HOUSE OF ASSEMBLY

Wednesday 29 October 1986

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

PETITION: MARIJUANA

A petition signed by 537 residents of South Australia praying that the House pass legislation for on-the-spot fines for minor cannabis offences was presented by Mr Gregory.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following answer to a question without notice be distributed and printed in *Hansard.*

NATIVE PLANTS

In reply to **Ms GAYLER** (13 August).

The Hon. LYNN ARNOLD: Banksias amd proteas cultivated in other parts of the world are subject to conditional entry into Australia in that they must be inspected and where necessary treated before release from quarantine. A check of quarantine records revealed that no banksias and proteas have entered South Australia during the past six months.

The Department of State Development has identified cut flowers as a priority. Subsequently, the department will be working closely with the Department of Agriculture with regard to developing an export strategy for cut flowers. In addition, the department has serviced a number of inquiries specifically for the Japanese and Singapore markets and has promoted South Australian proteas and banksias in Singapore at Homemakers in 1985. The potential for the industry, if they are able to coordinate and develop a comprehensive marketing program, is virtually unlimited. It should be noted that the Nurserymen's Association do not see themselves as becoming involved in the marketing and export promotion of cut flowers.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Transport (Hon. G.F. Keneally):

Tenancy Agreements between Corporation of City of Adelaide and—
- Prince Alfred College Inc.;
- Pembroke School Inc.;
- Scotch College Adelaide;
- The Church of England Collegiate School of St Peter;
- Adelaide University Sports and Physical Recreation Association Inc.;
- The Trustees of the Christian Brothers Inc.; and
- The Minister of Education.

MINISTERIAL STATEMENT: ETSA TREE CUTTING

The Hon. R.G. PAYNE: (Minister of Mines and Energy) I seek leave to make a statement.

Leave granted.

The Hon. R.G. PAYNE: On 26 August the member for Light raised with me in Question Time a number of allegations made by an anonymous informant relating to the Electricity Trust's tree-cutting program. He said the informant claimed that an overpayment of $60 000 had been made to a company which had a tree-cutting contract with the trust in 1985 and that this was the result of an arrangement between the firm and a trust employee, with the employee receiving a monetary incentive to comply with these arrangements. The member for Light, to his great credit, withheld the names of both the company and the ETSA employee and provided them to me confidentially.

All the details were immediately conveyed to the General Manager of the trust, Mr Leon Sykes, and an urgent investigation was requested to establish the facts. Mr Sykes sought, and was given, my approval to meet Dr Eastick to elicit whatever other information was available. Some further detail was provided at this meeting, including a claim that at least two ETSA employees had benefitted from the over payment. I met with Mr Sykes on 29 August and discussed with him the outcome of his investigations to that point.

Mr Sykes confirmed that an overpayment had been made to the company concerned. The amount of the overpayment was $101 218.01. He said his investigations had revealed that the overpayment involved an error in the administration of this contract. Approval had been given for a 3.8 per cent national wage increase to be applied to a contract which was in fact on a fixed price basis. The trust officer who gave the approval accepted full responsibility, admitting that he mistakenly believed the contract was subject to rise-and-fall, in keeping with many other claims he was processing at that time. He had checked only the tender document, which indicated a variable price contract, and not the full file, which contained correspondence indicating a fixed price was to apply in the first year.

I sugested to Mr Sykes that the size of the overpayment and the nature of the allegations warranted an investigation by the police to put the matter beyond doubt. He agreed and the police were called in that day. Late on the 29th, I sent a minute to Mr Sykes asking that the trust address the following points as a matter of urgency:

- a complete review of the procedures which allowed this error to pass through several levels of responsibility without detection;
- early implementation of any necessary changes to these procedures;
- an immediate check of other contracts handled in the same area of activity to ensure that no other errors have gone undetected; and
- immediate consultation with the trust's internal auditors and the Auditor-General in this specific case and on the development of suitable methods for preventing such occurrences in future.

I told Mr Sykes that I had arranged to meet the Auditor-General for a discussion on this matter on Monday 1 September. That meeting was held and a copy of the minute was supplied to Mr Sheridan.

The police investigation into the allegations extended over several weeks. It involved an interview with the member for Light, interviews with several people in an unsuccessful effort to identify the caller who made the allegations to the Opposition and interviews with ETSA officers and company personnel relevant to the allegations. In addition, documents, records and books of account at both the company and the trust were examined by police.

It should be said that, when the police interviewed Dr Eastick, the full list of allegations supplied to them included some which had not been mentioned previously. All the

allegations were checked thoroughly by the police. However, the conclusion reached by the investigating officer was:

> ... that there is no evidence to support any criminal charge being laid against any ETSA personnel and in particular there is no evidence to support the allegation that overpayments made to the company were as a result of an agreement between the company and an ETSA employee.

The police accepted that the trust officer who approved the overpayment acted in error and that the other trust officer, whose name was supplied to me confidentially by Dr Eastick, was not in a position to enable the overpayments to be made. Other allegations in relation to this officer were found by police to be without substance.

The managing director of the company concerned told police that his letter to ETSA seeking a variation in the contract due to the national wage rise was an honest error. He had sent numerous similar requests to other clients at the time and had overlooked the fixed price nature of his contract with the trust.

On Monday I met again with Mr Sykes and was provided with a report detailing the action taken by the trust since my minute of 29 August. In summary this report stated that:

> Arrangements have been entered into with the contracted company to recover the overpayment plus interest. Repayments are being made on a monthly basis with full restitution due by December 1986.
>
> An investigation by the trust's internal audit department reviewed the management practices associated with the determination of tree cutting requirements. The audit found that the overpayment was an isolated incident and that no other overpayments of this nature had occurred.
>
> One of the reasons the contract error occurred was the absence of contract details, particularly the fixed price clause, on the order placed on the contractor. If these details had been on the order, the overpayment would not have occurred.
>
> A complete review of trust procedures has been carried out by the internal auditor to prevent a recurrence of this particular incident and to eliminate the potential for any other errors in contract management. This report should be completed in about a week and copies will be sent to the Minister and the Auditor-General.

The final matter I wish to raise with the House concerns an allegation that trust employees were 'wined and dined' by the company named in these allegations.

Police confirmed that the company entertained substantial numbers of trust employees and their wives at Christmas functions in 1984 and 1985 and ETSA employees on many other occasions during 1985 and 1986. On some of these occasions, employees of the company's other clients also attended. The police report stated that there appeared to be no evidence that the company received extra contracts as a result of the entertainment provided to ETSA employees. While such entertainment is commonplace in the State's commercial life, I believe it is an area where great care is required and any suggestion of excessive largesse is to be avoided.

Accordingly, I have written to the ETSA board and suggested that some guidelines be developed in this area for the assistance and protection of trust officers. In conclusion, while the allegations of corruption have proved to be unfounded and the officers at whom the allegations were aimed have been cleared of wrongdoing, the raising of the matter has produced a positive. A costly error has been identified, an overpayment is being refunded and the trust's contract procedures are being overhauled. Again, I thank the member for Light for withholding the name of the trust employee and the company. This has prevented unjustifiable damage to reputations.

QUESTION TIME

The SPEAKER: Yesterday in the course of Question Time the Chair drew attention to the amount of comment that is present in members' questions and explanations. The Chair has no wish to stifle debate or make Question Time an uninteresting part of the day. However, it is not, despite the presence of journalists and television cameras, a time for the making of speeches nor for members to strike postures. It is a time when any member of Parliament may direct a question seeking information of a Minister of the Crown.

A revision of Question Time in the early 1970s reversed the previous practice whereby members delivered a long preamble before putting their question. If the preamble seemed excessively lengthy, any member of the House could withdraw leave for that explanation by the technique of calling 'Question'.

That practice is still capable of being exercised as a means of bringing lengthy or inappropriate explanations to a halt, even though the explanation now follows the question rather than preceding it. I point out that leave may thus be withdrawn by any member where comment is introduced into what should be a factual question and a factual explanation, but that the withdrawal of such leave is normally exercised by the Speaker.

I intend to do so, as explained yesterday, where an explanation or the question to which the explanation would be attached strays from being a factual explanation of the question and becomes an expression of opinion, including where the language used strays away from objectivity. The Chair is aware of the semantic complexities of that particular approach, but will endeavour to be fair to all members of Parliament while trying to ensure that Question Time does not become a circus whereby pejoratives are hurled around, in the guise of explanation or question, for the benefit of the media. Do honourable members have any questions?

MARIJUANA VOTE

Mr OLSEN: Will the Premier tell the House when and why the Government decided to declare the introduction of on-the-spot fines for possession of marijuana to be a conscience matter so far as Government members are concerned? The Premier has said today that this is now a conscience matter for Government members, following statements by the Minister of State Development and Technology which conflict with the Premier and the Minister of Health. In a statement in the *Advertiser* on 15 October the Premier said the measure was (and I quote his words) 'part of the Government's increased action to combat the drug menace', and in this House on 19 August he called it a Government initiative. Further, this was officially ratified as Party policy at the 1986 ALP State convention.

The Hon. J.C. BANNON: This aspect of the measure has always been a conscience matter—right from the time it was discussed in Cabinet initially. I might add that it is reinforced by the fact that in June 1981 our State Party annual convention made just such a ruling as it affected members of Parliament voting on this issue of marijuana.

PRIMARY SCHOOL ENROLMENTS

Mr DUIGAN: Will the Minister of Education say whether consideration can be given to allowing primary schools to

impose a ceiling on enrolments or imposing some other mechanism of restraint to ensure that school populations stay within the limits of the facilities available at schools for classroom purposes, particularly in inner suburban schools? Recently, schools have had to present to the department for staffing purposes their projected population enrolments for 1987. That has occurred in all schools and, in particular in the Adelaide electorate, school principals have found that there has been a substantial increase in the likely enrolments for 1987. To give but three examples, the Walkerville Primary School enrolments will go from 384 to 405 next year; the North Adelaide school enrolment, which was 186 last year and 230 this year, will go to more than 250 next year; and the Prospect Primary School numbers will go from 350 to some 390 next year.

Population pressures in the inner suburban areas are increasing despite what may be happening in other parts of the metropolitan area. While schools are being staffed for 1987 in accordance with existing departmental guidelines, principals and school councils are, in response to the demands on school facilities for a whole variety of curriculum purposes, beginning to wonder whether there might be some way of looking at the availability of facilities in order that a limit might be placed on enrolments.

Short of new and extended facilities being provided to all these inner schools (and I acknowledge that this increase is perhaps happening in other areas as well), are any options available to principals and school councils to maintain the quality of teaching while easing the pressure on the facilities in these inner metropolitan and older primary schools?

The SPEAKER: Before calling on the Minister I would point out that, although the question from the member for Adelaide was not an extreme case, a certain amount of argument did enter the course of that explanation. I ask members to be more cautious with the phrasing of their questions and explanations.

The Hon. G.J. CRAFTER: I thank the honourable member for his question. This matter is causing concern to a number of schools—not a large number, but a number of schools—where there is pressure because of increased enrolments, in contrast to the substantial decline in enrolments across the State generally. In fact, in the past five years a decline of some 21 000 has occurred in the number of students enrolled in State schools in South Australia, and it is estimated that the enrolment decline during the 1980s will be in the order of some 38 500 students.

So, there is a substantial shift in the populations of our various schools. The reasons for the increased pressure on some schools, despite the overall enrolment decline, include the ability of an increasing number of students to travel long distances to attend school, the changing nature of families, the changing nature of the work force, and the like.

Indeed, there is a multitude of reasons. For example, in one of our suburban primary schools the student population last year reached nearly 700, 37 per cent of whom came from outside that local district. Some come long distances indeed. Whilst in the main that trend can be accommodated within our school system, it does in some instances reach a position where there is no longer an ability to provide the additional accommodation that is required. It often leads to problems with local government authorities and the local community's ability to serve that large school population.

There is also the question of whether the optimum size of the school has been achieved. In some instances, zones of right are at present being established to ensure that children from the local community have the right to attend that school. Children who come from farther distances are encouraged to attend a school closer to where they are domiciled. However, before establishing such zones of right, there is a very thorough consultation with the school community, and I must say that I am very appreciative, in the two instances where this is occurring, of the very strong support that has come from local communities for the establishment of zones of right.

MARIJUANA

The Hon. E.R. GOLDSWORTHY: Why did the Premier break his agreement at the drug summit last year that there should be no relaxation in the laws relating to marijuana, and will he ensure that this matter is raised at the ministerial council on the drug strategy to be held on 7 November? At the drug summit in April last year, all States agreed that there should be no relaxation in the laws relating to marijuana use. This reflected growing national and international evidence of the need for a common approach in any effective measures to reduce drug trafficking. As South Australia has decided to go it alone, breaking the agreement at the drug summit, I ask the Premier to ensure that South Australia raises this matter at next month's ministerial meeting on the drug strategy agreed at the summit to determine the opinions of the other States about South Australia's action.

The Hon. J.C. BANNON: As usual, the Deputy Leader of the Opposition only tells a very small portion of the story in order to suit his own purposes. I have in fact in no way detracted from the statements that I made at the national drug summit.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: In that context, I remind members opposite that in the time we have been in office we have done far more in terms of penalties, enforcement and campaigns than the Liberal Government did in three years of rhetoric and empty wind. That is the fact. We have strengthened the law, we have launched the campaigns, and we have instituted enforcement. Those are the facts and they do not like it. They are now coming late on the scene and posturing. Why do I say that I have not changed my approach? I do so because, in my view, and the view of those supporting the measure to which the honourable member refers, we are ensuring that there are tougher penalties and more enforceable penalties in relation to the whole range of drugs, including cannabis. That particular aspect of the measure which deals with private personal use—possession in limited quantities—is an extremely narrow window, in the view of many but not all of us (but in the view of those who I believe have correctly analysed the situation), will strengthen greatly our drug offensive.

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order. The last two questions from the Leader of the Opposition and the Deputy Leader of the Opposition came very close to infringing on inadmissible questions relating to a Bill before the House. However, due to other ancillary aspects associated with the questions, the Chair did not rule them out of order. Nevertheless, I caution members on that aspect of our procedures.

CHILD-CARE

Ms GAYLER: Will the Minister of Employment and Further Education comment on allegations in today's edition of the *News* that Department of Technical and Further

Education child-care lecturers are engaging in sexist teaching of child-care workers and that child-care centres are rigging games to let girls win?

The Hon. LYNN ARNOLD: I noticed the report in today's paper and I have also heard of press reports over recent days on this matter. The Department of Technical and Further Education has provided a report but, before giving the details of that report, may I say that the department is concerned (and I share its concern) that on this occasion the Association of Child Care Centres has not chosen to bring its apparent concern to the department and to talk the issue through. This is the first time in 10 years of communication between the association and the department that that has happened. On all previous occasions, the association has in fact communicated regularly with the department. Indeed, the association is represented on the department's curriculum committee for child-care, which would have been the most apt forum in which to put forward the views that are now being made public in the press.

This matter has been investigated by departmental officers, and the following is a summary of their findings. First, the curriculum that is used on child-care courses that are being taught by TAFE in South Australia (it is taught in three colleges, not in two, as indicated in the press report: Croydon Park, Elizabeth and Noarlunga) is based on a national common core curriculum. That curriculum is non-sexist and meets equal opportunities guidelines. In that curriculum there is no direct reference in the brief syllabus statements that could be identified as relating directly to the issue of sexism.

However, that issue is discussed during the progress of the course, and there is an active debate in the college amongst lecturers and students, as well as in the community generally, on this area. Also the issue is faced daily in child care centres. How one handles situations where young children are learning about sex roles is something with which every family must come to terms in respect of their own children.

The teaching focus in the child-care courses in respect of what is taught in the TAFE colleges involves equitable treatment of both boys and girls. It is not biased against boys. It does advocate affirmative action for girls but not positive discrimination against boys, and that very important point must be noted.

An honourable member: Gobbledegook!

The Hon. LYNN ARNOLD: The honourable member opposite says that that is gobbledegook. It is really trying to say that children in our child-care centres should have the opportunity to learn various things right across the board. The girls should not simply be told to go and play with dolls and the boys to go and play with cars. One is not positively discriminating against boys when one encourages girls to think about options other than playing with dolls, so it is not gobbledegook at all.

From personal experience, I can attest that my wife and I for a short time employed, to care for our children, a student who was studying on a part-time basis a course in a TAFE college. As a product of that curriculum that is taught in our TAFE colleges, that student performed very well in the care of our children while she looked after them, and my wife and I were obviously confident that all our five children, three girls and two boys, were being treated fairly by her. There was no discrimination against any one of them.

I believe that this is more appropriately a matter for discussion by the curriculum committee, on which the association is represented, I strongly urge the association to follow the good record that it has maintained over the past 10 years and take up any concerns that it has directly with the Department of TAFE rather than seek to cause anxiety through media press reports.

MARIJUANA

The Hon. B.C. EASTICK: Does the Premier believe that the Minister of State Development and Technology is so out of touch that it is not true over his attitude to marijuana?

The SPEAKER: Order! I caution the member for Light and draw his attention to my earlier remarks about the use of language that verges on the pejorative.

The Hon. B.C. EASTICK: I believe that I am quite in order, Sir. In the *Advertiser* of 15 October, in response to statements by the shadow Attorney-General (Mr Griffin) about marijuana, the Premier said that Mr Griffin was 'so out of touch it is not true'. However, all Mr Griffin was doing was making statements about the impact of the decriminalisation of marijuana which have now been repeated by the Premier's colleague the Minister of State Development and Technology. I therefore ask the Premier whether he also believes that the Minister is similarly out of touch.

The Hon. J.C. BANNON: For a start, marijuana is not being decriminalised. I do not know where the honourable member gets that idea from. Secondly, in relation to any comments made by my colleague, he has a perfect right to express his view as he has done. He has done so articulately and openly, and a lot of people may agree with him. I do not happen to agree with him, but I am entitled to my opinion also.

The Hon. E.R. Goldsworthy interjecting:

The Hon. J.C. BANNON: He would not know what he was talking about. He did nothing.

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order for the second time for disrupting the proceedings of the House.

COURT SENTENCE

Ms LENEHAN: Will the Minister of Education, representing the Attorney-General, urgently request that the Attorney appeal against the leniency of the sentence recently imposed on a man found guilty of sexual abuse of a nine-year-old boy? I quote the report appearing in this morning's *Advertiser*, as follows:

> A man who pleaded guilty to five counts of unlawful sexual intercourse with a nine-year-old boy was sentenced in the Supreme Court yesterday to a total of three years gaol.

The article continues:

> However, the judge had fixed a 14 month non-parole period taking into account the man's previous good record and that the sentence and non-parole period were backdated to 3 June.

I ask my question because I have been contacted by a number of concerned individuals and groups in the community who have expressed 'absolute outrage at the leniency of this sentence for child sexual abuse'.

The SPEAKER: Order! The Chair is of the view that attributing comments to an anonymous person in that context constitutes comment, and I caution the honourable member.

Ms LENEHAN: I am quite prepared to name the group that has contacted me. Would that be in order?

The SPEAKER: The Chair has previously indicated that the practice of attributing remarks to others (which remarks

as presented to the House by the honourable member are comment) still constitutes comment. I suggest that it would be more appropriate for the honourable member to wind up her remarks.

Ms LENEHAN: Thank you, Mr Speaker. I therefore ask the Minister urgently to request that the Attorney appeal against the leniency of the sentence.

The Hon. G.J. CRAFTER: I thank the honourable member for her question: obviously, the concerns she has expressed are shared by many people in the community whose knowledge of the sentencing process relies upon the way in which it is reported in the press. I will be pleased to pass on this request to my colleague in another place so that he can have the matter assessed by officers of the Crown Law Department to consider whether the sentence in these circumstances is manifestly inadequate and whether it is appropriate for an appeal to be lodged.

DUBLIN TO WINDSOR PIPELINE

The Hon. P.B. ARNOLD: Will the Minister of Water Resources clarify what priority the Government is giving for the replacement of the Dublin to Windsor pipeline and, if it is now to be included in the five year capital works program, indicate precisely when that decision was reached? An internal departmental memo from the Manager, Investigations and Technical Policy Branch, to the Manager, Metropolitan Operations in relation to a proposed upgrading in the Windsor district states:

> This project has not been included in the five year capital works program, and direction on the timing and justification of this work would be appreciated.

The memorandum, which is dated May this year, also states that there have been 'an increasing number of complaints' about the water, and continues:

> These complaints have been investigated by operations personnel and found to be justified in most instances.

A second document provided to the Opposition, which is a report by the Investigating Engineer, Investigations and Technical Policy Branch, states that the cost of replacing pipes in the area would be reduced 'by a considerable amount' and public complaints in the area would be eliminated. I quote from that document, as follows:

> Call-outs, site visits and repairs to stuck meters, etc., would cost in excess of $8 000 per annum at present.

In view of this considerable annual cost to taxpayers and the apparent link between the town's water supply and a high incidence of cancer cases in the Windsor area, I ask the Minister whether it is now the Government's intention to include the replacement of the Dublin to Windsor pipeline in the five-year capital works program and, if so, whether this decision was reached only after the matter was raised publicly, and not eight weeks ago when the Minister was informed privately of the Opposition's concerns.

The Hon. D.J. HOPGOOD: The honourable member has been provided with documents that are a little out of date. If he consults with his colleague the member for Goyder, who at least since 18 September this year is right up to date, he can be put in the picture. However, since the honourable member has asked me, I point out that on 18 September the member for Goyder brought a deputation of concerned people to me to discuss this whole matter. I will not canvass all the matters discussed on that occasion, because they have been aired in various ways in both Houses over the past week, during my absence.

The specific epidemiological evidence from the Health Commission, which I shared with the member for Goyder and his constituents on that occasion, was in turn made available to the public last week through my colleague the Minister of Health in another place. I will not further canvass that except to remind honourable members that on those figures there appears to be no epidemiological evidence to suggest that there is a particular carcinogenic agent in that area. However, I note that, through an abundance of caution, the Minister of Health has asked for additional work to be done, and I applaud his initiative.

As to the specifics of the honourable member's question (and this information has already been made available to his colleague the member for Goyder), I informed the member's colleague and the deputation on that occasion that it was proposed to construct a new water main in the 1987-88 financial year to connect Dublin and Windsor, and that $240 000 has been budgeted for that purpose. Of course, that is still the case.

ELECTRICAL APPLIANCES

Mr ROBERTSON: Will the Minister of Mines and Energy investigate the introduction of a labelling system for electrical appliances which will indicate the energy consumption of each appliance and enable the purchaser to ascertain likely running costs at the time of purchase? I am informed that legislation has been introduced in Victoria and New South Wales which will make it obligatory for refrigerators and freezers to carry information for the benefit of purchasers on the amount of energy those appliances are likely to consume. I am aware that electrical appliances already carry information on the power requirements of the device, but I am led to believe that the information provided on new appliances in New South Wales and Victoria, as from 1 December this year, will be in a form which is more readily understood by consumers and purchasers.

The Hon. R.G. PAYNE: I would be pleased to say 'Yes' to this request, because it is relatively easy for me to do that in the circumstances. I think for almost two years now—as the honourable member indicated—the question of freezers and refrigerators has been considered at conferences of all State and Commonwealth Ministers in the energy field, resulting in the move in New South Wales and Victoria to legislate for the inclusion of this form of advice to consumers on such appliances.

The honourable member has indicated a particular point of importance: that really it depends on what a consumer can glean from the label as to whether any real benefit is likely to accrue. Some people would be familiar with the matter and look at the wattage or kilowatt rating that appears on the normal label that one often sees on appliances now and deduce from that that one appliance may consume more power in its operation than another. However, that is not a reasonable and necessarily logical deduction to make on the face of it, because it depends on other factors: for example, with freezers and refrigerators, it depends on the efficiency of insulation, the frequency of opening the doors, and so on, and that has an interacting effect on the bare electrical consumption rating that appears on a label.

The public, as consumers, are entitled to expect greater performance from all appliances made available to them at a time when almost everyone agrees that society should be conservative in its use of energy and that Governments should follow that policy and make energy available as cheaply as possible. These other principles that I have outlined would interlink with the proposal put to me by the honourable member.

I will do what I can in this area. This State has not moved on refrigerators and freezers because, as I recall, the decision

taken at the Ministers' meeting last year was that refrigerators and freezers were to be further considered. However, it seems that New South Wales and Victoria have decided to move, not unilaterally, but in tandem or parallel—whatever is the correct electrical term. I think that will benefit consumers, and South Australians can look forward to a similar scheme.

WINDSOR WATER SUPPLY

Mr MEIER: Does the Minister of Water Resources intend to pay compensation to residents in the Windsor area for damage to their property as a result of poor quality water supplied to their homes?

Members interjecting:

Mr MEIER: I did not pick up the interjection—

The SPEAKER: Order! The interjections from the Minister of Labour and the member for Mawson are both out of order. The honourable member for Goyder.

Mr MEIER: On 8 August this year the Minister informed me in writing that he had approved an *ex gratia* payment of $105 to a resident of Two Wells for damage caused to clothing while washing. In his letter the Minister admitted that 'a slug of dirty water' had been responsible for the damage to the garments. There are numerous examples from the township of Windsor of damage to property as a result of that town's water supply.

In one case, a resident sought $600 compensation for damage to two antique Irish linen table cloths and for the death of half a dozen sheep, which had stampeded the water trough which was empty due to a blockage or no water pressure. The letter seeking compensation was acknowledged on behalf of Mr Keith Lewis (Director-General of the E&WS) on 26 March this year. A telephone offer of compensation of 10 per cent of this amount, namely $60, from an officer of the department was rejected by the resident as an insult to the claimant.

Further, a family resident in Windsor has reported that new tiling in a renovated bathroom has been ruined by the poor quality water. Does the Minister intend to pay compensation for property damage to all residents in the Windsor area and, if so, remembering the high incidence of cancer in the area, is this an admission by the Government that the quality and safety of the water supplying Windsor is of concern?

The Hon. D.J. HOPGOOD: I am sorry that I have to slightly prolong my answer by picking up a point which is implied in what the honourable member said at the end of his question; otherwise the answer is very straightforward indeed. Let me point out that when people talk about quality of water they are not necessarily talking about the same thing as safety of water. There is little doubt that, from time to time, there is a high turbidity in the water which is supplied to various parts of the State: the prime reason, of course, for the filtration program that is proceeding. There is no evidence to suggest that high turbidity necessarily brings with it any adverse safety aspects, because that relates to matters other than purely clay, silt particles and whatever else might be causing the turbidity in the water.

I simply want to make that point: the fact that there may be turbidity in a particular supply, whatever impact that may have on clothes, tiles in the bathroom or anything else, does not necessarily have any implications at all for human health. That, in turn, depends on other agents, either chemical or biological, which are in that water.

I return to the basic question asked by the honourable member. It is my understanding that for many years in this State, irrespective of Government or Minister, this matter of compensation has been a matter of law rather than policy, and that from time to time my department relies on advice from the Crown Law Department as to its standing in the law in relation to any particular claim put up. All I can suggest to the honourable member is that, where people have not put in claims which he thinks they should put in, he should urge them to do so and they will be treated on their merits.

IDENTIKID

Mrs APPLEBY: Can the Minister of Emergency Services inform the House whether the Police Department has given its approval to the introduction of Identikid to South Australia? In 1984 I raised this matter in the House at the time it was introduced into Victoria. As Identikid will be available in South Australia from Saturday at the Children's Hospital fete at Elder Park, I ask the question to clarify the efficiency of this system should a child go missing whose parents have participated in the process by recording on the data card height, hair and eye colour as well as any distinguishing marks, medical information and the fingerprints of the child, accompanied by a photograph.

The Hon. D.J. HOPGOOD: I can certainly confirm that the Police Commissioner has given his blessing to this initiative. In doing so, I should congratulate the honourable member for having raised this in the House when she did and in the way in which she did. I guess she can take some considerable pleasure from the fact that this is a scheme which, along with the safety house schemes and Neighbourhood Watch, is part of the community policing concept and the way in which general community resources can assist the State through the Police Force in what, after all, is the basic task of a civilised society.

It is interesting, although perhaps in some ways distressing, to note that well over 2 000 children are reported missing every year, but there is also some assurance in knowing that in 99 per cent of those cases the child is very quickly recovered and restored to the anxious parent. However, we do know of very unfortunate cases over the years where children have not been found, and any initiative which enables the police to better carry out their task in this area should be applauded and certainly, as I say, this initiative has the full support and encouragement of the South Australian Police Force and, indeed, the South Australian Government.

