out because of the cost of employment and the cost of other things, obviously he must sit down and consider where he can make changes to the company which will result in the company's remaining viable.

Mr Ferguson interjecting:

The SPEAKER: Order!

Mr ASHENDEN: Thank you, Sir, for your protection. I would remind members opposite that when they were speaking at no time did I open my mouth. I hope that I, too, will be given that courtesy during this debate.

The SPEAKER: Order! The Speaker will attend to that.

Mr ASHENDEN: Employers do not have a bottomless pit from which to draw funds: that is a simple fact of life. The Government has taken many actions already, and many that it intends to take will impinge even further on the profitability of companies. If we want maximum employment for the South Australian work force, it is imperative that we do not enforce unreasonable financial demands on employers.

I refer to some of the actions taken by the Government that have seriously affected employment opportunities in South Australia. This Bill is but one action that the Government intends to take that will have a serious negative effect on future employment prospects in South Australia. I realise that the areas on which I intend to touch very briefly are not specifically mentioned in the Bill, but I am tying these remarks to the Bill to indicate the seriousness of its effect on employment prospects. Already we have seen the Government prohibiting the development at Honeymoon and Beverley, which meant that thousands of jobs went out the window. Obviously, with the present Government's attitude, it will be impossible to establish a uranium enrichment plant in South Australia.

Mr Ferguson: What has that got to do with the Bill?

The SPEAKER: Order!

Mr ASHENDEN: It was previously accepted that either Queensland or South Australia would have had that plant. When in Opposition the Labor Party promised substantial reductions in pay-roll tax. However, at this stage it has made minimal allowances in that area. It has not met the promises it made prior to the election of an immediate and major change in pay-roll tax payments. We have seen the Government overtly and openly supporting the demands from unions for higher salaries and wages, even though there is supposed to be a wage pause in operation.

Mr Ferguson interjecting:

The SPEAKER: Order!

Mr ASHENDEN: Those matters show only too clearly that the Government is not genuinely concerned about employment in South Australia. Again, I make the point that this Bill is so one-sided that employers will be left with no alternative other than to reduce the number of employees on their pay-roll, because of the steep increases in payments for workers compensation insurance that will result if this legislation is passed.

This Bill allows for payments which have nothing to do with compensation. For example, members opposite argue that payments for a site allowance should be retained in relation to workers compensation payments. A site allowance is paid because of factors relating to the site on which the worker is employed and could be paid for one or more of many reasons: for instance, because the site is remote or because the working conditions there are unpleasant. It is paid because of conditions that the employee must put up with while he is on that site. However, while he is at home recuperating from injury, why should he be paid that site allowance?

Members interjecting:

The SPEAKER: Order! There will be order in the House. The honourable member for Todd.

Mr ASHENDEN: The site allowance is not a part of the worker's wage: it is a specific allowance paid because the situation is such that it is agreed between the union and the employer that such an allowance should be paid because of the disavantages that the employee must put up with. There is no reason why that allowance should be retained

when calculating workers compensation payments. Similarly, it can be argued that overtime has nothing to do with workers compensation payments. We have heard members opposite supporting the open-ended claim period: in other words, they are saying that, no matter when something happens to a person, even if it happens to him in 10 years time, he may claim on the employer if he wishes. That is ridiculous. We have heard the Deputy Premier talk about his intention to introduce the retrospectivity of payments, but that is unfair on both the employer and the insurance company that will be forced to make the payments on injuries for which they could not possibly have covered themselves financially. We have heard much about loss of hearing. The previous Government did not stop claims for loss of hearing: it merely said that 10 per cent hearing loss had to be sustained before a claim could be acceded to.

Members interjecting:

The SPEAKER: Order! There is a serious matter before the House concerning the livelihood and the health of workers, and I will not tolerate continual interjections. The honourable member for Todd.

Mr ASHENDEN: A worker can suffer loss of hearing in many ways, one of which none of us can avoid: that is, by purely and simply getting older. It is a perfectly natural occurrence to lose one's hearing ability as one gets older. Unfortunately, in this society of ours, even when we are not at work, we are subject to noise because of the way in which society conducts its normal day-to-day operations. One only has to listen to traffic noise. One only has to go out for the evening to a dance, to a ball or to a discotheque and to experience the noise that is regarded by most people there as normal. In other words, there are many reasons why hearing losses can be sustained by a person, and it is grossly unfair to expect that the employer should have to bear the total responsibility for all hearing losses.

Another point, from which I have noticed members opposite have steered away in this debate, has been that there is no doubt that some employment conditions are totally unsatisfactory, and I support any action taken by a union that tries to have an employer meet his responsibilities in relation to safety. However, from experience in my previous employment (and I point out that one of the areas that came under my department was the training area), the thing that really concerned me, the people under me, and many of the management personnel in my place of previous employment was the way in which many employees would totally disregard the safety measures the company was trying to implement.

Mr Hamilton: What did you do?

Mr ASHENDEN: I shall be happy to answer that.

The SPEAKER: Order! I will have order on this serious matter. The honourable member for Albert Park will cease interjecting and the honourable member for Todd will completely ignore interjections.

Mr ASHENDEN: Thank you, Mr Speaker. Regarding the actions that responsible employers take to protect their employees, and refering to my previous employment, I point out that one of the major areas of duty of a staff member in my department was purely and simply to liaise with the unions to determine areas in which the union thought additional help could be provided for employees. It was a duty of that officer to prepare specific training programmes so that employees would be not only aware of the safety measures the company was implementing but also the reasons for the introduction of those measures. That company implemented many measures while I was with it, and the time given for training was company time.

The employee was taken away from the production line or from some other area in which he was working, and he was trained in normal working hours. The major aim of one of our major training programmes was to have the employee appreciate what would happen if he did not avail himself of the protection provided by the company. Despite this, however, we could still go along the production line and in the spot-weld area and find workers not wearing protective glasses and workers in noisy areas not wearing the ear muffs or ear plugs provided. Why should an employer be expected to bear the cost of the workers compensation when an employee, through his own action, sustains an injury? As members opposite will try to misquote me—

The SPEAKER: Order! That remark is totally out of order. Reflections on other honourable members and charges of deliberately misquoting are totally out of order, and I ask the honourable member for Todd to withdraw.

Mr ASHENDEN: In case members opposite should misquote me—

The SPEAKER: No. On the direction of the Chair, the honourable member will totally withdraw. The honourable member for Todd.

Mr ASHENDEN: I make clear for members opposite that I have no time whatever for an employer who will not meet his obligations in regard to workers safety.

The SPEAKER: Order! I am trying to permit the honourable member to proceed. I think he may have made a slip in saying what he said. I am inviting him to withdraw his remark that honourable members opposite will misquote him.

Mr ASHENDEN: Thank you, Mr Speaker. I withdraw that remark. I am fortunate to have worked for two major employers, both of whom took an extremely responsible attitude to workers' safety. Unfortunately, there are situations where employees do not take the maximum steps to protect themselves. Therefore, with this type of legislation, throwing everything back on the employer, I believe that the situation is grossly unfair on that one section of the working community. Again, not for one moment would I deny an employee adequate compensation, but I cannot support a Bill that goes much too far in the opposite direction. I think that the Government has much to answer for because of the lack of consultation it has undertaken on this Bill with the employer community.

It is obviously a Bill that has been introduced in this House purely and simply as a sop to the union movement. I would say that the Government certainly consulted with the unions, because it promised before the last election that if elected it would be amending the Workers Compensation Act. However, from my questioning, I believe that there has been little, if any, consultation with employer groups on this matter. I do not think that it is any coincidence that the Deputy Premier is forcing this matter through the House before IRAC has been set up in the manner set out in the Bill that was passed tonight.

This is an area which so obviously lends itself to the consultative process because, as we have seen tonight, there are two very divergent points of view. Whenever there are such widely diverging points of view it is most unlikely that a complete consensus will be arrived at. What should be attempted is to at least come up with a Bill that will meet the major requirements of both employer and employee groups.

This Bill purely and simply leans toward the employee and totally ignores the employer. I again make the point for honourable members that, if the employer cannot afford to employ, it is a little pointless whatever sort of insurance we have because the jobs just will not be available. Unfortunately, this Bill is typical of the attitude which appears to be taken by the present Government in relation to the entire matter of employment. It seems hell bent on ignoring the welfare of the employee through his employer. It has enforced so many conditions on employers that there is no alternative

but for the employer to reduce the number of employees on the pay-roll. As a result, we will find that this action be one more that will lead to higher unemployment in South Australia. We have seen so many other areas on which this attitude has had a disastrous effect, and it is interesting to note that the Federal Labor Party is itself acknowledging that there are certain areas that perhaps should be reviewed in relation to conditions of employment for employees.

The SPEAKER: Order! The honourable member will resume his seat. I want to make quite clear to every honourable member that what we are dealing with at the moment is a Bill which concerns the Workers Compensation Act. In so far as the honourable member's remarks can be linked to that Bill he will be given the fullest protection, but no further, and neither ought members of the Government think that they will have any more generosity.

Mr ASHENDEN: I will link up my remarks, because I am trying to point out that this Bill will affect the future employment in South Australia. I was linking that to other actions which I believe are in the same category. However, with deference to your ruling, Mr Speaker, I will move on to the next point that I wish to raise. I think it is quite fair for me to indicate that the more conditions that are placed upon employers which will cost them additional money, the more difficult it will be for those employers to maintain employment opportunities. Employers have only limited funds and the more those limited funds are eaten into by legislation such as this, the greater will be the effect on employment opportunities.

I believe that the Bill introduced by the previous Government was a fair Bill. It provided fair remuneration to an employee while he was off work owing to injury, but it did not swing to the extent that this Bill certainly will. Members opposite have said that very few employees would fit the category of a malingerer. I do not think the term 'malingerer' was used, but certainly employees were referred to, and the point was made that very few employees would abuse the privileges of workers compensation. My previous employment would indicate that one could not refer to that group as a very small minority.

Again, one of the things that concerned us very greatly in my department was the fact that a number of employees abused both workers compensation and sick leave provisions. This is regrettable and, unfortunately, those employees cause very serious problems for the genuine employee who is genuinely ill or who has been genuinely injured and is striving to return to the work force as quickly as possible. However, this Bill removes any incentive whatever that an employee might have to return to the work force.

I have already said that I cannot for one minute accept that such a matter as a site allowance should be included in calculations of payment for an employee in relation to workers compensation. I have already said that that is an allowance specifically paid because of disadvantages encountered by an employee on that site. While he is away from that site, therefore, it is totally irrelevant to any payment that he should be receiving. I believe that this Bill goes so far in the opposite direction that there will be absolutely no incentive for an employee to return to work. I frankly cannot for one minute see any reason for changes to the existing legislation. I certainly know from my discussions with employer groups that they are most unhappy about this Bill. As I have said, it is a Bill designed purely and simply to placate the unions and to meet a promise made by the Labor Party when in Opposition. It is not a Bill designed to consider the interests of South Australia as a whole. Finally, I can only repeat the question: what on earth is the use of improved working conditions if there are no jobs left in South Australia?

Mr GROOM (Hartley): From the outset, I indicate my support for the legislation. I both congratulate and pay tribute to the Deputy Premier for introducing this Bill. He has been very quick to seek to rectify the iniquities perpetrated on working people in this State by the previous Liberal Government. The speeches of members opposite indicate their gross lack of understanding of the principles behind the Workers Compensation Act. Their underlying philosophy is that people who are injured at work should suffer some financial detriment as a result of that injury.

The member for Kavel, during his speech, placed emphasis on that very principle—that it will cost employers too much and that, therefore, the people who should suffer should be the injured working people in this State. It was quite clear in all the speeches of members opposite that their basic philosophy is that company profits come first and any financial protection for injured workers comes second—that injured workers in South Australia (injured in many cases through no fault of their own) come second to company profits. That is the underlying philosophy of members opposite and their underlying objections to the principles enunciated in this legislation.

The speech by the member for Kavel was totally unconvincing in relation to his alleged detriments to employers in this State. Any employer who has a responsible financial accounting system will plan in advance his situation with regard to workers compensation: he will plan safety programmes and take steps to ensure that workers are properly protected whilst on the job.

The principles enunciated by the member for Mitcham were really no different from those of the member for Kavel. The member for Mitcham said that it was very sad to see the Minister moving in this direction. In other words, he was saying it was very sad to see injured workers being financially protected. Again, that emphasises the underlying philosophy of members opposite. Their principles are simply to pay the injured working people in this State less than they are justly entitled to. The member for Todd said that he could not see any reason why injured workers should be paid a site allowance because they are connected with some disabilities applicable to on-the-job work. Why should injured workers suffer a financial detriment simply because they are injured at work, in many cases due to no fault of their own? Why, in that situation, should they be deprived of a just part of their average weekly earnings?

Mr Lewis interjecting:

The SPEAKER: Order!

Mr GROOM: Members opposite have some difficulty in coming to grips with this matter. The speech by the member for Todd was most unconvincing. There is no doubt that he really is the Opposition pretender-in-waiting spokesman on industrial affairs with the gusto with which he delivered his speech. In relation to hearing loss, when he said, 'Why should there be open-ended claims?' he failed to understand the basic nature of hearing loss claims which are a slow progession over many years. I suggest that he re-read the Act and he will find that the injury dates from the time when notice is given to the employer. He has failed to understand the basic nature of hearing loss injury. In fact, in summary, one would get the unmistakable impression that it is all the fault of the workers for not wearing hearing aids or safety glasses. It is their fault and therefore they can suffer. It is a pathetic attempt by the Opposition to undermine this piece of legislation.

If honourable members opposite want to see the way in which the Industrial Court has to function with the financial plug pulled out over the past three years, I invite them to go down there on call-over days. They should have done so during their period in office to see how workers have to put up with the situation which that Government foisted

upon them through not putting sufficient funds into the Judiciary in the Industrial Court. Sometimes only three judges were available to hear as many as 20 cases. I know of one situation where an injured worker had to come from Oodnadatta—a day and a half travelling—three times before his case was heard. On the first occasion his case was not reached and he and all his witnesses had to go home. The pattern repeated itself on the second occasion. On the third occasion it was only because of the good offices of the Judiciary in that court that he was able to have his case heard. There have been many instances of this.

I know that honourable members might say that there is a basis for the appointment of an additional judge in the Industrial Court. I am not necessarily going along that path. I invite honourable members opposite to go down on call-over days (Mondays and Wednesdays) and see the sort of system they have foisted upon workers in this State by reducing financial support in the Industrial Court for the hearing of workers' compensation claims.

I wish to refer to only a few specific matters in this debate. I draw the House's attention to clause 6 of the Bill which deals with section 63 of the principal Act. There is no question about the Labor Party's policy at the last State election that site allowances and overtime would be restored. The amendment deletes subparagraphs *(c)* and *(d)* inserted by the previous Liberal Government and restores the situation that existed prior to the Liberal Government's coming to office in 1979. No just reason exists for workers having to suffer financially as a result of being injured at work. Basically they should be put in the same financial position as existed when they were at work. Site allowances and overtime are part of their average weekly earnings and many workers budget accordingly. They budget on getting a certain amount per week. Site allowances are inserted in the award for a variety of reasons. A worker is only interested in—

The Hon. D.C. Brown interjecting:

The SPEAKER: Order! Throughout the debate I have insisted on strict order from both sides. I will continue to do so. The member for Hartley.

Mr GROOM: Employees are concerned with the end result of their pay packets and not the niceties of how it came about. It is quite meaningless to talk in terms of site allowances and overtime being excluded. Working people operate their budget on that basis.

The second matter with which I wish to deal concerns clause 7. I do not propose to speak at length in this debate. Clause 7 deletes the 10 per cent level—a gross injustice foisted upon working people in this State by the previous Liberal Government and spearheaded by the member for Davenport. It deletes the 10 per cent level and also deletes the question of retirement, whatever that means. In his legislation the member for Davenport did not get around to defining what retirement meant. Does it mean age 65, or when one retires from the work force and one does not intend to work again, or what on earth does it mean? I know that that matter has caused the legal profession great concern as to how one interprets the question of retirement. Fortunately, under this legislation, those two matters are deleted.

I wish to illustrate the iniquities of the 10 per cent threshhold. For example, under the legislation existing prior to the member for Davenport and the Liberal Government bringing about the alterations, a person who suffered a 20 per cent hearing loss would get about $3 000. It is true that that level of payment had been in existence since January 1974, having been passed in 1973. With a 20 per cent hearing loss, under the legislation existing prior to the 1982 legislation, a worker would have got $3 000. If one discounts 10 per cent, a worker is down to $1 500. In the member for Davenport's legislation, as from 1 July 1982, had a 20 per cent hearing loss claim not been discounted, it would be a proportion of $30 000 and, with the 10 per cent discount, the injured worker would receive $2 250. Despite increased amounts under the Workers' Compensation Act, he is still down by $750. If it was not discounted and if he got the full 20 per cent benefit, an injured worker would get something like $4 500. As from 1 July 1983, under the existing legislation, a 20 per cent hearing loss with the 10 per cent discount on $40 000, would bring something like $3 000. The undiscounted amount, as at 1 July 1983, for the full 20 per cent, would bring something like $6 000.

Amongst those figures hides the subtlety of what honourable members opposite did to working people in this State. As from 1 July 1983, under the existing legislation and discounting the first 10 per cent, a person with a 20 per cent hearing loss on $40 000 would only get $3 000. That is the same amount that he would have got in January 1974 under the previous legislation. That in itself tells a story. What sort of confidence trick was foisted on injured workers in this State? The clock has been turned back 10 years. That is the effect of it. I ask honourable members opposite to justify the situation of a person with a 20 per cent hearing loss which has been conclusively proved in the courts to be due to factory or machinery noise, being put on the 1973-74 levels. Why should one's compensation entitlements be cut in half? That was the effect of the legislation introduced by the member for Davenport.

It was a disgrace that members opposite should seek to treat injured working people in this country in this way. It was a clever piece of distraction. One only has to look at what was done in financial terms. That is what workers saw when their legal advisers had to sit down and explain to them what the previous Government's legislation meant. This is what it came down to. The clock was turned back. Despite the fact that the schedule would go up to $40 000 as from 1 July 1983, they would get the same as at January 1974. It is a disgrace that members opposite associated themselves with the passage of that legislation.

The third matter I wish to raise concerns the amendment to section 72 in connection with the 5 per cent to be paid on lump sums into the fund. I also refer to the 5 per cent on average weekly earnings after 26 weeks. That was quite an iniquitous piece of legislation because there was no corresponding obligation imposed upon employers to pay a similar amount into the fund. During his speech on his own legislation, the member for Davenport gave two reasons for this. He said that it was an incentive to return to work. In other words, one suffers a financial loss, and—

Mr Peterson: Starve them!

Mr GROOM: I am indebted to the member for Semaphore. One starves them into going back to work. Never mind their families, children or budgets: one starves them into making them return to work, irrespective of whether they have recovered from their injury. Why 26 weeks? I have known of cases where it takes years (maybe three, four or five years) to recover from injuries incurred at work.