CITRUS

Mr GUNN: In view of the Minister of Agriculture's presence at the Rundle Mall demonstration by citrus growers, how does the Minister reconcile the statement made by the Minister for Trade, Mr Dawkins, in the House of Representatives on 20 May 1986 in answer to a question from Mr Lloyd that, 'in order to be competitive with imports at this landed duty paid price Australian producers will have to be able to supply oranges at about $130 to $140 per tonne. While this price is historically low, efficient growers appear to have been able to meet this challenge', when the price being offered for Valencia oranges is only $95 per tonne? What action does the Government intend to take to rectify this disastrous situation, which is affecting the future of many citrus growers in South Australia?

The Hon. M.K. MAYES: The State Government has made a submission to the inquiry that is currently being

conducted into the citrus industry. It has also made a submission to the anti-dumping hearing, and I think the honourable member would be aware of that in relation to our position as a State Government. We have also made submissions, as the member would know, regarding the recent decision by the Federal Government on sales tax, the impost that has been foisted upon the industry by the Federal Government's decision to increase the 10 per cent sales tax on 25 per cent above Australian juices.

I am aware that the Minister for Trade made that comment. Personally, I believe that the Federal Government in its decision in relation to the industry has made some errors of judgment and there ought to be an opportunity for the State Government to put to the Federal Government a series of steps that we believe can assist the industry in its time of stress rather than detract from its viability and put a lot of growers under threat.

A comprehensive package has been presented to the Federal Government by the State Government regarding the points to which I have earlier referred. Also, we are asking for an increase in the price of imported frozen juice to $2.40 per kilogram off the wharf, so that during the interim period of the IAC hearing we can provide a buffer or safety net for the industry while the anti-dumping issue is decided.

The reports that I receive are the same as I am sure the honourable member would have heard today from industry representatives in the Mall, who believe that the situation is proceeding reasonably well. That is the feedback that I have heard as well in regard to the anti-dumping hearing. Hopefully, we can get some measures instituted as a consequence of that which will allow the industry some breathing space. In the interim we will get reaction from the Federal Treasurer concerning the sales tax issue. I hope the Federal Government can see the problems and stresses that are currently being encountered by the industry.

Certainly, South Australia has a very strong and large vested interest in the citrus industry, both at a State and national level. It is important for us to achieve some measure of safety or adjustment while there is an assessment of the overall impact of imported juices and an opportunity for the industry to have a look at itself within a reasonable period, but with some buffer to allow it to adjust rather than its being forced into a situation where people fall out of the industry and where we lose some of our viable citrus producers.

I share the honourable member's concern about the Federal Minister's comments. We in South Australia are facing a situation where we could lose a large number of our producers and, as a consequence, a large number of jobs. Therefore, the efforts today of the individual producers in the Mall were to be congratulated. That is a very useful type of demonstration, which is peaceful: it was friendly and delivered hope to the community as a whole, particularly the urban community, and the message about South Australian citrus. It is as good as any in the world and, in fact, is better than most. We ought to be promoting and buying our own product, and Australians ought to be looking—

The Hon. P.B. Arnold interjecting:

The Hon. M.K. MAYES: I will finish what I am saying. I will respond to the member for Chaffey in a minute. I am saying to the member for Eyre that, in relation to South Australian citrus products, we—both the Opposition and the Government—ought to be seen to be supporting them at all levels in relation to the purchase of South Australian products. In relation to the interjection by the member for Chaffey, we are confident that we can make some mark on the Federal Government. I expect that we will get a decision fairly shortly.

WEST LAKES PEDESTRIAN CROSSING

Mr HAMILTON: Will the Minister of Transport seek—

Members interjecting:

The SPEAKER: Order! There is too much audible conversation. Presumably, there is widespread joy that the member for Albert Park is getting an opportunity to ask a question. The honourable member for Albert Park.

Mr HAMILTON: Will the Minister of Transport seek an urgent review of the decision not to install a pedestrian crossing near Football Park, on West Lakes Boulevard? On my return from an interstate trip last evening, I was saddened to be informed that one of my constituents had been killed on Sunday in this area. The Minister will be aware that in April this year I wrote to him seeking the installation of a pedestrian crossing on West Lakes Boulevard. In that correspondence, I said, in part:

> According to my constituent who attended Football Park on the weekend and then wanted to cross the boulevard to her home, it was a matter of just 'run for your life' to try to cross safely between the speeding traffic.

In response to that letter, the Acting Minister, on 28 May, said in part that he could not accede to that request. I do not intend to relate the full one and a half pages of that correspondence, but the Minister is well aware of the content. Subsequently, I sent that information to the Henley Beach subdivision of the Police Department and was informed by Inspector Peter Marshman, as follows:

> As a response to the immediate problem (pending the outcome of your request for a pedestrian crossing), I have detailed a traffic officer to assist pedestrians and to monitor the situation at the conclusion of each of the remaining games scheduled at Football Park this season.

The information that I supplied to the Minister justifies the need for such a pedestrian crossing.

The SPEAKER: Order! Notwithstanding the tragic circumstances to which the honourable member is addressing himself, I must caution him against introducing remarks that constitute comment.

Mr HAMILTON: Thank you, Sir. Obviously, I am distressed about this matter. I ask the Minister of Transport to urgently consider my request.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. I would certainly like to express my regret at the tragic circumstances that the honourable member has related to the House this afternoon. I shall be pleased to have an urgent review of the decision that I, as Minister, took on advice that there was no reason at present to justify a pedestrian crossing on West Lakes Boulevard near Football Park.

Although I am not aware of the circumstances that were involved in the accident that has prompted the honourable member to approach me again, I must point out that one of the most sensitive and difficult areas for a Minister of Transport is that of pedestrian crossings. If I acceded to all the requests from members, from metropolitan councils, and from concerned citizens and groups, pedestrian crossings would proliferate throughout Adelaide. In saying that, I do not in any way reflect on the reasons for those requests. The South Australian Highways Department's criteria for approving pedestrian crossings are the most generous of those of all States in Australia, so it is easier to obtain approval for a pedestrian crossing in Adelaide than in other States, even though our traffic flows are not as congested as they might be elsewhere.

Another problem in establishing a pedestrian crossing is that all the evidence available to us shows that pedestrians are not prepared to walk more than 30 metres to a pedestrian crossing. So, if a crossing is more than 30 metres away from where the pedestrian wishes to cross the road, the average pedestrian will take the chance of crossing the road at that spot. Therefore, even if a crossing is placed on a road that is under traffic stress, there is no guarantee that people will use it or that accidents will not occur there.

Nevertheless, any accident, especially an accident resulting in a fatality, warrants consideration or reconsideration of a request. However, I need to caution members (and members of the public who may have access to the report of the proceedings of Parliament) that even when a fatality occurs and, as Minister, I am requested to have pedestrian lights, intersection lights, etc, installed, if I were to respond to each fatality in that way there would be a proliferation of traffic lights, and that in itself could cause tension and have a detrimental effect on how traffic operated in our city. This is a sensitive and important area. I fully acknowledge the honourable member's concern and his justifiable emotion at the tragedy involving one of his constituents. I will bring down a report on this matter as early as I can.

ROXBY DOWNS

Mr S.J. BAKER: Will the Minister of Mines and Energy correct yesterday's statement by the Premier that the worker health and safety provisions in the Roxby Downs indenture cannot be enforced? The Premier repeatedly makes this assertion about the enforceability of the indenture while ignoring the very strict provisions in the Mines and Works Inspection Act which allow inspectors to stop mine operations if companies are not meeting their obligations. Those powers include, first, entering a mine without notice at any time of the day or night to examine the mine and machinery that is being used, and all matters relating to the safety, health or well-being of workers. Secondly, an inspector can order an immediate halt to any practice that he considers unsafe. These two powers have been in the legislation since 1972. Also there are sanctions in the Act for companies that do not meet their obligations.

The Hon. E.R. Goldsworthy: Steep fines.

Mr S.J. BAKER: Extraordinary fines. The ultimate sanction is the power to close down the mine itself. In view of the confusion that has been caused by the Government's statements on this matter, will the Minister at least correct the error that the Premier made yesterday when he said that the worker health and safety provisions of the indenture could not be enforced?

The Hon. R.G. PAYNE: I do not intend to correct the Premier: he does not need to be corrected. Yesterday, he clearly outlined the procedure that applies in that area.

Members interjecting:

The Hon. R.G. PAYNE: I am somewhat at a loss to know why the member for Mitcham is pursuing this line. I do not really believe that he does not care about safety at the mine, but he seems to be projecting that view.

The Hon. E.R. Goldsworthy: Does the Mines Inspection Act apply or not?

The Hon. R.G. PAYNE: The Mines and Works Inspection Act does apply, but it does not apply in every circumstance. That situation was clearly outlined yesterday in the other House and was not objected to by the former Attorney-General of this State, now in Opposition. I ask members opposite to go away and read what was said in the other House.

JINDALEE RADAR SYSTEM

Mr RANN: Will the Minister of State Development and Technology inform the House of the potential significance for South Australian industry of the $500 million decision by the Commonwealth Government to proceed to deploy the Jindalee over the horizon radar system developed in Salisbury to protect Australia's northern coastline?

The Hon. LYNN ARNOLD: This is a very large program that has been entered into by the Federal Government. As the honourable member announced, it is a $500 million program and it has its origins in research carried out at the DRCS centre in Salisbury. There are two components to the $500 million program: first, the upgrading of the Alice Springs Jindalee facility at a cost of about $57.5 million over the next couple of years; and secondly, the longer term planning for the establishment of additional Jindalee facilities in other areas in the north of Australia. With respect to the latter part of that program, which is in fact the larger part, the details are still to be determined, and they will involve significant work for South Australian companies over a five year period. Engineering management of the Jindalee project will take place at DRCS, where a team of 70 is already working on Jindalee, so that is quite a significant employment impact.

The first part of that program, namely, the upgrading of the Alice Springs facility, involving a $57.5 million project, will result in additional work for the electronics research laboratory at DRCS and for the South Australian operations of AWA Pty Ltd and CSA Pty Ltd. Already the electronics research laboratory has sought to recruit an additional 30 highly skilled professionals for the development work, so 30 extra jobs in that category have been created. AWA will have a small number of additional staff in its specially established Jindalee project office in the contractor's area of DRCS while CSA, which is based at Technology Park, is building up a team of 30 computer specialists specifically to work on the required software development subcontract.

The Jindalee project has proved over its time and is continuing to prove an excellent example of Government funded research and development activity leading to commercial opportunities involving Australian companies, and in particular South Australian companies. It is particularly encouraging to note the progress of CSA in establishing a strong software development capability in South Australia utilising the supportive environment at Technology Park Adelaide to pursue contracts associated with the unique capabilities of the DRCS. In the longer term, further commercial opportunities of benefit to South Australia will result from the Jindalee project—in particular, the second component which is, as I mentioned before, the larger component of that project.

ROXBY DOWNS

Mr LEWIS: Will the Premier say whether the Minister of Mines and Energy is to retain overall responsibility for worker health and safety at the Roxby Downs mine or whether this responsibility is to be transferred to the Minister of Health and, if so, why? We have just heard from the Minister of Mines and Energy that the Mining Act does apply: except that it does not.

The Hon. J.C. BANNON: I am sorry, I am somewhat discomfited. I thought I understood the question, but the explanation completely threw me.

Members interjecting:

The Hon. J.C. BANNON: I have already answered questions on this matter in the House. The precise arrangements

that will apply in relation to radiological hazards, which is a little more complex than perhaps has been suggested by members opposite, will be dealt with in the appropriate way reconciling both the provisions of the radiological protection Act and the Roxby Downs indenture.

CHLORINE SPILL

Mr GREGORY: Will the Minister of Marine advise the House of any effects of the chlorine spill at ICI Osborne this morning, and indicate what action was taken to protect the lives of workers and residents in the immediate vicinity of that spill; and will he say whether there is any likely effect on the environment? Chlorine is an extremely dangerous gas, and I know from experience at Osborne that they have a fairly well entrenched safety program. There were reports of five tonnes of the stuff being spilt, necessitating the evacuation of workers and other people from Torrens Island, the quarantine station and the powerhouse.

The Hon. R.K. ABBOTT: I was advised by the Department of Marine and Harbors this morning of a chlorine gas spill of less than one tonne at the ICI Osborne plant. The spill occurred during a start-up after a two day maintenance shut-down, and I understand that prevailing winds carried some gas across the river and two company employees were treated for mild gas inhalation. The company has assured my department that the plant will not be restarted until the accident has been fully investigated. The State Emergency Service responded very quickly after being alerted by the company. Some chlorine spilled into the river, and officers from the Fisheries and E&WS Departments were called in to take tests. I have been advised that 12 samples were taken and each proved negative, so fish will be unaffected. I expect that the reports will be forwarded to the South Australian Health Commission, which had a representative at the scene.

The departmental people have advised me that the whole incident was under control. My colleague the Minister for Environment and Planning has informed me that there are no environmental problems, and my other colleague the Minister of Labour has issued a press release announcing the amendments to the Dangerous Substances Act which will be introduced in Parliament during this current session. The amendments will seek to significantly increase penalties and tighten regulations covering the storage of dangerous substances. Under the proposed amendments, the maximum fine will increase from the present $1 000 to $35 000. I understand that the Department of Labour has inspectors down at the ICI plant to determine the cause of the spill. It is probably premature to place the blame at anybody's feet at this stage.

CORPORAL PUNISHMENT

Mr OSWALD: My question is directed to the Minister of Education. Has the Government decided to completely phase out corporal punishment in schools and, if so, why has the Government decided to override the policy of many experienced school principals and school councils in this State who believe that corporal punishment should be retained in schools for use by the principals in cases of last resort? I am a member of the council of the Glengowrie High School. The council has received a communication from the Hon. Anne Levy, MLC, President of the Legislative Council, which states, in part:

I personally am very glad that corporal punishment will be removed in South Australia.

The letter goes on to state:

I understand, too, that the Education Department is examining the resources necessary in teacher training and school support and facilities that may be needed as alternatives to corporal punishment. Many South Australian schools have already abolished corporal punishment without waiting for the five year phase-out period promised.

In his reply, the Minister might like to tell the House how the five year phase out period will be achieved and what the Hon. Ms Levy means by school support and facilities that will be provided to the schools over this five year period.

The Hon. G.J. CRAFTER: I thank the honourable member for the question. It raises a very important issue in our schools because I have no doubt that the subject of an orderly learning environment in our schools is paramount in the view of school communities and, in particular, parents. The Government's intention, as the honourable member said, is to phase out the use of corporal punishment as a means of achieving an orderly learning environment within five years. However, it is realised that that is a change in policy. It has been achieved in a number of other Australian States, and recently legislation was passed by the Houses of Parliament in Britain (it has been enacted in many other countries) to achieve this end. However, it cannot be achieved quickly because there are resource implications in providing the alternatives being sought most anxiously by many school communities.

Schools tell me that the value of corporal punishment is residual, that is, it is useful as a deterrent: it is rarely used to achieve the discipline that is required. A number of years ago the department commenced this process, and indeed my colleague the Minister of State Development and Technology, when he was Minister of Education, brought down a partial phasing out of corporal punishment for children in the junior years of primary school. It is our intention to see that process continue.

As part of providing additional support for schools, a consultant is to be appointed soon as an adviser to school communities which seek to provide a different structure of discipline within their school community to achieve that orderly learning environment. Many schools in our State have already abolished the use of corporal punishment. However, as I have said, other schools wish to retain it as a deterrent value. For those schools I pledge that the Government, through the Education Department, will assist them to bring about these changes and improvements to this aspect of the life of those schools.

ANIMAL AND PLANT CONTROL (AGRICULTURAL PROTECTION AND OTHER PURPOSES) BILL

Returned from the Legislative Council with amendments.

TOBACCO PRODUCTS CONTROL BILL

Second reading.

The Hon. G.F. KENEALLY (Minister of Transport): I move:

That this Bill be now read a second time.

I seek leave to have the explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

It introduces significant changes to the law relating to tobacco products in South Australia. For the first time, health related controls over the sale, packing, advertising and use of tobacco products are brought together into one umbrella piece of legislation. The Bill includes several new provisions which will place South Australia in the forefront of world public health action in smoking control. The Bill spearheads the Government's comprehensive smoking control strategy.

The use of tobacco dates from ancient times. There are reports of tobacco use in South America in the 15th Century, and suggestions that tobacco chewing may have even been practised in ancient Egypt. Tobacco use spread to Europe—to Spain, to France and to England. James I, apparently horrified at its use, published a pamphlet entitled 'A Counterblast to Tobacco' and attempted, by stringent laws, heavy punishment and threats of excommunication, to prevent its use. Tobacco use and attempts at its control have thus been with us for some time.

Patterns of tobacco consumption in Britain changed over time—in the Georgian period, snuff-taking displaced tobacco as the most common form of consumption; by the start of the nineteenth century, this role had passed to cigars; by the time of the First World War, cigarettes accounted for over half the total consumption of tobacco products. In Australia, cigarettes account for by far the greatest consumption of tobacco products.

A recent publication by the Commonwealth Department of Health—'Statistics on Drug Abuse in Australia'—estimates that Australians 15 years and over consumed 2 437 grams of tobacco per person in the 1984-85 financial year, most of which was in the form of cigarettes. Total personal expenditure on tobacco products in that period was $2 389 million. That, of course, was not the only personal cost involved. The publication estimates that in 1984 there were approximately 20 200 deaths caused by drug use. Of those, 16 300 or 81 per cent, were due to tobacco use.

The simple fact is that cigarette smoking has been identified as the single most important source of preventable morbidity and premature mortality. Each of the reports of the U.S. Surgeon General since 1964 has emphasised this fact. The Royal College of Physicians of London in 1977 commented that 'cigarette smoking is still as important a cause of death as were the great epidemic diseases of the past'.

In an article in *The New England Journal of Medicine* last August, Dr Jonathon Fielding illustrated the US situation as follow:

> The estimated annual excess mortality from cigarette smoking in the United States exceeds 350 000, more than the total number of American lives lost in World War I, Korea and Vietnam combined and almost as many as were lost during World War II. It is estimated that, among the 565 000 annual deaths from coronary heart disease, 30 per cent or 170 000 deaths, are attributable to smoking. Furthermore, 30 per cent of the 412 000 annual cancer deaths—about 125 000—are attributable to smoking, with 80 per cent resulting from carcinoma of the lung. Chronic obstructive lung diseases such as chronic bronchitis and emphysema account annually for another 62 000 smoking-related deaths. It has been estimated that an average of 5½ minutes of life is lost for each cigarette smoked, on the basis of an average reduction in life expectancy for cigarette smokers of five to eight years. For a 25-year-old man who smokes one pack per day (20 cigarettes), the reduction averages 4.6 years, whereas for a man the same age who smokes two packs per day (40 cigarettes), 8.3 years of expected longevity are lost.

In the words of the World Health Organisation, the control of smoking 'could do more to improve health and prolong life . . . than any other single action in the whole field of preventive medicine'.

We as a Government, indeed we as members of this Parliament, would be shirking our responsibility to the South Australian community were we not to heed the advice of bodies such as the Royal College of Physicians, the World Health Organisation, the Anti-Cancer Foundation, the National Heart Foundation, to name but a few. We must act and we must act now. No longer can we stand on the sidelines as 160 000 Australians a year die as a result of tobacco use.

The Government has developed a comprehensive smoking control program aimed at reducing tobacco use in South Australia. The program consists of a combination of legislative, administrative, voluntary and educational strategies. The Bill before you today spearheads that strategy.

The Bill will repeal the Cigarettes (Labelling) Act 1971 and the Tobacco Sales to Children (Prohibition) Act 1984. The provisions of those Acts will be brought together under this Bill. For the first time, South Australia will have a comprehensive piece of legislation which brings together health related controls over the sale, packing, advertising and use of tobacco products.

Except for section 7, the legislation is to come into force on a day to be proclaimed. There is provision to suspend sections, and this will be used to phase in the various requirements. Section 7 can be brought into operation when a similar provision is in force or imminent in three other States and the Australian Capital Territory.

Under the legislation, tobacco products sold by retail will be required to be enclosed in a package displaying a health warning (Penalty $2 500). The health warning and the manner and form in which it is to appear are to be prescribed by regulation. The legislation is thus enabling legislation in this respect.

Honourable members will no doubt be aware that Health Ministers have been striving for some time for the adoption of more relevant and salient health warnings to replace the existing 'Warning—Smoking is a health hazard'. Dr Anne Long, in a paper entitled 'What does "hazard" mean—a survey of Sydney schoolchildren' which was published in the Medical Journal of Australia in 1975, highlighted the fact that children were very confused about the meaning of the word 'hazard' in the current warning. More recently, work undertaken by researchers in Western Australia has shown that the current health warning is seen as lifeless and not particularly persuasive to smokers. A national survey of Australian smoking habits in 1985 indicated a marked lack of public knowledge of the health risks associated with tobacco. Of those surveyed, 58 per cent were aware that smoking causes lung cancer; 23 per cent knew that smoking is related to heart disease; 17 per cent related smoking to emphysema; 8 per cent related smoking to stroke and vascular disease and 3 per cent knew that smoking could cause complications in pregnancy. 24 per cent believed that smoking did not cause any illness at all. By contrast, an effective, pretested rotating warning system on tobacco packages in Sweden has been shown to influence the Swedish population by encouraging them to smoke less and to adopt less hazardous forms of smoking.

Following extensive negotiations with the tobacco industry, the final position of Health Ministers on warning labels was announced in October last. Warnings proposed were—

SMOKING CAUSES LUNG CANCER
SMOKING CAUSES HEART DISEASE
SMOKING DAMAGES YOUR LUNGS
SMOKING IS ADDICTIVE

The warnings were to appear on a rotational basis, in bordered panel format, taking up 15 per cent of the front and back of packets. The warnings were to apply to cigarettes,

roll-your-own tobacco, pipe tobacco and cigars (packs only—not individual cigars). Warnings and format were to remain unchanged for five years from date of implementation.

Victoria introduced regulations to adopt the new warnings earlier this year. It was the Government's intention that South Australia follow Victoria's lead after the passage of this Bill. Recent advice is that Victoria's regulations have been disallowed while running the gamut of the subordinate legislation process. Close contact will be maintained with Victoria in the drafting of regulations for South Australia, which the Government would hope to have operating as early as possible in 1987.

Clause 7 provides that advertisements for tobacco products must incorporate a health warning. This provision is a restatement, in a simplified form, of the Cigarettes (Labelling) Act Amendment Act 1975, which will be repealed by this Bill.

The 1975 amendment has never been brought into force, since it contains a provision that it cannot be enacted until three other States have passed similar legislation, and that has not occurred. The theory behind it was that, with the cessation of radio and television advertising, there would be a flood of print media advertising, and there was a need to ensure that such advertising carried an appropriately prominent health warning.

An important initiative, indeed a world first, is introduced in Clause 8 of the Bill. Retailers of cigarettes will be required to display, in a prominent manner, a notice setting out the tar, nicotine and carbon monoxide yield of cigarettes (Penalty $500). Honourable members will be aware that cigarette packs currently have a yield label on their side. A recent survey conducted for the Health Promotion branch of the S.A. Health Commission (and accepted for publication in the Medical Journal of Australia) has shown that this information is of little use, as it provides no comparison between brands and no information that might assist smokers wishing to move down the tar table to lower yielding, less dangerous brands. 67.1 per cent of respondents in the survey were unable to give any tar content for the cigarettes they smoked and 72.3 per cent agreed that tar level information should be available where cigarettes are sold.

Motivating intransigent smokers to switch to low yield brands is an important part of an overall smoking control program. I do not believe that anyone who has a genuine concern for public health could seriously argue against such information being made available to consumers. The notice will be in a form approved by the Health Commission. Current planning, taking account of space constraints of various retail outlets, is that two forms of notice will be prepared—one for specialist tobacconist stores, and a shorter, smaller version for outlets which do not stock a wide range of cigarettes.

I turn now to a number of provisions aimed at protecting the health of our young people. Subject to exemption by regulation, 15-packs will no longer be able to be sold. The Bill makes it an offence to sell cigarettes by retail in package containing less than 20 (Penalty $2 500). 15-packs have recently gained support amongst our young people—they are more readily within their financial reach; they are easily concealed and they are advertised in such a way as to appeal to young people. The general issue of advertising designed to appeal to young people was in fact a matter of concern and discussion at the last Ministerial Council on Drug Strategy meeting in May. The Ministerial Council passed a formal resolution expressing grave concern at the current cigarette advertising campaigns directed at young people and agreed to inform the Tobacco Institute of its dissatisfaction at current marketing practices.

The Bill also forbids the sale of confectionery cigarettes designed to resemble a tobacco product (Penalty $2 500). I am sure Honourable members will have seen these products—chocolate cigarettes designed to look almost identical to leading cigarette brands. Sweets which look like cigarettes—a product that kills one in four of its users prematurely—are something in S.A. can do without.

The Bill places a ban on tobacco designed for sucking (Penalty $2 500). Currently, there is a negligible market for this product in S.A. However, in the United States, smokeless tobacco is re-emerging as a popular form of tobacco consumption, particularly among male adolescents. In different regions of the U.S., from 8.36 per cent of male high school students are regular users. Pop singers and sports stars are used to advertise and promote it.

The use of smokeless tobacco has been shown to cause oral-pharyngeal cancer. Its strongest link is with cancers of the cheek and gum. Banning its sale is an important preventative health measure.

The Tobacco Sales to Children (Prohibition) Act 1984, is repealed by this Bill. The provisions of that Act are restated in this Bill, although in slightly different form. It will be an offence to supply (including by vending machine) a tobacco product to a child or to a person the supplier believes will supply the product to a child. A defence is provided where the person can prove that he had reasonable cause to believe the child was 16 or over or where all reasonable precautions were taken to ensure that the product was not supplied to a child. The penalty has been doubled to $1 000. Retailers of tobacco products and persons occupying premises on which a vending machine is situated will be required to display a notice as to the effect of, and penalty for, an offence against this section of the Bill. Non-display of the notice will attract a penalty of $500. The warning notice will be prescribed by regulation. Under the existing Act, the notice has to be in terms of the general effect of the Act. In practice, many organisations sought guidance from the South Australian Health Commission which ultimately had notices printed and supplied to retailers. It is anticipated that the prescibed notice under this Act will follow the format of the existing notice.

Clauses 12 and 13 introduce two important initiatives in the area of involuntary, or passive, smoking. In early July, the National Health and Medical Research Council published an authoritative review of the issue of involuntary, or passive, smoking. The Council concluded that procedures, regulations or laws facilitating or requiring the restriction or prohibition of smoking in enclosed public places should be developed, as a means of protecting the health of non-smokers. The World Health Organisation, the U.S. Surgeon-General and the U.S. Academy of Sciences have all made statements calling for the protection of the public from involuntary smoke.

The Bill therefore extends the provision of non-smoking areas to two settings where smoking has so far been permitted. Under the Bill smoking will no longer be permitted on intrastate buses or in lifts. These settings are places where people are confined in enclosed spaces, where acute exposure to tobacco can prove not only irritating, but physically harmful to those who suffer from diseases like asthma and eye and nasal sensitivity.

In the case of buses, the Act does not apply to STA buses, where a ban is already in force; to buses which have been chartered, or to interstate buses. To those who would argue that this is an erosion of the freedom of members of the public who wish to pollute the atmosphere of non-smoking bus passengers, I would say, in the best traditions of John Stuart Mill's views on liberty, that the right to harm and

cause obvious discomfort to others has never been a right that the concept of freedom has sought to enshrine. These are not areas where courtesy can adequately resolve the many conflicts that inevitably arise. There will always be those passengers who are discourteous, and it is here that, where reasonable, the law must intervene on the side of those whose health and comfort are at risk. We are not asking bus drivers to police the law (although they are not prevented from laying a complaint if they wish). The offences will become part of the general law and will be dealt with in the normal manner of summary offences.

The clause that prohibits smoking in lifts will also require the person responsible for that lift to display a sign to this effect. I am conscious of the need to give building owners sufficient time to comply with this requirement, and this provision will not come into operation until an appropriate period of notice has elapsed.