If one reduces the take-home pay of workers, one is sending them back to work and forcing them back to work because of family necessities before they are ready to go back to work. That, in itself, creates a whole range of new problems. What an incentive to return to work! In other words, one is saying: reduce their level of earnings, let their families suffer and we will get them back to work.

The second reason that the member for Davenport gave was to provide funds for proposed rehabilitation and advisory services. What a disgrace that is! There is nothing wrong with providing rehabilitation advisory services. However, why should workers who are injured on the job through no fault of their own have to pay for their own rehabilitation? Is not that the traditional and historic responsibility of the

employer under the workers compensation legislation? Where was the corresponding obligation on employers? It was lacking and it was absent. What did the member for Davenport say about his legislation? He said that it was a well-balanced and much-needed updating of the workers compensation legislation in this State. In doing so, he said that the Bill is the result of considerable consultation with all interests in the workers compensation system and certainly has the support of the majority of these interests.

I would like to know what the majority of those interests were because it certainly did not have the support of the trade union movement or the working people in this State. Therefore, he could only be talking about the employers. Presumably, he means only a majority of those interests. Of course, that will be the employers' response because that has been their traditional response in relation to any additional cost burden as they perceive it. That has always been their response and they will always cry poverty. That is a traditional response on the part of employers.

We all know that there was a strong body of opinion in the legal profession that considered that the 5 per cent levy, which the member for Davenport, through his piece of legislation, foisted on the working people of this State supported by members opposite, was an income tax on workers. Not only do they have to pay for their rehabilitation if injured, in more instances than not, due to no fault of their own, but for the first time we were the first State that was imposing an income tax, and on injured workers and, only in the previous year we celebrated the International Year of the Disabled. Perhaps the International Year of the Disabled did not mean anything to members opposite because the very next year they are foisting some of the most iniquitous legislation that I have ever seen on injured workers in this State and completely out of keeping with other States.

As I have said, it was a disgrace to them. Finally, I want to mention the amendment to section 71 which is the review section. I merely want to draw the attention of the House to clause 8. Quite clearly, that section is essential to ensure that, should a person who is injured be off work as a consequence of injury (and there is some reduction in the working week or in hours), those injured workers again do not suffer as a consequence of any change with which the person is not connected. Again, that is in keeping with the underlying philosophy that whilst that incapacity continues, injured workers should be put roughly in the same financial position that they occupied had they not been so injured. I think that that is an essential provision. With those words, I very strongly endorse the legislation.

The Hon. D.C. BROWN (Davenport): First, I wish to make a number of general comments about the introduction of the Bill before us. During his speech, the member for Hartley referred to what he claimed, at least, was the lack of consultation when I introduced the amendments to the Workers Compensation Act last year. We certainly heard a lot from the present Minister of Labour about how he is a Minister of consultation. I think that that is a fair claim of what the Minister stands for. Is that correct, Mr Minister?

He claims to be a Minister of consultation. Certainly, earlier this afternoon we further debated the Industrial Relations Advisory Council legislation which is all part of the Minister's claim to put up a good front publicly in the area of consultation. I was interested that the Minister did not answer me across the House a few moments ago. Perhaps he was having second thoughts himself about that. I was very concerned to hear that such an important piece of legislation was apparently not discussed and the employers were not given a chance to come back and comment in detail to the Minister. I find that quite appalling.

The Hon. J.D. Wright: You have no proof.

The Hon. D.C. BROWN: I will come to that in a moment. Whilst members opposite are quite correct that I did not always accept what the trade union movement and the United Trades and Labour Council said to me on workers compensation, at least I gave them the courtesy of having several meetings with me over an approximate six-month period. I gave them the chance to raise certain matters and asked them specifically for their opinions on certain amendments to the legislation. I think that the fact that some of those were accepted and others were not, is something that will always occur between the Government and the Minister. As I understand it, in this case the Bill before us went before an Industrial Relations Advisory Council meeting. In fact, the Bill that was presented to that council meeting was different from the Bill presented to Parliament. The chance for real consultation for the employers was what one could describe as absolutely minimal. In fact, it was more or less thrust under their nose and said, 'This is what you will accept, and that is it.' However, to then come into the House and find that the Bill introduced into the House was different and had additional clauses to that which were shown to them, shows the deceit that obviously occurred and certainly the lack of consultation.

Consultation means that one sits down and asks the other party for its views. One listens and considers those views. One should surely take some time to go away and look at those comments in detail. However, that is certainly not what occurred in relation to the Bill before us in relation to the employers concerned. I would ask the Minister to try to deny that that is exactly what occurred.

The Hon. J.D. Wright: I won't try and deny it: I will.

The Hon. D.C. BROWN: Some of the employers have spoken to me and that is their account of what occurred and they were far from happy. If that is what the Minister calls consultation, I think that the Industrial Relations Advisory Council will be a farce before it is even established under the legislation.

The main point I wish to take up this evening is the overall implication of these amendments before us. The overall implication is that the premium rate for workers compensation will increase by about 15 per cent if these amendments should be passed through this House and the Upper House without being amended or defeated. In other words, the costs of workers compensation to firms employing people will be increased by a further 15 per cent. We all know what occurred to the cost of workers compensation last year and, in fact, what has occurred to the cost of workers compensation in this State since 1974.

Last year, as Minister, I had a great deal of consultation with the insurance industry, brokers, and other parties involved in trying to determine the reasons for the escalation that has occurred. There were four main reasons. One was that, at least on the South Australian legislation, the insurance companies had been running at a considerable loss for some years. They were not prepared to put up with that loss year after year. The industry across Australia had been running at a loss. These are facts that can be clearly established from the report on the insurance industry made by the Federal Commissioner, as companies must report to him on an annual basis.

The Minister would have details which would have disclosed the extent of those losses, and because that very substantial loss existed in the industry it was necessary for the premium rates to be increased. Another reason is that the number and type of claims under common law, which is outside the area of workers compensation but covered by workers compensation premiums, had increased substantially. For one very large company in South Australia whose records were disclosed to me, the cost of the common law claim area increased from 7 per cent to 17 per cent of the

total cost of workers compensation over a three-year period. There are other reasons for the increase in premiums, one being a substantial jump in salaries that occurred early last year. Further, there is a very high component in any workers compensation costs relating to salary costs— if salaries go up so do premiums need to go up. We all know the effect that that had on many small businesses, in particular. It did not only have an effect on small businesses, but large ones, too.

During a time of financial constraint those businesses, having to pay their workers compensation premiums, had to tailor their employment to take account of those increases in costs. It is well known that all increases in costs last year, whether due to increases in wages or due to indirect costs of employing people, simply meant the loss of jobs. That is still the case now, and I think the Economic Summit highlighted that fact. As the Minister was unable to attend the Economic Summit I suggest that perhaps he should at least read the final communique and a number of the papers prepared and presented at that summit, because they highlight the very close relationship between rises in costs of employing labour and the rise in unemployment which is associated with that.

The whole reason for the wage freeze was accepted by the Economic Summit, and the whole reason for wage restraint called for by the Prime Minister and other people at the summit involved that direct relationship; direct, but inverse relationship that applies between employment and the costs of labour. If the cost of workers compensation in this State increased by 15 per cent, if this Bill is passed— and we are told that on reliable information—all we will be doing is deeming that, unfortunately, another group of people scattered throughout the industrial community of South Australia will lose their jobs as a direct result.

In fact, I was talking to an employer this morning. He rang me and asked whether it was correct that legislation was before Parliament. I replied that it was. He then asked me exactly what was contained within that legislation, although he had a fair idea. I went through the details of the Bill with him, and he said, 'We have been told by our insurance companies that our premiums will go up as a result of that legislation, if it is passed.' He further said, 'Do you realise that we will have to reduce the staff component in our business?' In other words, unemployment will rise as a direct result of this legislation.

I ask all members of the House to bear that in mind as their No. 1 factor when considering these amendments, because that is the overriding problem with which our community is confronted, namely, unemployment. It is more important than any other single issue at present. I agree that the Workers Compensation Act as it stands at present (as I amended it) is not perfect. The Workers Compensation Act introduced by the Minister previously was far from perfect. Even after these amendments it will still be far from perfect. We would all like to see better and better conditions and more money put into rehabilitation and more effort made to ensure that no stone is left unturned in ensuring that people who are injured at work receive the best treatment. However, we must balance that with the enormous social consequence of unemployment that our community now faces, and recognise that it is not fair to say, 'We will hand out better and better benefits for people who are injured at work and who face no real inconvenience under the existing Act as it operates today.' I believe that it is morally wrong to consider that those people should get even better benefits when there are other people in the community who are suffering without a job and without any income at all.

In regard to things like site allowances: I challenge the member for Hartley to say what site allowances are paid for. We all know that they are paid because the Industrial Commissioners believe that there are certain disabilities associated with certain sites. I know that the present Minister of Labor who is also now the Minister of Public Works would know why site allowances are paid: they are paid when muddy conditions are bad or when conditions caused by those muddy conditions are difficult, or for when it is hot on the building site, or something like that. To suggest that a person who is not even at work is suffering disability because of such conditions is ludicrous, because he is not even at work to have to suffer under those conditions. A site allowance was intended to compensate for working in conditions of discomfort or conditions that were intolerable.

I now refer to overtime: it is intended under the Bill to compensate a person for overtime when such a person is on workmens compensation. There are literally thousands of young people in South Australia who have never had a job and who will never have a job, but who would like to have a job, let alone be compensated for some overtime factor. That is the extent to which the legislation goes, in providing that people deserve even more, and it is the same as saying that people deserve a salary increase even if it is at the expense of jobs for other people. The Australian community has arrived at a consensus that we have reached the crucial point, and that it is now time for those people who have jobs to be prepared to sacrifice something, even though it may be small, for the creation of other jobs for those who are unemployed.

I would oppose this legislation on these very grounds. It is against that national consensus that was reached at the Economic Summit, which was called for, spoken about and agreed to since late last year, ever since the wage freeze was mooted. It was agreed to by State and Federal Governments, the trade unions, the employers, and by the entire community. I believe that it should be of paramount importance when considering this Bill. I make it quite clear that I will be voting against this legislation for that reason, although there are other reasons involved, but the most important reason is that it will lead to further unemployment in South Australia. I challenge the Minister to prove that that will not be the case.

The Hon. J.D. Wright: You can't prove that it will be.

The Hon. D.C. BROWN: I can. I gave the Minister evidence of that when I referred to my conversation with an employer this morning who said that his labour component will have to be reduced. Of course the Minister knows that that will lead to increased unemployment in this State and I challenge him to produce evidence indicating otherwise.

I shall deal briefly with some of the other amendments, the first of which refers to the rehabilitation fund and the rehabilitation board. I was disappointed that, from the Minister's second reading explanation, we did not get an indication as to how the board is operating. Seeing that, when the House last considered this legislation, that concept was introduced it would have been nice to know if the unit was working effectively and helping people to be rehabilitated into their work more quickly than had been the case previously. I would have thought that it would be of some interest to members to hear the recommendations on rehabilitation made by the board. Does the Minister have so very little regard for rehabilitation that he places more importance on the level of compensation and pays no heed to rehabilitating people back into the work force?

Mr Hamilton: What did you do—

The Hon. D.C. BROWN: Ever since 1974, I have been the most outspoken critic of workers compensation legislation in this State and the fact that it placed the entire emphasis on compensation and none on rehabilitation. One of my achievements as Minister was to redirect that emphasis and to give greater emphasis to rehabilitation. I was therefore

delighted to see that the *Business Review Weekly* earlier this year, in summing up the changes made to workers compensation and the problems faced in relation to the subject throughout Australia, gave credit to South Australia for what had been achieved here in the area of rehabilitation. When it went through this House, it was a novel step, begrudgingly accepted by the present Minister, who was in Opposition at the time, and by his Party, and we see no reference to how it is operating and with what effectiveness. I ask the Minister whether, in summing up the debate, he will say how that rehabilitation board and unit are operating. I believe that the contribution being asked of those people who are injured and away from work for an extended period was a small one. It was debated and discussed, and consensus was reached by the Upper House after much consideration, and I do not believe that these people suffered an enormous financial difficulty by having to make the small contribution they were called on to make, especially considering the far greater contribution that must be made by the unemployed.

Much has been said by the member for Hartley and other members opposite about the so-called disabilities, inconvenience and hardship of people with a loss of hearing of less than 10 per cent. Let us put this matter into perspective. First, very few people in the community do not suffer from some hearing loss. In fact, I do not think that I have ever heard of anyone who has been tested and who has been found to have a perfect score on hearing. At any rate, there are very few.

Mr Klunder: Go and ask the audiologists.

The Hon. D.C. BROWN: I have spoken to some of them at great length. The ear, nose and throat specialists strongly supported the Bill introduced by the previous Government in 1982. The financial contribution and the hardship suffered by someone with a hearing loss of less than 10 per cent are only minimal. I have spoken to many people suffering from a hearing loss of far greater than 10 per cent, and they say that they do not suffer any great inconvenience as a result of that loss.

I sat on the select committee that looked into noise control. Although the Deputy Premier was not a member of that committee, I believe that the Minister for Environment and Planning was. I refer members opposite to the considerable evidence placed before that select committee. Some of it was to the effect that a hearing loss of 10 per cent or less did not cause real inconvenience. In fact, people with that loss did not realise they had a hearing loss if it was less than 10 per cent. Yet the Labor Party is saying that those people should be given financial compensation over and above, and ahead of, people who are unemployed and cannot get a job. Labor members say that it is more important to make a financial contribution to someone with a 10 per cent hearing loss than to give a job to someone who is unemployed.

The Hon. J.D. Wright: How many jobs did you create by introducing your legislation?

The Hon. D.C. BROWN: I believe that our legislation helped save jobs in this State. I challenge the Minister to go out and ask employers whether his legislation will reduce unemployment in the community. If he were willing to do that, I do not think he would be willing to table any replies he received. There is also an amendment in relation to the two-year period after retirement in respect of claims for loss of hearing. I think that the claim was made by the member for Hartley (and it shows how ridiculous his claims have become) and I think that the Minister said in his second reading speech that most people would not realise that they had a hearing loss until at least two years after their retirement. I believe, however, that if a person had a hearing loss and was interested, that person would have his or her hearing tested within two years of retirement.

Regarding umpires, I think that I remember a press release from the Minister which claimed that he had successfully negotiated in relation to this matter. In fact, the former Government reached agreement with the various umpires associations, the South Australian National Football League and the South Australian Cricket Association on the basis of how the Act should be amended to cope with injuries to umpires. I pay a tribute to the staff of the Industrial Affairs Department, as it then was, who carried out those negotiations that led to finalising the matter while we were in Government. I support that proposal, because I believe that it overcomes the financial hardship faced by those concerned. The umpires have said that they are happy to be covered by some form of insurance other than workers compensation. Therefore, that is one measure in the Bill that I support strongly.

The other area to which I refer is that of wage declarations by employers when approaching insurance companies. I realise that there have been problems in this area. As Minister, I discussed this matter with representatives of the insurance brokers and insurance companies as to the high cost of workers compensation. Let us not fool ourselves about the cost of premiums. I heard this morning that there was a premium of 8 per cent or 9 per cent in the catering industry; 10 per cent to 16 per cent in the building industry; 14 per cent in the primary industries; and up to 20 per cent or even 30 per cent in some industries where there is a higher risk. I had dealings in this matter with some employers last year. They were having difficulty getting insurance, and they were paying up to a 30 per cent premium. Some shearing contractors were paying premiums as high as 30 per cent and were having difficulty in finding a company to insure them.

Mr Ferguson: What did they do about safety?

The Hon. D.C. BROWN: They were looking at safety but my concern was that they were falling down not so much with the safety aspect as with the rehabilitation aspect. Any employer who complained to me as Minister about not being able to get insurance at the time was referred to the special committee that I set up to look at insurance problems involving workers compensation. I also gave an instruction that the whole rehabilitation and safety programmes of employers had to be looked at and that they would get no help whatsoever from the Government or from that specialist committee on insurance unless they were prepared for their safety and rehabilitation programmes to be tackled at the same time.

If the incidence was abnormally high and certainly out of line with the rest of the industry, the companies concerned had a problem that needed to be dealt with. I would be the first to say that some employers do not give adequate attention to safety and that literally thousands do not give adequate attention to rehabilitation, including the medical profession, the legal system the workers themselves.

One of my main concerns is that the whole problem with workers compensation is that the person who is injured at work is lost in a jungle in which so many other parties have a very significant financial stake. Those other parties include the medical profession, the legal profession, the insurance industry (including insurance companies and insurance brokers) and employers. The employer tends to think that his interests are being looked after and those of the workers are being looked after by the lawyers; the lawyers tend to think those interests are being looked after by the medical specialists; and the medical specialists tend to think that those interests are being looked after by the employers. What happens is that a person who has been injured at work is forgotten by everyone, including his own lawyers. On so many occasions I found that there was legal advice from the lawyer representing the worker who had been

injured and that that advice was, 'For goodness sake, do not go back to work, because you might not get quite as much in a lump sum payment.'

Mr Ferguson: I've never come across it yet.

The Hon. D.C. BROWN: I certainly have come across it on quite a few occasions. My concern is that the lawyers, when dealing with workers compensation, need to understand and appreciate the need for rapid rehabilitation back into the work force.

I admire the achievements of companies such as Mitsubishi in this State which have given that emphasis to rehabilitation and have consequently been able to cut down on workers compensation costs. I urge any employer to look at the techniques and procedures adopted by Mitsubishi and at the very close consultation that occurs directly between the employer and the person who is injured. Ultimately the lawyers, medical profession and insurance companies must be parties to those consultations. The prime area of concern is between the employer and the employee and making sure that he gets back to work. Emphasis must be given to rehabilitation, not leaving either party to look merely at the compensation aspect, which is only part of it.

I repeat that I will vote against the legislation, because I think it is to the detriment of employment opportunities in this State. This is an area that has been very close to my heart for a long time, and I still do not believe that many people understand the real problem of workers compensation. It concerns me that this Parliament fiddles with the peripheral benefits as we are doing here.

The Hon. J.D. Wright: Why didn't you pick up the Brown Report? You had an opportunity.

The Hon. D.C. BROWN: The Minister knows that the trade union movement was divided right down the middle on that report. Half the trade unions supported it and half were opposed to it. The advice I had was that they could not reach any agreement, and the Minister knows that. My concern is that this Parliament should stop fiddling with the peripheral aspects of workers compensation and get down to the key issues involved. I oppose this legislation and, in particular, urge members to look at the employment consequences that it will have.

The Hon. J.D. WRIGHT (Minister of Labour): I move:

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

Motion carried.

Mr PETERSON (Semaphore): I anticipated when I was going to follow the member for Davenport that he would have made a fairly fiery speech. I think he is a different man, and I am amazed that, with the sentiments he expressed, the whole situation relating to workers compensation is not now one existing in paradise. Much of what he said I agree with. I agree that rehabilitation is a very important aspect of workers compensation. Why was it not implemented?

The Hon. D.C. Brown: We did. We set it up.

Mr PETERSON: Why have we got to the situation now where, as the member for Davenport said, the situation is getting worse instead of better? If there was a problem, why was not it fixed in the life of the former Government?

The Hon. D.C. Brown: It took eight years until we came to Government, and there was no regard given to rehabilitation whatsoever. Not a single clause in the Bill dealt with—

The ACTING SPEAKER (Mr Whitten): Order!

Mr PETERSON: After a term of Government with such ideals devoted to changing the system to include rehabilitation, one would have thought that there would be some significant change in the system.

The Hon. D.C. Brown: There was.

Mr PETERSON: I am not aware of it. I am pleased to hear that interjection, which is recorded in *Hansard*. Listening to the honourable member's general comments, I was disturbed to hear him say that the present Minister had not distributed the legislation. I hope that that is not so, but the Minister will certainly have the right to comment on that when he closes the debate. I would be disturbed personally if that was so, but I do not believe that it would be so, because of the Minister's connections with the trade union movement and his understanding of the situation with the employers. I will wait to hear from him on that.

The member for Davenport mentioned the reasons for the increase in workers compensation premiums. One reason was the considerable losses of insurance companies. That means that if we are going to take that as a prime reason those who are injured at work are to be the pawns in a game to increase the income of an insurance company because it has made a loss. That was one of the reasons given by the member for Davenport for the need to increase premiums. Another reason involves common law claims. They obviously will be dealt with under the law as it stands, and that is not out of order at all. He also mentioned increases in salaries: everybody has had an increase in salaries, and it is to be anticipated that salaries will increase.

The Hon. D.C. Brown: What's it worth to them?

Mr PETERSON: Everything mentioned has occurred legally. Increase in salaries have all taken place through a rigid system of courts, commissions and industrial hearings. No-one takes a salary increase out of the air: it has to be granted by somebody, and there is nothing illegal or untoward about. The member for Davenport mentioned the increase of 15 per cent in labour costs if these amendments should pass.

The Hon. D.C. Brown: I said workers compensation costs.

Mr PETERSON: Who should pay them? If we do not compensate the injured properly, who should pay; the injured, the crippled, the blind? Should they bear the brunt of the whole system?

The Hon. D.C. Brown: Ultimately, under this measure, it will be those who become unemployed.

Mr PETERSON: That is to be proven. If up until this time people have been employed, premiums have been lower and jobs have existed, why have not people been employed? Why is there still unemployment to a high degree? The honourable member knows as well as I know that employers use overtime instead of employing additional people. They work people as much as they can instead of taking on additional employees.

Mr Ferguson: On minimum wage rates.

Mr PETERSON: With overtime, and then if they are injured they do not get what they would get if they were at work. Under the amendment we are talking about, who should pay: the blind, the injured, the crippled or whoever? Under the previous legislation, again the injured pay. We heard a lot about rehabilitation, which is a valid part of workers compensation. However, who pays? The person injured had to pay 5 per cent of his reduced income to be rehabilitated. I cannot see the justice in that. It is obvious that the line chosen by the Opposition in this debate is that any increase in workers compensation would create unemployment. I cannot see that.

Mr Lewis: Where is the extra money going to come from for the premiums?

The ACTING SPEAKER (Mr Whitten): Order! The honourable member does not have to answer interjections.

Mr PETERSON: I realise that, Sir. Why are those people not employed now? If the increase in fees would cause unemployment, why are those people not employed now? Employers are not employing; they are using overtime. The

member for Todd was also speaking about the serious far-reaching effects upon employment in the case of an increase. He said that employees were being paid far more, that compensation was adequate, and that employers could go to the bottomless pit of funds to fund it. There is always an increase to employers. That is borne by the community in the end result as an increase in costs of services or goods. Obviously, there are troubles in the community as far as the economic viability of operations and businesses is concerned—whether they be selling goods or services. However, if we do not accept that people injured in industry or commerce are entitled to fair compensation for it, we will be expecting them to pay for the added income to the employer.

Mr Ashenden: Would you agree that the employer could reach the stage where his prices—

The ACTING SPEAKER: Order! I would be pleased if the members for Todd and Semaphore would cease their private conversation and get back to the Bill.

Mr PETERSON: I recognise that many employers in the community are having difficulties. I was talking only yesterday to a man who runs a small business in which he has $100 000 invested. He is having trouble making ends meet—there is no doubt about that—not only because he has to pay compensation insurance. It is not only because he employs people: it is for a multitude of reasons that combine to make it an unfavourable commercial climate at this time. To blame unemployment on compensation insurance is not valid.

Open-ended claims on compensation were also referred to. I refer to the effects of such matters as the taking of drugs in good faith, such as thalidomide or Agent Orange, and other chemical poisons which build up in people's bodies over a number of years. These things happen, they are documented, but where do we start and finish the claim? Asbestos is another substance which has been proven to take a long time to come out and is shown to be a killer.

Mr Ferguson: Over 20 years.

Mr PETERSON: Yes, and it is a killer. Should not these people be entitled to something? There has to be some justice in this somewhere along the line. The member for Todd was talking about specific training programmes for the employees to provide an appreciation of risks, and he stated that injuries occur through actions of employees. Vast numbers of people are injured every day. Surely one does not assume that people go out and try to get injured.

The Hon. D.C. Brown: Have you not heard about the concept of risk management which our Government introduced?

Mr PETERSON: I have worked in industry and have seen people injured. I have seen people run over with cargo and smashed up. They did not get in the way of that gear, but they are just as injured and just as incapable of work as anyone else who is injured. It seems that somewhere in the debate—

Members interjecting:

The ACTING SPEAKER: Order! The honourable member for Semaphore.

Mr PETERSON: There seems to be a concept that people on compensation are not genuine. That is not so. Some people cheat on compensation. Not one person in this Chamber could say that nobody cheats on compensation. The same applies to companies cheating on profits and on taxation: it happens. By far the vast majority are genuine cases of injury caused in the course of work and, in some cases, through a lack of training by the employer or, in others, through a lack of application on the job by the employee. These things happen but the injury is there. If a man or woman is injured, they are injured.

Mention was also made of those who cheat. That throws a load back onto the medical profession, as they are the ones who make the decisions. They are the ones who say 'Yes' or 'No'. It is usually their decision to send one back to work, not the decision of the person involved. If there is a criticism of malingering on compensation, they are the people we should speak to.

The member for Florey spoke well on hearing loss. He is a man of long experience in the trade union movement. One speaker afterwards said that he does not know what he is talking about. One must accept that a man from his background must have some knowledge. One does not spend that many years to learn nothing. It makes me wonder about the attitude of the Opposition. The member for Hartley also covered the attitude of workers, saying that the end result is the workers' pay packet. That is what it is all about. We can talk about site loadings and allowances as well as additional payments. That is what a worker and his family must live on. That has to be taken into consideration when we talk about payment to an injured person. We must consider that that man and his family live for that wage. That is the amount for which they should be compensated.

Today we all received the ICA bulletin (from Insurance Council of Australia Limited) containing an article about occupational health and safety. When I read it I thought of the Opposition. I believe the article shows the attitude of the Opposition. Admittedly, the comment was made by Mr Ken Stone, the Secretary of the Victorian Trades Hall Council.

It refers to workers compensation and states:

'And I think the cost of workers compensation insurance has had a definite effect on employers, although whether it is the right effect remains to be seen', he said. Employers have very effective lobbying groups and so they go to the Government and say, hey do something about getting the cost of workers' compensation premiums reduced. That is just looking at the short term. What they should be saying to Government is help us make our work place safer to work in so that there are less accidents so that premiums won't be so high. That is a long term attitude and that is what is needed in this community—vision before self-interest.

That is very true. When we talk about rehabilitation we have not covered the aspects of being aware of the situation and trying to educate people properly. That is a task for all sides of the industrial spectrum—employees, employers, unions, the lot. There is one point in the Minister's second reading explanation upon which I would like to comment. I speak from personal experience in this. He said:

However, the two Parties involved—

he is talking about the insurance matters—

are not, as some members opposite would have led us to believe the two major political Parties in this State, nor the employer associations, trade unions nor lawyers and insurance companies, but the individual injured worker and his employer.

That has not been my experience. My experience has been that it ends up being the employee and the insurance company. As has been said by a member opposite, the employee finds himself in this lost world of lawyers, insurance companies, the employer trying to get him back to work, the unions trying to advise him, and he really is lost. That is also an aspect of workers compensation that should be considered: some way to guide him through that path and give him advice.

I support the legislation. I do not think that anybody who is injured in his employment, whether crippled, blinded, maimed, having broken bones, or suffering loss of hearing, should be penalised. I think that it is the responsibility of the trade union, the employer and the Government to ensure that these things are kept to a minimum. There needs to be education of the person and the employer, and a cleaning up of the work place as much as possible to make it safe and effective. I support the legislation.

Mr FERGUSON (Henley Beach): I rise to support the proposed amendments to the Workers Compensation Act. In particular, I express my support for the removal of the deduction of 5 per cent of the worker's weekly payment to the workers compensation rehabilitation assistance fund. I strongly object to the concept that an injured employee should be required compulsorily to contribute to the cost of his own rehabilitation through a 5 per cent reduction in his weekly benefits. I am strongly in support of rehabilitation, as I understand are all unions and union officials. I support the workers rehabilitation advisory unit, but it does not go far enough.

In my former occupation as a full-time union official I was given the task of assisting members of my organisation in matters relating to workers compensation. I can assure members of the House that the vast majority of workers on the shop floor are interested only in recovering from any work related injury and returning to their former occupation as soon as it is practicable to do so. This reaction, after all, is only a matter of mathematics.

A worker was far better off financially by continuing to work than by accepting the maximum payments under workers compensation, together with any common law liability settlement in the majority of cases. On many many occasions people in the work force, once having been injured, have sought rehabilitation. They have stated to me, time and time again, that they would rather be returned to full health than receive anything by way of compensation. I have had the experience of sending these people to a series of medical specialists, unfortunately, quite often, without a great deal of success. The truth of the matter is that this State is sadly in need of a centre to conduct treatment and seek successful rehabilitation of workers involved in industrial accidents. The setting up of the workers rehabilitation advisory service is only a small step in a chain of events that needs to occur in this area. The former Minister of Industrial Affairs stated that the workers rehabilitation advisory unit would not undertake any actual rehabilitation. His exact words were as follows:

> The Bill provides for the appointment of a workers rehabilitation advisory board to advise the Minister on effective measures to promote and facilitate the early rehabilitation of injured workers and to monitor and advise upon the activities of and policies to be pursued by the proposed workers rehabilitation advisory unit. I stress that the board is to advise only on rehabilitation matters, not workers compensation generally, and for that reason representation has been restricted to interests which will have direct involvement with the rehabilitation system.
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> The workers rehabilitation advisory unit has been designed to fill a gap in the existing workers compensation system. Its specific role will be to monitor the rehabilitative arrangements made for seriously injured workers and facilitate, through consultation, the early return to work of such workers. The unit will not undertake any rehabilitation programmes of its own and is specifically barred from undertaking medical examinations or medical treatment of any kind. It will, however, have the responsibility for arranging and carrying out promotional and educational programmes regarding the importance of early rehabilitation in the workers compensation system.

In my former capacity in the workers compensation area, I did arrange for people to attend St Margaret's Rehabilitation Centre and the A.S.E. Occupational Health Service, in North Adelaide. Both centres were successful, but the problem of rehabilitation is being dealt with in a piece-meal and minuscule way. The amount of money being spent in this area is very small indeed and the amount of money that could be saved by a reduction of compensation payments is extremely large. It is my opinion that the input of money required in this area to provide the amount of research and therapy needed should be supplied by the insurance industry.

I totally support the amendment to the Act that eliminates any payment by the worker. I believe that it is scandalous that a worker should be forced to pay for rehabilitation, especially in the case where he has been injured through no fault of his own. I believe that the so-called incentive that is provided by reducing weekly payments in an attempt to starve a worker back to work is an incentive that is a figment of somebody's imagination. There is already too much of this type of so-called incentive available in industry. Many an employee has been threatened that, if a claim is made for workers compensation, they would be dismissed from their employment. I have received threats of this nature by way of telephone calls from insurance representatives who have been under instruction from company managers.

It has been my experience that I have had to plead with employers to try and maintain the employment of injured workers who have been prepared to return to work and try to maintain their previous employment, but their employers have refused and have been prepared that the insurance companies pay payments under the Act and the common law claims rather than allow these people to return to work. I am not suggesting that the protection offered under common law be dispensed with. However, I am putting to the Parliament that it is not necessary to provide penalties in order to arrive at an incentive to force people back to work.

I am also suggesting that there is a need for further enlightenment of employers in the work force about rehabilitation and how in the long term it could save them money. I would also like to comment on the elimination of a threshold amount in claims for noise-induced hearing loss.

I must comment on the earlier contributions made by the member for Mitcham and by other members of the Opposition in regard to noise-induced hearing loss claims. It was suggested by the member for Mitcham and by the member for Todd that if workers were prepared to wear hearing protection devices (that is, ear muffs or ear plugs), all the problems in regard to noise-induced hearing loss would disappear. I can tell members from my experience in the printing industry that such a claim is absolutely ridiculous. I have been involved particularly in the newspaper industry, where noise levels were around about the threshold of pain and where workers were asked to wear hearing muffs to prevent noise-induced hearing loss.

However, one must remember that in that sort of environment there are warning systems to help prevent people from injuring themselves. I further point out that severe injuries can occur in industries such as the one to which I referred where people have indeed wrapped their arms around printing cylinders. The warning provided to prevent this sort of accident is by way of the provision of warning bells. The only warning that can be provided in situations where a worker is out of sight is by way of bells, but in order to hear the bells one must take off the hearing protection that has been provided.

Mr Lewis: Use flashing lights.

Mr FERGUSON: Flashing lights are available in some areas, but there are areas where it is impossible to use them. The honourable member's interjection shows his ignorance of some areas of industry. The suggestion that workers must continuously wear hearing protection devices that are provided for them is erroneous, because that sometimes puts workers in greater danger than they would be in were they not wearing that protection. The type of industries that I am talking about produce hundreds of millions of dollars in profits: we are talking not about the sort of industries that members opposite have been talking about, but about people who have no difficulties in providing the necessary finance to make available the sort of engineering necessary to provide protection for workers. It is interesting to note, for example, that this week News Limited shares have doubled their price (we are talking about $4.70 a share and

about gained capital assets to the value of millions of dollars—not hundreds of thousands of dollars).

Also, in other areas of the newspaper industry one could hardly describe those involved as being impoverished. I am referring to the people who members opposite have told us are in desperate need of protection: they have told us that if the claims provided for by the Bill are pressed we will put owners out of business. I have never heard anything so ridiculous in all my life. When I was a union official in industry it was my intent to ask my members to pursue each claim as hard as they possibly could. The reason for that was not to damage the industry, not to reduce profits (and as an organiser and a union official I did not particularly care whether I gained an increase in the amount of money available for my members), but because we wanted to pursue these claims and to involve the lawyers, doctors and specialists to which the member for Davenport referred to ensure that we imposed a penalty on the companies involved, a penalty which affected the hip-pocket nerve and which was intended to ensure that those companies did something about safety aspects in relation to their workers.

I refer to the ridiculous situation put up by the member for Davenport that a 10 per cent binaural hearing loss means practically nothing. I feel sure that the honourable member, who I understand circulates around the Hills area, has probably never been involved in industry and does not know too much about industry on the shop floor, and would not know what a 10 per cent binaural hearing loss means, and the social disadvantages that it entails to the people who suffer this loss. I am extremely pleased that the legislation provides no threshold in relation to hearing loss claims. I hope that this will encourage those who are disadvantaged and who will continue to be disadvantaged to make claims which will provide employers in certain industries with an incentive (which we heard so much about earlier) to do something about engineering in regard to their own affairs.

In my capacity as a union official I went to private consultants and we spent union money to provide to employers through private consultants the sort of advice necessary for them to make engineering changes to their workshops to reduce noise levels. That advice was tendered by way of negotiation with the consultants, because companies would take the chance on paying insurance premiums rather than spend the amount of money necessary to provide appropriate engineering changes to reduce noise and avoid social disadvantages to people employed on their premises.

Mr Mathwin: Why don't they wear their ear muffs for protection?

The SPEAKER: Order!

Mr FERGUSON: I know that the member for Glenelg would rather defend these companies, that he would rather see workers at a disadvantage. I have already told the honourable member why workers will not wear ear muffs. There are practical reasons as far as heat and discomfort are concerned. Obviously, the honourable member has not been associated with industry, because he does not know what this is all about. Ear muffs after being worn for four hours become very uncomfortable, especially when it gets hot. I can assure the House that further compensation claims arise from the fact that people who have worn ear muffs develop problems with the inner ear; ear muffs can become hot and sticky when worn in areas where there is no air-conditioning, which is not provided in many places where it should be provided. The fact that claims arise from this in itself should be a reason why industry should turn to engineering improvements. The union with which I was involved took the opportunity of seeking some information from Sweden about what was happening there in regard to engineering developments for the purposes of reducing noise levels, particularly in respect to the printing industry. It was found that much money had been spent on engineering in that area to alleviate problems in regard to competition in industry.

So far, Australian industry in general, and South Australian industry in particular, has not been prepared to provide the sort of engineering and to spend the sort of money that should be spent on the reduction of noise-induced loss in industry. The previous Labor Government gave the Adelaide University a grant to research the sort of engineering necessary to reduce the hearing loss in industry. Many suggestions that have come from that engineering section have not been taken up, and the suggestions made by Opposition members, that the additional costs caused by the increase in workers compensation premiums will provide problems for industry, in my opinion, are well merited because in many instances there would be no need for compensation to be paid if proper attention had been given to industrial safety and industrial design. I support the Bill. I congratulate the Deputy Premier on introducing it and I hope that it passes.

Mr LEWIS (Mallee): I do not want any member to doubt the fact that I believe that wherever possible, whenever possible, and according to the constraints applying at any specific time, in our society we should provide as far as possible whatever protection we can for the people who work in whatever jobs they have from the risks of physical and mental injury, including stress as well as injury to eyesight, hearing, muscles and limbs. Up to the present, we have completely overlooked the sorts of injury that result to people who are speed typists and fast stenographers, the kinds of injury and discomfort that they can suffer on a permanent basis. I think that given the state of the art, engineering and technology available to us, there must be an incentive to use whatever innovative skills are available to us at present from the vast resources of the human mind to alleviate that suffering.

However, having made that point, I believe that we must remember that it was not possible for the Romans at the height of their civilisation to contemplate providing workers compensation for people suffering injuries in their work, and it has not been possible at subsequent times in history. Indeed, it has not been possible until now, but we need to bear in mind that we can afford only just so much. In that context, the Deputy Leader of the Opposition made his remarks about 'maybe, but not yet' when it came to considering the extension of the kinds of provision that this Bill canvassed and many members of the Government have made remarks by direct comment or by inference.