As I indicated at the outset, the Bill forms part of a comprehensive smoking control strategy. A number of voluntary, educational and administrative measures are proposed, to complement or underpin the legislation.

In relation to children, the Health Commission, in collaboration with the Western Australian Department of Health ran a series of anti-smoking advertisements in the May school holidays. In co-operation with the Drug and Alcohol Services Council, some 20 000 posters and stickers were distributed to Year 7 students throughout the State. Education is one of the cornerstones of both the Commonwealth and State strategies developed under the auspices of the National Campaign Against Drug Abuse.

A program called 'Free to Choose' has been introduced into secondary schools. This is a package which includes a resource manual for teachers, designed to assist in developing skills in young people on how to retain independence and resist peer group pressure in a variety of situations. For example, there are sections on the influence of images on promoting socially accepted drugs. A similar program, targetted at primary school children, is currently being developed by the Drug and Alcohol Services Council and Education Department.

Another initiative which will be available to primary schools before the end of the year is the 'Learning for Life' project. This project has been developed by the Adelaide Central Mission in partnership with the Drug and Alcohol Services Council. The program will offer drug education within health education programs. A range of education sessions will be conducted in a mobile classroom, with resources being available for pre and post activities. The program basically aims to educate children on how the human body works and the effects that various substances have on the working of the body. It is designed to equip children with the skills necessary to overcome pressures to abuse their bodies.

We are also anxious to learn more about the nature of substance use and abuse amongst school children. Drug and Alcohol Services Council has been funded to conduct a survey to seek specific information on the use of alcohol, tobacco, prescription and illegal drugs by school children. The survey will extend over a five year period and will cover 3 000 students from grades 7, 8, 9, 10 and 11 from urban, rural, public and private schools. The survey should provide valuable information for planning of future drug education programs.

In relation to restaurants, a six-point plan will commence later this year. All restaurants in the State will be asked to voluntarily consider setting aside a section where smoking is not permitted. The Health Promotion Branch in conjunction with the Anti-Cancer Foundation, will produce and promote, at no cost to restaurants, a window sticker similar to a credit card acceptance notice which reads 'Non-smoking section provided on request'. Producers of commercial restaurant dining guides and booklets will be approached to include a symbol regarding availability of non-smoking sections in their forthcoming editions. Research will be undertaken into consumer satisfaction with the availability of smoke-free dining sections in restaurants. Voluntary adoption of non-smoking sections will be evaluated in light of the results of the research.

A pilot study involving 30 general practitioners will be run in October-November 1986 (and Statewide in 1987). It will involve general practitioners, as a routine part of their talking to patients who are smokers, in giving advice on preventive health measures. This is part of a collaborative effort with a major study being undertaken by the University of Newcastle. Women and smoking will be given special attention when Dr Bobbie Jacobson, author of 'The Lady-killers: why smoking is a feminist issue' works with the Health Promotion Branch for several months next year.

Smoking in the workplace will receive special attention. The South Australian Health Commission's workplace smoking policy is being revised, in order that the Commission can assume an advocacy role in the adoption of workplace policies by other Government departments and the private sector. A workplace smoking control package will be developed for use by management and unions interested in adopting a workplace policy. The project will aim to 'institutionalise' the notion that the right to breathe air free from tobacco smoke is attainable and reasonable.

In collaboration with Western Australia and Victoria, the Health Promotions Branch is involved in a research study into 'self-exempting' beliefs and attitudes held by smokers about the health consequences of smoking and the desirability of cessation. The implications arising from this study should prove invaluable for the design of future smoking cessation efforts.

In the area of passive smoking, the Health Commission will continue to review available literature and consider any further action that may be necessary. I believe this Bill and the related smoking control strategy represent the most significant and comprehensive effort ever undertaken in this State to reduce the unnecessary wastage of human life associated with tobacco use. I commend the Bill to the House.

Clause 1 is formal.

Clause 2 provides for the commencement of the Act.

Clause 3 defines terms used in the Bill.

Clause 4 requires that tobacco products be contained in a package displaying a health warning when sold by retail and that, if the products are enclosed in 2 or more packages each of those packages display a health warning. Subclause (3) prevents cigarettes being sold in packages of less than 20 but is subject to exemption by regulation under subclause (4).

Clause 5 provides for the rotation of warning on packages containing tobacco products. These provisions are directed to importers of tobacco products and to persons packing tobacco products in South Australia. Where products are packed in 2 or more packages each package must display a warning. Subclause (3) makes it clear that in determining whether the various warnings have been used with equal frequency only the innermost package and its warning will be taken into account.

Clause 6 makes it clear that if a health warning has not been prescribed in relation to a particular class of tobacco product, that product need not be enclosed in a package and if it is, the package need not display a warning.

Clause 7 requires that a health warning be incorporated with or appear in conjunction with an advertisement for a tobacco product.

Clause 8 requires retailers to display a notice stating the tar, carbon monoxide and nicotine content of cigarettes sold by him.

Clause 9 prohibits the sale of sucking tobacco. Subclause (2) provides for exemption from this provision by regulation.

Clause 10 prohibits the sale of confectionery that is designed to resemble a tobacco product.

Clause 11 prohibits the supply of tobacco products to children whether directly or by way of a vending machine.

Clause 12 prohibits smoking in buses. Subclause (2) excludes certain buses from the operation of the provision.

Clause 13 prohibits smoking in lifts.

Clause 14 sets out powers to authorised officers. These powers will be necessary to police the requirements of the Bill to display warning on packages of tobacco products, especially where the products are imported into, or packed in, South Australia.

Clause 15 is a general offence provision.

Clause 16 provides for the making of regulations.

The schedule repeals the Cigarettes (Labelling) Act, 1971, and the Tobacco Sales to Children (Prohibition) Act, 1984.

Mr INGERSON secured the adjournment of the debate.

NATIONAL COMPANIES AND SECURITIES COMMISSION (STATE PROVISIONS) ACT AMENDMENT BILL

Second reading.

The Hon. G.J. CRAFTER (Minister of Education): I move:

That this Bill be now read a second time.

I seek leave to have the explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

It is cognate with the Futures Industry (Application of Laws) Bill 1986. The purpose of the Bill is to amend the National Companies and Securities Commission (State Provisions) Act, 1981, in consequence of the enactment by the Commonwealth Parliament of Part III of the Companies and Securities Legislation Amendment (Futures Industry) Act 1986 and the enactment by the Commonwealth Parliament of the Companies and Securities Legislation (Miscellaneous Amendments) Act 1985. The National Companies and Securities Commission (State Provisions) Act, 1981, is intended to complement the National Companies and Securities Commission Act 1979 of the Commonwealth and that Commowealth Act has been amended by the other-mentioned Commonwealth Acts. The amendments effected by this Bill are designed to ensure that the State Act remains consistent with its Commonwealth counterpart. The Bill is effectively divided into two parts—one associated with the application of the Futures Industry (South Australia) Code in this State and the other with miscellaneous amendments to the principal Act. The commencement provision reflects this two-part approach.

Clause 1 is formal.

Clause 2 provides for the commencement of the various provisions of the measure.

Clauses 3 to 5 effect amendments to the principal Act in consequence of the enactment by the Commonwealth Parliament of Part III of the Companies and Securities Legislation Amendment (Futures Industry) Act 1986, which Act in turn is consequential in the enactment of the Futures Industry Act. The amendments are therefore related to the application of the Futures Industry (South Australia) Code in this State. Clause 3 amends the principal Act by inserting a definition of 'futures contract'. Clause 4 amends section 16 of the principal Act, which prohibits members and officers of the Commission and others from dealing in securities in certain circumstances. The amendment extends the operation of the section to dealings in futures contracts. Clause 5 amends section 17 of the principal Act, which requires members and officers of the Commission and others to notify their interests in securities and in certain other matters to the Commission. The amendment extends the operation of the section to dealings in futures contracts.

Clauses 6 to 9 effects certain amendments to the principal Act which are principally consequential on the enactment by the Commonwealth Parliament of Part IV of the Companies and Securities Legislation (Miscellaneous Amendments) Act 1985 which effected amendments to the National Companies and Securities Commission Act 1979 of the Commonwealth. Clause 6 strikes out a redundant definition. Clause 7 revamps section 8 (3) of the principal Act to provide consistency in language by providing that an oath or affirmation taken or made under that section relates to the giving of evidence. Clause 8 amends section 9 of the principal Act, which relates to the proceedings at hearings conducted by the Commission. As that section now stands, the Commission is required to conduct a hearing as if it were a meeting of the Commission. The Commission is able under the Commonwealth Act to conduct its meetings by telephone. The amendment excludes the use of telephones in conducting hearings. Clause 9 amends section 12 of the principal Act, which is a delegation making provision. It is proposed that the Commission be able to delegate to a member or acting member the powers conferred in it under sections 7, 8, 9 or 10.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 provides definitions necessary for the operation of the new Act. In particular, the expression 'the applied provisions' is defined as the Commonwealth Futures Industry Act 1986, applying as part of the law of the State by virtue of proposed sections 5 and 6 of the Bill.

Clause 4 provides that the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981, applies to the proposed Code. The effect is that the provisions of the proposed Code will be interpreted in accordance with the Companies and Securities (Interpretation and Miscellaneous Provisions) (South Australia) Code.

Clause 5 applies the provisions of the Commonwealth Futures Industry Act 1986 as part of the law of the State, subject to the modifications contained in Schedule 1.

Clause 6 applies the provisions of the regulations in force under the Commonwealth Act as regulations in force under the provisions applying by virtue of clause 5, subject to the modifications contained in Schedule 2.

Clause 7 requires fees to be paid out to the Corporate Affairs Commission in respect of documents lodged and other matters connected with the National Companies and Securities Commission. The fees that apply in South Australia will be the same as those applying in the Australian Capital Territory under the Commonwealth Fees Regulations.

Clause 8 empowers regulations to be made by the Governor which have the effect of varying the provisions of regulations applying by virtue of clause 6.

Clauses 9 to 11 authorise the publication of the Code, the regulations under the Code and the fees regulations, as they apply in South Australia.

Clause 12 authorises the publication of provisions of the applied laws following amendment of the Commonwealth Act.

Clause 13 provides that a reference in a law of the State to a provision of the proposed Futures Industry (South Australia) Code, the proposed Futures Industry (South Australia) Regulations or the Futures Industry (Fees) (South Australia) Regulations is to be construed as a reference to the Commonwealth Act applying by virtue of clause 5, the regulations made under that Act applying by virtue of clause 6 or, as the case may be, the Schedule to the Commonwealth Fees Regulations.

Clause 14 enables certain amendments to be made to the Act by regulations if the Ministerial Council agrees.

Schedule 1 makes certain necessary modifications to the provisions of the Commonwealth Act for the purpose of enabling those provisions to be applied as laws of South Australia.

Schedules 2 and 3 make certain necessary modifications to the provisions of the regulations made under the Commonwealth Act and the Schedule to the Commonwealth Fees Regulations for the purpose of enabling those provisions to be applied as laws of South Australia.

Schedules 4 to 6 specify the headings and preliminary provisions to be included in the provisions to be published pursuant to clauses 9 to 11.

Mr S.J. BAKER secured the adjournment of the debate.

SECURITIES INDUSTRY (APPLICATION OF LAWS) ACT AMENDMENT BILL

Second reading.

The Hon. G.J. CRAFTER (Minister of Education): I move:

That this Bill be now read a second time.

I seek leave to have the explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

It is cognate with the Futures Industry (Application of Laws) Bill 1986. The object of this Bill is to amend the Securities Industry (Application of Laws) Act, 1981, to provide for certain rights or interests to be exempted from the definition of 'prescribed interest' in the Securities Industry (South Australia) Code, consequent upon an amendment to the Securities Industry Act 1980 of the Commonwealth effected by the Companies and Securities Legislation (Miscellaneous Amendments) Act 1985 of the Commonwealth.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides, in paragraph *(a)*, for the removal from section 15a of the Securities Industry (Application of Laws) Act, 1981 (dealing with exemptions from 'prescribed interests' which are regulated by Division 6 of Part IV of the Companies (South Australia) Code) a redundant reference to a paragraph of the definition of 'prescribed interest' under the Securities Industry (South Australia) Code. The provisions of Division 6 of Part IV of the Companies (South Australia) Code regulate the public offering of 'prescribed interests' (as defined in the Securities Industry (South Australia) Code), in this State. This exemption power has previously been used in South Australia to allow statutory trustee companies to offer interests in their common funds to the public without being required to have an approved trustee, trust deed or registered prospectus. The amendment to section 15a ensures that such interests may be exempted by regulation.

Paragraph *(b)* of clause 2 effects an amendment consequent upon the removal of the redundant reference as effected by paragraph *(a)*.

Mr S.J. BAKER secured the adjournment of the debate.

FUTURES INDUSTRY (APPLICATION OF LAWS) BILL

Second reading.

The Hon. G.J. CRAFTER (Minister of Education): I move:

That this Bill be now read a second time.

I seek leave to have the explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

Its purpose is to apply Commonwealth legislation regulating the futures industry, to South Australia in accordance with the State's obligations under the co-operative companies and securities scheme. The Bill will apply the Futures Industry Act 1986 of the Commonwealth which came into force in the Australian Capital Territory on 1 July 1986.

This Bill contains provisions modifying the Commonwealth law in its application to South Australia to take account of particular local laws and practice and also contains other machinery provisions enabling the collection of fees, amendment of regulations and the publication of the Futures Industry (South Australia) Code.

Co-operative companies and securities scheme:

The formal agreement entered into by the Commonwealth and all the states on 22 December 1978 provides the framework for a co-operative Commonwealth/State scheme for a uniform system of law and administration regulating companies and the securities industry. The scheme prior to 1 July 1986 covered the relevant law operating in each of the States and the Australian Capital Territory. On 1 July 1986 the Northern Territory joined the co-operative scheme, and accordingly the benefits of the co-operative scheme which include one place of registration and the ability of local delegates to exercise discretions having regard to particular local considerations will now extend to the Northern Territory as well.

The parties to the formal agreement have agreed that the co-operative companies and securities scheme should be extended to include the regulation of the futures industry and franchising. The Commonwealth Futures Industry Act 1986 has in accordance with the formal agreement as amended been agreed to unanimously by the Ministerial Council for Companies and Securities.

Background:

Generally speaking futures trading involves the entering into of a futures contract which is a legally binding instrument to buy or sell a designated quantity of a commodity

at a specified time in the future at a price agreed upon today.

Futures trading in Australia has developed from a specialised market which at its inception was of interest principally to wool producers. The Sydney Greasy Wool Futures Exchange commenced trading in 1960 but has rapidly developed as a multi-commodity exchange. Although the expansion of the contracts traded on the exchange initially related to the needs of the primary industry, in recent times there has been great growth in the area of financial futures.

Whilst financial futures do not necessarily involve the obligation to deliver or take delivery of a commodity, the parties to the contracts agree to settle the contract by way of differences, that is the difference between the contract price and the prevailing market price at the date of closing out of the contract.

The expansion and deregulation of the Australian financial system has led to a situation where amongst other things participants in that system seek to re-distribute economic risks or to secure a profit by hedging against commodity price fluctuations or speculating on future price movements. Financial futures enable business risks such as changing exchange rates, interest rates and share prices to be limited.

Prior to the enactment of the Futures Industry Act 1986 of the Commonwealth, the only legislation in Australia regulating trading or dealing in futures contracts was the Futures Markets Act 1979 of New South Wales which did little more than facilitate self-regulation by the Sydney Futures Exchange by medium of that exchange's own business rules. That Act also enabled some supervision by the New South Wales Attorney-General and New South Wales Corporate Affairs Commission of the activities of persons who dealt on the futures market of the Sydney Futures Exchange.

The need for regulation of the futures industry:

The need for regulation of the futures industry may be identified under two broad headings—firstly economic or financial system issues and secondly investor protection issues.

As to economic or financial system issues, deregulation of the financial system has led to greater sophistication in investment and risk-hedging strategies. Increasingly, futures contracts for hedging purposes are being taken out by businesses at all levels and it is imperative that participants in the futures industry and its markets have confidence that the market pricing mechanism operates fairly and without manipulation. Participants must also be confident that the obligations which parties assume in respect of futures trading are met.

As to investor protection issues, one of the essential requirements to an active market such as the futures market which has a large hedging component is the presence of speculators who are prepared to risk their capital to give liquidity and depth to the market by taking positions opposite to hedgers with a view to making profits at a far higher rate than would be made in other areas of investments such as shares, debentures and bonds.

It is the attraction of high profit potential that may lead unscrupulous persons to induce the unwary or unsophisticated to invest in futures contracts whereby the very nature of the market the vast majority of speculators lose and these losses may and often do exceed the amount initially outlayed by the investor as his or her risk capital.

It is with the objective of meeting these issues that the Government now by this Bill seeks to regulate the futures industry in South Australia by a regime of legislation that whilst structurally based upon the regulation of the securities industry takes into account conceptual differences between securities and futures contract trading.

Accordingly, the Futures Industry (South Australia) Code will establish a regulatory regime which the Government believes strikes the best balance between the legitimate commercial expectations of futures brokers and advisers, on the one hand, and investor protection and public confidence in the operations of the market on the other.

The legislation requires futures brokers and advisers to be licensed and also establishes a system for the approval of futures exchanges and clearing houses. A clearing house for a futures exchange generally guarantees to the floor members of the Futures Exchange the performance of contracts which are registered with the clearing house.

The legislation also recognises that in the area of futures trading there is scope for a degree of self-regulation by the industry, and accordingly bodies corporate including futures exchanges which maintain effective rules regulating the conduct of their members may apply for approval as a futures association. Futures exchanges and futures associations must also establish a fidelity fund for the protection of clients against defalcation by members.

The legislation will also require futures brokers to maintain adequate records of financial matters and client instructions, and to separate client funds from the broker's own funds.

The Futures Industry (South Australia) Code will also seek to meet public concern about sharp practices which have occurred in particular in respect of what have been called 'bucket shop' operations. In these situations futures contract orders by clients which are intended to be placed on an established futures exchange have not been so placed and the client's position has been matched off either against other clients or against the broker itself.

Accordingly, this legislation contains a number of specific and general offences many of which are comparable to the market manipulation and false trading offences in the Securities Industry (South Australia) Code. There are, however, a number of offences which are specific to the futures industry, in particular the 'anti-bucketing' provisions.

Public exposure of the Futures Industry Bill:

The regulatory regime which the Bill now before this House seeks to apply as the law in force in South Australia has been exposed twice for public comment and the Government believes that the regulatory regime is the best balance between the interests of brokers and other participants in the industry and their clients and the public generally.

A great deal of the public debate is centered on the definition of 'futures contract' as this concept effectively sets the ambit of the legislation. The definition seeks to ensure that it is sufficiently wide to bring within its regulatory umbrella all contracts generally considered to be futures contracts whether traded on or off an official market so as to overcome any avoidance techniques which may deny clients of brokers the protection of the legislation. At the same time the definition seeks to exclude legitimate commercial arrangements that should not be within the umbrella of the legislation. I commend this Bill to the House.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 provides definitions necessary for the operation of the new Act. In particular, the expression 'the applied provisions' is defined as the Commonwealth Futures Industry Act 1986, applying as part of the law of the State by virtue of proposed sections 5 and 6 of the Bill.

Clause 4 provides that the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application

of Laws) Act, 1981, applies to the proposed Code. The effect is that the provisions of the proposed Code will be interpreted in accordance with the Companies and Securities (Interpretation and Miscellaneous Provisions) (South Australia) Code.

Clause 5 applies the provisions of the Commonwealth Futures Industry Act 1986 as part of the law of the State, subject to the modifications contained in schedule 1.

Clause 6 applies the provisions of the regulations in force under the Commonwealth Act as regulations in force under the provisions applying by virtue of clause 5, subject to the modifications contained in schedule 2.

Clause 7 requires fees to be paid out to the Corporate Affairs Commission in respect of documents lodged and other matters connected with the National Companies and Securities Commission. The fees that apply in South Australia will be the same as those applying in the Australian Capital Territory under the Commonwealth Fees Regulations.

Clause 8 empowers regulations to be made by the Governor which have the effect of varying the provisions of regulations applying by virtue of clause 6.

Clauses 9 to 11 authorise the publication of the Code, the regulations under the Code and the fees regulations, as they apply in South Australia.

Clause 12 authorises the publication of provisions of the applied laws following amendment of the Commonwealth Act.

Clause 13 provides that a reference in a law of the State to a provision of the proposed Futures Industry (South Australia) Code, the proposed Futures Industry (South Australia) Regulations or the Futures Industry (Fees) (South Australia) Regulations is to be construed as a reference to the Commonwealth Act applying by virtue of clause 5, the regulations made under that Act applying by virtue of clause 6 or, as the case may be, the Schedule to the Commonwealth Fees Regulations.

Clause 14 enables certain amendments to be made to the Act by regulations if the Ministerial Council agrees.

Schedule 1 makes certain necessary modifications to the provisions of the Commonwealth Act for the purpose of enabling those provisions to be applied as laws of South Australia.

Schedules 2 and 3 make certain necessary modifications to the provisions of the regulations made under the Commonwealth Act and the Schedule to the Commonwealth Fees Regulations for the purpose of enabling those provisions to be applied as laws of South Australia.

Schedules 4 to 6 specify the headings and preliminary provisions to be included in the provisions to be published pursuant to clauses 9 to 11.

Mr S.J. BAKER secured the adjournment of the debate.

CONTROLLED SUBSTANCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 October. Page 622.)

Mr D.S. BAKER (Victoria): In concluding my remarks on clause 8, I reiterate that I agree with the concern shown by the Minister of State Development and Technology yesterday: that is, if we allow this clause to pass, it will simply shift the emphasis of debate in the community to the next drug up the scale which is, of course, heroin. I pay tribute to the Minister for the concise way in which he led us through the problems of the national and international drug scene. The Minister explained that we have seen this shift of emphasis and debate in other countries of the world, particularly in the United States.

Claims are now being made in the United States that heroin is not as harmful as concerned people have been saying. I totally agree with the Minister's analysis of the situation and the dangers in that country. This is why we must be so careful in relation to *de facto* legitimisation of marijuana. It is not for us but for the lives and the futures of our children that we oppose this legislation. I ask members opposite who have chosen not to speak—whether or not it be for fear of reprisals from Caucus— to please think very carefully before they vote on this matter. I know that the member for Albert Park has a family and has always spoken up for his beliefs in this Parliament and acted in the best interests of the people in his electorate; and likewise the members for Fisher and Adelaide. I am sure that those people with young families, of which there are many in the electorate of Fisher, would ask their member to carefully consider the ramifications of this clause.

Many schools in the electorates of Mount Gambier and Victoria have made strong representations to both Harold Allison and me, particularly the college that the member for Adelaide may have attended, that is, Tennyson College at Mount Gambier. Each school has told us of its dismay at any person wanting to abdicate their parental responsibilities to their children by supporting this type of legislation. I support all those people who are opposed to this legislation, and I ask every member of the House to reject clause 8 of the Bill.

The Hon. TED CHAPMAN (Alexandra): I rise briefly to register my opposition to the Bill. The Labor Party in South Australia has chosen to introduce legislation about which we have heard a considerable amount in recent days and, more especially, in this House during debate. It has been alleged by a number of speakers, especially on this side of the House, that Labor members of Parliament are supporting this legislation for political expediency: at the polls they are seeking to capture the attention of a certain section of the community. Whether or not that is true, I have no way of assessing and, therefore, do not wish to either join or criticise those who make that allegation.

What concerns me, however, is the matter touched on by the member for Victoria, that is, the responsibilities of men and women in this Parliament—whatever their Party politics—as parents. They are abdicating that role, in my view, if they support legislation seeking to legitimise the circulation and use in society of yet another drug.

As a smoker, and as one who would rather not be a smoker of tobacco products, I can understand that, when hooked on such drugs, it is hard to shake them off. Many writings by medical and other professional people indicate how gripping the drug marijuana can be and has been in our society to date. Many medical and other professional journals clearly indicate the growth of this drug in our community and in our schools, in particular. Like the member for Victoria, I ask those who have had or still have children to consider those children, if not their own personal welfare, when voting on this matter.

It is certainly the most sensitive and close to home matter that has been before this Parliament for debate and, ultimately, a vote, in the 14 years I have been a member. I believe that on occasions like this Party politics and so-called 'convenient voting' should go out the window and the real core of the subject should come to the fore so that the matter can be dealt with accordingly. I conclude my

remarks, given the desire of the House to proceed with the Committee stage of this Bill and then go on to other matters. I appreciate the chance to put on record my clear and unequivocal opposition to the Labor Party's move to relax the laws on marijuana, as it is clearly doing in this instance.

The Hon. G.F. KENEALLY (Minister of Transport): I thank all members who have participated in this debate, and I respect the points of view that have been expressed. As is always the case with social legislation, the debates are most interesting. Many people say they are the best of all debates in Parliament and on this occasion, as on other occasions, strong and passionate views have been expressed. There was a significant difference between the tone of the debates in this House and those of the other place. I suggest, with respect, that, because of the presence in the other place of the Minister of Health and the shadow Minister of Health, the Attorney-General and the shadow Attorney-General, that Chamber seemed to understand more completely what the Government was doing in this legislation. I believe that a number of members in this House, although they expressed themselves well, missed that point.

I will respond briefly to many of the accusations that have been made about the Government and this important piece of legislation. I will do so as quickly as I can, because I appreciate that this is a Committee Bill and many of the issues I will now refer to will be covered during that stage. I indicate, as clearly and strongly as I can, that the Government does not condone the use of cannabis. It is a drug with a clear potential for harm, but its level of harm is simply not so severe as to justify the criminal sanctions presently applying to personal use.

The Government's advice to any person thinking of using cannabis is 'Don't'. Even so, it is wrong to make criminals of people who use a substance with a potential for abuse and harm that, in many ways, is less significant than that of alcohol and tobacco, and is certainly in the same category. Many members when they spoke relied on expert studies. Many studies argue the pros and cons of cannabis and we could go on citing reports for weeks. In fact, all members could provide a report that agreed with the point of view they hold.

However, commissions of inquiry that have examined the issue have largely advocated less stringent controls and have attempted to put cannabis in its proper context—as a drug the use of which should be discouraged, but does not warrant its users being branded as criminals. I have a number of these reports, and I will refer briefly to two of them. Members opposite would be familiar with the 1977 report of the Senate select committee chaired by Senator Peter Baume, who was a medical practitioner and who is a member of Federal Parliament for the Liberal Party. That committee's report included these recommendations:

(a) That the offence not be defined in law as a crime.
(c) The penalty be a fixed amount, that is, an on the spot fine.
(d) The penalty be at approximately the same level, that is, $100 to $150 now being imposed by the courts in most States.
(e) Court appearances be required at the option of the defendant or in the event of non-payment of penalty or on-the-spot fine.
(g) That there be no record of the conviction.

Most members would be familiar with the Sackville commission report which, by and large, supports the recommendations of the select committee chaired by Senator Baume.

The matter of time taken up by the courts was also raised. The offence of the simple possession of cannabis currently takes up 95 per cent of the Magistrates Courts' time. Of 1 443 cases from 1 January to 30 June 1985, 1 385 were for simple possession of cannabis—that is, for personal and private use. An average fine of $118 was imposed in these cases. This was, for the most part, under the old Act, which had a maximum $2 000 fine. Therefore, the expiation fee that is included in this legislation will closely follow the types of penalty currently being imposed by the courts, and that is $50 for a small quantity and $150 for a more serious offence.

Questions were asked about the proposed expiation scheme. It is proposed that there will be two categories of expiation fees for cannabis, $50 and $150, and they will be applied as follows: up to 25 grams, the expiation fee will be $50; and above 25 grams up to 100 grams, the expiation fee will be $150. The system will operate with minimum administrative costs by relying on an agreed weight.

In cases where the seizure is clearly less than 25 grams (for instance, a small bag or a few reefers), a notice will be issued directly to the offender, who can then elect to pay the amount of $50 within 60 days or contest the matter. Where the amount is considered to be greater than 25 grams the police will issue a notice for the higher amount of $150. That notice will tell the offender that he or she can contest the weight by filling out a statement to that effect on the back of the notice. This must be returned to the police within 28 days of the seizure. In such a case the seizure will be weighed by an analyst and a final decision on the weight made. If it is less than 25 grams the fee will be reduced to $50. If not, the offender will be advised accordingly. If he or she fails to pay within 60 days of the seizure a summons will be issued.