At present, it needs to be understood that an increase in costs of production invariably means an increase in the price that must be charged for the article produced or, alternatively, an increase in the product output so that the unit cost is kept constant. In the case of workers compensation premiums it is simply not possible in any way to make a connection between that and an increase in productive output. The nature of the expense of paying a premium for the insurance in no way enhances the capacity of industry to produce more from the same resources; therefore, it is a direct increase in the cost for each unit of production.

If there is a direct increase in that unit cost, there must be a corresponding increase in price, since there is no increase in productivity. That is axiomatic. If there is an increase in price, some people who would otherwise have contemplated purchasing the article produced or the service provided will judge that they cannot afford it, so there will be a reduction in demand. Therefore, if there is to be a reduction in demand for the products and services provided by the totality of industry, whether primary, secondary or tertiary,

that invariably means that there will be less produced and that other items of a capital nature in terms of expenditure in producing those goods and services will also increase on the reduced number of items that result.

All that is for the benefit of Government members as to how the Opposition members see the increase in the cost of production reducing the number of jobs and, therefore, how this Bill will in fact reduce the number of jobs that already exist. Further, where industries are expanding or have the potential to expand in the current climate (and there are such industries), those industries under the impact of this impost will have to scale down the extent to which they might otherwise have increased their production and therefore the extent to which they might have increased the number of jobs available totally in the economy.

In some industries that impact is more severe than it is in others. It is ridiculous to suggest that that is not so. Shortly, I shall refer to a table that demonstrates the point I am now making. There are substantial differences between classes of occupational groups (for instance, clerks compared to builders' labourers and to fitters in the metal industry) in the amount of workers compensation premium paid by the employer on the dollars in the pay packet. That can be expressed in percentage terms.

The provisions of this Bill will in some industries, especially in industries such as metal industries, substantially increase costs of production of each unit in the way I have already outlined. By the mechanism I have described to the House, that will mean a reduction in demand for those goods and also a reduction, therefore, in the number of jobs that can be absorbed, taken up or, for that matter, maintained in that industry, thereby reducing the total jobs available and adding to an increase in unemployment.

I hope the House understands that, because it is at the very centre of what I perceive as being the difference between the speeches made by Government members and the position taken by the Opposition in relation to these proposals. We are at a point in our economic development in which we are presently providing ourselves as a society with more than we are producing by a whole lot of cosmetic arrangements through the money system.

That means that we have at this point of our history a large number of people unemployed. One of the contributing factors to unemployment is the high cost of workers compensation. To increase it further by agreeing to the measures which the Government proposes in this Bill will unfortunately add to the unemployment. I have thought that workers compensation was rather a question of payment not to compensate for injury but to compensate for wages lost. There is no common law capacity to obtain a settlement quite apart from workers compensation arrangements for the loss capacity, that is, as a result of the injury that has been sustained. I had not understood that the philosophical reason for providing workers compensation to an injured worker was for the purpose of compensating him for that injury, but rather for the loss of his income. If that is the case, the member for Florey was mistaken in suggesting otherwise.

The member for Hartley in his remarks which I heard him make (and there may have been other things even in what the member for Florey said, but regrettably I had not been able to be in the Chamber all this evening) said that responsible employers will plan in advance, presumably to pay the premiums that will be increased if this measure passes in its present form. He and the member for Henley Beach implied that our opposition to the proposal was that it would make businesses go broke. That is not so. It will certainly contribute to the difficulties some businesses, which are already in difficulties, will have and it may be the last straw in those very few cases. But, no, our opposition to the measure is simply that we understand, in the way that I have described, that to increase the workers compensation premium payments is an impost on business and will reduce the cash resources available to that business to maintain its existing level of employment in its current economic environment. Indeed, it will probably reduce the capacity of that business to sustain existing levels. It will certainly hamper the capacity of any business to expand existing levels of employment.

Regrettably, there is an inflationary effect in the payment of compassionate areas of workers compensation to injured workers in that whilst they are in receipt of the money during the period they are out of work, they are spending that money, they are calling up goods and services from within the community by that expenditure, and in turn, contributing nothing themselves during the period of their disability. Therefore, the money that is circulating has less value in that there is no contribution on the other side of the equation from the injured worker during the period he is off work.

There are a couple of circumstances in which it does look as though this measure and, indeed, the existing law and workers compensation provisions will result in businesses going broke. The shearing industry is a classic example. At the present time, to my certain knowledge, shearing contractors in my electorate have found that because the South Australian workers compensation laws are such an easy touch, they have been duped into employing shearers from across the border who come and work in their team for a nominal period, (maybe a week or a month) and then find that they have already sustained an injury to their back or some other part of their torso or physical capacity to work prior to arriving in South Australia. They go off and claim for that injury which they sustained while working for the shearing contractor in question resident in South Australia, and accordingly are given medical certificates which indicate that they are suffering from an injury and, in due course, are paid handsomely to retire forever.

They do that at the expense of the South Australian shearing contractors and the South Australian insurance companies which provided those contractors with their insurance cover. In recent times that has reached such high levels that two shearing contractors, who for their own purposes after the legitimate and honest deduction of expenses incurred in the course of their work as contractors, have been left with incomes of only $15 000 for themselves and their families in the last financial year. They are now faced with the position that before they begin the new season of shearing they are up for a workers compensation premium instalment of over $60 000. They have no security against which they can raise that money, nor do they have the cash resources at their disposal with which to borrow other than on the short-term money market at high interest rates.

That is a clear example of where the shearing contractor undertakes to provide a grazier with a complement of people necessary for the operation of shearing. As a result it will break down the way in which people working in that industry can continue to function. Those contractors have no choice but to go broke. They cannot, in one case, find anyone in an insurance company anywhere who will accept their workers compensation liability risk. In law, that man as a shearing contractor is, therefore, forbidden to continue his business even though the shearers who work for him will sign on with another contractor. He is too old to go shearing again himself. He knows only that trade or occupation and is at a loss to know what to do and that is purely because of the abuse that has been made of this system. This measure as it stands will have the effect of further embarrassing that man and others in the same line of business.

I will leave that illustration now and return to the disparity that exists between industries because of the nature of the claims made in those industries and the effect that that has had on the workers compensation premiums that are payable. I seek leave to have inserted in *Hansard* a purely statistical table in three parts. It illustrates the way in which the weekly costs of employing each worker in three employer groups are affected by workers compensation premiums that are paid.

The ACTING SPEAKER (Mr Ferguson): Can I have the honourable member's assurance that they are purely statistical tables?

Mr LEWIS: Yes.

Leave granted.

Labour Costs

The 'additional' labour costs in the occupational groups following are:

	%
Clerks	27.9
Fitters	39.1
Builder's Labourers	45.4

1. Occupational Group—
Clerks (1st year adult service—Group 3):

Item	Weekly Cost $
Weekly Award Wage	225.00
Payroll Tax (5%)	11.25
Workers' Compensation (0.545%)	1.23
Long Service Leave Provisions	5.63
Annual Leave Provision	18.75
17½% Leave Loading	3.28
Sick Leave Provision (10 days)	10.76
Public Holidays (11 days)	11.79
Total	287.69
Additional cost to employer ($)	62.69
Additional cost to employer (%)	(27.9%)

2. Occupational Group—
Builders' Labourers (A.W.U. Construction and Maintenance Award Part 1, General, Group 1):

Item	Weekly Cost $
Weekly Award Wage	211.40
Payroll Tax (5%)	10.57
Workers' Compensation (17.3%)	36.57
Long Service Leave Provision	5.29
Annual Leave Provision	17.62
17½% Leave Loading	3.08
Sick Leave Provision (10 days)	10.93
Public Holidays (11 days)	11.98
Total	307.44
Additional cost to employer ($)	96.04
Additional cost to employer (%)	(45.43%)

3. Occupational Group—
Fitters (Metal Industry (S.A.) Award Classification G10):

Item	Weekly Cost $
Weekly Award Wage	255.70
Payroll Tax (5%)	12.79
Workers' Compensation (11.8%)	30.17
Long Service Leave Provisions	6.39
Annual Leave Provision	21.31
17½% Leave Loading	3.73
Sick Leave Provision (10 days)	12.23
Public Holidays (11 days)	13.40
Total	355.72
Additional cost to employer ($)	100.02
Additional cost to employer (%)	(39.1%)

Mr LEWIS: In the first instance it can be seen from the table that, apart from pay-roll tax, long service leave provision, annual leave provision with 17½ per cent leave loading, sick leave provision and public holidays, in the clerical group the workers compensation premium is simply 0.545 per cent. That is only $1.23 a week. However, if we look at the Builders Labourers (A.W.U. Construction and Maintenance Award Part 1, General, Group 1) we see that those items are listed item by item; that is, the weekly award wage (in this case as at 18 November 1982) was only $211.40 and pay-roll tax at 5 per cent was only $10.57.

Long service leave and annual leave provisions, with the annual leave loading, add up to just over $25. Sick leave comes to about $11 and public holidays to about $12. However, workers compensation at the rate of 17.3 per cent amounts to $36.57. With the inclusion of these provisions in the Bill, one could expect that to escalate substantially. That $36.57 is a proportion of the $307 which has to be set aside by the employer every week to obtain the services of one employee. It is not an insignificant percentage. In fact, it is 17.3 per cent.

If we look at the third group, the Fitters (Metal Industry (S.A.) Award Classification G10), we see that that workers compensation is again over $30, at 11.8 per cent. Regrettably, if we increase those premiums (as this measure certainly will), it means that the amount of money left to continue employing the total number of people in any business is smaller so that the numbers that can be employed will be less. That is how we lose jobs if we increase benefits to those already receiving them. I am not saying that we should not be compassionate in the way in which we look after people who have suffered injury. I am simply saying that at this point in our history we cannot afford to put people out of work, denying them the dignity of honest toil, as well as denying them their personal identity and self-esteem, by selfishly giving more to those who already have greater amounts.

The unemployment benefits are nowhere near the benefits received by people who, perhaps through no fault of their own, are injured and unable to work. However, we must recognise that, if we increase one person's benefit, we will decrease what is left for others, and that means jobs. I have wondered why the Government has been so anxious to bring in this legislation. It occurred to me that it is because it has had to cave into union pressure, not only to honour its election promises (and it is funny that it should honour this one and dishonour so many others) but also to keep the lid on wages claims beyond what it would expect and hope would result from the wages pause. In all probability, the Government and the Minister on the front bench saw this as a convenient way of paying off the trade union movement in return for an acceptance, however tenuous, of the wages pause provisions as laid down by those guidelines.

It will clearly be an argument which the Government can put to the trade union movement through the organisers and shop stewards back to members of the work force, namely, that they are now better off, however intangibly, than they were before the election. It can ask that this matter, along with some of the other carrots it has used, be taken into consideration by the trade union movement when considering increased wage demands. What the Government, union organisers and people on the shop floor need to understand is that by this measure justice certainly has, by the same mechanism of increasing wages, also decreased employment prospects and slowed down the rate of economic recovery and, indeed, in instances to which I have referred, destroyed jobs simply because those jobs are not viable in the context of the business of the employer.

I reckon that, if we take seriously what members of the Government have said and the way in which they have ignored the economic lesson to which I have referred and the way in which they have compassionately argued for extra benefits, dispassionately or ignorantly ignoring the welfare of those who lose employment, I wonder whether they believe that these provisions should be extended to every adult person in the community. What about the housewife who injures herself?

Can it be said, and is it fair (indeed, I believe it is) that the housewife should receive a notional wage from the family income and, accordingly, the employer (the bread-

winner and other members of the family) should take out workers compensation insurance for the housewife or people who do the housework in our community and by that means redress injustices of the kind existing in industry at large?

I speak with some feeling here because of the number of injuries I have personally suffered throughout my working life. They are restricted not simply to visible physical injuries but also to the substantial hearing loss which I have suffered. I have never sought, wherever it has been possible for me, to obtain my living otherwise or to ask others to provide me with money to live and to meet the expense in supporting my family and the causes in which I believe. Yet, it seems from the way Government members have spoken on this matter tonight that the position I have adopted is completely without virtue and that the position adopted by them and the workers who demand every last cent (and you, Mr Acting Speaker, as the member for Henley Beach, have been involved in this debate) is one of virtue, being committed to equality and justice for all in the distribution of income amongst us.

I find that hard to understand. It is foreign to my nature, and I presently believe that there are too many people enjoying the benefits that are properly put there to compassionately care for those legitimately injured who, nonetheless, are not legitimately injured but who have worked a system with a crooked doctor and obtained the benefit unfairly, unjustly and unreasonably.

I would mention that I have clear medical evidence of that having been done. In one instance I could show a case where I have certificates signed by two doctors in the same practice on the same day, pointing out that the injured worker should be off work for periods of time which varied by 300 per cent for exactly the same injury. The insurance company paid both bills (that is, the doctors' consultation bills) and, without carefully checking it in the first instance, discovered later to their dismay that they had over-paid.

The SPEAKER: The honourable member's time has expired.

Mr HAMILTON (Albert Park): It gives me a great deal of satisfaction to speak in this debate and support the Bill. Like my colleagues on this side of the House, I understand the problems that the working class experiences in the field, particularly in relation to workers compensation. Before I really get into the issues involved in workers compensation, I think that it would be remiss of me if I did not pay tribute to perhaps one of the best workers compensation union officials in South Australia. I refer to my former colleague, Mr Nick Alexandrides, who passed away only a matter of a week or so ago. This man dedicated his life to the trade union movement and was very active in South Australia, particularly from the time he came down from the canefields in Queensland. To my recollection, when I left the Australian Railways union and came into this occupation, Mr Alexandrides had assisted a large number of workers and achieved something in excess of $3 000 000 in workers compensation for the members that he represented. I know that all members on this side of the House would join with me in sending deepest regrets to his wife and family on the passing of Nick.

In my experience in the railway industry in respect of injuries, I have seen many of my workmates injured or killed. The railway industry has a high incidence of injury and death because of the very nature of the industry itself, particularly the shunting aspect. I can remember that, many years ago, when I first transferred from Mount Gambier to Port Pirie, there were three railway gauges: narrow, standard and broad. Workers were required to rotate shifts and, on many occasions, because of that very aspect (the rotation of shifts on those various gauges), many of my workmates were injured. Some lost portions of their feet; some lost their legs; some lost arms or parts of their arms, and others were killed. However, I could not recall very much emphasis being placed on safety in those days.

Mr Gregory: Non-existent in the railways.

Mr HAMILTON: As my colleague the member for Florey says, it is non-existent in the railways. As a result of my spending a number of years in Port Pirie, I was instrumental in assisting some of my colleagues to have that system of rotation work on those various gauges changed. Therefore, my workmates came to work on those various gauges and got to know them, rather than changing around all the time and being susceptible to injuries.

When I came down from Port Pirie, I saw many other conditions under which I, as a guard in those days, was required to work. I can vividly remember an instance in which a workmate was killed outside the I.C.I. plant at Osborne. I remember it vividly because, through the section that I represented in the Australian Railways Union, we had been trying for months to have a pathway provided along the side of the track between the track and the fence at I.C.I., at Osborne. As a result of the loss of the Polish worker's life, that pathway was installed the very next week. It grieves me and makes me rather hostile when I hear members opposite talk about compensation in respect of the workers and the need to try and get them back to work.

Another instance that comes to mind is an endeavour to have fluorescent lighting installed at the Balaklava railway yard for shunting on afternoon and night shifts when the porter (who was usually by himself) and the guard of the train were required to pick up, put down and shunt various railway trucks in that yard. I believe that, as a result of this young man having lost both legs in a shunting accident, lights were installed in that shunting yard within the next fortnight.

When we hear people talk about compensation, trying to get people back to work or the fault of the worker, issues such as those readily spring to mind. I refer to the issue that the member for Henley Beach raised about hearing loss disabilities. He spoke of various industries where one could not have bells or lights to warn workers of the injuries. Such devices were ineffective, particularly bells, because employees were wearing ear muffs. In the industry in which I worked, particularly on the ground, one could not wear ear muffs because it was a requirement of the job to be able to listen to the various coded signals from the engine crews and the various danger signals that could emanate from the engines.

Many railway men, particularly those who are shunters and guards, incurred a hearing loss because of the tight curves on railway tracks. If one wants an illustration of how this affects one's hearing, I suggest that they go to the I.C.I. plant at Osborne when men are pushing around the stone wagons that come down from Angaston: the shrillness emanating from the curves must, in my opinion, have a detrimental effect on the workers in that area.

The member for Davenport raised the matter of rehabilitation. I found rather amazing his statements and the attitude of his Party. Although members opposite are great on rhetoric, they did not achieve a great deal with respect to rehabilitation. I have referred to this matter before, but I point out again that I can recall most vividly the time in October 1979, shortly after being elected into this place, when I attended the opening of the Alfreda Rehabilitation Centre at Royal Park, which is more commonly known as the Western Regional Rehabilitation Service. At the opening of that centre a request was made to the Government to supply money for an aquatic therapeutic swimming pool for that centre. The response from the then Premier was that he had learned three new words since coming into

office, namely, 'how much', and 'no'. I think that typified the attitude of the previous Government during its three years in office.

Mr Gunn: Absolute nonsense!

Mr HAMILTON: The member for Eyre had his opportunity to make his contribution to the House, and I did not interrupt him. During the three year term of the previous Government on a number of occasions in this House I raised this matter and also detailed the matter in the local press and in the *News*. I raised it with the Trades and Labor Council in seeking support for those people needing rehabilitation. I sought the support of the Trades and Labor Council for a therapeutic heated swimming pool to be installed at the rehabilitation centre. Regrettably, I was unable to achieve that goal. However, I point out that I have already spoken to the Minister about this matter and I hope that it is a goal that I can achieve, no matter how long it may take me to do so. I believe that it is essential to provide that facility for those people suffering injuries and disabilities. Some of the advantages of hydrotherapy are as follows:

1. Buoyancy:
   (a) Support for weakened limbs and aids in restoration of muscle and joint movement and interaction.
   (b) Effectively eliminates the effect of gravity.
2. Heat: warm water aids circulation, reduces pain in muscles and joints. Eliminates 'guarding' and spasm in patients where restoration of range of motion and alleviation of muscle spasm is needed as part of treatment.
3. Resistance: movement through water creates resistance thus producing a natural graded resistance medium to injured parts which is superior to some forms such as weight lifting, etc.
4. Freedom of movement: Complete freedom of movement throughout the three planes of movement allows unrestricted use of limbs and body free from restricting supports, and other apparatus.
5. Jet-stream effect:
   (a) Water in motion carries the therapeutic movement a little beyond the planned limit due to inertia, and this is beneficial in restoration of joint function.
   (b) Massage effect when a jet of water is applied to a specific part.
6. Psychological benefits:
   (a) The atmosphere in a pool enhances patient-therapist participation and lessens patient fixation on the injured part.
   (b) Group activities are beneficial also for the more able-bodied in restoration of self confidence.
7. Excellent for ambulation training for stroke, arthritis, paraplegic and muscular dystrophy patients.

In May 1981, I wrote to Mr David Southern of the Western Rehabilitation Centre requesting information about the number of clients who attended the centre. In reply he submitted the following information: in 1978-79 there were 90 males and 18 females, a total of 108; in 1979-80 there were 84 males and 35 females, a total of 119; in 1980-81, to 22 June 1981, there were 102 males, 23 females, a total of 125.

That figure was far in excess of the total for the previous 12 months. In regard to the total number of people employed at the centre, in 1978-79, 73; in 1979-80, 85; and for 1980-81, 91. In regard to the discharge of clients, in 1978-79, upon discharge, 61 people returned to or were fit to return to work; in 1979-80 there were 75; and in 1980-81, 60 people returned to work. Clearly, the need for that therapeutic pool exists to assist workers who are injured. I hope to see the provision of this pool made during the term of this Parliament.

The Bill provides for the deletion of the iniquitous amendments made to the Workers' Compensation Act by the previous Government. Often we have heard from members of the former Government that the payment of a further 5 per cent by way of compensation discouraged people to work. I refute that. Why should workers have to pay for their own rehabilitation when, in many cases, through no fault of their own, because of lack of safety facilities on the job or because of unsafe equipment workers are injured on the job? Not only the worker but also his family has to bear the burden, because of the attitude of the employer. To pick up the point made by the member for Henley Beach, I stress that some employers are prepared to take a chance in respect to workers compensation. I do not intend to delay the House. I applaud the Minister for the introduction of this Bill, and I hope that it has a speedy passage through this House.

Mr MAYES (Unley): I do not intend to delay the passage of this Bill, but I want to refer to three of the clauses and take issue with some of the points raised by the member for Davenport. Clause 5, which amends section 51 of the principal Act, provides that five per cent of the incapacitated worker's weekly payment is paid to the Minister for credit to the Workers Compensation Rehabilitation Assistance Fund. It has been stated many times by members on this side that the worker is being asked to incur a penalty for being injured. Why should a worker who, through no fault of his own, suffers an injury and who, as a consequence, is required to suffer a loss in real income after a period in regard to his rehabilitation and his capacity to re-enter the work force? That is inequitable and unfair to workers who suffer injury.

Members opposite referred to the increased costs that will result from the Bill, especially clause 5. I ask members opposite how many jobs were created after this Bill was introduced initially. If one looks at the statistics from the middle of last year to the end of the year, one sees that there was no increase in the number of jobs. In fact, unemployment increased dramatically in that period. I ask members opposite how many jobs were created. I argue that in this situation probably no jobs were created as a result of the former Government's Bill. I now believe it is important that any inequalities suffered by injured workers should be removed, and I support the Bill strongly.

The member for Mallee and the member for Davenport referred to clause 6, relating to site allowance and overtime. We received an enlightened account of why a site allowance is paid. That allowance is part of a worker's take-home pay. As provided by clause 5, when a person is subject to award rates (and I do not know how many members opposite have worked on award rates), it is a great burden when even the most minor adjustment downwards is made in real wages, let alone an absolute adjustment in real wages being made as well. A 5 per cent reduction in take-home pay can result in enormous social discord in a home and disadvantage to a worker. When a person is paid workers compensation, he is expected to adjust downwards: in regard to that abnormal wage, there is an additional loss and hardship, which no domestic situation takes account of but to which it must adjust its budget.

Mr Baker: What about overtime?

Mr MAYES: I am not sure in how many factories the honourable member has worked, but I have worked in situations where overtime was a regular aspect of employment and where everyone expected to receive overtime. Normally, that overtime was allowed for within a budget and a household situation. It is therefore part and parcel of their take-home pay.

Mr Baker: That's not true, and you know it isn't.

Mr MAYES: It is true.

The ACTING SPEAKER (Mr Ferguson): Order! Let us have no interjections.

Mr MAYES: I do not mind, Mr Acting Speaker.

The ACTING SPEAKER: Well, I mind, and I ask that there be no interjections.

Mr MAYES: Clause 6 allows a worker to take home his wage and, when on workers compensation, to maintain that wage in the domestic situation. It is an important amendment, because it allows the worker to continue to have and budget on a set income.

Clause 7 amends section 69 of the principal Act by striking out subsection (5a), which presently provides that, where a worker suffers noise-induced hearing loss, no compensation is to be payable unless the percentage of loss exceeds 10 per cent. We heard from the member for Davenport the extraordinary statement that he had never met anyone with perfect hearing. For his information, may I say that it is difficult from the layman's point of view to define what is perfect hearing. For all practical purposes, perfect hearing is more commonly known as normal hearing, which is zero decibels, the average sound level at which an average adult can just hear a sound. An assessment is made on that basis by audiologists. The range can be between minus 10 and plus 20 decibels as an average.

Having referred to several texts on this matter very quickly this evening, I find that about 70 per cent of the normal population falls within that range of hearing in the various tests administered by audiologists in the range between 250 and 8 000 hertz. So, the member for Davenport seems to have no information and yet again has not done his homework. The 70 per cent of the ordinary population coming within that range are those people who are not suffering a hearing loss through deterioration because of age. The range that is measured (250 to 8 000 hertz) is in terms of cycles-vibration per second and provides audiologists with a test programme in which they measure through the various steps what the hearing losses are. They maintain that those measures at between minus 10 and plus 20 decibels represent a normal range of hearing. The normal person going through the steps to 8 000 hertz will maintain his range within that hearing capacity.

Those people who have suffered hearing loss encounter what audiologists call the 'notch'. At some stage this is characteristically shown between 4 000 and 6 000 hertz, the range at which they suffer a loss. At this stage the audiologist may have to take a person's hearing up to within 60 to 80 decibels. The measurement would show that they required to go up to that level to pick up the range of hearing. It is often found that around 8 000 hertz the hearing returns to within the normal range.

One other aspect important in respect of the percentage measurement of hearing loss is that many audiologists regard it as an imperfect way of determining whether there is a real hearing loss. The percentage hearing loss is an imperfect measurement because of adjustments that occur within certain ranges. When assessing the loss, the levels at 250, 1 000 and 4 000 hertz are averaged. In many cases the losses may show a negative aspect of 1 000 or a positive aspect of 4 000, which, if one takes a percentage adjustment on the average basis of those measurements, could come out with the normal hearing.

However, as is shown from the test, people do have losses around the 4 000 mark. Consequently, the percentage loss measurement basis in effect can be negated by positive and negative effects on the measurements at the various levels, consequently showing no hearing loss within what would be considered the normal range. It highlights the fact that the previous amendment which was introduced by the Liberal Government not only brought in threshold levels but also brought in an imperfect measurement in addition to that which may have in itself have eliminated people who suffered hearing losses from the opportunity of having compensation.

It is important to note that the threshold level in itself is an imperfection because people who think they suffer a hearing loss will not be able to determine whether it is 10 per cent, 15 per cent or 20 per cent without professional advice or tests being applied. I have met many people in my electorate, members of the Greek and Italian communities, who have come to me and asked whether they have a hearing loss—this is years after they have retired. Many of them do not understand the legislation. When communicated with by personnel officers in their organisation, they have not been clear on the legislation and, consequently, it has led to chaos and misunderstanding in the period it has been part of the Workers Compensation Act.

We have a situation here where the threshold level has aided and abetted people suffering from a hearing loss and continuing to suffer those losses without any redress, without any rehabilitation and without any compensation. Again, if members on the other side can argue that this Bill was intended to assist the workers then I will go 'he'.

For the information of the member for Davenport, there are a few eminent texts that he may refer to if he wishes to brush up on his information. They are: Giolas & Randolph, *Basic Audiometry;* Zemlin, *Speech and Hearing Science;* and Martin, *Introduction to Audiology.* They may provide him with the basic information which he appears to be lacking in regard to the hearing loss area. I think it is important that the community knows that this Bill is intended to provide proper rehabilitation, safety and compensation for those members of our community who, through no fault of their own, have suffered injury and, as a consequence of that, lose their opportunity to maintain their place in the work force.

The Hon. J.D. WRIGHT (Minister of Labour): I want to thank members for a rather long and lengthy debate. Nevertheless, the standard has been reasonably high. I reiterate at the beginning of my reply that the purpose of this Bill is to reinsert amendments which will make the Workers Compensation Act in this State similar to what was in the legislation before the amendments of the then Minister in 1982. That is the whole purpose of the Bill. It is not going beyond that piece of legislation which was in operation for a number of years. I think that it is necessary that people should understand that we are not introducing any new concepts or philosophies in that area; it has always been our philosophy that a worker should not lose while on workers compensation—he should be paid similarly to what he would be paid if he was at work; secondly, he should not gain, either.

That is another part of the concept that is important to remember. I believe that the amendments in this Bill provide for that. The Deputy Leader said that the legislation could have been held up and given to IRAC, a new statutory authority. The member for Davenport also asked a question about that and referred to a lack of consultation. I point out that the current IRAC is not a statutory body but a body that has been in operation for quite some time, and I have been referring all other legislation to it. In fact, it has had two opportunities to examine this Bill.

I was not able to attend one of those meetings due to illness, but I certainly attended the second meeting. There was plenty of time for IRAC to discuss the matter and comment at the second meeting, which was a fortnight after the first meeting. I am not saying that IRAC was 100 per cent in favour of the legislation, but the major complaint that I received related to the cancellation of the 5 per cent for rehabilitation. Once that was cleared up for the employers on IRAC they accepted the position and understood that the Government was going to meet any expenses incurred therein. As long as those expenses were not directed to them, they were quite satisfied. The unions—

The Hon. E.R. Goldsworthy: When did all this happen?

The Hon. J.D. WRIGHT: I have not got the actual date. If the honourable member does not believe—

The Hon. E.R. Goldsworthy: Was it last week or the week before?

The Hon. J.D. WRIGHT: I do not have the date. It was not last week, it would have been the week before.

The Hon. E.R. Goldsworthy: They weren't too happy last week.

The Hon. J.D. WRIGHT: I am telling the honourable member what happened in relation to IRAC. If the honourable member does not believe me he can please himself. As I was saying before I was interrupted, the unions were quite content in relation to the matter raised by the employers. They have seen the wisdom of the alteration effected by the Bill, because an employee will no longer have to pay the 5 per cent. While IRAC was not 100 per cent in favour of the Bill, clearly, it was not 100 per cent opposed to it, either.

The Deputy Leader also asked whether the changes incorporated in the Bill will lead to unemployment. That matter was also raised by the member for Davenport and the member for Mallee. I do not think that any evidence was provided by members opposite: certainly allegations, but no evidence. The evidence put forward by the member for Davenport was simply that an employer telephoned him this morning and made certain charges, to the effect that, if this Bill passes, some of the people in his employment will be discharged. No one has raised that with me—no one at all. No employer has mentioned that to me.

The information that I have received in regard to the increase in premiums as a result of this Bill indicates that it will be only marginal. The increase will not lead to South Australian premiums being out of line with those in other States. The Government does not believe that the changes, which are important to injured employees, will in anyway damage South Australia's competetive position and lead to greater unemployment. The statements by the Deputy Leader, the member for Davenport and the member for Mallee are not based on fact.

The Hon. E.R. Goldsworthy: Not half!

The Hon. J.D. WRIGHT: No evidence to that effect was produced in this House at all. There were allegations, but no evidence was produced. The Deputy Leader went on to comment:

> Interstate rates show how inflated South Australian workers compensation benefits are supposed to be.

That selective quoting of rates to make interstate comparisons is too simplistic an approach. Such an argument ignores the whole package of benefits which exist in each State. Incidentally, the Deputy Leader commenced to cite examples of benefits that apply in other States and do not apply here. For example, the period over which benefits are paid is an important factor of which to take account when comparing weekly payments. It is the final amounts payable in the form of premiums, that is, the cost to industry, that is important. When a comparison of premiums is done, South Australia is not the highest nor is it the lowest but sits in the middle of the field. The Deputy Leader of the Opposition again has not based his comments on fact.

I have had no-one suggest to me anything like the figures which the Deputy Leader used in this House and on radio the other evening when he indicated that there would be some 15 per cent increase in premiums. I will deal with that later, but certainly no-one has indicated to me that there is anything like that as an increase.

The Deputy Leader went on further in referring to hearing losses. He argued that the threshold and time limit on hearing loss claims should not be removed because of difficulties in allocating blame for any degeneration of hearing in the working environment. There is no need for me to say a great lot about this, as the members for Florey and Hartley have dealt with the matter in great detail. One viewpoint was that of a layman working in the industry and the other was the legal viewpoint. Both viewpoints coincided. I thought that their explanation of the difficulties experienced by employees with hearing difficulty was extremely good.

I do want to add to what they had to say that no other State except Tasmania imposes a threshold on hearing loss claims. The position of the employer is fully protected by the courts, and there is no need for the harsh provisions which this Bill seeks to repeal. It is rather remarkable that the Deputy Leader made such allegations about the threshold, and we find that South Australia and Tasmania were in fact the only two States in the Commonwealth of Australia that had a threshold in any case. That means that the State of Western Australia (which was a Liberal State until recently) and the State of Queensland (which has been Liberal and Country Party for many years) had not introduced a threshold.

The Opposition, when in Government, saw fit to do so. We opposed it strongly in Opposition and made the point very validly that we would change the situation as soon as we were returned to Government. In fact, there is nothing in this piece of legislation that was not forecast to the people of South Australia. In this House, at the time when the then Minister of Industrial Affairs introduced this legislation, I am on record as saying that, as soon as we were returned to the Treasury benches, we would change the situation. Not only was it said then, but it was put into our policy. We did not hide behind the facts at all. We made clear to the people of South Australia and to the Government of the day what we intended to do. I believe that, having been elected to the Treasury benches, we have a mandate and a responsibility to do what we said we would do. That is all that this legislation does.

A further comment by the Deputy Leader was in regard to the inclusion of the allowances in the calculation of weekly payments being damaging to the construction industry. My comment is that the effect on premiums under this Bill will be marginal. Industry sources have advised that the whole Bill will add only, at the most, 5 per cent, and possibly substantially less. When one looks at the premiums paid in the category of builders laborers, South Australia ranks third lowest on a national basis.

New South Wales, Victoria, Western Australia, and the Northern Territory all have much lower rates for this particular category than has South Australia. The extra marginal cost of the proposed changes will not be damaging to the construction industry. Once again, the Deputy Opposition Leader has failed to do his homework. I am not happy about the fact that any legislation introduced increases costs, but I am less happy about the fact that we hear total exaggerations from the Opposition, as we have heard today and over the past week. There are people in the industry responsible for premiums who say that the actual increase could be as low as 3 per cent, but certainly between 3 per cent and 5 per cent.

I do not think that that is an extraordinarily high increase to ensure that workers who are injured at work receive what I believe is just and fair remuneration for being so injured. That is the key to this piece of legislation. We are not giving people something for nothing. The Bill merely hands to people exactly what they would have earned had they been at work. That is a fundamental principle by which Government and this Party will stand.

The member for Mitcham commented that conditions in Australia, and in South Australia, are such that workers compensation trends have led to a loss of jobs and a downturn in business confidence. He says that the insurance

industry is unable to set premiums to meet its liabilities and he quoted a number of statistics and newspaper articles in support of his allegations. From the outset, it should be remembered that the aim of workers compensation is to compensate a worker injured in the course of his employment. It does not mean that as a precondition to any claim an injured worker has to satisfy himself, or a court, that his employer has adequate resources to meet such claim, or that the claim will not have any effect on the continuation of that employers existing work force. With respect to the level of insurance premiums, insurance companies in this State operate competitively in the field of workers compensation and premium levels to some extent reflect this fact.

The member for Mitcham spoke in glowing terms of the Queensland system of workers compensation. It is certainly true that premium levels are low in that State. This is due to the fact that lower benefits are payable; they have not been increased since July 1978. However, the system is fundamentally different in Queensland, where there is a centralised Government Insurance Office operating and where private insurers are excluded from this field. I do not oppose, in principle, the operations of the Queensland workers compensation system. In fact, I believe it is quite a unique, good, and efficient workers compensation insurance system. I looked at it while in Queensland late last year, although not comprehensively enough to understand it fully. I am considering at some stage sending people to look further at the Queensland system.

The Hon. D.C. Brown: So Joh is not all bad?

The Hon. J.D. WRIGHT: I have never said that he was all bad—just 80 per cent or 90 per cent bad. However, Joh was not responsible for this legislation, which goes back to the Labor Government days. That is a fact of life. It has great similarity to what could have been picked up by the then Minister of Industrial Affairs with regard to the Byrne Report, but the Minister ran away from that report and was not game to pull it on. I believe that that is probably one of the best reports that I have seen.

I have already told people in South Australia, since coming to Government, that I want to have a further look at that report. I will be looking further at the Queensland scheme, and I thank the honourable member for Mitcham for raising it. When one talks to trade unionists and employers in Queensland everyone seems satisfied with their system of workers compensation, so there must be something good about it. The member for Mitcham went on to say that the removal of the two-year ban on bringing hearing loss claims after retiring because of age or ill-health will lead to problems of assessment of the extent of hearing loss. The abolition of the two-year ban will merely assist in restoring hearing loss claims to the same position as all other claims.

There are a multitude of reasons why a loss of hearing might not become apparent within a two-year period. In addition, the assessment of actual hearing loss involves the consideration of the same issues of attributing liability, whether or not the worker is still employed. It was put to me previously that there are many instances where the full extent of the loss of hearing is not detected for two years or more. That has also been verified by the audiologists. When this matter was last being debated in the Parliament when the then Minister of Industrial Affairs introduced his amendment, the audiologists came to the rescue (as one might put it) with evidence that what the Minister was trying to do on that occasion was inconsistent with what they believed. I am prepared to take their evidence as presented to Parliament on that occasion.

The member for Mitcham went on to say that the new calculation of average weekly earnings to include overtime and site allowances should not apply to weekly benefits currently being paid. I say that the Bill makes it quite clear that the new basis for calculating average weekly earnings will apply to all payments falling due after the amendments come into operation, regardless of when the incapacity arose.

It is the Government's policy that the position of workers should be restored in this respect to the same position existing prior to the 1982 amendments. Overtime and site allowances were then properly included in the calculation of average weekly earnings. The Government believes that workers should once again have these factors taken into account.

While there was a great deal of repetition from members on the other side, I want to try and deal with most of the members who spoke. I now come to the member for Todd. He objected to the inclusion of payments such as site allowances which he says have nothing to do with compensation. I cannot accept that argument. It is an argument that I have never been able to sustain in my own mind and, if one returns to the principle of ensuring that any employee injured at work receives no less than he would have received at work, I believe that site allowances come into that calculation. I do not see how it is possible not to bring them in. If one comes to grips with what are the policies and fundamental principles of workers compensation, it seems to me quite simple and clear that, so far as any of those payments are concerned which a person would have received while at work, they should be restored to him while he is not at work.

The member for Todd went on to say that there were many ways in which a worker could suffer a hearing loss and, therefore, it was unfair that the employee has to bear the total responsibility for the hearing loss. In response to that, I say this: the question of the degree to which the working environment has contributed to a hearing loss problem is a matter determined by the courts. It is quite incorrect to say that the employer has to bear the total responsibility, whatever the circumstances.