It is anticipated that disputes will not be a common occurrence. Twenty five per cent of seizures are, at a rough estimate, within the range of 25 grams to 100 grams and 50 per cent are less than 25 grams. For cannabis resin up to 5 grams the expiation fee will be $50 and from 5 grams to 20 grams it will be $150, with a similar system, as I have outlined, for possession. For cultivation the expiation fee will be a flat penalty of $150; for smoking in private, $50; implements, $50, but where that implement is seized together with cannabis or cannabis resin the expiation will be $10.

My colleague the Minister of State Development and Techology and the member for Mount Gambier both referred to the drug tetrahydrocannabinol (THC). I want to explain briefly to the House what is currently covered by the Controlled Substances Act which lists the following family of cannabis substances: cannabis—that is leaf or plant; Cannabis resin—resin from the plant collected by hand or other mechanical means; cannabis oil or resin which is extracted by solvent extractions; tetrahydrocannabinol (THC), the active ingredient which can be extracted or made in a laboratory; and cannabinols except THC, and other active ingredients.

The House should be aware that the present law provides, for possession of cannabis and cannabis resin, a maximum fine of $500. That will continue in the current legislation. For other cannabis drugs the penalty is a fine of $2 000 or two years imprisonment. The expiation fee will apply only to cannabis and cannabis resin. Members ought to clearly understand that, if a person makes THC out of cannabis, he will be guilty of manufacturing a prohibited substance and liable to a proposed penalty under this legislation of $200 000 and/or 25 years imprisonment.

So, one cannot compare cannabis with tetrahydrocannabinol. The difference between the simple use of cannabis, which can be expiated, and the use of THC is quite significant; from an expiation to a $200 000 fine and/or 25 years imprisonment, because it is the manufacture of a prohibited

drug, and that is quite clearly covered in the legislation. Concern was expressed about how this legislation would apply to children. Anyone who read the legislation would understand that any person under the age of 18 years cannot expiate the offence at all, so there will be no change in the legislation as it applies to children. Children will continue to be subject to the full rigours of the law.

This legislation will not change the situation in South Australia as it applies to children, yet many of the speeches in the second reading debate focused on that aspect, and the law as it applies to children will remain. What this legislation does in terms of trafficking and trading is to strengthen the penalties quite markedly. Of course, that has the approval of all members of the House, but it does strengthen them quite significantly, and I think that ought to be acknowledged.

This legislation continues to maintain as a criminal offence the public smoking of cannabis. I think I should define for the House the word 'public'. It is:

> A place to which the public can and do have access. It does not matter if they come at the invitation of the occupier or merely with the occupier's permission, or whether some payment is required before access can be had.

That means that if a person smokes cannabis in Rundle Mall or Hindley Street, at the football, at the theatre, or at a rock concert, or wherever he is in a public place, he will be subject here again to the rigours of the law as they apply at the moment. He will be liable for a criminal conviction, and the current penalty of $500 will remain.

So, this legislation does not seek to interfere at all with the current legislation as it applies to public smoking of cannabis. This is a matter that very few people were prepared to acknowledge in this debate. Frankly, it is a misunderstanding, I believe, on the part of the community at large. The Government is not moving at all to reduce the penalties for public smoking of cannabis. There will be now provision to allow for expiating the possession of cannabis, and it should here again be understood that it is up to the arresting police officer to be able to convince himself or herself as to whether or not he or she believes that the person who possesses cannabis has that cannabis for the purpose of personal use, or whether it is for sale.

The amount of 100 grams is consistent with Federal legislation under the Customs Act, so there is uniformity here. The legislation will apply in such a way that, in the case of 100 grams or less, the police will be required to prove that the alleged offender has the cannabis for the purpose of trafficking or trading. That will be a responsibility the police will have to accept. But, if a person possesses over 100 grams of cannabis, the reverse onus of proof applies: he will then have to prove to the satisfaction of the court that he did not possess the cannabis for the purpose of trafficking. That is a very significant change in the law.

Under 100 grams, which is uniform with other Federal legislation, the law would have to prove possession of cannabis for the purpose of trafficking. Of course, if a person has a number of small packets of cannabis it is *prima facie* evidence one would expect, of trafficking, or if the police have reason to believe that a person is a drug trafficker, involved in this nefarious trade, then it is reasonable for them to allege or to prosecute for drug trafficking.

On the other hand, anyone who possesses more than 100 grams *prima facie* will be deemed to be a drug trafficker and will have to prove to the satisfaction of the court that he is not in fact doing so. That is in terms of 'public place'. There is also provision in the Act to allow the Government to prescribe places where the smoking of cannabis is not allowed. For instance, the matter was raised in another place of taxis or one's private car. I think it could be appropriate for the Minister to look at people who smoke cannabis in their private cars but in a public place, to see whether that could be deemed as a public place. I believe that Crown Law opinion is available to suggest that that might be so. The inside of taxis, for instance, could well be deemed a public place, and that will be picked up under the provision of 'prescribed place'. It has to be understood that this legislation seeks to take away from people who want to use cannabis in the privacy of their home or in the privacy of their friends' homes the threat that they will be liable for criminal prosecution. There is a complete difference.

Mr Lewis interjecting:

The Hon. G.F. KENEALLY: It is a matter of opinion. I acknowledge the interjection that it is a matter of opinion. If a married couple complete their dinner and want to sit down and watch the TV or listen to music and, at the same time, want to smoke a joint each, those people should not be subject to the criminal law. That is the situation at the moment. The overwhelming majority of drug busts among young people for smoking marijuana are made in private homes around Adelaide.

The fact of life, whether the Opposition and other people who oppose this legislation wish to accept it or not, is that marijuana is a very widely used drug within South Australia. That does not mean that it is an acceptable drug; neither does the fact that nicotine and alcohol are legal mean that they are acceptable drugs, but it is a fact of life that it is a widely used drug within South Australia. This Government is ensuring that those people who wish to take the risk of smoking marijuana publicly will still have to run the full gamut of the law, but those who wish to use it in the privacy of their homes or of their friends' homes and are not doing any damage to anyone else—although the police still have access to them, of course, if there is reason to believe that they are smoking marijuana, can get a search warrant and can still charge those people with the simple offence of smoking marijuana—will be liable for an on-the-spot fine.

That clearly is what this piece of legislation seeks to do, and I think it would have served the Parliament and the debate significantly better if members, in expressing their absolute abhorrence, as some people do, of the whole drug scene nevertheless acknowledged that the Government was not doing what they sought to say or sought to project to the community at large that it was doing.

The Government is ensuring that those people who wish to use marijuana in the privacy of their own homes will be subject to the possibility of on-the-spot fines, but those who use it publicly will be subject to the criminal law and the penalties that apply. I earnestly seek the support of all members for the legislation which, I believe, is in the best interests of the community in South Australia as at the moment expressed by the community itself through its own actions.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr S.J. BAKER: I signified in the second reading debate that I had some questions about the wording of this clause, which is supposed to cater for drugs that come under the names of designer drugs and synthetic drugs. Perhaps the Minister can inform us what the chemical derivative of crack is, because it has some significance in terms of whether these provisions control anything. I bring to the attention of the Committee the wording of the provision, which suggests that 'a substance is an analogue of another for the purposes of this Act'.

The word 'analogue' means that it is analogous to an existing drug. We know that designer drugs or drugs that are synthetically produced are not analogous to any other natural form of life. Certain chemical compounds have been taken and produced in another form. As there is no direct analogy with designer drugs, I question whether this legislation covers such items or whether every time a new artificially produced drug hits the market the Government will have to track it down, have it chemically analysed and have the drug declared an illegal drug before it can be considered to be illegal.

This means that it has to be in the market before Government action can take place. If the Minister can indicate the chemical derivatives of crack, for example, and draw the parallel with existing drugs, such as marijuana and cocaine, it would help. How you draw an analogy between those two is an important question about which I need to be satisfied.

The Hon. G.F. KENEALLY: The chemical derivative of crack is cocaine. That answers the honourable member's question. The wording of the Bill has been agreed to nationally by the Ministerial Council, by the Federal Government, customs, etc, and ensures that, if a new substance comes onto the market, it can be picked up within the wording of the legislation. That is the legal advice that is available to us. The honourable member makes reference to 'analogues'. I acknowledge that generally analogues are analogous to existing drugs. The legislation is based on the advice which is available to us, and which was agreed to at the joint Ministers' conference and recommended by the advisory committees on drugs nationally, and it says that the clause in the Bill is the appropriate one. If the honourable member disputes or disagrees with that, he is disagreeing not with the South Australian Government but with the provision that was agreed by drug authorities in Australia.

Mr S.J. BAKER: I would not want to disagree with the legal advice of eminent members of the legal profession who serve both State and Federal Governments, but I question the wording. I will not carry on with the matter, because no-one in this Chamber is competent to address that question. I signal the situation, because the wording is unclear. It talks about 'analogous to'. I have never known what crack is, except that it is a highly potent drug which is highly addictive and which can rapidly cause degeneration of the brain cells. That is about all I know, and I am pleased to be told that it has something to do with cocaine.

I also understood it did not come from the coca plant but could be produced in a laboratory without reference to the coca plant. I am pleased that the Minister has sorted out that misconception on my behalf. Obviously, we will have a wide variety of new substances that can be put together in a laboratory. I signal to the Minister—as it is worded here—that if a prosecution is launched in relation to a new substance which is produced in a laboratory and which has no direct relationship to an existing declared substance, we could be in difficulty.

The Hon. G.F. KENEALLY: I am willing to acknowledge to the honourable member that it is difficult always to arrive at a set of words that covers every eventuality, but the advice available to us is that the wording of this provision is adequate and appropriate. The honourable member raises the example of crack. Under the regulations of the Controlled Substances Act 'poison' is declared to be drugs of dependence and includes the natural or synthetic forms of a poison listed in the first schedule.

It is very wide, and cocaine is crack. It is another use of it. Crack is a developed form of cocaine. I will refer the honourable member's comments to the Minister in charge of the legislation and, if necessary, this matter can be discussed at the national level in terms of the clarity of the provision. I must reiterate the advice that the Government has available to it: this provision will pick up all the concerns that the honourable member has expressed.

Mr M.J. EVANS: I have no doubt that, as the Minister has said, this provision is adequate to catch all the drugs that are of concern. I have some fears that it may be too adequate. The wording does seem very wide and, although I fully support the initiative to catch the so-called designer drugs, it is a matter that I raised with the Minister some many months ago. At the time, he assured me that this was receiving national attention and that I could rest assured that it was well in hand. Evidently that is more than the case.

Like the Minister, I do not wish to take on the whole weight of national drug advisory groups and all their legal and technical advisers, but I put to the Minister that in this case we have paragraphs *(a)* and *(b)*, in fact, where the drug may fall into either category and be prohibited. A drug does not have to meet both conditions but merely either of them to be prohibited.

The first condition is that they both have substantially similar chemical structures. That is a wide definition. A whole variety of drugs have substantially similar chemical structures. Drugs come in families. The heroin family includes a number of drugs which are not particularly dangerous and which are available. A whole variety of drugs are in that situation.

I am worried because it is not *(a)* and *(b)* with *(b)* providing that they both have substantially similar pharmacological effects, which is a little stronger. I agree that a drug with similar effects to those of heroin needs to be prescribed, whereas a drug which has a substantially similar chemical structure to that of heroin may not have similar effects to those of heroin. Can the Minister comment?

The Hon. G.F. KENEALLY: The provision under *(a)* is not read anywhere near as widely by the analyst as the honourable member would suggest. It is important to understand that there needs to be a wide catch-all provision from which certain drugs can be excluded rather than to have a narrow definition with an effort made to include drugs.

Mr M.J. EVANS: Why was this provision not originally drafted as '*(a)* and *(b)*', because a drug with the same effect as that of heroin is dangerous, whereas a drug with the same chemical structure as that of heroin need not be as dangerous?

The Hon. G.F. KENEALLY: I am advised that 'or' is appropriate and that very few drugs would have substantially similar chemical structures or have similar pharmacological effects. Therefore, it is appropriate to use the word 'or'. However, I am happy to refer the honourable member's views to my ministerial colleague.

Mr M.J. EVANS: I do not in any way oppose the concept of attacking designer drugs. I raise the wide scope of paragraph *(a)* because a similarity in chemical structure does not necessarily relate to a consequence of similarity of effect. That is my concern in this area. The consequences of possessing a prohibited drug are diabolical in the terms of this kind of legislation. These substances will now automatically be prohibited substances because of this provision, and that could hinge on the definition of 'substantially similar'. I recognise the merit of what we are trying to do, but I would like my concern noted.

Mr LEWIS: My question relates to the chemical substance which causes 'burn turn', a term which is used to describe the symptoms that result from the consumption of an infusion that may be obtained from a plant called angel's

trumpet. In other words, the consumer makes a tea, drinks it, and then feels as though he or she could put the sun in the shade once that tea has been in the belly for a minute or so. This drug has different effects on different people. Some people are driven, in its tertiary phase, to drink salt water in considerable volumes or to immerse themselves beneath the surface of water. Invariably such people finish up drowning. For such people, the drug is addictive as well as having adverse side effects: it scrambles the brain, kidneys and liver and cuts out the capacity of the pancreas to perform its normal functions. The addict is on skid row pretty quickly if he continues to consume it. As deaths have resulted from the consumption of the plant, I want to know whether the chemical substance is banned and why the plant is not.

The Hon. G.F. KENEALLY: A herbal working party is at present considering angel's trumpet to see whether it should be included in section 22 of the Controlled Substances Act as a dangerous poison and its use prohibited. I can assure the honourable member that the authorities are aware of the points that he has made: this is a nasty poison and there is plenty of it around. If the working party recommends that it be included under section 22 of the principal Act, it will be.

Mr LEWIS: Will the plant be placed at the top of the schedule of dangerous plants? At present it is not unlawful to grow the plant, whereas it should be kept behind locked doors, if at all, possibly at the Botanic Gardens, where botanical scholars could see it. As the Minister has admitted, this plant can be grown freely at present without that being an offence. Those who cultivate and consume the plant are witless twits, some of whom do not survive the first dose, while others must be looked after in institutions because of the enormous damage done to the brain, pancreas and kidneys.

The Hon. G.F. KENEALLY: The honourable member may be correct. The working party will show whether he is. If the recommendation of the working party is positive, the plant will be included under section 22 of this Act. Whether it is included under schedule 1 of the dangerous poisons is the responsibility of the Minister of Agriculture; I will take up the matter with him to see whether he wishes to proceed down the track recommended by the honourable member.

Clause passed.

Clause 4 passed.

Clause 5—'Prohibition of manufacture, production, sale or supply of drug of dependence or prohibited substance.'

The Hon. B.C. EASTICK: I move:

Page 2, lines 6 to 8—Leave out paragraph *(a)* and insert paragraph as follows:

(a) by striking out from subparagraph (i) of paragraph *(a)* of subsection (5) "two hundred and fifty thousand dollars and imprisonment for a term not exceeding twenty-five years" and subsituting "$500 000 and imprisonment for life or such lesser term as the court thinks fit."

The effect of my amendment is to increase the fine payable under section 32 of the Act from $250 000 to $500 000, and the term of imprisonment from one not exceeding 25 years to imprisonment for life or such lesser term as the court thinks fit. This amendment was canvassed in another place and the Opposition believes that it should be included in the Bill. Members have been told repeatedly that the Government is keen to provide real penalties so that transgressors may be suitably dealt with. Earlier this afternon the Premier made the same assertion.

Regrettably we know that the courts do not necessarily treat people according to the provisions available to them. Indeed, a question without notice by the Hon. Mr Griffin in another place as recently as last Thursday, nominated as 'Consistency in Court Sentences', outlined to the Attorney-General how it was much less an offence to attack and injure a policeman that brought a $120 fine than that involving a person who had received a $150 fine plus costs for being in a paddock where it was alleged he was trespassing. They are events in recent times, and it indicates the manner in which the courts observe a great degree of leniency in some areas. If the Government is really intent upon providing meaningful penalties or, more specifically, giving the courts the opportunity to use penalties which are more meaningful, it will accept my amendment.

The Hon. G.F. KENEALLY: The Government opposes the amendment moved by the member for Light. I note his reference to the courts, but I think one of the strengths of our system is that that the courts are free. We do not have to make those decisions for which they are responsible. We do not have to agree always with the court's decision, in which case there are appropriate courses of action for the Government or private citizens to take. The Government has increased the penalties quite significantly and there is a penalty of life and/or $500 000 for trading and trafficking in the heavy drugs—that is, heroin, methadone, morphine or over 400 grams of cocaine—very heavy penalties. Life imprisonment, of course, is the heaviest penalty that our society imposes upon offenders.

There is some difference between those drugs and marijuana. The honourable member's motion seeks to include them altogether. We could argue at some length about what is the appropriate length of penalty. Having taken significant advice on this matter and made a judgment accordingly, we have recommended the penalties in the legislation. I acknowledge the Opposition's action, but I do not agree that we should increase the penalties further than the very heavy increases already provided. I ask the Committee to oppose the amendment.

The Hon. B.C. EASTICK: My only comment, having regard to the time available for the conclusion of this measure, is that the Minister has demonstrated once again that the Government is only playing with this whole legislation.

Amendment negatived; clause passed.

Clause 6 passed.

Clause 7—'Establishment of assessment panels.'

The Hon. B.C. EASTICK: I move:

Page 3, line 25—After 'Health Commission' insert 'after consultation with the Commissioner of Police.'

This provision, which has been canvassed previously, is one that we believe reflects the seriousness with which we view this whole matter. We have heard assertions from Government members that they recognise the importance of the police and the police campaign in regard to detecting drug offences, and we believe that, if it is to be effective, it is necessary that the Commissioner of Police or his nominee be given every opportunity to participate in what should be a community approach or attack upon the drug scene. Therefore, we strongly recommend that the Committee accept the amendment.

The Hon. G.F. KENEALLY: As the honourable member has pointed out, this matter has been debated in another place, and the Government did not accept the amendment there. I am asking this Committee to reject it also. This amendment would require the Health Commission to consult with the police prior to the appointment of any person to the assessment and aid panels. This is an issue that the Opposition raised when the Bill was initially debated. I consider that the effect of this amendment would be to slow down the procedure for the appointment of panels. Whilst it would not enable the police to veto any proposed appoint-

ment (the Health Commission would only have to consult with them) I cannot see the point of the amendment.

I cannot see what value it would have in practice. Without wishing to disparage the police, I doubt if they would be in a position to make useful comments regarding a proposal. For example, if the Health Commission appointed someone who was a defence lawyer in drug cases, would they say that the lawyer was biased and, if so, would this be a useful comment? In areas outside their direct experience, such as rehabilitation and treatment, or the knowledge of the social problems connected with misuse of drugs, I doubt whether the police would be in a position to make a constructive comment at all—they are simply not involved in this area. I think the Police Department would acknowledge this.

Also, experience has shown that in a city the size of Adelaide the pool of people with the required skills is quite limited. Generally, the Health Commission in making appointments would not have so much choice among potential appointees as to be able to take account of adverse police criticism should it be regularly made.

The panels, which have been in operation since May 1985, see approximately 200 to 300 people a year. Eight persons have been appointed (two lawyers, six others). As I am instructed, the panels enjoy cordial relations with the police; there has been no criticism of the panels' operations that has been brought to the Health Commission's or my notice, or to the Minister of Health's notice for that matter. Apart from operating the administrative procedures to refer offenders to the panels, the police have no other involvement whatsoever. The police have never raised the issue of wanting to comment on panel members to the Health Commission or to the panels' secretariat. I think the proposal should be opposed because, it will slow down the procedures for the appointment of panel members. The panels operate quite successfully, there has been no criticism from the police and there appears to be no need for the proposal other than to reopen the initial (1984) debate and to reargue the debate in the Upper House, which has already taken place.

The police are not, and should not be, involved in the work of the panels which is oriented towards treatment and rehabilitation. These are specialist clinical and treatment issues of no direct relevance to the police. How would the police do their vetting procedure? Would they see if there were any outstanding parking fines? That is probably a slightly flippant remark, but in reality I suspect that this would be another unnecessary paperwork burden for the Commissioner's office to handle. We could, of course, live with the amendment if it were made, but it seems that there would be considerable red tape involved, and I ask the Committee to oppose the amendment.

The Hon. B.C. EASTICK: We do not accept that the amendment would necessarily slow down the process. Like our belief that there can be no simple cannabis or no simple approach to drugs, we do not believe that slowing down, to use the Minister's term, to provide for a proper police input would be to the detriment of the whole program.

Amendment negatived; clause passed.

Clause 8—'Expiation of simple cannabis offences.'

Mr M.J. EVANS: I move:

Page 3, line 41—Leave out all words after 'expiated' in subsection (2) and substitute paragraphs as follows:

(a) by payment to the Commissioner of Police of the prescribed expiation fee before the expiration of 60 days from the date specified in the notice;
and

(b) by submitting, in accordance with requirements set out in the notice, to a prescribed course of counselling on the physical, psychological and social problems connected with the misuse of drugs.

Paragraph *(a)* is simply a repeat of the existing provision in the Bill, but paragraph *(b)* is an addition which I believe has much to commend it in relation to the expressed wishes of the Government regarding rehabilitation and the education of drug users about the hazards and dangers of the substances with which they are involved.

However, at the moment very little is being done about that. I believe that, if we are going to introduce a program of expiation notices in relation to this activity (and what I believe is an offence), we should at least make a serious effort to provide drug users with some assistance in the form of counselling on the physical, psychological and social problems connected with the misuse of drugs. The Health Commission has already made available significant programs to help people stop smoking and in relation to tobacco control, and it has also taken a number of significant initiatives in the area of alcohol abuse.

It is quite important that, if we are going to address this area properly, we should not simply provide for expiation of the offence; we should also use it as a mechanism to get people into counselling so that hopefully we can advise them of some of the problems that they will confront if they continue to misuse drugs. In moving this amendment I point out that I do not support the clause: I am simply putting forward a proposal that I hope will improve the clause if it is passed by the Committee. My amendment does not advocate support for the clause. However, if my amendment is adopted in its present form, the expiation system will serve a positive—not negative—purpose by getting people into a counselling situation where at least some assistance can be given to them.

I am concerned that under clause 8, as it now stands, repeat offenders with any number of expiation notices will not be addressed by the legislation in a positive way and will not be offered assistance or be caught in a process where they can be properly assisted with any medical or psychological problem (which is what it is) they might have. If the expiation system is to be introduced, I prefer to see it used for a beneficial purpose. My amendment provides that the regulations may require attendance by offenders at a prescribed course. At this stage it is not mandatory for the Government to require any person to attend. Quite clearly, that would be impractical.

However, if a system of expiation offences were in place, the Government could use that mechanism to prescribe appropriate courses for offenders who come to the attention of the Health Commission perhaps through the issuing of more than one expiation notice over a period. In that way a selective approach could be adopted, as Government resources permitted and as facilities were available, to provide some positive assistance to those people rather than simply attempting to get them out of the courts, out of sight and out of mind.

I believe that we should use this measure as an opportunity to assist these people in this way. Naturally, if they did not wish to comply with the provisions of the regulations about attendance at a counselling session, they could opt out of the expiation process, as is already provided in the Bill. However, I believe that most people would recognise the benefit of providing some positive assistance to people in this situation, if in fact we move along this path.

The Hon. G.F. KENEALLY: The Government opposes the amendment, although personally I do not oppose it with a great deal of vigour. Nevertheless, I will vote against the amendment and seek to encourage other members of the Committee to follow the lead. In saying that, I certainly give the honourable member an undertaking that I will recommend to the Minister of Health that he take up this

matter with the Drug and Alcohol Services Council to consider widening its existing program so that many of the honourable member's concerns can be considered. I think the Committee should know that under the existing law only hard drug users appear before an assessment and aid panel. Cannabis users have never had to be assessed in this way. I accept that that is not necessarily an argument against it in the future, and I think that the member for Elizabeth would make that point with some force.

I am advised that a compulsory course of lectures could be unwieldy and should be considered more carefully before being finalised in the regulations. I suppose the honourable member could say that under the existing law children might be referred to the appropriate panel by the courts but, under the honourable member's amendment, of course, because children could not, in a sense, expiate an offence, they would be excluded. However, I suppose that argument is counterbalanced by the fact that, if they are excluded by one provision, they are certainly picked up by another.

This matter would require more consideration before the Government could agree to it. However, I do not reject it out of hand: it needs further consideration. I will recommend to my colleague that they take place in cooperation with the statutory bodies established to advise him. It may well be that the honourable member's suggestion can be incorporated in programs, if not regulations, and will appear in regulations at some future time. However, at the moment I ask the Committee to oppose the amendment.

Mr M.J. EVANS: I think it is very unfortunate that the Government has chosen to take that attitude. When I read the second reading explanation I was most impressed by the Minister's comment about the need for these kinds of processes in relation to all drug users. The second reading explanation drew no distinctions and in fact went to some lengths to relate cannabis abuse with other drug abuse, and it in no way drew a distinction between the abuse of cannabis and other drugs. It encouraged at great lengths the view that the Government was indeed committed to helping the victims of drug abuse by positive mechanisms.

I believe that the only clear-cut advantage in the use of the expiation system is as a means of getting people into counselling, because it is not very easy to do that. The amendment will provide people with a substantial benefit, but the Government is walking away from it. I think it is wrong for the Minister to say that the system proposed in the amendment may be put in place in the future but needs more consideration first. My amendment simply empowers the Government to produce regulations at some point in the future when it has been able to go through the necessary consultative and development processes to introduce it. I am not suggesting to the Committee that we should legislate now for a mandatory set of prescribed counselling courses or series of lectures, as mentioned by the Minister. I suggest that we should empower the Government to introduce the system, at a future point in time, when it has had an opportunity to work out these matters.

We should not forget that the Government's second reading explanation points to the fact that all the administrative procedures have yet to be resolved and are still being worked on: consultation is still taking place, and none of these things have been finally resolved. At the same time, we are asked to pass this Bill. A positive approach could be adopted now as part of the system and incorporated in the legislation for implementation when all these matters have been resolved (as the Minister said) and when appropriate courses have been devised, so that additional legislation is not needed to introduce these courses at some time in the future. If we pass the amendment now, the courses could be introduced immediately, as is the case with the provision for the expiation system, and we could move down both tracks together; not only reducing the penalties but also providing positive rehabilitation and counselling services for the victims of drug abuse.

I think for the Government to go along one track and ignore the other is to ignore by far the most important effect on victims of drug abuse. We should look not only at the question of penalties but also at what we can do to assist the people in need. The Minister suggests that it would be unwieldy, but that depends on the very nature of the regulations which the Minister himself would bring down. The unwieldiness of the system is entirely in the hands of the Government and the Minister of Health. It is they who will fix the regulations and prescribe who will be affected, who will attend and what it is that they will attend. I believe it is wrong to suggest that an appropriate counselling course cannot be devised. I am sure that the Minister would not want us to believe that. I can only be left with the conclusion that the Government is not as enthusiastic about assisting people in this context as it is about reducing the penalties.

The Hon. G.F. KENEALLY: I do not want to get into a lengthy debate with the honourable member, but his view that there would be significant benefits is not universally accepted. The advice that the Government has received from the expert committees that advise it on drug dependence, treatment and rehabilitation does not recommend the course of action that the honourable member wants this Committee to write into regulations. I understand the reasons for the honourable member's raising this issue here. If we write it into regulations there will be the reasonable expectation that it should be implemented, and implemented quickly. We are not rejecting it out of hand; and we would need to look at the honourable member's suggestion. If the expert advice that is available to us supports what he is saying, action will then be taken.

I am not suggesting that programs that are not unwieldy cannot be developed. They are not always easy, but they can be. I will recommend to my colleague in another place that he seek advice from the Drug and Alcohol Services Council and, if necessary, speak to the Controlled Substances Advisory Council for expert advice about the honourable member's amendment. In the meantime, I ask the Committee to reject the amendment.