The problem of determining the cause of a hearing loss problem is not solved by the imposition of arbitrary thresholds. The member for Todd was quite strong in his condemnation of this piece of legislation. He said that the Bill removed the incentive to return to work. The Government does not think that that is the case. It says that the Bill has been framed to protect the vast majority of workers who are legitimate in their claims for compensation. Sufficient checks exist within the present system to detect malingerers. The Opposition would have us frame our legislation to force the injured worker back to work because of financial pressures before he is fully rehabilitated. My Government totally repudiates and rejects such a policy.

I am surprised at the member for Todd who appears to be making great play in this Parliament over the last six months to eventually become the spokesman for industrial relations on the Opposition benches.

An honourable member interjecting:

The Hon. J.D. WRIGHT: It is pretty evident that the honourable member is trying to reach that goal. I do not know whether he will achieve it or not; he has probably got a lot of opponents over there but, if he continues in the vein in which he is talking, he will not make a very successful Minister of Industrial Relations or Minister of Labour should the current Opposition ever be fortunate enough to win back the Treasury benches. I think that the South Australian people, having tasted it for three years, will find that enough for this century, in any case.

The member for Davenport criticised me for not having notified the employers of this piece of legislation. I do not know whether the honourable member was in the House or not when I said that members of IRAC, on which four employer organisations and four trade unions are represented, had the opportunity of having the Bill for quite some period

before the first discussion and, secondly, for over a fortnight before the second discussion, which I was at (I was not at the first one because I was sick). So, the employer and trade union groups on IRAC certainly had the opportunity of having the Bill. Further than that, the Bill was posted to all interested parties on 29 March; it was not introduced into this House until 20 April, and it is being debated in this House today on 10 May. So, there has been plenty of opportunity for comment, and we afforded them that privilege of seeing the Bill, more than the former Minister did with some of his legislation, because it is a known fact that the former Minister hid the legislation until he brought it into the House at the very last minute.

The member for Davenport went on to say that the Bill places emphasis on the level of compensation rather than on rehabilitation. This is not the case; rehabilitation always has been and will continue to be a principal aim of the Government in its workers compensation policy. The amendments incorporated in this Bill do not move away from this attitude. All the Bill seeks to do is to remove the coercive provisions which have a negative effect on rehabilitation.

On this question, I might say that, in relation to the 26 weeks clause that the previous Minister inserted in the legislation, we have reports from the employers through my inspectors—I do not know whether the previous Minister has heard this or not—that in fact many people come back to work before the 26 weeks is up and then go back on workers compensation; the employer and employee agree to that, so that they do not have to go to this trouble of paying the 5 per cent. I have not any statutory evidence of that in the Parliament tonight, but I was told this today by the permanent head of my department. I do not think that he would be creating stories. I think that he would be very accurate as to what he would perceive. I just raise that to show honourable members how it can be avoided, and to say that it just was not working.

The member for Davenport also asked about the activities of the rehabilitation bodies that are established by the Act. He is entitled to information about that, and I will give it to him. I understand that officers of the rehabilitation unit have been fully occupied in carrying out the functions outlined in the Workers Compensation Act. Although it is a little early to assess the success or otherwise of its activities, the executive officer of the unit has informed me that a survey of finalised cases made earlier in the year revealed that 44 per cent had returned to work, 16 per cent had left the work force through retirement or independent living, and 22 per cent had been referred to other agencies for long-term management. In only the remaining 18 per cent of cases was the unit unable to supply a useful input. These figures not only indicate that the rehabilitation unit is having some effect in the area of rehabilitation, but also show the Government's continuing support for the concept. I had to send out for that information for the honourable member. It is from a recent speech by the officer and it is pretty well up to date. I hope that it satisfies the honourable member.

I think that I have covered all the points made by speakers. There was some duplication and some reiteration, so it may be that I have not dealt specifically with matters raised by each member. However, I think that I have picked up the main points that were raised. No point was raised by any member opposite that leads me to believe that the Bill should not proceed in the form in which it was introduced into the House. I ask that honourable members support the Bill.

The House divided on the second reading:

Ayes (23) — Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J.Brown, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, Klunder, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Noes (20) — Mrs Adamson, Messrs Allison, P.B.Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Goldsworthy (teller), Gunn, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Pair — Aye — Ms Lenehan. No — Mr Evans.

Majority of 3 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Time within which notice and claim must be given or made.'

The Hon. E.R. GOLDSWORTHY: This is the first of a series of clauses that give effect to the three main provisions of the Bill, as I have described them. This clause relates to the retirement of a worker either because of age or because of ill health, and it strikes out the section that dictates that a claim in relation to hearing loss should be made within two years of retiring. If the Government has its way, a claim for hearing loss can be made at any time after retirement. If the Government and the Minister sought expert medical opinion, I believe that they would be hard pressed to find a medical practitioner who could certify 10 years later that hearing loss resulted from an aged person's employment.

Without unnecessarily prolonging this debate, I point out that the Opposition's stance is perfectly clear. We are opposed to this series of clauses, of which this clause is the first. We feel strongly about the impact of the Bill. I do not for a moment accept the Minister's evidence that the impact of this Bill will result in an increase of only 3 per cent to 5 per cent in workers compensation premiums. I do not believe that the advice I have received was exaggerated: it came from an authoritative spokesman in the industry, not a representative of employers. If the Minister is incapable of seeing a connection between an increase in the cost to employers and unemployment, he has simply not read the conclusions of the summit conference and he has not read what his Leader has said in relation to secondary industry in particular requiring breathing space in South Australia. The Minister is not capable of making the simple connection which has been oft repeated by employers around this nation and by his Leader that, if we increase the costs to industry and commerce so that South Australia is out in front, as it should be, we will increase unemployment. Everyone except the Minister seems to have recognised that fact. This is the first of a series of clauses that give effect to those major provisions in the Bill and we oppose it.

The CHAIRMAN: Before the Deputy Premier replies, I point out that this clause refers to a time limit within which a claim must be made. It has nothing to do with the percentage increase in insurance that may result. I make that point, because I have no intention of allowing the debate to be broadened.

The Hon. J.D. WRIGHT: Thank you, Sir, for your guidance. I understood that the honourable member was making a test of this clause, as it is the first one that we have reached in the Committee and, therefore, was speaking in general terms about the effects that he sees of the Bill. My information is that there will be no more than a 5 per cent increase, and probably down as low as 3 per cent of the total operation of this Bill. I refute the allegations of the Deputy Leader, because I do not accept that that is the situation. There are people with whom I can discuss this with as well as the Deputy Premier; in fact, I probably have access to more people and that is the general feeling. When he accuses me of being incapable of understanding, I think that that is taking the allegations a little bit too far. I think that I have always been capable of understanding what the

situation is. I simply do not believe that the small increase which will be effected by this legislation will reduce unemployment. I cannot see that occurring. If I am wrong about that, there should have been employment created at the time that the honourable member's Government was in office and deleted all these matters from the legislation as it stood at that time. I remind members on this occasion that this legislation does no more than reinsert into the legislation those conditions and clauses that were there before they were mutilated by the Liberal Government.

The Hon. E.R. GOLDSWORTHY: With due deference to your ruling, Mr Chairman, this clause is one of a number which have an impact on workers compensation premiums. I am not suggesting for a moment that this provision standing alone will have that total impact on premiums in relation to workers compensation but I am saying that it is one of a number the total effect of which will be to significantly increase the cost of workers compensation. Even when we leave aside the point of disputation in relation to what the percentage increase is, that at the present time (a time when no increases should be sought in relation to benefits which make us clearly the State which provides the most benefits in this area), if we follow the Minister's argument to its logical conclusion, we can say that this 5 per cent increase will not do any damage. We can put forward an argument tomorrow that it is only 5 per cent in some other area of benefit and we can increase wages by 5 per cent because that is a minimal amount. I think the point is being made and reiterated (even by the Premier) that now is the time when industry, commerce and all employers (big and small) throughout the State need a breathing space. This amendment is not giving that breathing space and it is simply a part of this inexorable march to increase the cost to employers.

The amendment that the Minister refers to, which was one moved by the Liberal Government, is simply to get some reality into the situation in relation to what were spiralling costs in this area. They did not pull us back to the national average in relation to the scale of benefits available under workers compensation. I would not want the Minister to think that simply because we are opposing this clause that this is simply the test clause. There are other clauses which appertain to other aspects of the Bill and which we intend to oppose with equal strength. I simply indicate that this is the first of a number of clauses. I think that the next eight clauses, from memory, all appertain to the major questions addressed in this Bill; that is, the question of hearing, rehabilitation and average weekly earnings.
We will certainly be opposing other clauses with as much vehemence as we are in relation to this clause.

Mr BAKER: I refer to the hearing loss. The Minister failed to inform the Committee that, whilst it is not possible in some circumstances to test the extent of hearing loss because of the deterioration due to a number of factors, it is certainly possible to test the probability of loss within a two-year period. I do not think that that is in dispute at all. If a person has suffered significant hearing loss it will clearly be demonstrable within two years. The ultimate hearing loss may take a little longer to ascertain. The two-year limit is infinitely reasonable. I have read in other legislation a provision for a two-year limit for something else. I know that throughout this legislation we have said that claims must be confined within a reasonable time frame.

In relation to costs, I agree with the shadow Minister that, whether it is 5 per cent or 10 per cent, the cost is still there. The article that I referred to earlier in relation to this aspect referred not only to the direct cost to employment, which is escalating all the time, but also the perceived cost to the wage bill and the increasing burdens being placed on employers. I will provide the Minister with a copy of that Australian article. I think that employers are looking for someone to halt it at this stage so that they feel that they can employ people without having a continual extra burden placed on them. Some of these burdens are being placed on them by the courts, and I understand that that is outside the Minister's control. The costs, which are a significant item, are directly absorbed by the employer. In fact, Australia-wide, I believe that they are listed as the third most significant item in terms of on-going costs. I appeal to the Minister to leave this clause in the Bill.

The Committee divided on the clause:

Ayes (23)—Mr Abbott, Mrs Appleby, Messrs. L.M.F. Arnold, Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, Klunder, McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Noes (20)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Goldsworthy (teller), Gunn, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Pair—Aye—Ms Lenehan. No—Mr Evans.

Majority of 3 for the Ayes.

Clause thus passed.

Clause 5—'Compensation for the incapacitated.'

The Hon. E.R. GOLDSWORTHY: The test case in relation to the rehabilitation clause in the previous vote was in connection with part of the hearing question. That test case was lost. This clause relates to the provision in the Bill which deals with a 5 per cent contribution by the incapacitated worker to the rehabilitation fund after 26 weeks. I have made our attitude perfectly clear on these three questions, and we oppose the clause.

Mr BAKER: Reading through the Act, one sees that one of the initiatives introduced by the Liberal Government was to have joint responsibility for worker rehabilitation. In the absence of the sections inserted by the Liberal Government, how does the Minister intend to cajole or force people into a rehabilitation programme or make them responsible for their own rehabilitation?

The Hon. J.D. WRIGHT: I will cover that question in one word—encouragement. In answer to the Deputy Leader of the Opposition, this clause embodies a fundamental principle by which the Government stands: simply, we do not believe that anyone injured at work ought to have to pay for any part of his own rehabilitation. That is the fundamental principle. The position has always been that the employee has that right. We will be reinstating in this clause the right which was put in by the previous Liberal Government. For that reason, there will be no cessation as far as the unit is concerned. We will be using every means at our disposal to encourage people to take up rehabilitation, because we believe in the rehabilitation as firmly as does the Opposition.

Mr BECKER: I seek information relating to the Workers Compensation Rehabilitation Assistance Fund. In his explanation of this clause the Minister said that clause 5 amends section 51 of the principal Act by removing subsection (7). This is the provision under which 5 per cent of an incapacitated worker's weekly payment was to be paid to the Minister to be credited to the Workers Compensation Rehabilitation Assistance Fund. Will the Minister inform the Committee how much money has been received and placed to the credit of this fund, how much has been spent and what is the financial position of the fund?

The Hon. J.D. WRIGHT: Not very much, which indicates to me that the collection part of the scheme has not been working for the reasons that I explained to the House some time ago. It appears that whatever laws are made someone will find a way around them. I received advice today from the head of my department that reports are coming in from our inspectors that employees are returning to work thus

breaking the period away from work which applies after the 26 weeks, and then going back on workers compensation. If those allegations are true, employees evidently do not want to pay this 5 per cent levy; nor do the employers want the responsibility for collecting it, I imagine. The total amount in the fund at present is $1 800, which is all that has been collected. I had no alternative but to tell the staff that, where possible, they should be collecting these amounts because that was the existing law. I am at a crossroads at the moment as to what to do with that money; perhaps I should return it to the employees who paid it in. However, I am seeking Crown Law advice about this matter.

Mr Becker: Do you mean that you will not prosecute?

The Hon. J.D. WRIGHT: No, I will not prosecute.

The Hon. E.R. GOLDSWORTHY: One point not mentioned in this debate is that the amendments the Government is seeking to implement strike out amendments that were only inserted by the Liberal Government in 1982. It has been put that those amendments have not had a chance to work, particularly those dealing with this rehabilitation section. I acknowledged earlier that this was an election promise made by the Labor Party at a time when, if anyone came along and wanted something they were promised it, which was the election climate set by the Labor Party. The fact that the amendments relating to this clause introduced by the Liberal Government have not had a chance to become operative is one argument why it is far too premature at this time for the Minister to be seeking to change this legislation.

The Minister suggested in his second reading speech that there is a clear difference in policy between the Liberal Party and the Labor Party on this matter. I do not know that that is a precise statement of fact. The fact is that the Liberal Government sought to move some amendments relating to workers compensation because it believed that the provisions of the Act were such that they were imposing a burden on the hard-pressed private sector which was adding to employers' costs. There was a great deal of concern expressed about this.

If the Minister did not hear about those expressions of concern then obviously the people who were complaining to the Liberal Government were not complaining to him, and have not complained to him since the election of the Labor Government. It may be that they think it is a lost cause, I do not know. All employer groups, the U.F.& S., representatives of rural industry, Chamber of Commerce and Industry, Employers Federation, printing and allied trades, small business groups and every employer group bar none has told us that it is concerned about these amendments. It seems strange that none of these complaints has come to the ears of the Minister. The only conclusion I can reach from that is that these people believe that the Minister did not say quite that.

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

The Hon. E.R. GOLDSWORTHY: Someone said something pretty close to it. In effect, the Minister did not hear those deliberations from the council in relation to this legislation. All I can conclude is that the employers knew that this was an up-front election promise of a Labor Party and that they would be bashing their head against a stone wall if they tried to push it with the Minister. However, they have certainly pushed it with the Opposition and the Liberal Government when it was in office. Workers compensation costs to employers were frequently raised and they continue to be frequently raised by employers across the board and, as I say, certainly by representatives of rural industry. I do not believe that the original amendments have had time to work and it is far too premature for the Government to be diving in and seeking to move amendments in this form, particularly, in the present economic climate.

The Hon. J.D. WRIGHT: I want to take up a point which the Deputy Leader has reiterated. The Deputy Leader made the allegation that, whatever was being put to the Labor Party before the election, we were picking it up, running with that and making it an election policy. I want to tell the Deputy Leader that our policies were well thought out, well examined and well costed. We knew exactly what we were doing in relation to our policies. The second point is that our policies were picked up and voted on by the public at large. We were reinstated on the Treasury benches, which suggests to me that our policies must have been acceptable to the vast community. Of course, the Liberal Party's policies were not on this occasion.

Clause passed.

Clause 6—'Certain amounts not to be included in earnings.'

The Hon. E.R. GOLDSWORTHY: This clause is as repugnant as any clause. It is as unrealistic (I guess that that is a better word) as any provision in the Bill. It is the one which I believe is quite unrealistic, particularly in the light of interstate comparisons. Anyone who is seeking to see that a fair thing is incorporated in the workers compensation legislation would object to what is proposed here.

As I pointed out, I believe that it will have a significant impact on the construction industry, despite the Minister's protests in opposition to that viewpoint. Site allowances are a significant cost, as we all know from the Cooper Basin dispute, which went on for some time. Site allowances are a significant portion of payments in connection with workers engaged in that fashion. To suggest that when they are off work they are incurring the sort of expenses and hardships which led to those site allowances, is, frankly, phoney and unrealistic. To suggest that that should be an integral part of the workers compensation is quite unacceptable.

Mr BAKER: I reiterate the points made by the shadow Minister. New subsection 63 (2) talks about the weekly payments that fall due either prior to or after the commencement of this amending Act. As I understand the legal situation, the legal liability of insurers relates to the Act that is in operation at the time at which liability becomes due. What action will the Minister take to recompense those people who experienced their disability during the life of this previous amendment? What will he do to bring that back into line with this latest amendment?

The Hon. J.D. WRIGHT: The position with this clause is simple, and surely understandable by the Opposition. It is fundamental so far as the Labor Party is concerned that any person who is injured at work should not while he is away on workers compensation get less than he would receive if he were at work. If he is entitled to site allowances while at work and is injured in the course of his employment, clearly, sticking rigidly with that system and philosophy, how can it be substantiated that he should not receive the site allowances in his weekly compensation cases? He is losing something which he would have earned had he been at work, and we must remember that the work itself has caused the incapacity.

An honourable member interjecting:

The Hon. J.D. WRIGHT: The honourable member is right; he should not be disadvantaged. That is all I am saying in this piece of legislation. I am not sure of the answer, in response to the member for Mitcham, but I will certainly give it to him privately at some other stage. He has asked a technical question, and I just cannot put my finger on it exactly tonight. I will give it to him privately later, but if he wants to wait I will give it to him tonight.

Mr ASHENDEN: What does the Deputy Premier consider a site allowance is paid for? What does he see as the purpose of a site allowance?

The Hon. J.D. WRIGHT: A site allowance is paid for inconvenience on site. It is a stupid damn question at this time of night—at 20 to 12!

The Hon. Jennifer Adamson interjecting:

The Hon. J.D. WRIGHT: It is a stupid question because the member for Todd knows full well, as I do, what 'site allowance' means. I do not run away or hide from that, but I do not think that at 11.40 we ought to be keeping everyone here for questions of that nature.

Mr ASHENDEN: As the Deputy Premier has acknowledged to the Committee that a site allowance is paid because of disadvantages incurred by the employee in working at that site, why does he believe that, if the employee is not at work and therefore not involved at the site, he should be entitled to any payment? That payment is made purely and simply, as the Deputy Premier has admitted, because of disadvantages of the site. It may be long distance of travel or all sorts of things. If the employee is not at work, why on earth should he be entitled to a site allowance?

The Hon. E.R. GOLDSWORTHY: I thought that the question of the member for Todd was highly pertinent, and it ill behoves the Minister to get irritable at this hour of the night.

The Hon. J.D. Wright: I will not get irritable with sensible questions.