The Hon. B.C. EASTICK: The Opposition will not support this measure. I am not denying that there is a great deal of value in the statements that the honourable member has given to the Committee, particularly regarding subclause *(b)*. However, it provides a *de facto* acceptance of the abhorrent features of clause 8 that the Opposition will not accept. While I genuinely believe that there is an urgent need to look seriously at the content of subclause *(b)*, I do not believe that today is the time. The Opposition will vote accordingly.

Mr PETERSON: I was amazed when we received this legislation that it did not contain a component for counselling in relation to marijuana. As I have said previously, a repeated alcoholic offender can obtain rehabilitation and if one has a problem with cigarettes—and I notice today more legislation dealing with tobacco—one can obtain counselling and try to kick the habit. However, here we have a substance which contains something like 400 compounds and which, as the Minister has indicated, causes all sorts of problems with organs such as the brain, liver and lungs. It affects people at least as badly, so says one school of thought, as does alcohol or tobacco, and we do nothing to teach or inform people about it. We spend millions of dollars on the drug awareness program, telling people what terrible things

drugs are. Yet this extremely common drug, the use of which involves some 900 cases per quarter in the courts—obviously there is plenty of it there, and that is part of the reason for the legislation—causes certain health problems, and yet we do nothing to teach people how to resolve those problems.

It does not make sense to me. If a person takes heroin or any of the other drugs we can immediately tell him what is wrong with it, what it is doing to his body, and try to get him off it. That is not so with marijuana, and there is no logic in that. I am heartened by what the Minister said, that he will look at it, but I am not sure what that means: that could mean anything. Let us hope that something comes out of it, because I believe that in any review of drugs we have to look at education and counselling to get people away from them. I have seen in my lifetime many people seriously affected by alcohol, cigarettes and, even with the ability to obtain counselling, that has not helped them, and they have died from the effects of it. It is acknowledged that as yet we do not know the effects of marijuana, and 20 or 30 years of study will be required to know the long-term problems, but we do nothing in relation to rehabilitation. This aspect of the legislation is amazing.

Mr S.G. EVANS: I support the amendment, which improves the clause, even though I will vote against the clause if it contains the amendment. Many members are hellbent on on-the-spot fines. Although this amendment makes the clause more acceptable to me, I do not accept the Minister's word that anything will happen. The other Minister will consider it for about two minutes, throw the amendment in the waste-paper bin, and we will not see it again.

Mr M.J. EVANS: While I appreciate the Minister's assurance that he will look at this, I am a little concerned, like my colleague the member for Semaphore, that the Government did not look at this when preparing the Bill. I believe that when drafting legislation of this kind one might quite reasonably give equal, if not, greater attention to these sorts of matters than one would give to the question of reducing the penalty and providing an improved administrative system. I believe this aspect is certainly more important than that, and when the Government was developing these proposals I would have thought that that would have entertained the attention of the Minister of Health far more than the other aspects of the matter.

Mr Peterson: Health is the thing.

Mr M.J. EVANS: Health is the thing here, as my colleague says, and I think that rather than the administrative or the judicial reform, we should look to the reform of health and the implementation of these kinds of measures. I accept that my effort here is certainly not the best possible solution and that, given the advice from expert committees available to the Government, a much better solution could have been devised by them, and I accept that. I am amazed that it did not put that effort into it when developing the Bill in the first place instead of giving as much attention as it did to the other aspects of it.

While I am pleased with the Minister's assurance that it will be looked at in the future I am surprised that the Minister of Health, given the nature of his portfolio, had not entertained consideration of it before this time. I am equally concerned that the Opposition would say that, because of its views (which I share) clause 8 should be opposed, it will ignore a reasonable attempt to improve the legislation in the event that the Committee will subsequently, later this afternoon, approve the clause.

Given that we are in a Parliament that works by a majority voting situation, one has to entertain the view that this clause might well be adopted. If it is, I would prefer to see it improved than go out in its present form. To take the view that any improvement of the clause might in some way water down the degree of opposition one has to it I think is a most unfortunate view which focuses more on parliamentary tactics than on the health of drug users. That is a little unfortunate: one should have that as the first consideration, not any other matter.

While I will certainly be opposing clause 8, I saw it as my duty, as a representative in this Chamber, to do what I could to try to improve that clause given the contingency that the clause itself was approved and enacted in law, especially given that it has already been through the other Chamber or House of Review, and that in this case the House of Assembly is the House of Review. I think this is quite properly our function in this area.

Mr PETERSON: Some additional information has come to hand from this morning's *Advertiser*. An article entitled 'Potency of "pot" expected to reach US levels' indicates again the danger of not having a rehabilitation program. This drug is obviously commonly used in our community. Its potency is not known at this stage. This article, written by Barry Hailstone, the recognised medical writer of the *Advertiser*, indicates that the potency of this drug can be compounded by selective breeding. There are problems with this. We need to get that message out. We must be able to get to people who have a problem with the drug and have legislation to deal with that problem. I would advise every member in this Chamber to read the article in this morning's *Advertiser*.

If we accept that the other drugs have a compounding factor, we must accept the fact that marijuana has the potential to be a much worse drug—if that is the correct word—in our community than it is now. It can be developed to a much greater degree of potency, according to this, and who knows where we end up with it? Again, that is why I am absolutely amazed that we have not looked in this Bill at some sort of counselling role in relation to the marijuana.

Mr S.J. BAKER: I think that it is unfortunate that the member for Elizabeth tied the two things together, because everyone in this Chamber supports the process of rehabilitation and counselling. I think that it is an indictment of the member for Elizabeth that he did actually tie the two things together, because it would have been a simple matter to put them in separate clauses. It is important to understand that we on this side of the Chamber cannot in any way condone expiation notices. We, obviously, offer to join with the member for Elizabeth and anyone else in this Chamber who wishes to see all drug abusers go through a specific course in counselling and training, and in the next few months I am hoping we can develop something along those lines. At this stage, however, it is just not possible for the Opposition to support this measure, because the honourable member has linked the two and there was no need to do it in the first place.

Amendment negatived.

Mr M.J. EVANS: I move:

Page 4, line 15—After 'factor' insert '(but must not be less than $100)'.

I realise that the amount I have selected is quite arbitrary, but I have done it out of concern, because the legislation makes no provision at all in respect of the amount of penalty which is to be involved in the expiation clause. The second reading explanation talks in some very vague terms. That is what has led to my concern here.

The second reading explanation does not present us with the Government's considered views. It does not give us a

Cabinet decision or conclusion in relation to this area at all. It does not even give us a recommendation: it says, 'Current thinking is that the penalties will be of the order of $50 to $150.' I find that simply a little too vague, given the nature of this proposal, and it is my view that the Committee has the right at least to require a minimum amount in respect of what the regulations may set as an expiation fee. I know that the $100 is a little arbitrary in this respect, but I have picked it—

Mr Peterson interjecting:

Mr M.J. EVANS: As my colleague says, so are many of the provisions of the Bill in relation to quantities, but the regulation would still be open to fix a higher penalty. They would simply have the $100 as a base figure. I base that choice of $100 on the median between the $100 and $150 which is covered in the second reading explanation, and the basis of what I believe is a reasonable minimum for an offence of this kind. I suspect that if one were to do a close analysis of some of the court penalties—and the Minister referred to that in his reply—they are of that order.

Of course, as he said, that was under the previous Act, which specified a $2 000 penalty. I believe that, since the Minister in his second reading explanation has given us no guarantee that the expiation fee will not simply be $20, I find it necessary to make this kind of amendment, and I commend it to the Committee on that basis.

The Hon. G.F. KENEALLY: The Government opposes the amendment. Whilst I acknowledge that in my second reading explanation I did not make a definitive statement about what the expiation fees will be, in my reply to the second reading debate I did give the House an idea of what the Government expects they might be. That is: in terms of simple possession of anything over 25 grams, $50, and from 25 grams to 100 grams, $150; for cannabis resin, $50 up to 5 grams and between 5 grams and 20 grams, $150; for cultivation a flat penalty of $150; for smoking in private, $50; and for implements, $50.

One of the problems of setting a fee of $100 is that, if people wanted to go to the courts rather than pay the expiration fee for a simple offence, it is very likely, on the record of the court, that they will have imposed on them a penalty of less than $100, and the current evidence from the courts is that it is closer to $50 for simple use, private use and cultivation. As the honourable member says, his figure is arbitrary. The Government proposes a range of penalties from $50 to $150.

I think that the more serious in that range will be of the order of $150. I feel confident that the concerns of the honourable member are well catered for within the Government's legislation, but I do not think that people should take too lightly the prospect that, if the courts are going to bring down fines of less than the expiation fee, that will be encouragement for alleged offenders to seek court intervention rather than pay expiation fees.

Mr M.J. EVANS: I would remind the Minister, though, that attendance at court has a number of disadvantages associated with it. First, there is no degree of certainty as to the result. Secondly, there is often the penalty of having to take a day off work, or whatever, in order to attend the court hearing. There are costs associated with legal representation and court fees themselves, and there is also the prospect of a criminal conviction at the end of the day: a somewhat more serious consequence than the payment of an expiation notice in this kind of area of criminal conduct.

I think that the Minister would acknowledge that, in fact, there would be a very strong incentive for people to pay the expiation fee rather than attend the court, even if the court penalty was going to be substantially less. I also believe that this would have the advantage of giving the courts a strong indication of the amounts that they should be fixing, rather than the $5 which has occasionally been handed down and mooted in this place in respect of this type of offence. I think it would serve as a useful pointer in that respect, but I believe that the Minister would not seriously contend that one could equate this minimum kind of expiation fee with the possibility of recorded court convictions at the end of the day if one attended court.

I think that the two are quite separate areas and would point out again, as I did in respect of my previous amendment, that although I am moving this as an addition to or what I see as an improvement to clause 8, that does not mean that I support clause 8. It simply means that, if the clause is before the Committee, I want to see the best provision come forward. Naturally, I accept that that is in my own view, but I do not simply ignore the reality of the clause being there because I oppose it.

Amendment negatived.

Mr GROOM: While I have already indicated that I support clause 8, there is one matter I want to raise and will be asking the Minister to re-examine. The situation with expiation fees, as I understand it, will work in this way: if one is caught in possession of cannabis where a simple offence is involved, in a private place—it does not apply to a public place—and wanted to dispute the fact of possession, as the member for Elizabeth pointed out there is a strong incentive to accept the expiation fee. I know that if one disputes the weight the regulations would provide for it to be independently assessed, but there are other aspects, such as the law relating to possession itself and the elements of whether one is in possession of the drug that might be an area of dispute.

What concerns me is that a person who actually wants to dispute that he is in possession of a small quantity of cannabis will be really constrained to acceptance and just pay the expiation fee, with this consequence: if you do not pay the expiation fee you must wait for a summons and, if you go to a hearing in the Magistrates Court for the simple offence and you are found guilty of being in possession (in other words, they do not accept that you did not have physical control of the item), you may end up with a conviction on your record history, and you would have been far better off to forgo your rights and just pay the expiation fee. At least in that way it is not an admission of guilt and it does not go on your record as a conviction.

I would not like to see institutionalised a principle which really in a practical sense deprives people of their rights to contest these types of matters. In other words, if they contest them they are worse off. What is in place now is the Offenders Probation Act. A magistrate could be confronted with this type of situation where a person got only a $50 expiation fee, because the person chose to not dispute that he was in possession of the drug. If a person went to court, it could nevertheless be found proved. That person would then be in a different category because, while it was not an admission, it was a finding on the part of the court that that person was in possession. One magistrate might take a different view. One might record a conviction, and another might apply the Offenders Probation Act and not record a conviction.

If the subsequent operation of this clause throws up the anomaly that people can be worse off by having a conviction against them simply by exercising their right to contest rather than paying the expiation fee, I seek from the Minister an undertaking that he will re-examine the clause.

The Hon. G.F. KENEALLY: Certainly, I can give that undertaking to the honourable member. The operation of

this provision would certainly need to be monitored closely. I imagine that one of the bodies involved would be the Controlled Substances Advisory Council upon which the police have representation. We will certainly watch this provision in operation and, if the problems that the honourable member feels may show themselves, do exist, I am sure that the Government will take whatever action is necessary to solve that problem. I can give the honourable member the undertaking that I will raise this matter with my colleague. He can have my assurance that the Government will monitor the operation of this provision to ensure that his concerns do not eventuate.

The Hon. B.C. EASTICK: Quite apart from anything else, the member for Hartley has been able to demonstrate to the Committee why this clause should be defeated. He sees in it a flaw that has not been thought through, and he has just had an assurance from the Minister that the Government will monitor it closely. Clearly, the Opposition suggests that the Government monitor the provision so closely that it is thrown out here and now. Other features of the Bill will stand by themselves, as was clearly and courageously stated by the Minister of State Development and Technology last evening. There is no purpose in this clause, and that is the view of the majority of members. It has been clearly identified, without going to any lengths in the debate because of the commitment that we as an Opposition have given to see this measure through by a particular time, that there are problems associated with health. This relates to young people and old people, to people in their homes, to people on the roads and to people in their employment. Problems are associated directly with youth, with the schoolyard and the driving of motor vehicles. There are problems in every direction that, at the present time, medical science has not been able to clearly define in every case. Because those problems exist, as the Minister of State Development and Technology, the member for Bragg and other members indicated last night, we believe that this clause should be thrown out.

Comment has been made about the effect on schools and schoolchildren and what the parents of schoolchildren believe. The file that I have at present contains responses made to the shadow Attorney-General, Mr Griffin, in another place by school councils across the State, indicating their abhorrence for what the Government intends by this measure. I have letters from Woodville, Gladstone, Elizabeth North, Paradise, Spalding, Booleroo Centre and Henley Beach. They are letters that I merely picked up at random. Members can see that they were not pulled out specifically to create advantage. I refer simply and briefly to a letter that appeared in the *Advertiser* on 27 October. Headed 'Marijuana legislation', the letter states:

> The parents of SA have got to stand and be counted regarding the new marijuana legislation.
>
> Do you realise just how this is going to affect your children? Are you going to allow a handful of politicians to pass this Bill without protest? Act now, collect signatures from parents at schools, youth clubs, churches, *et cetera* and lobby your local MP.
>
> Once the politicians pass this Bill their job is done, but you are going to have to pick up the pieces.

I stress these words 'You are going to have to pick up the pieces.' That is the very point that I made last night. We are launching our youth and other people who become involved on a one way track. That is not something which Opposition members and, fortunately, many other members in this Chamber will accept. I recommend strongly to all members that they vote out clause 8.

Mr M.J. EVANS: I have a couple of detailed questions which I would like to put to the Minister and on which I perhaps might get his response. Subclause (7) provides:

> Non compliance with subsection (2) does not invalidate a prosecution.

Subclause (2), the expiation clause, provides:

> . . . before a prosecution is commenced, an expiation notice must be given to the alleged offender.

This is of enormous concern to an offender or a defendant in this case whether or not they have an expiation notice or face prosecution. An expiation notice will have almost no consquences other than the payment of a small fine. A prosecution will result in a criminal conviction if it is successful, as it most likely would be if one was caught in possession of the drug.

If this Bill is passed it will create the climate, particularly among young people, that possession of relatively small amounts is not particularly serious. The consequences for them in their expectation will always be the small on-the-spot fine, but, through administrative error or deliberate non-compliance, subclause (2) may not be complied with; a notice may not be given due to clerical mistakes or whatever; and a prosecution may well be launched. Yet, non-compliance with the mandatory provisions of subclause (2) will not block the prosecution.

So, through no fault of their own, a young person may well end up with a criminal conviction when all they reasonably expected was an expiation notice. That concerns me. I believe that, if this is to be implemented, the climate that we are creating would almost expect us to put in the reverse of subclause (7): if an expiation fee is not issued, it would invalidate a prosecution, because of the expectation that we are creating in the community and the very severe consequences of a criminal conviction in this context. That is my first question to the Minister.

Secondly, will the Minister comment on the consequences for administration, given that the regulations will refer to amounts of cannabis or cannabis resin, and given that cannabis includes parts of the cannabis plant which may be more or less active? How will the regulations deal with mixed quantities if a person is caught with a mixed quantity of various psychoactive components or superdope, as has been canvassed? How would the regulations deal with a mixture, where different levels of prohibition are placed in the regulations?

Thirdly, would the Minister care to define the term 'commercial purposes' in clause 8 (8) *(d)*, which includes the words 'not being an offence involving cultivation of the plants for commercial purposes'? I do not have a ready definition of the word 'commercial' in this context. Clearly, one could sell the product of one plant, if one was so minded. But, if one was only growing it for home use, one could not grow any less than one plant. I would appreciate a definition of the word 'commercial' in this context.

The Hon. G.F. KENEALLY: I will try to respond to the last matter first. With respect to cultivation of cannabis, the police have been concerned that the phrase 'commercial purposes' as used is too vague. That is the point that the honourable member makes. Parliamentary Counsel, to whom I am not allowed to allude, advises us that this is the appropriate term and that it clearly covers any situation, whether a sale or barter occurs. The proposed expiation fee for cultivation ($150) is consistent with recent court cases. In February 1986, the Supreme Court on appeal substituted a fine of $150 for a person found growing 60 cannabis plants in his garage. Originally that person was fined $400.

The police will have the discretion as to whether to charge for sale or supply under section 32 or whether to issue an expiation notice. It should be stressed that the matter is entirely within their discretion based on the facts of each individual case. We are really not prescribing the police powers in this sense. I think that they do have the power

to determine whether it is for commercial purposes, and I think the defendant would have to prove that it was not.

The honourable member also raised the matter of having a mix of drugs within the cannabis—a collection of cannabis that might include other drugs. If anybody was so foolish as to do that, they could be charged separately for each of the different drugs.

Mr M.J. Evans: Not different drugs—different strengths of cannabis.

The Hon. G.F. KENEALLY: In that case, it is clear. It is regarded as cannabis and will be treated as cannabis. In relation to the original point that the honourable member made regarding the words 'non-compliance with subsection (2) does not invalidate a prosecution,' here again this was recommended to us for inclusion by the parliamentary officers, and we have done so. A faulty notice that is ignored by a defendant does not preclude prosecution. If one gets a faulty notice and ignores it, it does not preclude the possibility of prosecution. More importantly, if a person was charged with trafficking and went to court, and the court determined that the person was not guilty of trafficking, because a notice was not issued which could have been expiated, it would not preclude the police from taking action against that person for possession. In the first instance, if the appropriate notice is not issued, it does not preclude the person from being charged with possession if the charge of trafficking is not sustained in the court. Here again, we are acting on the advice of our officers to include this provision to ensure that every eventuality is covered. In my candid opinion, this legislation is very tight indeed, as the authors of it have done everything to ensure that every eventuality is covered.

The Committee divided on the clause:

Ayes (22)—Mr Abbott, Mrs Appleby, Messrs Bannon, Blevins, Crafter, and Duigan, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Rann, Robertson, Trainer, and Tyler.

Noes (22)—Messrs Allison, L.M.F. Arnold, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick (teller), M.J. Evans, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, McRae, Meier, Olsen, Oswald, Peterson, and Wotton.

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

Honourable members: Shame! Shame!

The CHAIRMAN: Order! The question therefore passes in the affirmative.

Members interjecting:

The CHAIRMAN: Order! I call the member for Bragg to order. The Committee will come to order. I call the member for Morphett to order.

Clause thus passed.

Remaining clauses (9 to 13) and title passed.

The Hon. G.F. KENEALLY (Minister of Transport): I move:

That this Bill be now read a third time.

The Hon. LYNN ARNOLD (Minister of State Development and Technology): The Bill has now come out of Committee containing the three elements with which it went into Committee, that is, to increase penalties for drug traffickers, to control the use of analogue, synthetic or designer drugs and to provide for expiation fees. I find that, in the form that the Bill has come out of Committee, I support two elements of it and oppose one element. As a consequence, the passing of a particular clause during the Committee stage leaves me unable to support the third reading of the Bill and I am unable to vote for it.

On the other hand, I am also unable to vote against the Bill, because for the first time this Bill brings under the control of legislation analogue, synthetic or designer drugs. To vote against the Bill would mean that I would have on my shoulders the fact that I had voted against increasing the legislative protection for the community against designer drugs which in many cases are as insidious as the harshest of drugs available on the market. Therefore, unable as I am to support the Bill, I am also unable to oppose it. Accordingly, at the third reading vote I intend to absent myself from the House.

The Hon. B.C. EASTICK (Light): As the Bill leaves the Committee stage, it is completely unacceptable to members of the Opposition. I take the self-same points that the Minister of State Development and Technology has had the courage to express. However, I take them further. I believe that I was elected to Parliament to cast a vote on every issue. Where in conscience I could not support a measure which had been taken through to the third reading stage, I would cast a vote accordingly and not depart from the House without voting. Unfortunately, one member was pressured into doing that at the last vote taken during the Committee stage, with one member having been pressured—

An honourable member: Who was that?

The Hon. B.C. EASTICK: The member for Price.

Mr Oswald interjecting:

The SPEAKER: Order! I call the member for Morphett to order.

Mr Meier interjecting:

The SPEAKER: Order! I call the member for Goyder to order. The next member I call to order will be warned.

The Hon. B.C. EASTICK: I believe that it is necessary for someone to stand up for the public of South Australia. On this occasion it will be the Opposition and those we can muster who have the courage of their convictions to put their vote on the line. Mr Speaker, I found myself in the position that you now occupy on an earlier occasion in relation to the emotive prostitution issue. On that occasion at the second reading there was a division, and I adopted precisely the same attitude adopted by the Chairman of Committees a few moments ago when there was a divided vote. The opportunity existed for a continuance of the debate, and it was not the final debate. So I am not surprised—although I am surprised giving regard to the weight of argument—by the vote that was cast by the Chairman of Committees.

In relation to the prostitution issue and the final vote (which was also divided), I took an attitude that is now on the record of this House that, because at that stage that matter had not been canvassed before the public of South Australia, there was only one position that I as the person to cast a final vote could adopt, and that was to throw out the Bill. It appears, Sir, that you are not going to be placed in that position as a result of the decision taken by the Minister of State Development and Technology. However, I believe it is necessary to canvass yet again the fact that we do not have a measure which is so close as to require a casting vote at the third reading stage, enabling it to be passed into legislation. I believe it behoves, if not the Minister of State Development and Technology, at least other members opposite who rely on a proper parliamentary system—a parliamentary system that says that this is the House that will determine the attitudes of the public as expressed at election time—to take this approach.

I believe that this Bill, for all its value in the areas just defined by the Minister of State Development and Technology, will still be grossly deficient—and it will be deficient against the best interests of the youth of this State. Therefore, we will oppose the measure accordingly. I also point out that while we were in Committee the Minister demonstrated in response to questions from the members for Elizabeth and Hartley that there are already flaws recognised in this measure. Whether or not it was a slip of the tongue (but I believe it to have been intentional), the Minister indicated that the police have expressed concern about the clause last debated in Committee.

The Hon. G.F. Keneally: It was explained to them.

The Hon. B.C. EASTICK: I suggest to the Minister that he should do the same as I suggested to the member for Hartley last evening, that is, go out and ask the police at the coal face—not only non-commissioned officers but the commissioned officers as well—what they think of this piece of legislation. I do not give two hoots about what is being expressed at the top level through the mouth of the Minister of Emergency Services in this place. I am talking about the real problems that those at the coal face will have to come to grips with when trying to implement this legislation.

Finally, I raise the point—if it needs to be raised—that while there has been great merit placed on the fact that people will be out of the reach of the law, so to speak, only while they are undertaking the use of this material in their own homes, that does not stop them from having a smoke, leaving their home and then getting into a motor car. We have a Government—

The Hon. G.F. Keneally: We have the Motor Vehicles Act.

The Hon. B.C. EASTICK: The Motor Vehicles Act! It is much too late after someone has been killed by a person under the influence of marijuana. It becomes a matter of detection. On an earlier occasion the then member for Tea Tree Gully told the House that she thought that, if a probationary driver who was under the influence of liquor was unfortunate enough to kill another person, the probationary driver should not have to suffer any consequences. When I pointed out to the member who represented Tea Tree Gully area that the person who was killed was just as dead, even though he was killed by a probationary driver who was under the influence of alcohol, that member sat down and took no further part in the debate because she recognised that it did not—

Mr Gregory interjecting:

The SPEAKER: Order!

The Hon. B.C. EASTICK: It was before the honourable member's day. There is a clear link with the proposition contained in the Bill as it leaves the Committee stage and passes into the third reading with that activity that I have just described. A person can smoke in the privacy of their home and not be legally charged for the action that they have taken, and can get into a motor car and contribute to the carnage on the road in this State. A dozen and one views could be demonstrated why this measure should not go forward, and it is one of the reasons why Opposition members and those who will join us will vote against the third reading.

Mr PETERSON (Semaphore): I am little concerned about the way in which the vote came out today, but I will not abstain from voting. The bulk of the Bill is good and the majority of members have supported it. However, I do not like clause 8, and I have spoken as long as most members in this place about it. However, if we throw out the whole Bill, where are we?

Mr S.G. Evans: They can bring it back next week.

Mr PETERSON: We could bring back the Bill next week and try to amend clause 8. I agree with the Minister's assessment of the Bill, but clause 8 is the bad part of it. During the Committee stage there was no substantive debate on any clause but clause 8. I fear that we will throw the baby out with the bath water if we throw this Bill out. I am concerned about drugs, and I made my point during the debate. The Minister, in his second reading explanation, stated that there were great fears among young people about their future, and that one of those great fears was nuclear war. I stated that my fear was that the next war would not be on the battlefield but in the streets against drugs. I say this because of the derivatives, and especially crack, that will come to the fore. I am concerned that we are not doing the right thing with clause 8, but, because the bulk of the Bill is good, I feel committed to support it. However, I hope that we can do something about clause 8.

Members interjecting:

The SPEAKER: Order!

Mr S.G. EVANS (Davenport): I will not support the Bill. I remember a similar incident in 1969 when members wanted to have a licence fee and the age for drinking alcohol in the same Bill; they were nearly identical in a way—good and bad. The Government of the day was forced to split the Bill because it was going to get rolled. Those of us who oppose clause 8 can do the same thing now. The opportunity is there to put the Speaker in a position of making up his mind. He made up his mind once as a member and he will have to make it up as Speaker of the House. I was in the House no longer than the member for Price when I had to make up my mind, and the Party could not pressure me as his Party has done to him. I feel sorry for a person who is placed in that position.

Although the Bill has some good in it, it contains something which is very bad and which half the Parliament opposes. The others who support it do so only because they are locked into a Party decision to support the Minister in another place and because of a vote of their own Party that was taken at a convention. For that reason, it will get through when the vast majority of people in the community do not want it.

There is only one consoling factor for the Liberal Party, that is, that at least this issue gives them a chance of winning two seats. I know from telephone calls that I have received from the electorate of Fisher during the past 48 hours that it is not liked in that area, and I am sure that the member for Adelaide is in the same boat. That is the only consoling factor: for the sake of politics one Party will win some votes, but, if clause 8 is left, the State, and particularly young people, will suffer.

Mr Ferguson: Standover merchants!

Mr S.G. EVANS: The member for Henley Beach talks about standover merchants. What happened to the member for Price? He was forced to get out of the place. I oppose the third reading.

The SPEAKER: Order! I call on members on both sides to extend the courtesy to each individual member to be heard. The member for Elizabeth.

Mr M.J. EVANS (Elizabeth): As I look at the Bill as it comes from Committee, I have to take it as a whole. Some members have made every effort to impress on the majority of members of this place the fears of the minority about clause 8. In fact, I, in company with other members, attempted to do what I could in the contingency that has now taken place.

An honourable member interjecting:

Mr M.J. EVANS: The Opposition failed to support measures that would have placed on the Statute Book—

Members interjecting:

The SPEAKER: Order! I call the member for Florey and the member for Heysen to order. I remind them of requests made from the Chair to allow members to be heard with courtesy.

Mr M.J. EVANS: In my view clause 8 remains bad legislation, but the opportunity was before this House to reject it in its entirety, which I certainly voted for, along with 22 other members of this place. Unfortunately, that was not the majority. I proposed two amendments to this House which would have had the effect of providing a reasonable minimum penalty which neither of the major Parties in this place supported, and an amendment which would have provided positive counselling services for the users of drugs, which again neither major political Party of this House supported. Now that we have the contingency that was concerning me during the debate on clause 8 that a majority of this House has adopted—

Members interjecting:

Mr Peterson: Where were you with an amendment? You all sat back and shut up. Why didn't you support the amendments if you were so concerned?

Mr M.J. EVANS: Precisely.

The SPEAKER: Order! I call the member for Semaphore to order.

Mr M.J. EVANS: Clearly the majority of this House has endorsed that view. I remain opposed to it. My vote and that of other honourable members is on the record as either supporting or opposing that clause, and our electorates will judge us accordingly. In a year's time whenever the Government—

The Hon. E.R.Goldsworthy interjecting:

Mr M.J. EVANS: Hardly. When the Government has had 12 months of clause 8 in operation, I am sure that views will be formed about it accordingly. For the sake of the community, I hope that the Government turns out to be right and that the views that have been expressed in concern turn out to be wrong. If that is not the case, what my colleague said about the next war will certainly be true: I hope that, for the sake of young people and others who abuse drugs of addiction that is not the case. A vast majority of the provisions in this Bill relate to such things as increased penalties for drug trafficking and sale, for the better provision of drug assessment and aid panels and for the control of drug analogues. For that reason, because during the third reading debate, as is the procedure of this place, we must consider the Bill as a whole, I am constrained to support the total Bill.

I have to make a decision on that as an elected member of this place. I do not believe that it is an appropriate decision not to vote, and I would not take that decision. Other members must make up their own minds. On balance, while I oppose one clause in it and attempted to both improve and reject that clause as a whole when I could not improve it, it seems to me, based on the balance of the Bill and the importance of the measures contained in it, that I have no alternative but to support the third reading, much though I oppose the provisions of clause 8.

Mr LEWIS (Murray-Mallee): I wish to let all members know that I think the way in which honourable members sitting on the benches to your right, Sir, behaved during the course of this debate was despicable. I do not think they have given the people they represent in particular, and South Australians in general, any cause to believe that they have made a vote in conscience. They did not speak about the measure or express their reasons for voting in the way they have, except for a small number of them.

It dismays me that, in all conscience, they can now sit there smugly, interjecting across the Chamber during this third reading speech, as though they have the numbers to change the society of South Australia in a way that will make it in no sense recognisable within 10 years. I share the same concern as the member for Semaphore. I have been involved in the past—albeit now more than a decade ago—in doing my bit (and I lay it on the public record now) to keep drugs out of this State and this country. I think the kinds of actions which they are taking now leaves them in a position, as far as citizens go, utterly alien to mine.

The House divided on the motion:

Ayes (24)—Mr Abbott, Mrs Appleby, Messrs Bannon, Blevins, Crafter, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Rann, Robertson, and Tyler.

Noes (18)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick (teller), S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Oswald, and Wotton.

Majority of 6 for the Ayes.

Third reading thus carried.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE BILL

Adjourned debate on second reading.

(Continued from 17 September. Page 932.)

Mr S.J. BAKER (Mitcham): I am just waiting for the House to settle down, Sir.

The SPEAKER: The Chair must concur with the member for Mitcham that there is too much audible conversation in the Chamber. I ask members to either resume their places or move to wherever they intend to move, so that business can proceed.

Mr S.J. BAKER: I think it is important in the consideration of this Bill to comment on the proceedings we have just seen. I was privileged to participate in this Chamber in a debate which is probably the best debate I have seen this House conduct in the nearly four years I have been in Parliament. I believe it is a discredit to those persons opposite that the final result was not a true reflection of the conscience of the Parliament. If, indeed, we cannot let our conscience run free on those issues which are designated as conscience debates, it will be very difficult to be able to sell a message during the debate on this issue, which involves a lot of ideology and, indeed, a long history of problems.

Having said that, I will address myself to the debate. It is a very complex issue and I think that people should understand that before we start. The Hon. Mr Blevins, by bringing this Bill before the House, has ignored the wealth of practical experience in occupational safety that the rest of the developed world has to offer. He has brought discredit to himself and the Government by his intimidatory actions on the steps of this very Parliament. He has used the misfortune of injured workers for cheap political capital.

He has chosen to ignore the safety records of many South Australian companies which lead the nation in this field. He has mobilised the extreme elements within the trade union movement to assist his cause. Quite clearly, the Min-

ister's motive has been to cloud the real issue. He knows that this Bill is not all about safety; it is about union power. Unfortunately, the Minister continues to show to the population at large his lack of capacity in the industrial relations portfolio. Since he took office, industrial relations in this State have deteriorated dramatically. He has invariably given in to the sectional union interest. He has contributed significantly to the demise of the building industry—on the ASER site, in particular.

Who, other than the Hon. Frank Blevins, would have blithely told an audience of builders that a dose of militancy by the BLF was quite acceptable? Who, other than the Hon. Frank Blevins, would have extolled the virtues of his appointed trouble-shooter on the ASER site and then removed him two days later? Who, other than the Hon. Frank Blevins, would have brought before the Parliament a workers compensation Bill that will bankrupt South Australian Business? It is pertinent to place the performance of the Minister on the record, as it goes some way towards explaining his actions preceding the introduction of this Bill and the provisions contained therein.

However, despite the intimidation and the destructive nature of the Bill, it is the intention of the Liberal Opposition to squarely address the issue of occupational safety and attempt to correct the deficiencies and anomalies contained in this Bill. In keeping with this aim, we will support the second reading to facilitate debate and consideration in Committee. The Liberal Party is committed to improvements in safety in the workplace. As the Minister pointed out in his second reading explanation, the economic and human costs of industrial accidents are considerable. What he failed to reveal, however, was that there have been significant improvements in recent years. I seek leave to have inserted in *Hansard* without my reading them tables of a purely statistical nature.

Leave granted.

INDUSTRIAL ACCIDENTS, SOUTH AUSTRALIA, PERSONS

Year	Fatal	Disability Permanent		Disability Temporary	Total, Fatalities and Disabilities	Time Lost *(a)* (weeks)	Amount Paid *(b)* ($'000)
		Total	Partial				
		All Industries (c)					
1980-81	19	40	961	12 719	13 739	74 515.0	44 114.1
1981-82	20	56	1 148	12 376	13 600	78 377.0	53 376.4
1982-83	26	35	829	9 879	10 769	61 321.6	56 061.9
1983-84	14	36	758	9 491	10 299	61 359.3	64 696.5
1984-85	16	100	950	9 781	10 847	72 075.6	82 441.6
		Public Administration and Community Services Only					
1980-81	1	7	132	1 883	2 023	12 042.7	6 256.8
1981-82	—	9	166	1 802	1 977	13 832.6	7 519.3
1982-83	4	8	116	1 647	1 775	10 278.0	8 581.1
1983-84	—	8	125	1 778	1 911	12 923.2	13 091.2
1984-85	1	53	178	1 762	1 994	12 025.9	16 836.4

INDUSTRIAL DISEASES, SOUTH AUSTRALIA, PERSONS

Year	Fatal	Disability Permanent		Disability Temporary	Total, Fatalities and Disabilities	Time Lost *(a)* (weeks)	Amount Paid *(b)* ($'000)
		Total	Partial				
		All Industries (c)					
1980-81	15	15	95	782	907	6 738.9	4 218.4
1981-82	12	20	107	718	857	6 918.1	4 511.6
1982-83	9	35	150	716	910	9 007.1	9 155.9
1983-84	7	39	158	758	962	11 479.3	11 312.0
1984-85	6	27	118	717	868	9 378.3	9 535.9
		Public Administration and Community Services Only					
1980-81	3	6	17	132	158	1 448.3	902.9
1981-82	2	8	15	145	170	1 491.5	949.9
1982-83	—	18	32	159	209	1 989.5	2 293.4
1983-84	1	21	31	188	241	3 848.0	3 589.6
1984-85	—	16	20	152	188	2 305.9	2 608.3

Mr S.J. BAKER: The Minister did not mention that the number of deaths from industrial accidents and disease had decreased from 34 in 1980-81 to 22 in 1984-85, or that injurious accidents involving a week or more off work had declined 20 percent in the last four years. These are dramatic improvements within the South Australian region. He did not mention that, in the one area which moved against the trend, namely, total permanent disability, the public sector has been the major contributor.

These improvements did not take place through Government intervention, through union intervention or through the Mathews report. They were a direct result of better safety management practices by employers in this State. Instead of continually denigrating employers, the Minister should have recognised the effort being made. More importantly, the Minister and Matthews should have taken the trouble to undertake some research on the subject so as to understand and appreciate the reasons for improvement. Had he done so, he may have put forward a policy closely approaching that of the Liberal Party, which draws on the strengths of the best safety practices operating in this State and constructively addresses the weaknesses. It is all about improved knowledge and cooperation in the workplace.

I will now refer to the Liberal Party policy document released before the last election, because it at least shows the direction of the Liberal Party and provides some credence to the amendments that we wish to move to the Bill. The Liberal Party policy states:

The Liberal Party recognises the importance of improved occupational safety, health and welfare practices in the workplace

generally. The social and economic costs of accidents in the work force is unacceptably high.

The Liberal Party is committed to:

1. The provision and maintenance of a safe working environment in all industries.
2. Providing the best possible recuperative care to those persons who have suffered injury, illness or disease in the workplace.
3. Rehabilitation of injured employees to enable the resumption of a full and active career where possible.
4. Cooperation and consultation between employers, employees and Government.
5. Ongoing research into the identification and prevention of occupational disease. Some examples are tenosynovitis and other forms of repetition strain, heat stress, eye strain, mental stress and asbestosis.

Creation of a Safe Working Environment:

The creation of a safe working environment involves the total commitment of employers, employees and their representative assoiciations to the furtherance of a preventive safety 'mentality'. The Liberal Party believes that safety is an essential ingredient in any business venture—it is not an afterthought or something that can be tacked on when the need arises. It must be accepted and acted upon by all participants. There is no single model of workplace participation which will guarantee successful integration of safety standards into the planning and operational processes of a business.

Australian Governments, which can exercise the greatest control over workplace conditions, are invariably some of the worst offenders as regards their approach to safety. Where employers and employees are committed to achieving the highest practical standards of safety, a safe working environment will be created. Ignorance and complacency, not disregard, are the major reasons for safety deficiencies. In recent years there have been outstanding improvements amongst the larger firms in this State and elsewhere in Australia. Some can claim to have safety records second to none in the world. The observed conditions for success are:

- commitment from all levels of management
- complete cooperation from employee representatives
- accessibility of employees to upper management
- designated persons being made responsible for safety functions
- regular meetings of staff and managment to review safety procedures, critically analyse each industrial accident which has occurred and determine future strategy
- employee safety representatives or committees
- lectures and seminars of safety as part of new employee orientation, reinforced by regular updates
- extension of safety conciousness to employee activities outside the workplace (make safety a way of life)
- engaging of professional expertise in specialised ares. For example ergonomics, engineering design, toxic substances, occupational physiotherapy
- continual assessment of existing machinery and workplace practices from a safety/health viewpoint and evaluation of new technologies, prior to introduction, in terms of their safety/health implications
- a full costing of all accidents that occur in the workplace. Such costings include the estimated effect on workers compensation premiums, loss of production/sales and investment in the employee (where disablement occurs). It has been suggested that, if this procedure was followed, employers with indifferent safety records would be galvanised into remedial action
- good staff/management relations—

that is most essential—

- strict enforcement of safety procedures, including the wearing of safety equipment
- care and support for injured workers and their families
- access to professionals with training in occupational medicine and therapy
- programmes developed at the workplace for occupational re-establishment or reorientation.

The Liberal Party believes:

- occupational safety health and welfare issues arise from the working environment and according fall into the jurisdiction of the Department of Labour—

despite a suggestion that the Department of Health should be involved as the main body controlling occupational health—

- some of the desirable elements are intangible and thus difficult, if not impossible, to be enforced or even engendered by legislation
- when one considers the enormous benefits in terms of lower workers compensation premiums, a more productive and content work force and minimisation of production/sales/work losses then overall cost to institute an adequate safety, health and welfare programme is minimal
- employee organisations do not control but assist in the joint pursuit of a better working environment
- as far as possible legislation covering health and safety in the working environment must be brought together under one Act, namely, the Industrial Safety, Health and Welfare Act
- the Industrial Safety, Health and Welfare Act should contain expressions of principle (major ingredients of good industrial safety practices)
- administration of the Act and coordination of research functions must be the responsibility of the Industrial Safety, Health and Welfare Board
- major responsibility for research into occupational health, disease and safety should be vested with the Federal Government
- the National Institute should be located in South Australia—

that policy is dated now—

- that an organisation with more than 50 employees shall have a safety committee and those with less than 50 shall have a safety officer democratically elected by fellow workers. These safety representatives and committees shall be registered with the board
- every encouragement should be given to women to become more involved in health, disease and safety roles within the workplace
- the board, in conjunction with employer and employee groups, will develop a framework for occupational safety guidelines. Major emphasis will be placed on mechanisms of consultation and cooperation and rights and responsibilities of employers and employees
- penalties for breaches of the Act must be increased
- the board will be an independent body responsible to the Minister. There will be employers, employees and ministerial representatives on the board

The responsibilities of the board will include:

- an immediate enquiry into the training needs of the industrial inspectorate, employee safety representatives and managers, and shall pursue the inclusion of occupational safety and health subjects in relevant tertiary courses
- collecting interstate and international information . . . combined with local research functions under the control of the Minister . . . pending establishment of the National Institute [now established]
- recommending on the level of resources within the industrial inspectorate to adequately police the Act and provide assistance/advice where required
- conducting research into any issues regarding health, safety and welfare with emphasis on emerging problems of occupational disease.

Workers compensation insurers and self insurers will be required to furnish returns to the industrial inspectorate . . . of all compensable cases—level of detail will be commensurate with severity.

The industrial inspectorate of the department shall initiate inquiries on its own behalf or on the instruction of the board. The board shall receive a comprehensive summary of industrial accidents on an annual basis from the inspectorate and present an annual report to the Parliament on its operations under the new Act.

The Liberal Party rejects the proposal to establish union controlled rehabilitation health clinics financed by the Government.

That fairly sets out where the Liberal Party policy was before the election and it has remained virtually unaltered since that time. Very importantly, underpinning this policy was a strategy to improve communication between employers and employees and hence create a more productive environment. Contrast this with the Bill before us which will exacerbate tensions through the exercise of union muscle, which will be given legislative legitimacy.

The major areas I intend to address in this debate are:

(a) Concerns about particular provisions of the Bill, but leaving much of the detail until the Committee stage;

(b) The Mathews report, highlighting its gross weaknesses and the rather dubious background of the author;

(c) Findings from my overseas study tour;

(d) The efforts being made by employers and employer associations to improve workplace safety; and

(e) Feedback received from the implementation of this legislation in Victoria.

Earlier I mentioned that the Bill was about union power. Relating to union intervention, I therefore ask these questions: How can any democratically elected Government which supports the UN conventions on human rights prescribe that unionists have the right to stand for election as safety representatives to the total exclusion of non-unionists? This Government does. How can any Government require employers to reach agreement on work groups with union organisation representatives in the workplace without due regard to the likely demarcation disputes which will arise? This Government does. How can any Government allow unions to conduct the elections for safety representatives, given their history of manipulation? How can any Government reasonably expect agreement on safety policies to be reached between employers and unions without considerable conflict? There are other examples. It is interesting to note that, in a number of Western countries with good safety records, the employer not only designates the work group, but also chooses the safety representatives.

Regarding subcontractors, once again we see an attempt by the Bannon Government, acting under instructions from the union movement, to clear the way for the unionisation of subcontractors. The Bill covers subcontractors more than adequately without the necessity to have them classified as employees. Indeed, it is reprehensible that principal contractors are made responsible for subcontractors over whom they may have little or no control. Whether these subcontractors are self-employed or employers in their own right, the Act requires a duty of care. This attempt to achieve a *de facto* recognition of subcontractors as employees must be defeated. We all know that, if subcontractors are forced to become wage and salary earners through militant union action, our housing costs will escalate and the threat of the TWU gaining control over our road transport industry could well become a reality.

I turn now to the powers of safety representatives. The Liberal Party supports the concept of having a representative of employees with a safety watching brief on the shop floor. In other words, the concept of a safety representative is sound. However, there are extreme reservations about untrained people, or people who have been involved in the UTLC training program, with the powers vested in them under the Bill. Even if we started today with appropriate courses (and they would not include those conducted by the UTLC, which are little more than employer bashing sessions), it would be five to 10 years before we could have a skilled safety representative work force throughout industry. Until that stage is reached, it is entirely inappropriate, first, to give representatives an unfettered right to stop work without adequate checks and balances; secondly, to allow representatives to embark on *ad hoc* investigations at their own discretion; or, thirdly, to give representatives the right to interfere in or disrupt work in areas of the plant for which they have no jurisdiction.

Regarding the psychological well-being of workers, under the original draft the Minister required employers to be responsible for the psychological well-being of their employees for 24 hours a day. That was not a drafting error. The strategy of the Minister was typical of union tactics to frighten employers, and he succeeded! Some have already declared that they will take their businesses away from South Australia if this Bill succeeds. Balance must be restored. No employer can live with this requirement, even though it has now been restricted to the workplace.

It is not my intention to produce volumes of books on psychology—only to say that the factors behind mental distress are inevitably complex. Most mental breakdowns can be traced back to the home environment. Is the Minister suggesting that an employer should station a trouble shooter in the houses of each of his employees who are experiencing marital difficulties or identity crises?

I turn now to corporate bodies. It never ceases to amaze me how Labor Governments can, when it suits their purposes, throw the civil liberties of Australian citizens in the trash can. The Minister has deemed that, where corporations are in breach of safety requirements, not only the company, but also all the office bearers and senior managerial staff will be prosecuted. To compound this iniquity, the onus of proof is reversed. In other words, they are all *a priori* assumed to be guilty. The Liberal Party believes that the accepted rule of law must prevail. Those guilty must be brought to justice, but it shall be incumbent on the prosecuting agency to establish guilt.

Regarding fines and imprisonment, the Minister has derived some curious pleasure from informing business audiences of the provisions in this Bill which increase fines 100 fold and, of course, the ultimate penalty of five years imprisonment. It is not the intention of the Liberal Opposition to dwell overly long on the appropriateness or otherwise of the penalties laid down. But, perhaps one observation is relevant. At a time when we are desperate for more job opportunities, it is incongruous that the Minister should deliberately set out to inflame the business community in the way that he has. A more appropriate approach would have been to place less emphasis on the big stick but to ensure that the penalties set provided a strong disincentive to that small handful of employers who were criminally negligent in their duty of care.

Employers feel under siege, and that does not enhance a positive approach to the enormous challenges that face this State. I have lost count of the number of employers in small to medium sized businesses who have said that they do not wish to continue to employ people because of this and other burdens that are being placed upon them. They say: 'Why should I work 80 hours per week to provide employment, with the threat of imprisonment hanging over me?' Whether they are right or wrong, that is the threat that the Minister has openly canvassed throughout the community. I am not commenting on the appropriateness or otherwise of that provision. I am saying that out there people have a perception, and the Minister has deliberately said it.

This brings me to the impact on smaller business. Perhaps the Minister should take a good hard look at the bankruptcy figures. Then he may understand the enormous pressures on smaller enterprises. They majority do not last for more than five years. They work enormous hours and their total energies are devoted to survival. The need a great deal of assistance to upgrade their safety provisions. They do not have the time or energy to comply with the requirements of the Act with respect to specification of policies and practices, nor to negotiate with unions on these matters. The strategy should be to provide the assistance and guidance necessary for them to meet their responsibilities. To require them to comply without this help will only hasten bankruptcy.

The Liberal Opposition believes the cause of safety is being subverted by this Bill, and totally rejects the anti-business, anti-employment nature of this Bill; condemns the

Bannon Government's intent to place further power in the hand of the union movement; opposes the attempt to bring subcontractors under union control; believes that the responsibility of safety representatives (the majority of whom will be untrained) are too extensive; questions the provisions of the Bill which require employers to be responsible for the psychological well-being of employers; condemns the Minister's inflammatory actions in respect of the massive increase in penalties; regrets the additional burdens being placed on small businesses that will not be able to cope; and believes that the Bill can be amended to achieve the aims to which we all aspire, namely, a safe working environment.

What we have here is a patchwork quilt. Nowhere else in the world can we find such a package. But, we can identify bits from one country and bits from others. It has been put together without due regard to the abysmal industrial relations system which is tearing this nation apart. Rather than using the opportunity to overcome some of the the tensions within the system, it will exacerbate them. South Australia will be the major loser if the Bill proceeds in the current form.

That describes the Liberal Party's position on this measure. As I said at the outset, during this debate I intend to address a number of areas relating to occupational safety. I am struggling to be heard over the conversations that are taking place in the Chamber, but at least it will be in *Hansard* and it may well be read. I will address the Mathews report because I believe that, if Mathews had got it right, we would not have the problems that face us within this piece of legislation.

Members interjecting:

The ACTING SPEAKER (Mr Peterson): Order!

Mr S.J. BAKER: If Mathews had managed to get it right, we would not be faced with this Bill. Instead, we would have a piece of legislation that was more accommodating to what I believe are the challenges before us. The challenges do not relate only to occupational safety; they relate also to getting better working relationships in the workplace. The Mathews report is over 1 000 pages in length and was completed in record time—in extraordinary time. In fact, one could even perceive that it had been written beforehand. Of course, it was written before. Only the places and names were changed, because Dr Mathews had actually been through the exercise in Victoria. So, the same rhetoric has come out, and we have nothing new for South Australia: we have a repetition of the basic arguments that were put forward in the Victorian situation.

It is worth while to observe that Dr Mathews makes no secret of the fact that he is a committed socialist. It is also worthwhile to observe that he is currently editor of the ALP's weekly newspaper *Seven Days*. So, we did not have an expert on occupational safety addressing these problems. We finished up with a jumped-up clone from the ALP which decided, 'I know the answers and now I am going to write the story.' To me, that is a disgrace because, instead of searching for the answers (answers that I think we could have obtained), we finished up with a document that reflected a particular point of view.

I have spent an enormous amount of time travelling and collecting information on this subject not only in South Australia and interstate but in many other countries. All I can say is that Mathews is wrong and the Minister is wrong. There are some good elements in the Bill, and that is why we support it through to the second reading stage. However, the Bill contains so many deficiencies and negatives that, unless they are amended, it will do the cause of occupational safety in this State no good whatsoever.

I refer to the Mathews report because I do not know how many people have bothered to go through its 1 000 pages and try to understand it. Certainly, much of the report is made up of submissions from a wide variety of groups. To go through all the pages to read some of the arguments and then to analyse them in terms of the final recommendations is a very interesting exercise. Indeed, we find incredible inconsistencies in this document. We find recommendations that are not consistent with the research that has been carried out or, indeed, with some of the thoughts that have been expressed in this document.

As the Minister is well aware, the employer groups expressed extreme reservations about a number of areas within the Bill. Some of those areas have been picked up by the Minister since the original drafts were produced, but some of the underlying problems still remain. I refer to Robens. The report pays a great deal of attention to Robens and his landmark legislation. I suppose that, if one wanted to go back further, one could refer to Beveridge. There are a number of authors.

Indeed, I do not know why we went to Robens. Robens certainly put a new set of mechanisms in train, but here in South Australia I think we could go back to the mid-1960s and look at some of the efforts of some of our people in the occupational safety area who were far in advance of their time. As a result, legislation was introduced in 1972, before Robens introduced his legislation. This legislation was indeed before its time. I am interested to note that the report concentrates on Robens as the most meaningful piece of legislation on this matter.

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

Mr S.J. BAKER: Before the adjournment I was discussing why the Mathews Report concentrated on Robens as the centrepiece to the legislation. It is interesting that it concentrates on Robens to a certain extent but then deviates quite radically on the excuse that we have now had time to consider developments. We can go back further. As I said previously, I think we can consider the important advances that were made in this State about which no mention was made in the pink document. I also believe that in taking Robens as the centrepiece, the viewpoint of Mathews is somewhat deficient because we have so many examples around the world of good occupational safety policies that have been left unresearched.

Even embracing Robens as the centrepiece for the legislation, it was apparent that it adopted only those sections on which the ALP and the union movement agreed and discarded those sections which they did not feel inclined to accept. If the committee, under Mathews, had had to look at the developments in the Scandinavian and Germanic countries over 50 years and had understood the social and industrial background, they would also have understood that we could take a different direction that would lead us to a piece of legislation far different from this Bill.

It is important to understand the thinking behind this legislation. I am appalled at the quality of the report's final recommendations, although not about the quality of the report's analysis of the many things that affect us today. Certainly, it identified many of the weaknesses that exist in the workplace and the reasons why we have industrial accidents. From that point of view the committee can be congratulated. However, the dogma that prevailed at the end depreciates the document. I draw members' attention to page 20 of the Mathews report, which is virtually the total analysis of all the information. It states:

It is the view of this steering committee that rarely has there been a greater apology for lawless behaviour on the part of employers than this sentence from Robens.

The sentence from Robens actually stated that there was a certain amount of carelessness in the work force that had to be overcome. The Mathews committee did not happen to like that comment, and its report continues:

Apparently it did not occur to the Robens committee that there might be a link between failure to enforce the law and 'carelessness, oversight' etc. It is our view that when a worker is killed the people responsible should be brought to justice and punished.

Robens never said that people should not be brought to justice and punished. Indeed, sanctions were placed in the law and, at that stage, they were very heavy sanctions as a result of the Robens review. It is unfair for the Mathews committee to draw on a particular segment and say that Robens had not taken into account the need for penalties in the law.

I spent much time on my study tour talking to people in Scandinavia, particularly Denmark and Sweden, and we cannot adopt those systems because they have been built up probably over 50 years and are different systems. As members on the other side may recognise, the Scandinavian countries have had a high level of unionisation in their work force and it is apparent that the so-called social partners determine the policies in those countries. It was interesting to note the comments on page 24:

The Scandinavian countries, particularly Sweden and Norway, provide another interesting national model.

The committee did not delve into that model very well, and the report continues:

In these countries, workplace consultation is achieved through compulsory workplace health and safety committees. This model has a superficial attractiveness to it, in that it appears to be more 'democratic' than the United Kingdom system of trade union appointed health and safety representatives . . .

These are countries with the best safety records in the world, yet the committee says they have got it wrong. Mathews said that they have got it wrong and that the situation is only superficially attractive, and he referred to the high unionisation. However, even with high unionisation, all safety representatives are democratically elected, and the Minister's review removed that provision. We really did not learn anything from the Scandinavian countries at all; that was taken out of the agenda even though certain parts of the union movement have a love relationship with the Scandinavian system. The report continues:

Most of the Canadian Provinces have now developed tripartite-style health and safety regulatory systems, following the lead of Saskatchewan in 1977. The Canadian Provinces follow the Scandinavian model of providing for workplace consultation through compulsory health and safety committees, and by giving workers the right to stop unsafe work.

That is included in our legislation, and that was the end of the Canadian system. The report continues:

Other national systems, like the Swiss, depend exclusively on insurance and workers compensation premiums to control hazards at work. A national insurance authority sets premiums according to the accident record of particular firms . . .

I looked at those systems and the Canadians provided information to me, and I actually talked to the Swiss, Germans, Japanese and others about occupational safety. I also approached the ILO to get an overview. All these systems have been dismissed, but parts of the systems have a great deal of applicability to the challenges that we face in the work force. They have been summarily dismissed because it does not suit the Government to understand that elements of those systems that have been working overseas for many years are providing the proof of the pudding, namely, lower accident rates. However, they were dismissed as being either non-consequential or irrelevant to the debate we are having tonight.

I will concentrate on those areas of the Bill that I think are important. On page 54 the Mathews report observed:

Few inspectors—

referring to inspectors in the Department of Labour—

have other trade qualifications. While these equip them with the ability to detect and correct machinery hazards, they do not give inspectors a broad knowledge of hazards, nor do they provide them with an ability to anticipate hazards in new technologies. There is a clear need to upgrade the competence of the present inspectors, and to insist on higher levels of training in future recruits.

Again, we highlight a great deficiency, but in the Estimates Committee recently the Minister said that training has to take its priority with everything else and that we are really not particularly interested. Page 65 of the Mathews report states:

The department administers the Dangerous Substances Act 1979 . . . The former Act regulates the keeping, handling, conveyance, use and disposal of dangerous substances within the industry. However, the department has concentrated its activities on the control of compressed or liquefied gases and flammable liquids. No systematic inventory of chemicals, their properties, hazards, quantities or location is kept.