The Hon. E.R. GOLDSWORTHY: That was a very sensible question in my judgment. I was going to ask a similar question.

The Hon. J.D. Wright: That puts you in the same boat.

The Hon. E.R. GOLDSWORTHY: If the Minister was in such a hurry he might have restrained some of the enthusiasm of speakers on his side of the Chamber. It is the normal custom, when the Government is intent on getting its business through, to choke off speakers on its side.

The CHAIRMAN: Order! The honourable member must come back to the clause before us.

The Hon. E.R. GOLDSWORTHY: The Deputy Premier has been belabouring us, suggesting we are wasting time at 20 to 12 by asking pertinent questions.

The CHAIRMAN: Such questions are not in this clause.

The Hon. E.R. GOLDSWORTHY: The Deputy Premier is out of order: is that it?

The fact is that site allowances are paid for disadvantages encountered by workers on specific sites. As I understand, a site allowance is negotiated in respect to a particular site: if a worker is not on such a site he cannot suffer any disadvantages involved.

Mr Hamilton: You might say the same about the night shift penalties.

The Hon. E.R. GOLDSWORTHY: The same argument applies to overtime. In fact, I applied the same argument in regard to overtime when I spoke during the debate. The point made by the member for Todd is entirely relevant, namely, that if a worker is not on site he is not suffering disadvantage or any additional expense due to his working on this site and that, therefore, a site allowance is certainly not relevant when he is home sick.

Mr Gregory: It is penalising him.

The Hon. E.R. GOLDSWORTHY: It is not penalising a worker; payment of a site allowance is intended to be made if a worker is penalised on a site. For example, workers on the Moomba gas pipeline are paid a site allowance, because they suffer disadvantages.

Members interjecting:

The CHAIRMAN: Order! The member for Todd is not making a speech.

The Hon. E.R. GOLDSWORTHY: Site allowances are paid in respect to remote sites due to workers being disadvantaged, and if they are not on that site they are not suffering that disadvantage. I would have thought that that was a highly relevant point, and it is certainly one that was put forward in all the submissions put before us. Only one other State in the nation (which is the most broke of all the States, namely, Tasmania) has this provision. South Australia would be the only State on the mainland to have this provision, which indicates that it certainly does not appear to be highly relevant elsewhere. Site allowances are ignored when workers are not on site.

As I said earlier, apparently this is a bit of the pace-setting legislation of the Labor Party which for over 10 years sent us broke. The fact is that site allowances are irrelevant and not acknowledged by the other States of Australia. I believe that the suggestion that the member for Todd asked a stupid question was an insulting remark. The question was not stupid: it is highly relevant, and it is precisely the question that I intended to ask. That amuses members opposite, apparently. I point out again that a site allowance is paid because workers are required to work at sites where they are disadvantaged, usually at remote or dirty sites, or at sites where amenities are not available or where the cost of living is higher than elsewhere. If a worker is at home, none of those expenses and extra disadvantages obtain. Therefore, in that regard the site allowance is quite irrelevant.

The Hon. J.D. WRIGHT: In reply to the member for Mitcham, I am now able to tell him that the new calculation will apply to all weekly payments made after this Bill comes into operation, notwithstanding incapacity that arose prior to that date.

The Committee divided on the clause:

Ayes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, Klunder, McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Noes (20)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy (teller), Gunn, Lewis, Mathwin, Meier, Olsen, Rodda, Wilson, and Wotton.

Pair—Aye—Ms Lenehan. No—Mr Oswald.

Majority of 3 for the Ayes.

Clause thus passed.

Clauses 7 to 11 passed.

Clause 12—'Certain sporting injuries not to fall within the purview of this Act.'

The Hon. E.R. GOLDSWORTHY: I want to put on record that this is the one clause in the Bill that the Opposition supports unreservedly. Clause 13 is probably relatively harmless, but we believe that this clause should be enacted. It is unfortunate that this clause is so diluted by 10 other objectionable clauses.

Clause passed.

Clause 13 and title passed.

The Hon. J.D. WRIGHT (Minister of Labour): I move:

That this Bill be now read a third time.

The Hon. E.R. GOLDSWORTHY (Kavel): Briefly, the Bill as it comes from the Committee stage is entirely unsatisfactory, because it is precisely the same as it was before the Committee stage. I made clear the attitude of the Opposition: 10 of the 13 clauses give effect to what we believe are quite unsatisfactory proposals, particularly in the current economic climate. They run counter to all good sense and, indeed, to what the leaders of Governments have been saying around this nation. For that reason, the Opposition opposes the third reading.

Mr BECKER (Hanson): I am a little concerned about the attitude that has been adopted by the Government, and I want to take this opportunity to place on record something

that disturbs me when we consider the legislation and how it has come out of Committee. There has been no alteration at all. An article on page 18 of the Public Service Review, volume 20, No 1, 1983, under the heading 'Workers Compensation Act reform' states:

The Public Service Association has provided a written statement to the Minister for Labour on necessary reforms to the Workers Compensation Act. We have heard on the grapevine that an amending Bill may be—

The Hon. J.D. WRIGHT: I rise on a point of order. It does not appear—

The SPEAKER: Order! The Deputy Premier will resume his seat and the honourable member for Hanson will resume his seat. I repeat that the same strict rules that have applied throughout this debate will continue to apply. What is the point of order by the honourable Deputy Premier?

The Hon. J.D. WRIGHT: My point of order is simply that a new matter seems to be being introduced into the debate by the member for Hanson. He has had up to seven hours to introduce the content that he is now introducing. To the best of my knowledge, the member for Hanson has not spoken on the Bill, let alone his introducing new material now.

Members interjecting:

The SPEAKER: Order! I make the point very clearly, and I have repeated it thoughout the debate on this very emotive Bill for both sides of the House. The respective Deputy Speakers and Acting Deputy Speakers have been very strict on this. At this time, I will not uphold the point of order but I will allow the honourable member for Hanson quickly to develop his point, which does not mean reading out of the P.S.A. gazette or any other documents that I think I saw he had in his hand. The honourable member must speak to the—

Members interjecting:

The SPEAKER: Order! The member for Hanson must speak to the Bill as it came out of Committee.

Mr BECKER: That is exactly what I am doing. It is my right to speak on legislation at any time, as can any other member—

The SPEAKER: Order! The honourable member will resume his seat. I have made it perfectly clear that the honourable members of the Opposition will have their rights upheld while I am in this Chair.

Mr BECKER: The legislation has come out of Committee and not been amended, although attempts were made by the Opposition to oppose certain clauses. The point I was making was that the Public Service—

The Hon. J.D. Wright interjecting:

The SPEAKER: Order!

Mr BECKER: The point I was making was that an article which appeared in the Public Service Review relating to hearing impairment, advised members, when this publication was issued, not to make a claim until this legislation was passed by the Parliament.

The SPEAKER: Order! The honourable member will resume his seat. It is quite clear that the clause of the Bill in so far as it related to noise-induced hearing loss (and I choose my words very carefullly) had adequate opportunity for debate through all stages: in the second reading debate and also in committee. The honourable member does not appear even to be listening to me, but, if he is referring to noise-induced hearing loss, I must rule him out of order.

Mr BECKER: I was referring to hearing loss and the fact that persons with hearing loss of less than 10 per cent could not make a claim under the previous legislation. Under this legislation, as it comes out of Committee, they can do so. Members of the Public Service Association were being advised early this year to hold up their claims until this legislation went through the House.

The SPEAKER: Order! I rule the honourable member's remarks out of order unless in some fashion he is speaking to a claim under the legislation which is not a noise-induced hearing loss.

Mr BECKER: The Deputy Leader of the Opposition has made it clear on behalf of the Opposition why we oppose certain aspects of this Bill. He expressed his disappointment that the Bill has come out of Committee just as it was presented to the Committee. I was making the point that, whilst the debate has been fair and reasonable, it was obvious that the Public Service Association quite correctly predicted—

The SPEAKER: Order! I rule the honourable member completely out of order. I think that is the third time that I have given the honourable member the opportunity to distinguish between noise-induced hearing loss, which is clearly the problem attacked in the Bill, whether liked or disliked by some members of the House. I must rule the member for Hanson out of order.

Mr BECKER: As I understand it—

The SPEAKER: Order!

Mr BECKER: Mr Speaker, I seek clarification on a point of order. I understand that in the third reading stage a member must speak strictly to the legislation as it comes out of Committee. I understand that the legislation has not been amended at all and that, therefore, it is no different now from what it was at the second reading stage.

The SPEAKER: That is correct.

Mr BECKER: Therefore, I can comment on the Bill as it has come out of Committee.

The SPEAKER: Order! I think the honourable member must understand that throughout a very long debate numerous people commented very generously on the question of noise-induced hearing loss. If there was some other feature I would be prepared to listen to it and make a ruling. I understand that the honourable member is saying that there is an industrial organisation which is not happy with some aspect of noise-induced hearing loss. Whether or not it is before the House, the fact is that it is too late, and I must rule the honourable member out of order.

Mr BECKER: Mr Speaker, you are confusing me. I am terribly sorry, but I have not had a chance to read all the article, which would probably clarify the situation, anyway.

The SPEAKER: Order! There are two aspects of the matter. One is noise-induced hearing loss and, in relation to that, I am ruling the honourable member out of order. The other aspect is hearing loss which is not noise-induced but is trauma produced other than by noise trauma. If the honourable member has something to contribute on that matter in relation to the third reading, I will listen to him. However, I cannot listen to him in relation to the former matter. I hope that the honourable member is clear about that.

Mr BECKER: I think the Deputy Leader has made clear on behalf of the Opposition the reasons why we have opposed this Bill. I support the Deputy Leader in that respect and in relation to his expression of disappointment at the way in which the legislation has come out of Committee. There is no doubt in my mind—

The SPEAKER: Order! I rule that the honourable member is completely out of order.

Mr BECKER: On a point of order, Mr Speaker, on what grounds do you rule me out of order? Come on!

The SPEAKER: What were the last words which the honourable member used?

Mr BECKER: Come on! On what grounds do you, Mr Speaker, rule me out of order now?

The SPEAKER: First, I take exception to being addressed in the way that the honourable member addressed me. To say, 'Come on!' as though I was some sort of lackey in the

place instead of the Speaker for both the Opposition and the Government, is something to which I take strong exception. I have drawn the honourable member's attention to the very technical distinction in this piece of legislation between noise-induced hearing loss and trauma-induced hearing loss on no less than four occasions. I will have no more of it. I rule the point of order out of order.

The House divided on the third reading:

Ayes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, Klunder, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Noes (20)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy (teller), Gunn, Lewis, Mathwin, Meier, Olsen, Rodda, Wilson, and Wotton.

Pair—Aye—Ms Lenehan. No—Mr Oswald.

Majority of 3 for the Ayes.

Third reading thus carried.

ACTS REPUBLICATION ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a second time.

One of its principal objects is to provide a simplified method for the citation of Acts. A number of people have over the years been pressing for a simplification in this area, and a decision has been taken to adopt the Commonwealth method of simply referring to the name of the Act together with its year of passing, omitting reference to its year of last amendment. Such a form of citation will be of benefit not only in the drafting of future Acts and regulations, but also in the preparation of forms, and in the reprinting of consolidated Acts in pamphlet form.

As the Act was to be 'opened up' for amendment in relation to methods of citation, a general review of the Act was undertaken by the Parliamentary Counsel, with the result that some useful additions and clarifications have been included in this Bill. Obsolete provisions have been deleted, and the Act re-arranged so as to make it quite clear which provisions apply to Acts and which apply to regulations, rules and by-laws (defined as 'statutory instruments' by the Bill). The import of each addition or deletion will be dealt with in more detail as I explain the individual clauses of the Bill. I seek leave to have a detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clauses 3 and 4 insert a new heading and provide for the arrangement of the Act in four new Parts. The purpose of dividing the Act into these Parts is to make it clear which of the provisions of the Act apply to statutory instruments, something that the present Act leaves in doubt. New clause 3a states the general rule that the Act applies to Acts and statutory instruments, whether passed or made before or after the commencement of the Act. Clause 5 amends the definition section. As the Act will now refer to 'statutory instruments' instead of 'regulations, rules and by-laws', various consequential amendments are necessary. A more accurate definition of 'commencement' is provided. The definition of 'financial year' is simplified and given wider application. The new definition of 'Minister' accords with current definitions and covers the use of the expression in statutory instruments. The word 'prescribed' is similarly given a wider definition to include the use of the word in statutory instruments. The meaning of the word 'regulation', 'rule' or 'by-law' is similarly broadened. A new definition of 'statutory instrument' is included, as this expression will be used throughout the Act. The definition of 'this Act' is amended consequentially.

Clause 6 restates the provision relating to the date on which the State of South Australia was established. This provision now appears in the preliminary part as it does not really relate to Acts or statutory instruments. Clause 7 creates a new Part that relates only to Acts and Bills. New sections 5 and 6 repeat existing provision. Clause 8 effects a consequential amendment and deletes a provision that is redundant. Clause 9 inserts a provision that repeats the existing section 49. Clause 10 repeals a section that reappears later as new section 14d. Clause 11 creates a new Part that relates only to statutory instruments. New section 11 substantially repeats existing section 14, but is expressed to apply to other instruments made under Acts (e.g. proclamations, notices, licences, permits, etc.). New section 12 provides that where a revoking statutory instrument is disallowed the instrument sought to be revoked revives. The situation regarding the effect of disallowance has been unclear for a long time. A recent court decision suggests that revival of revoked provisions does not occur following disallowance of the repealing instrument, thus leaving the subordinate legislation in an unworkable form with virtual 'gaps' in its provisions. The new provision remedies this situation.

New section 13 is a new provision that appears in similar Acts of other States and the Commonwealth. It has the effect of saving those parts of a statutory instrument or other instrument made under an Act that are not *ultra vires*, where a part of the instrument has been found to be *ultra vires* the Act under which the instrument was made. New section 14 is a more accurate and explicit repeat of existing section 40. New Part IV is created, which contains provisions relating to both Acts and statutory instruments. New section 14a applies the Part accordingly. New section 14b provides for a simpler method for the citation of Acts. The year of passing is the only year that need be referred to, thus obviating the need to check constantly whether the year of last amendment has been correctly cited. Subsection (2) fills a long-irritating gap in the existing Act. At the moment, for example, a reference in the Motor Vehicles Act to the Road Traffic Act does not include a reference to regulations made under the Road Traffic Act. This is remedied. Subsection (3) provides that even though an Act is cited in the new manner, it is deemed to refer to that Act as amended or substituted from time to time. New section 14c repeats in simpler, clearer terms the existing section 6. New section 14d repeats the existing section 9.

Clauses 12 and 13 effect consequential amendments. Clause 14 repeals a now redundant section and replaces it with a repeat of the existing section 11. Clause 15 repeals sections 18 and 19 (which have been included as earlier provisions in the Bill) and repeals section 20 which has no application, as the textual method of amendment is used in this State. Clauses 16 to 21 inclusive effect consequential amendments. Clause 22 provides a new section that remedies a problem that arose some time ago when it was held by a court that a power could not be delegated if the exercise of the power depended upon the delegator's own state of mind or opinion. This applies even though an Act gives a general power of delegation. The new section remedies this. Clause 23 effects a consequential amendment. Clause 24 repeals a section that has been repeated earlier in the Bill. Clause 25 is a consequential amendment. Clause 26 repeals sections 48 and 49 (repeated earlier in the Bill) and a heading. Clause

27 repeals section 52, a provision that has now expired. Clause 28 amends the Subordinate Legislation Act by deleting a provision that is now covered by section 16 of the Acts Interpretation Act, in its amended form.

The Hon. B.C. EASTICK secured the adjournment of the debate.

ACTS INTERPRETATION ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a second time.

Its principal object is to make several amendments to the principal Act that will facilitate the task fo the reprinting of Acts of Parliament in consolidated form. Honourable members will be only too well aware of the fact that, since the publication of the 1975 set of volumes prepared by the former Commissioner of Statute Revision, Mr Edward Ludovici, no further work has been done in this area. Many Acts have been substantially amended since that time, and the task of any person wishing to ascertain the current text of such an Act has become extremely difficult.

The Government is also concerned at the costly waste of valuable resources, in that so many people, both inside and outside the Public Service, are engaged in preparing consolidated Acts for their own use. The previous Government did, early last year, assign two officers from the Attorney-General's Department to work part-time on the work of consolidating statutory texts. However, the task of preparing statutory texts for reprint is both time-consuming and exacting and it has become increasingly obvious that the resources allocated to the project were not sufficient to achieve significant positive results.

The decision has therefore been taken to create a small unit within the Parliamentary Counsel's Office with the responsibility for reprinting Acts in pamphlet form. To this end, the Governor has recently appointed the Parliamentary Counsel, Mr Geoffrey Hackett-Jones, as the commissioner of Statute Revision, and I have set in train the creation of two clerical officer positions. Those clerical officers will prepare the reprints under the supervision of the Parliamentary counsel and his legal officers. It is my intention that, at the very least, the following 12 Acts will be consolidated and published well before the end of this year. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

1. Mental Health (Supplementary Provisions) Act, 1935-1979.
2. Mental Health Act, 1976-1979.
3. Workers Compensation Act, 1971-1982.
4. Road Traffic Act, 1961-1982.
5. Motor Vehicles Act, 1959-1981.
6. Criminal Law Consolidation Act, 1935-1981.
7. Police Offences Act, 1953-1981.
8. Stamp Duties Act, 1923-1982.
9. Real Property Act, 1886-1982.
10. Evidence Act, 1929-1982.
11. Education Act, 1972-1981.
12. Community Welfare Act, 1972-1981.

The Acts Republication Act gives certain powers to the Commissioner of Statute Revision in relation to the preparation of a reprint for publication. Years expressed in words may be expressed in numerals, decimal currency conversions may be made, errors in numbering may be corrected, and so on. There is also a power to correct errors in spelling and punctuation. From time to time however, minor errors are discovered that are not strictly errors of spelling or punctuation, but are more of a grammatical or clerical nature. For example, a 'was' that should have been a 'were', or the omission of the word 'the' or 'a', are minor errors that the Commissioner should be able to correct without having to put an amending Bill before Parliament. The Bill before you therefore includes an amendment to that effect.

The principal Act also contains a provision that states, rather ambiguously, that 'for the purposes of reprinting Acts' and then 'for all purposes' the 1937 Reprint is deemed to set out correctly the text of the Acts included in that Reprint, and that, in the case of any inconsistency between the Reprint and an Act as passed by Parliament, the Reprint prevails. It is considered that the correct position should be that any reprint shall be deemed to be correct, but only in the absence of evidence to the contrary. Therefore, should it be established that an error of some significance has been made in a reprint, the text of the Act as passed by Parliament is the text that prevails. Thus the presumption that a reprint is correct can be rebutted if need be. The Bill extends the presumption to cover any reprint (including the 1975 Reprint) published under the principal Act.