I will refer later to the Danish system, because that has a lot to offer—but even in the fundamental areas where we should be keeping, and always have had the power to keep, registers of chemicals and details of the probable dangers associated with their handling and use in the manufacturing system, nowhere have we managed to get up to the mark. The Minister says that as far as resources are concerned in this area they will have to take their place in the priority system, so we have identified some real deficiencies in the system. I turn to page 75 of the report, which states:

There is a lack of formal training facilities for health and safety professionals in Australia generally, and particularly in South Australia.

It goes on to mention the courses which are currently run, particularly at the Elton Mayo School of Management in the South Australian Institute of Technology. Everyone in the field recognises that we do not have specialists in this area. We have never been able to, simply because, I guess, we have not paid enough attention to the matter. We have not had enough training and education in that area. The reply to a question asked on this matter was that it has to take its priority in the system, yet the Minister in his Bill is willing to force businesses to take on specialist assistance without really understanding that that specialist assistance is not available. Page 96 of the report states:

The Victorian Government has also funded a training program for trade union health and safety delegates, which is operated by the Victorian Trades Hall Council.

It goes on to say that the program, costing $10 000 a year, has trained nearly 500 health and safety delegates, using a basic five-day training course. My information about that training course which comes from employers interstate is that, whilst it has some value in identifying hazards in the workplace, at least two out of those five days are spent in training people to negotiate with the employers and to use their industrial muscle in the system. I have it on good authority, from a person who actually attended the course, that two days were set aside not for safety, not for identifying hazards, not for seeing how we work better together, but simply as a means of extending their power within the system. If we are going to run courses, they obviously have to be about the subject matter which is agreed, and if the commission says, 'We will approve particular courses,' then we should ensure that the five days spent on those courses are appropriate and not spent on matters of industrial unrest.

It was interesting that Mathews merely observed that these courses exist: he did not delve into how efficient or effective they were. He accepted them as courses that exist and, I suppose, in passing gave recognition to them as the UTLC's or Victorian Trades Hall's means of upgrading safety (I will talk about the UTLC shortly). To me it is a deficiency of the document that Mathews did not actually analyse the effectiveness of these particular courses, because the feedback I had received indicated that, despite the courses having some good elements, they are outweighed by some of the negatives in the system.

Page 104 of the report talks about article 19 of the ILO Convention, which has a number of resolutions and observations about workers' responsibility. People can read it at their leisure; I am not going through all the courses, but it is important to recognise that some of these elements are missing from the Bill. it states:

> Workers, in the course of performing their work, cooperate in the fulfilment by their employer of the obligations placed upon him;

Do we see that particular sentiment embodied in the Bill? Of course we do not. The Minister will say it is in some other form, but it is not covered in the Bill at all. Article 19 continues:

> Representatives of workers in the undertaking cooperate with the employer in the field of occupational safety and health;

Do we see that in the Bill? We do not. There are a number of other provisions which simply do not appear in this legislation. Page 106 states:

> Workers' obligations and duties need to be viewed in the context of the amount of control they effectively exercise which in a large number of cases is minimal.

When we are talking about taking this extra step, the same minimal requirements are specified by the Minister. We have certainly upgraded the penalties, because all penalties have been upgraded across the board, but we have not placed any greater importance on the need for not only workers but worker representatives to take a more positive view towards workplace practices. Again, this is left unsaid in the report. The interesting part is on page 107 (and this is the nub of many of the problems that feature in the Bill), as follows:

> Workers' health and safety representatives should in general be trade union members, and their election or appointment in the workplace should be conducted by the trade unions covering that site.

Where did that provision come from? If anybody had gone through all the legislation of overseas countries they would have found only one country where such a provision operated, yet somehow Mathews dreamed up this magical system about the trade union movement suddenly having a monopoly on safety in the workplace.

The Hon. Frank Blevins: It wasn't just Mathews.

Mr S.J. BAKER: The Minister will have a chance to respond and give me all the other references, because I can tell him all the countries where the employer actually appoints the safety representatives.

The Hon. Frank Blevins: Tell them the truth. Mathews didn't write that on his own.

Mr S.J. BAKER: Perhaps the Minister could produce the original draft report and we could see—

The Hon. Frank Blevins interjecting:

Mr S.J. BAKER: If the Minister brings it to this House, I will actually quote chapter and verse—

The Hon. Frank Blevins: It's in the library: do your own research.

Mr S.J. BAKER: No, it is not. Every copy was shredded, so let the Minister not talk to me about what was in there.

Mr Gregory: At least he never locked it up in a safe.

Mr S.J. BAKER: I suppose it is a bit like locking up ladders isn't it? Somehow Mathews plucked this incredible piece of verbiage out of I am not sure where, but I can only imagine it was formulated within the trade union movement, trade union members being the only people responsible, supposedly, for safety. That goes against every convention we can think of. It goes against those countries which have shown us they can operate safely. It goes against what I think is good work force practice which says we get the people who are most responsible.

Mr Gregory interjecting:

Mr S.J. BAKER: If the honourable member opposite wishes to continue, I said I would keep my contribution down to the two hour limit but if he wants to have it extended, so be it.

Mr Gregory interjecting:

The ACTING SPEAKER (Ms Gayler): Order! The member for Florey will come to order.

Mr S.J. BAKER: Interestingly enough, page 108 of the report states:

> Health and safety representatives should have the right to call in consultants of their choice at their own expense . . .

Guess what was missing from the draft Bill and suddenly appeared after there was a storm about it: 'at their own expense!' The Minister saw fit not to include it. Unofficially, he was saying that the employers were to pay for the consultants who are called in by the safety representatives or, in other words, the union members. At page 116, the report states:

> Under the common law contract of employment all employees are bound to obey the legal and reasonable instructions of their employer. Failure to obey can lead to dismissal.

It goes on to talk about the relationship of that obligation and the relationship of the employer to his workers in the work force. We know that that has become a very much diluted provision. Whilst it exists under common law contract we know that that situation has changed as a result of various judgments made in the industrial arena, in industrial courts and commissions. The common law contract of employment no longer exists as such.

Therefore, many of the so-called responsibilities that require employees to do as directed have been watered down over a period of time. Certainly, if we are talking about occupational safety it is important, if the employer says that for a worker's own safety he wants something done, that that be done. Again, Mathews spent little time on that subject. At page 125 of his report we see a classic Mathews comment. In talking about representatives in the work force, he states:

> The argument based on democracy is superficially attractive.

We know it is superficially attractive, because we saw a demonstration of it today. We saw one member removed from this House because he was going to tip the vote against the Government. This is the superficially attractive rule of democracy. It is the rule of a Government that wants to corrupt the system for its own purposes.

This report is supposed to be the leading document, setting South Australia on a new course to reduce injury and death in the workplace, yet Mathews uses the words 'superficially attractive'. I can only say that the document is very superficial in the way that it approaches the problems and reflects very poorly on the person who wrote those words—and we all know who that was.

Another comment is made at page 130 of the report, but the argument is not developed. Mathews drops in little comments in the document but never develops them. He states:

TUTA—

which is the Trade Union Training Association—

is an obvious resource to be used for the training of health and safety representatives, and it already offers courses of varying length . . .

That is a statement of fact. He talks about TUTA not being adept at these things, and then states:

Hence the steering committee is firmly of the view that TUTA should not and cannot be seen as the sole provider of training for workers' health and safety delegates, although it will have an important role to play.

Interesting! At page 133, he states:

The steering committee recommends that health and safety representatives should be given leave to attend training courses approved by the proposed Occupational Health and Safety Commission in South Australia. The representatives should not be financially disadvantaged through fulfilling this obligation.

That is a proposition with which members on this side of the fence agree. However, if those courses are not run properly, if they are like those in the Victorian situation (three days on safety and two days on guerilla campaigns), then I fail to see how courses run in that way, that originally would have been vetted and given approval by the commission, should be able to exist, yet there is nothing in the report suggesting they should be monitored—nothing whatever.

Interestingly, Mathews keeps dropping these statements throughout the document but does not lead them to a final conclusion. At page 174 he states:

. . . the UTLC, if it embarks on training programs similar to those currently being supplied by the Victorian Trades Hall Council Training Authority.

Again, he gives *de facto* recognition to courses, yet he never asks whether those courses are adequate or whether they are improving work force safety. He has not even looked at the curriculum to determine whether they were going to work or, more importantly, he never attended courses to find out what was going on.

Mathews has accepted that, simply because a course exists, it has some validity. At page 140 there is reference to reasonable facilities for safety representatives. The quantity of reasonable facilities for safety representatives in Victoria in certain enterprises involved free cars, free petrol, free offices, free libraries and various other trappings. I will address that later somewhere down the track. Again, Mathews does not say that what he believes is fair and adequate for safety representatives to be able to carry out their duties is so-and-so.

He said that they must have these provisions to allow them to carry out their duties. When employers have complained to the Victorian commission they have said, 'Let's see how we can work this out.' In one case, they said, 'You can have a car but you cannot have the petrol.' Never back down in that situation! I will say more about that during the passage of the Bill. Again, Mathews was not explicit in what he said were fair and reasonable facilities within the Bill, so he did not address the fact that there are going to be abuses.

At page 144 is an interesting comment. I hope that the Minister is actually listening, because it might provide food for thought so that when the Minister is looking at the Bill and our amendments he may be able to address himself to this matter. Mathews states:

In many Canadian provinces—

the Canadian scheme was one that was not too bad, according to Mathews—

we saw above that the right to stop unsafe work is recognised in law.

That is fair enough. He continues:

In Quebec, new legislation on health and safety passed in 1981 gives workers (again as opposed to delegates) the right to stop work which is unsafe, and call in an inspector to arbitrate. In 1982 the number of such stoppages was 233, involving a total of 969 workers or about four workers per stoppage. The inspectors upheld the workers' action in around one-third of these cases . . .

One-third of the cases were upheld and the rest were dismissed. Under the provisions of this Bill, despite some useful amendments, a person for so-called reasons of safety, can stop work. We have all said from the beginning that if a place is not safe remedial action should be taken. If there is an urgent need, work has to stop. That already exists. Everyone has the right to say, 'I will withdraw my labour because I believe the work is unsafe.' That is a common law right. However, this Bill gives new rights and says that a representative (organised by the trade union movement) not only has the right to stop work but we cannot have sanctions against that person.

In the Quebec situation, with 233 stoppages, only one-third were upheld. If one leaves aside the cost of wages and salaries, if the representative is wrong, for whatever reason—and representatives have been wrong for many good reasons—and if this is used industrially and work is stopped, we have not just the loss of wages to the employer (wages must continue), but importantly the stoppage of work in some industries can have a cataclysmic effect.

What about BHP and its blast furnaces? If a blast furnace was deemed to be unsafe, if it was unsafe it should be stopped. However, if that representative should determine that it is unsafe when it is not unsafe, the problem arises that, if the blast furnace is not kept going, it will solidify and BHP will be up for a bill of about $250 000. The ramifications can be serious in certain industries, and in others not so serious. To give unfettered rights without any checks and balances is very questionable.

I now turn to page 164. We keep hearing in the report that Mathews was very impressed by certain models, but then says, 'But we do not want to accept this particular model in its entirety.' That is the whole context of this: this is a good model; it has some good features, so we will adopt some good features, but we will depart from them in certain things. It goes on to state, concerning the Canadian situation:

The commission is a public corporation with autonomy from the Government. It is administered by a Chairman and a . . . board . . . (and) these representatives are chosen by the Minister from lists supplied by the unions and employer associations. An observer is also appointed by the Minister of Social Affairs.

Again—and I will not go through all the remarks there—it does not fit well within the South Australian model. So, again, it was discarded.

On pages 169 to 170 the report talks about the areas crying out for attention. Many of these areas have been addressed very adequately in other countries. It is a simple matter of finding out from the ILO in which areas particular countries have had a long history of not only grappling with the problem but overcoming it. The most common difficulty, which receives an enormous amount of publicity, is repetitive strain injury. When I talk about my report on my overseas trip I will address that, because some countries have already found a solution to that problem while we are still writing reports on it. Importantly, they talk about the need for research in these areas: again, a statement that is placed in the report without any understanding that we should look at a national coordinated effort on many of these things, but we do not have the resources in South Australia to do it. We have to make sure that it is addressed properly in the national sphere.

Page 172 of the report deals with the subject of back strain. Some questions about equal opportunity are involved in industrial legislation of this type because, on the one hand, we say that everybody is equal, but on the other hand

we have to have particular provisions for males and females, particularly when it comes to lifting. As members opposite are well aware, the weight maxima are different in most industries for males and females. I am not sure of the history of those weight differences, but I presume that they concern the capacity to lift. The report states:

> Where women are subjected to the same hazards as men (for example, back strain) then the standards to protect them should be the same, to avoid discrimination.

I happen to agree with that comment. The only difficulty is that a lot of our packaging—containerisation, which does not involve fork lifting, etc.—is done on the basis of a person's ability to lift. One can talk about wheat bags or small containers. The employers have based it on the fact that a male might be given a limit of, say, 30 kilograms to lift, and this causes some problems when it comes to females.

Mr Gregory: How much does a bag of wheat weigh?

Mr S.J. BAKER: It is a lot, actually.

An honourable member: Can you say that there are not different regulations?

Mr S.J. BAKER: That is exactly the point that I am making: if the honourable member wants to talk, he should at least make a positive contribution.

Mr Gregory: How much does a bag of wheat weigh?

Mr S.J. BAKER: The last time I knew, it was about 112 pounds. I go on to page 177.

Mr Gregory: How much does a bag of wheat weigh?

Mr S.J. BAKER: I have given the honourable member my best answer, but I have not heard one from him.

Mr Lewis interjecting:

Mr S.J. BAKER: How many pounds does that make: about 180?

Mr Lewis: It is 187.

Mr S.J. BAKER: Right. I go on to page 192 of the report. It is interesting again to observe why Mathews drew certain conclusions. The report states:

> Where a representative is felt by an employer to have grossly abused his or her powers, then there should be a mechanism to strip that representative of his or her status as a health and safety representative. The steering committee is of the view that it is more appropriate to have this industrial sanction against abuse of representatives' powers, rather than a legal sanction which would result in representatives becoming convicted for actions taken in good faith.

Of course, that is a nonsense, because if the action is taken in good faith there can be no legal ramifications. It is only when the actions are not taken in good faith that the legal sanctions become appropriate. I do not know where Mathews dreamed some of these things, but it is not internally consistent to say that if a person has undertaken an action in good faith he will be subject to the law. Indeed, that is not true, as every member on that side would know. Yet, the Bill says that representatives can exercise power with impunity and immunity. He mentioned the ordinary fines laid down, and stated:

> We would of course want to see such fines set at a level sufficient to deter, namely $5 000—$10 000 for individuals and $25 000—$50 000 for companies.

Again, we have departed. Page 207 of the report—this is the last comment that I will make on the report except for what I think is missing—states:

> Thus the steering committee has pressed ahead to make recommendations regarding a South Australian institute, confident that in one way or the other it will fit in with Commonwealth Government intentions.

I will ask questions of the Minister about the future of the South Australian institute, but perhaps I will leave the reflections on those until I discuss some of those developments overseas. I am really interested to have the sort of throwaway lines by Mathews. The report states:

> . . . confident that in one way or the other it will fit in with Commonwealth Government intentions.

I have five times as many places marked within this document, which sets South Australia on a new path. It is full of inconsistencies; it lacks depth in that it does not even attempt to analyse the recommendations. It never asks, 'What is the proof of the pudding? Does the system work or not? How do we make it work?'

An honourable member: Who wrote it?

Mr S.J. BAKER: We know who wrote the report. More importantly, it does not at any stage refer to the extraordinarily good record of many firms here in South Australia. We have here some very good examples of safety practices; in fact, one of the firms that had a chemical spill today was one of my examples of good work safety practice. I do not know what went wrong at ICI today, but I spent some time talking to the people there. Having talked to them demonstrates to me that, even with the best of intentions and the greatest will in the world, accidents still happen. It will be interesting to see —

Mr Lewis: Do you think that safety spill has been orchestrated?

Mr S.J. BAKER: No, I do not believe that. It will be interesting to see the report of the Department of Labour on that spill because, on my observations, ICI has operated with an enormous amount of care over the years. It may be deficient in some ways, but what I saw of its operations was all good, and it had a very good support within its own work force.

The next area to which I wish to refer members is that of the results of my overseas study tour. This is the 100 page document that has not got to the Library yet, because my secretary has been awfully busy and has not been able to type it up, but it is all here and has been edited to the extent necessary.

I will try to cover the items. In the United Kingdom, for example, I spent some time with the Health and Safety Executive. As some members opposite would recognise, that is the body which is responsible for health and safety practices in the industrial arena in Great Britain. I was quite astounded. In 1974 the Health and Safety at Work Act came into force. The original intention was that the Act would form the cornerstone of improved safety practices across the whole work force. All other enactment regulations would be replaced by regulations under the principal Act.

In the interim the provisions already in place in 1974 would prevail, which is a normal proposition. Progress on the regulatory side has been inordinately slow. It has, for example, taken over 10 years since the Health and Safety Act was brought into being, to bring such common areas as pressure systems and electricity under the 1974 Act. So, 10 years down the track they are still trying to put in place regulations which are up to date with today's needs.

The Health and Safety Commission is made up of three employer representatives from the CBI, three employee representatives from the Trade Union Congress, two persons representing local authorities, and the Government appointed Chairman. There is a policy initiation and Government role. The Health and Safety Executive is a semi-government authority responsible to the commission for administering the Act, carrying out research and legislative development. The manpower is about 5 500, of which 400 are employed in the central policy unit, 800 factory inspectors, and support staff occupying 21 offices across the country. There are a number of small inspectorates relating to nuclear installations. Safety inspectors employed by the HSC have the power to serve notices, prosecute, and close down operations in circumstances of serious risk. Safety representatives

appointed by the trade unions do not have the power to stop work.

A lot of this Bill is built on the UK legislation, but suddenly the Minister said that in Britain they do not have the power to stop work, and the honourable member opposite would understand that. In this Bill we adopt part of the package here and part of the package there. Regulations are currently being proposed to modernise the rules covering safety machines. After 12 years of this Act being in place, the safety of machines will actually be addressed. Part of the preparatory research involved international literature search so they are actually now trying to learn from other countries about the way to put it together.

In discussions with executives concerned, they identified the weaknesses that are involved. Workers compensation and occupational safety are administered by two separate bodies, and this makes for duplication of effort, bureaucratic tensions and diminished prognostic effectiveness. Members would not believe that in England, the HSC, which is administering safety, has never had any statistics on industrial accidents, because industrial accident compensation is administered by another area. Just this year they were granted the right to have information provided to them. It is quite unbelievable. The report states (and the same theme comes through every time) that occupational safety effort is satisfactory in most large enterprises (particularly internationals), but falls away in the small to medium size firm.

Every country that I went to said the same thing. The larger firms have the capacity and the manpower, perhaps even the managerial skills to recognise where the defects are and fix them. As we go down the scale, those elements are missing. There is an agreement that safety representatives have failed to reach their potential as the on-the-spot watch dogs, despite the TUC spending large sums on training. There is another weakness, namely, a limited in-built penalty for poor safety practices. Fines can reach £1 000 for unsafe work, but the heavier fines are associated with a serious incident, not non-compliance *per se*.

Really, in the prosecutions area, there must be an injury or death before these higher penalties are imposed. It is interesting to note that in Sweden, for example, the higher order penalties do not apply until there is a serious injury or death. The make-up of the commission means that decisions tend to favour the employers during Conservative Administrations and unions during the Labor Administrations, and that is something that I suppose which is always part of the system. No statistics exist in time series other than for deaths, so no-one can judge how the system is faring. This is 12 years after the legislation was enacted, and now the HSC has the power to get information which they should have had in the first place.

As most members opposite would recognise, employers and employees pay for work cover into the national insurance scheme administered by Health and Social Security. Under this arrangement, there is no penalty or cost loading for the more dangerous trades. So, everybody pays out according to their work force size, not according to whether they cause the most destruction.

The construction industry continues to be the heaviest relative contributor to fatal accidents, despite increased inspections and educational effort. Again, there are some commonalities right across all the nations that I visited. The construction, metals manufacturing to a lesser extent and forestry areas are at greater risk than other areas, and continue, despite the best efforts to the contrary, to kill and maim. So, when we talk about safety work force practices, we must understand that every other country in the world is facing the same dilemmas and, despite some of the best endeavours, fails to meet them. It would be fair to suggest that, although Britain has better safety mechanisms than those operating in Australia, they are by no means satisfactory. That is recognised by the people in the system as well.

Without boring members about Denmark, the one thing that impressed me was that they have a very much superior approach to chemicals. They work the reverse way round. They say that no chemical shall be accepted into the country unless it has a certificate to say that it is safe to work with and that it is safe in the production process. If it does not reach these criteria, it does not get an entry permit. Since this legislation has been in place in Denmark, those people who export to Denmark find that much more attention is paid to the chemicals, hazardous liquids, and so on, that must be dealt with as they enter the country. They ensure that as far as possible the carcinogens and other substances which have a deleterious affect on health are reduced to a minimum.

There are a number of other interesting observations about the Danish system. They are quite proud of their achievements in that field. Employers only pay an average of about 1.25 per cent of their payroll to insurance companies and the Government meets the medical bills. Journey to work accidents are not covered under workers compensation, and bad backs and stress do not necessarily attract compensation *per se* unless they can be directly related to the workplace. In that country the labour inspectorate was about 900 strong with some 400 inspectors in each region. It is a multi-disciplinary team comprising engineers, lawyers, nurses, and chemists. It is a pretty effective system, because they do not just have people like our own inspectors, who have a limited trade sort of background and are never afforded the opportunity to upgrade their abilities and skills.

They have teams comprising engineers to make sure that the lay-outs of plant and machinery are correct. They have nurses and chemists so that the substances can be tested and so that medical aid is available. So, not only can they give advice on the way in which the system should operate but also they can lend a hand if something goes wrong. Workplaces comprising more than nine persons must have a democratically elected safety representative, who, together with a supervisor, forms the safety group. That is artificially superficial, according to Mathews. Safety committees are required for all firms with more than 20 employees. The employers pay for the expert advice, and that seems to be common around the world.

The Swedish system is probably the most bureaucratised and regulated in the world. It certainly has an accident record that is the envy of many countries when one takes into account the cost. I think employers are required to pay on average about 30 per cent of their payrolls towards safety and compensation systems. However, there are question marks about where the Swedes go from here. The large employers have their own multi-disciplinary teams of occupational safety advisers, while small employers can utilise the expertise provided by a group or a union.

The world conference on VDUs was held in Sweden prior to my arrival, and it attracted 1 200 delegates from around the world, including representation from Australia. I hope that the Australian representative came back and put some of our legislators right about repetition strain injury and VDU use. One of the notable facets of the Swedish legislation is that there are no exemptions in the Act. That will be the case with the legislation now before the House. Imprisonment is the only legal sanction to be exercised in the case of death caused by wilful negligence. Imprisonment

is specifically prescribed as being only a sanction, unlike the Bill before us. Businesses with five employees or more must have safety delegates, while those with 50 employees or more must have committees. All inspectors and delegates receive extensive training.

The greatest problem in Sweden is bureaucratic duplication. What has happened over a period of time—and this is starting to concern employers—is that all these mechanisms have been set up and they have really grappled rather well with some of the problems with machinery, hazards and chemicals. But, because they have all these employees who have actually come to grips with these things and have reduced these problems to an absolute minimum, they have a very large work force who are turning their attention to other things. Employers in Sweden are a little concerned about where Sweden will go from here.

One of the question marks is what relates to the work force, the home environment, genetics, heredity, and all the things that affect longevity and a worker's proneness to accident or illness; all these things are becoming lumped into the work force situation. At this time questions are being asked of the Swedish Government as to Sweden's ability to continue to compete in world markets in such a situation. It was interesting to talk to employers in Sweden who have lived with the system and praise certain elements of it but who now find that perhaps the system must take a deep breath before it can be allowed to go any further. I spoke to a person involved in rehabilitation in Sweden who mentioned that there was a concern amongst employers now that the Swedish work ethic is starting to dissipate.

As I mentioned earlier, the Germans have a different system compared to the ones that I have already mentioned. The safety representatives are appointed by employers. There are work groups and committees, but most of them are put in place by the employers. The one really good insight that I had into the German system was the enormous effort put into rehabilitation. It was probably the most outstanding effort that I saw in any of the countries that I visited. Occupational safety is a multifaceted enterprise in Germany. Umbrella legislation is the province of the Federal Government. States also make rules, as do national societies providing specialist safety services. Inspectorial services at factories and other premises can be carried out by three bodies: the State inspection service, the insurance companies and the specialist societies. I will refer to that during the Committee stage.

We do not have to have Government employees checking on safety in machines because we can actually delegate that work and give to specialist services which are properly accredited the ability to make sure that these machines work. The Germans said that these people have a licence to operate, their fees are paid by the employers and if, on labour inspection, a machine fails to reach its specification, the licence is removed. So there is a fair check and balance in the system. It is just a different way of doing it. There is not an enormous inspectorial staff, because some of the inspectorial work, particularly in relation to machinery, is devolved to private enterprise. Of course, the insurance system also contributes to worker safety because it is in the best interests of insurance companies to do so.

Switzerland has a very good—in fact excellent—industrial safety record. They use a different system again. The employers actually appoint the safety representatives, as is the case in Germany. Suva is the major insurance company in Switzerland, and it provides safety and health expertise to 70 per cent of employers. There is federal legislation and there is legislation in each of the cantons (which are the regions of Switzerland).

It is interesting that in world terms Switzerland's safety record is good, despite the fact that there is a wide variety of differences in the regulations that operate. Some of the regulations are very tight, while others operate on the French and Italian systems, which are very loose. Switzerland starts in the north, with the Germanic population; there are the Italians in the south and there are various others in between. As I have said, the system in Switzerland has operated with very little Government intervention. The Federal Government of Switzerland—

Mr Gregory interjecting:

Mr S.J. BAKER: I think they would probably admit it themselves. If you had been there, you would understand it. When you get off the train in Berne, you try a bit of French; when you travel to the other end of Switzerland you try a bit of Italian; and in the north of Switzerland you try a bit of German. It is an interesting place. I do not really want to take up the time of the House for too long, but I must refer to the International Labour Organisation. I will run over my time very badly if I describe all the countries that I visited on my trip. Instead, I will make some major comments about the overview that I obtained from Geneva when I visited the International Labour Organisation. When I visited the ILO I asked, 'When we are deciding what we should put in in Australia, to which system should we pay the greatest attention?' As I recall, the response was, 'Each of them has something to offer, but you must understand that your social and industrial background is somewhat different to everyone else's so you cannot borrow from other systems.'

The head of the occupational health and safety area in Geneva referred to the three basic systems in operation. The first was the French, which is a sort of *laissez faire* arrangement where the inspectors go along and nod their heads with the comment, 'It is not such a bad system'. I was quite fascinated by that because, despite the lack of checks and balances in the system, the French industrial accident record is not as horrific as most people would suspect.

The Hon. T.M. McRae interjecting:

Mr S.J. BAKER: I am trying to summarise the lack of regulation that operates in some of these countries and the French, Spanish, Portuguese and Italian systems have little regulation.

The Hon. T.M. McRae: You must have spoken to a person who was anti-French in his attitude.

Mr S.J. BAKER: No, he said that the system worked remarkably well despite the lack of regulation and despite a strong watchdog approach by inspectorial staff. He indicated that despite the French doing it differently the system was not contributing to an enormous number of accidents.

The Hon. T.M. McRae: It sounds like a psychological affliction to me.

Mr S.J. BAKER: Perhaps it does to you. The English system, which has many variations on the Scandinavian model, includes the Germanic system. Those systems are currently being evaluated, and I hope to get more comments on them later. Mathews believed that, while the Scandinavian model had a lot going for it in terms of its effectiveness, there were now questions as to how other countries could afford it. He said that the trade union movements were favourably disposed towards the Scandinavian model but that a number of aspects made it advanced for its time and perhaps impossible to afford in the long run. He indicated that there seemed to be a preoccupation by bureaucrats in Scandinavian agencies with creating a happy environment and contributing many human ills to workplace causation.