Clause 1 is formal. Clause 2 enables the Commissioner of Statute Revision to correct errors of a grammatical or clerical nature. Clause 3 provides that the Reprint of 1937, and any reprint published under the Acts Republication Act, are deemed to set out correctly the text of the Acts so reprinted, in the absence of evidence to the contrary. All courts are directed to take judicial notice of any such reprint. Clause 4 repeals the section of the Act that provided for judicial notice of reprints. This provision has been incorporated in new clause 9.

The Hon. H. ALLISON secured the adjournment of the debate.

SENIOR SECONDARY ASSESSMENT BOARD OF SOUTH AUSTRALIA BILL

Returned from the Legislative Council with the following amendments:

Amendment No. 1. Page 1 (clause 4)—After line 30 insert the following definition:

'institution' includes an institution the principal function of which is the education of students at the tertiary level:.

Amendment No. 2. Page 7 (clause 24)—Leave out the clause.

Consideration in Committee.

The Hon. LYNN ARNOLD: I move:

That the Legislative Council's amendments be agreed to.

Motion carried.

ADJOURNMENT

At 12.14 a.m. the House adjourned until Wednesday 11 May at 10.30 a.m.

HOUSE OF ASSEMBLY

Tuesday 10 May 1983

QUESTIONS ON NOTICE

PRISONER ESCAPEES

111. **Mr MATHWIN** (on notice) asked the Chief Secretary:

1. How many prisoners have escaped from the prisons of South Australia in each month since 30 June 1982 and how long was each at large?

2. How many of these prisoners reoffended between their time of escape and recapture and what were the offences?

3. How many of the escapees were long-term prisoners and what was the term of each?

The Hon. G.F. KENEALLY: The replies are as follows:

1. The number of prisoners who escaped from South Australian prisons in each month since 30 June 1982 and their periods at large, are as follows:

Month	Number of Escapees	Period(s) at large
July	0	—
August	1	6 days
September	0	—
October	2	3 days, 48 days
November	5	less than 1 day (2), 1 day, 6 days (2)
December	0	—
January	1	13 days
February	3	1 day, 50 days, 1 still at large
March (to 25.3.83)	2	less than 1 day, 3 days
Total	14	

2. Between time of escape and recapture three prisoners are known to have reoffended. The aggregate number of offences were:

Illegal use of motor vehicle	2 counts
Housebreak and larceny	1 count
Possession of drugs	2 counts
Assault police, resist arrest	1 count
Wilful damage	1 count

3. Seven of the escapees were long-term prisoners—taken to be prisoners serving aggregate sentences of five years or more. The terms of these prisoners were as follows:

Term of imprisonment	Number of Prisoners
Life, Governor's pleasure	3
12 years	2
10 years	2
Total	7

PRISONER FLOOD AID

114. **Mr MATHWIN** (on notice) asked the Chief Secretary: Were any prisoners used to help fight the recent floods and, if so, how many and how many man hours were contributed by them?

The Hon. G.F. KENEALLY: Seven prisoners from Yatala Labour Prison were engaged in fighting the recent floods in their C.F.S. unit and they contributed in total 77 man hours.

FIREARMS

156. **Mr GUNN** (on notice) asked the Chief Secretary: Will the Minister give consideration to making available to rifle and gun clubs a portion of the funds collected from firearms registration and licensing?

The Hon. G.F. KENEALLY: Since the firearms control system was implemented, operating costs have exceeded income. Therefore, there has been no surplus available for distribution. Should this situation change consideration would be given at that time to using surplus funds towards support for firearms safety training programmes.

157. **Mr GUNN** (on notice) asked the Chief Secretary: Is it the intention of the Government to further restrict the right to purchase firearms and, if so, what class of firearm and why?

The Hon. G.F. KENEALLY: Apart from two categories of firearms which have been included in proposed amendments to the Regulations under the Firearms Act, 1977, the Government does not intend to place further restrictions on the right to purchase firearms. The abovementioned amendments have been well publicised and have been discussed with interested groups and individuals. One of the proposed amendments relates to military style firearms incorporating a pistol grip. This type of weapon is currently a class 'D' firearm but the amendment will include it in the definition of 'dangerous firearms' in Regulation 10.

Problems have been experienced with these firearms due to the ease with which they can be converted to automatic fire, the frequency of use by criminals and the attraction they hold for undesirable elements in the community. Accordingly, Police Commissioners in each State made submissions to their Ministers and in turn an approach was made to the Federal Government. This resulted in the prohibition of the importation of military style firearms incorporating a pistol grip to Australia as from September 1981. The proposed amendment therefore provides State legislation in support of the Federal action. There is no intention to restrict the use of these firearms by people who already lawfully possess them.

The second proposed amendment is to delete the definition of 'obsolete firearm' from the Regulations. An obsolete firearm is one which is not an antique or dangerous firearm, is one for which ammunition is no longer available and may be a Class 'A', 'B', 'C' or 'D' firearm. Considerable difficulty has been experienced in determining whether a firearm should be classed as obsolete. There have been instances where initial enquiries indicated that ammunition was not available and later it was found that ammunition was available in commercial quantities or by special order. Ammunition is not difficult to manufacture and there are several sources available in Australia. The needs of firearm collectors who wish to purchase firearms formerly classed as obsolete will be catered for by the definition of 'antique firearm'. Interested parties were given the opportunity to consider the amendments proposed, offer criticism and to offer further suggestions. A number of suggestions have been received and are being examined to determine if real value can be gained from changes to legislation. Amendments will not be proceeded with if the proposals are not considered to be of value.

JUDICIAL OMBUDSMAN

166. **The Hon. D.C. WOTTON** (on notice) asked the Chief Secretary: Is it Government policy to appoint a judicial ombudsman who would have the responsibility of investigating complaints against police officers and, if so, when will an appointment be made?

The Hon. G.F. KENEALLY: It is Government policy to establish an independent authority to receive complaints from the public about police activities and to see that adequate steps are taken to deal with any found justified. As a first step towards the implementation of this policy, Cabinet has approved the creation of a committee to inquire into, and recommend, the most appropriate form of establishing such an independent authority. The nature of the authority, and date of appointment, will not be possible to determine until the committee's recommendations have been received.

COX REPORT

167. **The Hon. D.C. WOTTON** (on notice) asked the Chief Secretary: Has the Government determined a programme relating to the implementation of the Cox Report in reference to the Metropolitan Fire Service and, if so, what is that programme as it relates to staffing and capital works?

The Hon. G.F. KENEALLY: In accordance with the Cox Report a working party was established to consider all aspects of the proposed station rationalisation. As the working party has not yet reported, the capital works programme cannot be finalised.

The Government has approved the progressive employment of additional staff over a five-year period, which will enable the manning levels of the Cox Report to be attained by 1 July 1987. The first intake of recruit firefighters for this purpose commenced training in January 1983 and will complete their course prior to station postings in mid-May 1983.

TAPLEYS HILL ROAD BRIDGE

180. **Mr BECKER** (on notice) asked the Minister of Transport: Will the Highways Department install guard railing adjacent to the footpath on the Tapleys Hill Road Bridge over the River Torrens outlet, Fulham and, if so, when, and, if not, why not?

The Hon. R.K. ABBOTT: The honourable member would be aware from his correspondence with the previous Minister that investigation by the Highways Department failed to establish the need for the installation of guard railing at this location. A recent review at the request of the Fulham Primary School Council revealed that the circumstances have not changed.

WATER SLIDES

189. **Mr BECKER** (on notice) asked the Minister of Labour:

1. What approaches have been made to the Minister or his department concerning the safety aspects of water slides in South Australia, and what action is proposed?

2. How many persons have been injured using water slides in the past 12 months, and what was the extent of the injuries?

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

1. None.

2. Not known: the matter is not within my jurisdiction.

COMMUNITY JUSTICE CENTRES

192. **Mr BECKER** (on notice) asked the Minister of Community Welfare representing the Attorney-General—

1. Does the Government propose to establish Community Justice Centres in South Australia similar to centres established in New South Wales to assist the settlement of neighbourhood disputes, and, if so, when and where?

2. What is the estimated cost of such a programme?

The Hon. G.J. CRAFTER: The Government intends to assess and review the operation of the Community Justice Centres, which were established on a trial basis in New South Wales, with a view to ascertaining their applicability in South Australia. No decision has been made by the Government at this stage.

COMMONWEALTH ROAD FUNDS

200. **The Hon. B.C. EASTICK** (on notice) asked the Minister of Transport:

1. What percentage of Commonwealth Road Funds has South Australia and all other States and Territories received from the Commonwealth for each of the financial years 1978-79 to 1982-83, and what is the anticipated percentage for 1983-84?

2. What representations, if any, has the Government made to the Federal Government in respect of any perceived inadequacy of South Australia's relative entitlement, and on what basis, if at all, is South Australia believed to be discriminated against or otherwise disadvantaged, and what are the full details?

3. What alteration to entitlement, if any, will the proposed new Federal fuel tax effect have on South Australia and, if it is discriminatory, what representations, if any, have been made to the Commonwealth, with what result, and what are the full details?

The Hon. R.K. ABBOTT: The replies are as follows:

1. Percentage Distribution of Commonwealth Road Funds To States and Northern Territory—1978-79 to 1983-84

	1978-79	1979-80	1980-81	1981-82	1982-83	1983-84
N.S.W.	32.40	31.25	31.29	31.29	31.44	31.62
Vic.	20.76	20.21	20.12	20.12	20.18	20.20
Qld.	21.07	20.32	20.34	20.34	20.63	20.87
S.A.	8.51	8.21	8.22	8.22	8.01	7.84
W.A.	12.68	12.23	12.25	12.25	12.27	12.27
Tas.	4.57	4.41	4.41	4.42	4.27	4.11
N.T.	—	3.36	3.36	3.36	3.20	3.08
Totals (rounded off)	100.00	100.00	100.00	100.00	100.00	100.00

Notes (1) In 1979-80 the Northern Territory received a Commonwealth specific purpose payment for roads. In subsequent years Northern Territory road funding allocations were encompassed in Commonwealth road legislation.

(2) Commonwealth road funding for 1982-83 and 1983-84 consists of Roads Grants Act 1981 allocations and indicative Australian Bicentennial Road Development (ABRD) allocations.

2. Under the Roads Grants Act, 1981, South Australia receives 8.22 per cent of the total road grant allocations to the States and Northern Territory, and under the Australian Bicentennial Road Development (ABRD) programme an indicative 7.15 per cent. A comparison of these percentages with a number of road funding distribution indicators appears to show that South Australia has been discriminated against by the Commonwealth Government. On the basis of road funding distribution indicators such as vehicle kilometres of travel (9.2 per cent), vehicle numbers (9.3 per cent), area of state (12.8 per cent), motor fuel consumption (9.3 per cent), road length (12.4 per cent) and population (9 per cent), South Australia's share of Commonwealth road funding should be in excess of 9 per cent.

A number of actions have been undertaken to ensure that South Australia's share of Commonwealth road funding is increased. For example, the ABRD legislation has fixed the percentage allocations for each State for urban arterial, rural arterial and local road categories. These percentages are the same as under the Roads Grants Act, 1981. For national roads, the percentage allocations to each State will be determined by the Commonwealth Minister for Transport, after taking account of national priorities and programmes submitted by the States. Accordingly, the Highways Department has developed a national roads programme of improvements for South Australia in order to attract the maximum possible level of national road funding under the ABRD scheme. Given that South Australia's indicative ABRD allocation for national roads is only 6.5 per cent compared to a 9 per cent allocation under the Roads Grants Act, this State should have a reasonable prospect for increasing its national roads percentage.

The Roads Grants Act, 1981 covers the period 1981-82 to 1984-85. The Commonwealth Government will, in due course, be giving consideration to the level of road funding for the five year period 1985-86 to 1989-90. To assist in this consideration, the Commonwealth Minister has directed the Bureau of Transport Economics (BTE) to undertake a major study of Australia's road system. The BTE's overall report is to be completed by 31 May 1984. In addition, the National Association of Australian State Road Authorities (NAASRA) is currently carrying out a comprehensive Roads Study to provide an input into the formulation of the next Commonwealth road grants legislation.

In the light of the above, 1984 will be the year in which this State will need to prepare and argue the case for increasing the level of Commonwealth road funding, and increasing South Australia's percentage share. The results of the BTE and NAASRA studies will be used for this purpose, together with any other relevant information. The honourable member may be assured that this Government will make strong representations to the Commonwealth Government at the appropriate time.

3. At this point in time, insufficient information is available regarding the Commonwealth Government's proposed new Federal fuel tax for me to answer this question. When more details are available, all the implications of the proposal for this State will be examined.

CIRCLE LINE SERVICE

202. **Mr BECKER** (on notice) asked the Minister of Transport: Will the Government extend the Circle Line Service to include Saturday afternoons and Sundays?

The Hon. R.K. ABBOTT: The Circle Line service will not be extended at present to include Saturday afternoons and Sundays.

MONARTO ZOO

210. **The Hon. D.C. WOTTON** (on notice) asked the Minister for Environment and Planning:

1. How far advanced is the draft plan for the whole of the area set aside for the Open Range Zoo at Monarto?

2. Who is responsible for drafting the plan and if it is the Steering Committee, which members of that Committee have particular responsibility and what are their responsibilities?

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

1. The first draft development concept plan for the whole area of the zoo was presented to the joint steering committee at its meeting on 16 March 1983. Following this meeting and a visit to the area by Dr Butcher of the Western Plains Open Range Zoo, Dubbo, N.S.W., it was resolved that a second draft concept plan be prepared for submission to the next meeting of the steering committee, to be held on 4 May 1983. The concept plan sets out in general layout the main features of the zoo sufficient for estimates to be prepared and for co-ordination of specialised projects within the total area.

2. The working party is responsible to the steering committee for drafting concept plans, preparing estimates and providing feasibility studies. The working party comprises Mr B. Thompson, Project Manager, Department of Environment and Planning, Mr R. Baker, Director of the Adelaide Zoo and Mr K. Coventry, District Clerk of the District Council of Murray Bridge. The steering committee as a whole considers the draft plans. No particular member of the committee has any specialised role in this area.

POLICE FORCE RECRUITS

213. **The Hon. D. C. WOTTON** (on notice) asked the Chief Secretary: What was the ratio of male recruits to female recruits in the South Australian Police Force in each of the years 1975 to 1982?

The Hon. G.F. KENEALLY: The ratio of male recruits to female recruits in the South Australian Police Force in each of the years 1975 to 1982 was as follows:

	Male	Female
1974-75	219	11
1975-76	233	16
1976-77	311	26
1977-78	237	17
1978-79	100	20
1979-80	119	69
1980-81	59	55
1981-82	57	43

PAROLE BOARD

214. **The Hon. D.C. WOTTON** (on notice) asked the Chief Secretary: When will the Chief Secretary introduce amendments to the Prisons Act relating to the responsibilities of the Parole Board as indicated in his address at the S.A. Probation and Parole Officers Association Seminar?

The Hon. G.F. KENEALLY: Amendments to the Prisons Act will be introduced after the current investigation has been completed.

215. **The Hon. D.C. WOTTON** (on notice) asked the Chief Secretary: Is it the intention of the Minister to appoint

an Aboriginal to the Parole Board and, if so, is it his intention to amend the legislation to increase the numbers on the Board or replace one of the existing members of the Board?

The Hon. G.F. KENEALLY: It is intended to appoint an Aboriginal to the Parole Board. The timing of such an appointment is reliant upon the duration of the current investigation of necessary amendments to the Prisons Act.

COMMERCIAL MOTOR REGULATIONS

216. **The Hon. D.C. BROWN** (on notice) asked the Minister of Transport:

1. When will the new regulations relating to the mass and dimensions of commercial motor vehicles become operational?

2. Why has there been such a delay in gazetting these regulations?

The Hon. R.K. ABBOTT: It is the intention of the Government to implement new regulations governing the configuration, dimensions and loading of commercial vehicles as soon as possible. This action will effectively rationalise the controls on commercial vehicles and bring South Australian legislation substantially into conformity with controls existing elsewhere in Australia. The changes proposed to the South Australian legislation are comprehensive and some legal difficulties have been experienced in framing the regulations. Work is, however, proceeding and it is expected that the matter will be satisfactorily finalised in the near future.

TEACHER HOUSING

217. **Mr BAKER** (on notice) asked the Minister of Education:

1. How much income has the Teacher Housing Authority derived from teacher housing rental over the past two financial years and in 1982-83 to date?

2. How much of the income has been expended on maintenance of existing residences?

3. What is the average rental per dwelling?

4. How much has been spent on Aboriginal teacher housing?

5. How much has been used for provision of new housing other than Aboriginal teacher housing?

The Hon. LYNN ARNOLD: The replies are as follows:

1. Rental income (Cash Basis)

	1980-81 ($'000)	1981-82 ($'000)	9 Months To 31.3.83 ($'000)
Gross rental income ex tenants and education bodies	3 365	3 764	3 207
Less: Payments to South Australian Housing Trust and private persons for housing rented by T.H.A.	(1 174)	(1 256)	(1 068)
Net Rental Income	2 191 ($000's)	2 508 ($000's)	2 139 ($000's)

2. Repairs and Maintenance

	1980-81 ($000's)	1981-82 ($000's)	9 Months To 31.3.83 ($000's)
Cash Expended	1 266	964	449

On 15 March 1983 the authority programmed for 1982-83 expenditure of $1.1m.

3. Average Rentals

Rentals per week over 52-week period	Paid by teacher $	Employer subsidy $	Received by T.H.A. $
Unfurnished family accommodation owned by T.H.A.	34	9	43
Furnished accommodation rented from South Australian Housing Trust (rent is divided amongst number of tenants in occupation)	38	9	47

4. Aboriginal teacher housing

	1980-81 ($000's)	1981-82 ($000's)	1982-83 Budget ($000's)
Capital works Provision of housing	179	117	569
Income and Expenditure Repairs and Maintenance	Not available	59	254
		($000's)	($000's)

5. Housing on other than Aboriginal lands

	1980-81 ($000's)	1981-82 ($000's)	9 Months to 31.3.83 ($000's)
Leigh Creek South	158	518	470
Other	1 119	560	366
	1 277 ($'000)	1 078 ($'000)	836 ($'000)

CITY LOOP BUS

219. **Mr BECKER** (on notice) asked the Minister of Transport: Why was not the route number of the city loop bus altered from 99C prior to Christmas 1982, as advised by the former Minister in October?

The Hon. R.K. ABBOTT: In response to a question in the House of Assembly on 13 October 1982, the former Minister of Transport only agreed to consider a suggestion to change the route number of the city loop bus service. In order to eliminate possible confusion of visitors to Adelaide the State Transport Authority added the words "Free Bus" to the front of the bus adjacent to the route number, and to the side of the bus adjacent to the front entrance door.

REPLY TO LETTERS

220. **Mr BECKER** (on notice) asked the Minister of Water Resources:

1. When will the Minister reply to the letter from the member for Hanson for 4 February 1983 (reference MWR 26 TC1/83)?

2. What is the reason for the delay?

The Hon. J.W. SLATER: The replies are as follows:

1. A reply was sent on 29 April 1983.

2. Not applicable.