Earlier I said that there were signs of cracks appearing in the Scandinavian system because of the enormous amount of regulation, red tape and costs. Most of the other European countries have taken the lead from the Swedish model but have adopted those practices that are in keeping with their social and historic backgrounds to the extent that they have not gone as far as the Swedish in adopting the full set of practices. Certainly, they have not adopted the same practices of the enormous bureaucracy that operates in Sweden.

One of the interesting comments was that right around the world the role of inspectors has changed from that of industrial policeman to industrial adviser. All countries with a State inspection service have moved in this direction, perhaps due in part to the economic climate and also to the attitude of inspectors and employees. Staff of various labour inspectorates have changed their mode of operation over the past 10 years to good effect. Countries have trained inspectors to be advisers and not policemen or women and have trained them to provide a service to industry. That seems to work effectively if one looks at the improved record, bearing in mind our own improved record over a period.

As I said earlier, it is important to recognise that the industrial safety record in South Australia has improved considerably over the past five years. If one looked at a graph from the 1960s through the 1970s to the 1980s and extrapolated the earlier trends one would find that deaths, disease and accidents in the workplace would be two or three times higher then than they are today. In terms of a learning curve we have improved considerably.

The Mathews report gave little credit to employers in this State. In fact, it did not mention the fact that these practices had improved, and members opposite shouldG9understand that they have improved. This has not come about because of the effluxion of time or because of greater knowledge; it is because employers put a lot of effort into managing their own safety. These things were in train well before Mathews came on the scene. Perhaps members opposite have seen the blue book put out by the Metal Industry Trades Association which attempts to address a number of safety issues. In fact, it is quite a good reference point if one is talking about safety.

Mr Gregory interjecting:

The DEPUTY SPEAKER: Order! The honourable member should not interject, especially when he is out of his seat.

Mr S.J. BAKER: If the member for Florey would like a copy of that I will be happy to make it available. I read all journals sent to me. If members opposite followed suit they would understand that many employers have been addressing safety. I have been in this place for almost four years and I know that employers have been attending to safety problems and examining ways to overcome them. Various organisations have taken what I think is a fairly objective view that good safety means improved performance.

More recently the Confederation of Australian Industry has released *Managing to be safe and righting the way*; *Breaking point*, which is in video form and is an excellent reference; *Small business*, which tries to address the difficulties of small businessmen with a limited amount of time and sometimes limited ability to understand what improvements can take place; and *It is safer to talk about it*, which is also in video form.

It is important for this House to understand that an enormous effort has been made by employers. The lack of reference to that effort in the Mathews report and by the Minister is disgraceful, because it should indeed be taken into account. If members opposite sat down with employers they would understand the concern we all have about safety, and this concern is commonly shared by employers. Whether or not some have been able to address the matter properly is another question, and that is why the most important part of the Bill must be cooperation and assistance in those areas. If members wish to look at the material I have just listed, they will not find one derogatory remark about unions. It does not say that unions (despite the fact that some of them do) do anything that is in any way harmful to work safety practices. It addresses the issues fairly and squarely and says that this is what should be done about them.

Members opposite would be aware that the chamber, the Employers Federation and some associations run a number of courses on safety in the workplace, with employees and executives taking part in these safety seminars. It is negligent of the Labor Government to say that no effort is being made. The effort made over the past five years has been commendable, and it is only a start. I will contrast that with the union movement, without going into too much detail, because at the end of the day we all have to work together. I refer to a UTLC submission to the Minister of Labour, which, referring to penalties, recommends part payment of fines to the unions responsible for securing convictions for a breach of the legislation. I cannot believe that. I do not believe that any Government would give unions the right to prosecute employers, except that I have read it in the Bill, and the Minister has given that right.

It just shows that one can never guarantee anything in this life. I offered to attend Trades Hall at a convenient time to talk to the safety committees or those who actually handle this area but, of course, my offer has never been acknowledged. If the UTLC said that it would like to put its point of view to the Liberal Opposition, it has had adequate opportunities. If members want a copy of my letter I will show it to them. It was written over three months ago and has never been responded to.

The employers have taken the opportunity to discuss matters of concern, but the union movement has never been present. I have spent an enormous amount of time talking to various groups, including rehabilitation areas and the so-called professionals in the field, and each has given me a different insight into safety and, of course, rehabilitation once safety has broken down. Not once has the UTLC responded to the invitation. I can only assume that it is quite happy with what the Minister is doing in this case and sees no reason to bother talking to the Opposition.

I stress that, if we are all going to make an effort, any legislation that detracts from that effort sets up tensions within the system, as does this Bill, which is designed to frighten people rather than gain their cooperation. Although the measure is regressive, whilst it will achieve some improvement in safety—there is no doubt about that, because if the penalties are high enough it will deter some people from carrying out neglectful practices—we can see, from the heavy hand of the law, some improvements occurring, but those improvements are nothing to what could be achieved if the Minister had taken a completely different viewpoint, thrown the Mathews report in the bin and started to work out what South Australia really needed.

I would like to briefly refer to the Victorian legislation. As we are all aware, the Mathews report is a document doctored from the Victorian situation. We often hear the Minister referring to the success of the Victorian legislation, which in many ways parallels the conditions contained in the Bill we have here tonight. He often refers to workers' compensation in Victoria, talking about the success of the Victorian legislation. I wonder what he will be saying when the figures come out. What I would like to say to the

Minister, when he talks about the success of the Victorian legislation, so that we do not get this House tied up with half-truths, is that if he is talking about success he should remember that only 4 per cent of employers have actually complied with the Act in Victoria at this stage. He should not forget to mention the firms with good safety records which, because they have had new mechanisms and regulations introduced in their operations, have now had to go back and sort out their safety practice so that it fits in with the union demands in areas where previous practices have been working wery well.

I have had a number of complaints from people involved in the Victorian situation who have said, 'We had a very good relationship. We had good representatives and very few accidents, and it seemed to be working pretty well. Now the new Victorian legislation says that those things have to change, and it is going to have to be negotiated again.' The cost to particular firms has been quite high, and they have said that the net result at this stage has been negative.

I cannot understand—perhaps someone on the other side of the House can tell me—why they want to change mechanisms when a system is working well. Perhaps the Minister can tell us later. Perhaps he can tell us—going back 2½ years ago—-about the promises made on rehabilitation. Of course, we have not seen any rehabilitation: that is more in the workers' compensation field, but it just indicates the commitments of Government which are never met. It is something like the commitments that need to be made in the training of labour inspectors which will never be met.

I mentioned earlier the problem with the courses run by the Victorian Trades Hall Council. A number of employers have sent delegates along to those courses, and they have come back bitterly complaining about the three/two rule which operates there—three days of safety and two days of disruption. Perhaps the Minister could comment. I do not know whether he receives complaints: perhaps people do not talk to the Minister about the problems that have been experienced with the legislation in the area of establishing proper facilities.

Considerable demands have been placed on employers to provide cars, officers, time off—and time off not to attend training courses but for other things—which are now causing problems within the system. Perhaps the Minister, after actually talking to some of the employers in Victoria, will see how seriously some of the safety representatives have taken their tasks: so seriously, in fact, that they do not do any work now but spend the whole of their working time studying the workplace.

Obviously, if a safety representative is going to learn anything about the workplace he has to expend some effort, but six months down the track and no work being done by the safety representative is a little beyond the pale. The last figure I heard was only 13 cases of representatives stopping work, and those instances had been investigated. I may have those figures wrong, because it was a comment made over the radio. It was found that only three were unfounded. With 4 per cent of the employers complying, it does not say anything about those situations which are brought to the brink—when the representatives have said, 'Look, we want to trade off. We want to have special conditions, and something will be declared unsafe unless we are given those.' They are not isolated incidents in the Victorian situation.

They never come to the attention of the commission, because a number of employers have recognised that the commission is still sorting out its operation. It does not have enough time to actually visit the work stations and investigate claims, so officers rush through the door and say, 'Look, can you work it out yourselves, because we haven't got the time.' There have been many more cases, because of the powers in the Victorian legislation, where there have not been actual work stoppages but claims which in the employers' views have been quite wrong, yet they have had to settle or compromise—not on safety issues, but on those matters resulting from the legislation.

It is interesting to note that, of the problems experienced by the Victorian employers, WorkCare featured in 70 per cent of those persons who said there were difficulties. We all know that WorkCare, the compensation legislation and the occupational safety legislation, are inextricably aligned. The important point, as the Minister says, is that we are suddenly going to have improved safety practices, and so the compensation premiums will come down. I say to the Minister that his faith in the system has not been reflected in the Victorian situation.

Probably one of the worst things that employers find in the Victorian area is the fact that they are getting no support from the commission. I hope that, with the way the commission is brought together in this State, those things will not occur, that the commission will be operating effectively and without fear or favour, and will not leave employers stranded in the process, because that is exactly what is happening in Victoria.

I have tried as quickly as possible to summarise a number of facets of what is wrong with the Bill, and to provide perhaps some insight into what other countries are doing, giving an appreciation of employer effort, which has been—

The Hon. E.R. Goldsworthy: Downgraded or neglected.

Mr S.J. BAKER: —neglected, indeed, and to some extent give first toe-in-the-water experience of the Victorian legislation. If the Minister is going to respond, I hope he will respond directly to my comments rather than getting into a diatribe about how good the Victorian legislation is and that we need to adopt it in South Australia.

My final comments are that most of the matters about the detail in the Bill will be brought up in Committee. I reiterate for the Minister that we have some genuine appreciation of one or two items in the Bill, but too many items in it will decrease employment opportunities in South Australia. There is no doubt that employers in this State, particularly in the smaller category, are simply not going to bother employing people because, whilst they might have a willingness to look after the safety of workers—I have not found one employer who has said that safety is not important—often they do not have the means.

The Minister's lack of commitment to assistance, training and all these areas suggests to me that he is going to say that here is the big stick and we will let everyone sort it out in the process. I do not believe that South Australia can put up with a Bill like this. We are still on a learning curve that somehow, over the next few years, we have to get employers up to the mark in a way that they can recognise as being positive, and positively assisting their endeavours to employ young people.

The approach adopted in this Bill by the Minister and in his public statements leaves no doubt in the employers' minds at least that that is not going to be the case. The Labor Government here is determined to set aside democracy—'superficial democracy', as it is classed in the Mathews report—to give unions power of intervention in almost all forms of management. Simply, employers in this State are not going to wear it. They will simply say, 'We cannot survive any longer.' The member for Florey knows that, and he knows that many people are trying to survive out there, and they really do not need this legislation.

It was my fond hope that, when we saw the legislation, we could bring employees and employers closer together.

We all realise that there are deficiencies in the good industrial relations, even in South Australia, which has the best industrial relations record in Australia.

Members interjecting:

The DEPUTY SPEAKER: Order! I ask the House to come to order. I call the member for Victoria to order.

Mr S.J. BAKER: I say that, despite South Australia having the best industrial relations record in Australia, it has got worse under this Minister and, if one looks at those countries that are performing well on the international scene, we are a poor relation here in this State.

Members interjecting:

Mr S.J. BAKER: He could not even get the figures right for Germany. If one wishes to look at the statistics of working days lost, which is probably the best measure (it is unfortunate, because that measure has some deficiencies), one finds that South Australia is a very poor relation, despite being the best in Australia. South Australia has the same potential because of its size and its unique character as some of those other nations that do far better than we are, and they are not suffering 10 per cent unemployment. One of the great priorities that the Minister had to address in this Bill was why we cannot use it as a means of getting employers and employees working together more satisfactorily than is the case today. Certainly, there is no way that that will happen with the union intervention that has been written into the Bill.

If the Minister left that out and said that it was the responsibility of employer associations and registered associations of employees to positively assist the occupational safety process, the House would have heard a loud cheer from everyone outside. Instead, the Minister is determined that the unions shall be at the forefront of safety. Unions have an incredibly bad record in that area. I will address that question in Committee, because there are a number of examples that I can give where unions have condoned bad safety practices in the workplace.

I refer to the simple proposition involving safety equipment. One finds that when employers have made a number of efforts to get people to wear earmuffs, eyeguards and other safety equipment and have approached the various unions representing workers for assistance, the association talks to its members and suddenly safety is not of real concern because people do not wear the equipment. In other parts of the work force union members have reinforced that and people have been told that if they do not comply they will be removed from the premises. There are two ways of handling the situation. Unfortunately too many times the union movement condones bad practices. I have a number of other examples that I wish to bring before the Committee.

I cannot commend this Bill. Most of the Bills that I have handled to date I have been able to commend to the House and say that the Liberal Party and the Liberal Opposition agree with the propositions that have been put up. On this occasion we reject totally the efforts made by the Minister to include union intervention, to try to unionise subcontractors, to unrealistically load smaller employers when what they need is assistance and not regulations, to allow the union movement to go on its own exercise in prosecuting employers, to allow safety representatives to operate unfettered in the workplace—and there are a number of other provisions with which we just cannot agree. Those provisions will be addressed in more detailed form in Committee.

Mr GREGORY (Florey): I support the Bill, which does three important things as well as a number of others, but I wish to concentrate on those three things. I believe that the Bill will encourage employers, workers and managers of establishments that employ people to work more safely. I also believe that for the first time it will provide for worker-elected persons to act as safety officers with a positive role in workplace safety, and it will provide for the first time realistic penalties for employers or persons who are recklessly indifferent to the health and safety of another, with a fine of up to $100 000 or a prison term not exceeding five years.

The current Act, which was introduced into this Parliament and became law in 1972, was pacesetting legislation in its time. It changed the Industrial Code, which then provided for industrial safety, to something that was realistic. In the Australian context of industrial safety it was a pacesetter, but in that short time of 14 years it has lagged behind and not lived up to its expectations because it relied on the good sense of the employer and other people in the workplace to do the right thing, with officers of the Department of Labour—and prior to that, the Department of Labour and Industry—arriving at the workplace to oversee those people doing the right thing. It did not really address the problem of accidents.

I am very mindful of what can happen to workers in the workplace. I quote from a book, to which I refer frequently, published in Canada, *Dying for a Living*, which has as a subtitle, 'The politics of industrial death'. One passage, of which we should take note, states:

> Much of what is known about environmental health and the consequences of exposure to poisonous and cancer-causing materials has been learned from examining disease patterns amongst workers and exposed populations. Exposure standards are usualy established once an unusual pattern of disease has been detected. In this way workers and people living in industrially contaminated environments act as guinea pigs for the rest of society?

One can ask, 'What has that got to do with industrial safety?' It has a lot to do with it: it is no better illustrated than by what happened at Lake Elliot, a uranium mine in Ontario, Canada. We saw in the Parliament on Tuesday great play being made by the Opposition about leaked documents that alleged some dispute between the Minister of Health and the Minister of Mines and Energy regarding who should control the health of workers in mines. There is quite a chapter on that, headed 'The wages of energy', referring to the effect on the health of people who lived at Lake Elliot and the pressure placed on those people to work in the mines in unsafe conditions.

This message, from a person who was dying of lung cancer caused from working in the mines for 15 years, states:

> For those with ears to hear, there is a message from the miners who died of lung cancer: LEARN FROM THE MISTAKES OF OTHERS—YOU WON'T LIVE LONG ENOUGH TO MAKE THEM ALL YOURSELF!

The advocate for the trade union in that area, who became in the eyes of business people a fairly obnoxious person because he was bringing to people's attention what was happening to workers in that area, stated:

> Men who were hired to work in the mines only promised to give an honest day's work for an honest day's pay. They never agreed to give up a lung or wreck their respiratory systems in the process.
>
> It's not that citizens who argue on behalf of the industry are cold and callous. These people would be shocked if the same miners worked with a machine that consistently cut off their arms. The consequences would immediately be obvious. The town would be populated with a horde of miners with stumps instead of hands. The community would probably storm the companies' gates *en masse* demanding the use of different machines in the mining process.

Some people, particularly those opposite, may want to know what that has to do with this Bill and with the argument that went on in this House the other day in Question Time. It is simply that many of the accidents that happen in the workplace take a long time to manifest themselves. In many instances, there is no apparent visual effect on the person,

who can be dying. If one has lung cancer one can still walk. As one gets towards the end of his life it is with great difficulty, but one can still walk and talk, and one is still a rational person. Unless somebody tells one that that person has lung cancer and is dying one does not know that anything is wrong with them.

If there is a traumatic injury in a workplace and an arm is removed, or one's fingers are chopped off in the machinery, or one is maimed in another way that is perfectly obvious. Of course people will comment and say, 'That is no good; we have to do something about it. Not only is the mining industry dangerous, with its silicosis and uranium mines with their dangerous radon gas, but a number of processes appear in the workplace today that even the manufacturers and owners of the factories do not know and in many instances do not want to know because of what might happen if they find out about the chemicals used in that process. They may not want to do it because they would then realise that it was dangerous to use those chemicals. As I said earlier, the injuries are not immediately apparent, but come later.

The problem is that, as with asbestos, the injuries are non-reversible. Once they are there they are there for ever and there is no reversing them. All that one can do is wait for death. It is similar to people suffering from hearing loss: they are the hardest persons to convince that they have suffered hearing loss. They say, 'We do not notice that we have lost any hearing.' They do not know until the day they cannot hear: then it is too late because nothing can happen or be done to return that hearing. No modern apparatus used by medical science can reverse that. That is why we need an Act that involves the workers totally at the workplace, and the owners and managers of those organisations and their front line supervision, because if the three are not involved nothing will happen.

We have an attitude in this country that 'It cannot happen to me.' I refer to something which is very pertinent and which happened a long time ago. My grandmother was telling me that as a young girl she was with her mother in St Vincent Street, Port Adelaide, watching the Australian troops march down to the wharf to get on to the ship and go off to France to fight the German Imperial Army. The grandmother just about had a fit because there amongst the troops and the artillery was her youngest son, who had just turned 17. She started to complain because no-one could go overseas unless they were over the age of 18 at the time. She was going to do all sorts of things to get him back. All that he said as he marched off was, 'Don't worry, Mum; I'll be right; I'll be back.' From this nation 260 000 odd troops went to Europe to fight with the British and Allied forces against the Germans. Slightly fewer than 60 000 did not come back. We suffered enormous casualties in that war, which illustrates a point that if one disregards one's safety somebody will get hurt. In many instances it will be the person who says, 'Don't worry; it won't be me.' It will be the person who takes a risk. Those people who take risks with alarming regularity are being injured.

We recently had the very sad instance of a very good footballer who died on the ASER site. He got into a ditch that was not shored up. When one talks to a plumber and says, 'He shouldn't have got in', the plumber says, 'Everybody does it.' If there had been proper training, reinforced over a long period, he would not have gone into that pit and would still have been with us today. If there had been worker safety representatives on the site who could have said, 'Nobody goes into that pit until it is shored up', perhaps he would not have died.

That is the point at issue. It is all very well for employers to say, 'We have had no problems here; it is not our fault that the employees will not do as they are told. We provide them with the safety equipment, and they will not wear it.' One can only speak from experience. Where there is a conscious safety program that involves everybody at the workplace, when anybody transgresses any of their safety rules, it is not the foreman who comes and puts the heavy on and threatens the sack: it is the fellow worker who encourages the other workers to wear that safety equipment. I have seen it happen. I have seen it happen where the worker who may not want to wear the glasses or the gloves or who may not want to work behind a shield is encouraged and literally, by peer pressure, is forced to abide by the safety rules. Management has nothing to do with it.

Mr D.S. Baker interjecting:

Mr GREGORY: A total union shop, my friend, and it worked very well. Within that group of 1 100 workers, whenever there was an apparent serious work injury, the person who came to investigate it was not some foreman or jumped up safety officer but the third in charge—in other words, a very responsible person. That is how well they conducted their safety.

This Bill provides a number of very important measures. One of them is for the safety representative to stop the job. The member for Mitcham went to great length to portray BHP coming to a stop with $250 000 worth of molten metal in a furnace turning solid. That is a real problem, but what do you do if, by continuing the process, a couple of workers will be killed? What is more valuable—the worker's life or $250 000?

The Hon. E.R. Goldsworthy interjecting:

Mr GREGORY: I do not think the workers have the right to stop it. However, he talked about the common law right. When I asked him how much a bag of wheat weighed, he did not know. I am surprised that the member for Goyder also did not know, as he comes from one of the best wheat and barley districts in this State.

Mr D.S. Baker interjecting:

Mr GREGORY: They do sell wheat in bags, my friend, and, if you went to Wallaroo, you might find out. If you climbed out of that closet you live in, you might understand a few things. It weighs about 180 lbs, about 80 kilograms, and people are asked to lift it. They just do not know—

Mr D.S. Baker interjecting:

Mr GREGORY: You would not know. You do not know anything about industrial safety, because you have illustrated that in a previous speech in this House. At common law you can withdraw your labour. The boss can also tell you to nick off because you have got the sack. That is what happens in a lot of small places when people complain. That is why you will find that on a job workers will stop work collectively—to protect the worker who is protesting about unsafe working conditions. Why should people place themselves in jeopardy? Where this protection provision applies, it works remarkably well, and we do not see the picture depicted by the member for Mitcham of industry being pulled up all the time because of safety measures. What has happened is that people are more cautious and more careful.

I was amazed to hear the member for Mitcham refer to Sweden and say how the injury rate had dropped to such a low level. I inferred from his comments that he was disappointed that that had happened, but I thought it was a damn good thing. He was extolling the virtues of employers actually being responsible for the inspection of machinery, and it had little involvement from Government employees.

Mr S.J. Baker interjecting:

Mr GREGORY: You were extolling their virtues. It is very much like getting the inmates of Yatala, Adelaide Gaol, the Remand Centre, the new Mobilong prison, Cadell, Port Augusta and Greenways to actually be the warders. I have come across the theory before in relation to lift inspections. It is all very well to say to the employer who employs the people on lift maintenance that, provided nothing really happens, he will not be in the gun. However, it is a bit late when the lift collapses and people are falling down because of poor and inadequate maintenance. It is too late when somebody has been mangled in a machine to say, 'They should have done this. We will fine them,' particularly when the attitude of members opposite is that they do not want to have these people involved in the possibility of prison terms and heavy fines. It is amazing that today, and yesterday, members opposite were really creating an act in this Parliament. They were enacting a part about demanding heavy penalties and criminal sanctions against people who were involved in marijuana, but they do not want to do that in relation to this issue, where people who are deliberately and recklessly indifferent to the safety, health and welfare of another worker could cause this person's death; they do not want the prison term. If people are deliberately careless, and if they deliberately do not stop unsafe working conditions, members opposite do not want to do it.

An honourable member interjecting:

Mr GREGORY: If you could read the newspapers and had a normal memory span, you would recall that in the *Advertiser* of 3 July 1985 it was reported that three former executives of a silver recycling plant were sentenced to 25 years in prison. This happened in the State of Illinois. They were also fined $10 000 each because they were convicted of a murder in a job related cyanide death of a Polish immigrant worker. If members took the opportunity to go to the library and read that, they would find that the judge said that they were clearly aware of the hazardous nature of the plant and conditions but did not have the appropriate warning signs for workers, many of whom were illegal aliens and could not speak English.

Mr D.S. Baker interjecting:

Mr GREGORY: There they go again. They want all the rewards but no responsibility. They are the ones who direct workers to do things, and who are responsible on many of these occasions. I refer, for example, to the employer who recently sacked a worker in either the Riverland or the Barossa Valley because he did not want to go into the wine tank as he reckoned that the system of safety retrieval was inadequate if he was to become unconscious. He got the sack. People do die, although not very often, as one would see if one looked at the number of times that people went into a wine tank to clean it out. For the number of times that they do it, I suppose the odds are not that great, but why take the risk?

That is the position here. You do not want to have the same penalties and the same harshness. I would have thought that members opposite would support the penalties in this Bill. Very few employers will come within that recklessly indifferent category, because most of them are responsible. What it will do is catch the nitwit. Perhaps the member for Victoria is feeling guilty about it, thinking back on his own efforts as an employer. I want to make a comment about the member for Mitcham who said that the unions did not talk to him. If in the foreseeable future of this Parliament he becomes a Minister in a Government, responsible for the things in which we are interested, they may talk to him. As a member of the Opposition, they do not see any reason to talk to him. Why talk to the chopping block when you should be talking to the butcher? Why should he complain about it, because it is a matter of reality?

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr GREGORY: I believe that the penalties have a very salutory effect because in England there has been a slip in safety—

The DEPUTY SPEAKER: Order! The honourable member's time has expired.

The Hon. E.R. GOLDSWORTHY (Kavel): I do not disagree with what I perceive as the motives of the member for Florey in the speech that he has just delivered to the House. I just wish he would not continually misrepresent the motives of people who sit on this side of the House.

If there was one thread in the speech with which I would agree, it was exhibited in the member's example of an occurrence in a workplace where there were 1 100 workers and the member said that an accident occurred and that senior management appeared on the scene and took an immediate and concerned interest in what had happened. I think that the member is really making a plea—for a degree of cooperation between employer and employee. I agree with that sentiment. I heard the member for Mitcham say precisely the same thing. There is no basic argument about the question of worker safety. However, there is some question as to how we will get the maximum degree of cooperation between employer and employee to see that every workplace is as safe as possible. I do not disagree with that.

I do not think that the member for Florey is trying to put it over, except when he seeks to misrepresent us. In his speech the member mentioned the uranium mines that formerly operated in Ontario. I pick up that point because it is of particular interest to me. Before the Roxby Downs indenture was written, I travelled overseas to study the uranium question in general and mining in particular because the Roxby Downs indenture was about to be negotiated. I travelled to Canada and made inquiries. No-one in this day and age would tolerate the working conditions in the mines in Ontario, just as no-one in recent years has tolerated the conditions operating in coalmines. However, the Welsh want to keep open their coalmines.

There are hazards associated with coalmining. There are all sorts of problems in coalmining, prominent among them being black lung, where the lungs of miners have been ruined as a result of their coalmining activities. Any activity where there is dust will cause respiratory problems. No-one would tolerate those conditions in this day and age. Now that a lot more is known about the effects of radiation, which of course is invisible and insidious, no-one would agree that we should tolerate the conditions that I heard of in Ontario. In fact, that was readily admitted to me by the authorities in Canada. Those mines were poorly ventilated. If one has to ensure anything, particularly in uranium mining, it is that there is a turnover of air—that fresh air is supplied to the mine at a given minimum rate. Ventilation is all important. Unfortunately, that was not known in the early days of uranium mining, particularly in the Ontario uranium mines, where there were long horizontal drives with no satisfactory vertical air shafts to ventilate the mines.

I agree with the member for Florey. You do not have to go back much further to talk about knife grinders tuberculosis in England, the country from which the Minister of Labour comes. You do not have to go back very far to find all sorts of work practices which in this day and age one would not tolerate. To ascribe to the Opposition a lack of interest or a lack of concern for workers' safety is quite fallacious. I will refer to some of the matters that have been

canvassed in this place in recent days, and the member for Florey, particularly, averted to some of them.

During the past 24 hours, members of the Government have made a number of statements about the Liberal Party's attitude to worker health and safety. They have referred in particular to our attitude to the Roxby Downs project, which I mentioned a moment ago. They have alleged, with complete disregard for the truth, that the former Liberal Government, and I in particular as Minister, had no regard for the safety of miners to be employed on that project when we negotiated the indenture.

The Minister of Health in another place has alleged, quite falsely, that the Health Commission was deliberately excluded from the negotiation of the indenture. They have done all this while luxuriating in the smugness of seeing a project go ahead, employing 700 people now, with many hundreds more still to go on the payroll—a project that they did their level best to stop. It is interesting to note that they do not intend to make any change at all to the indenture which covers these matters.

I take the opportunity of this debate to put the record straight so far as worker safety at Roxby Downs is concerned. The indenture includes a series of codes establishing practices that the joint venturers must follow and obligations that they must honour. These codes have national and international recognition. They are accepted as the strictest available. The Premier, however, does not understand how they work. In answer to a question yesterday he said that over time standards change, inferring that the codes in the indenture might no longer be adequate. What he plainly fails to understand, or deliberately misrepresents, is that those codes are being continually reviewed by national and international authorities. And the indenture specifically requires the joint venturers to honour obligations imposed by those codes or any revisions to them. If any revision is made to any of the codes spelt out in the indenture, the joint venturers are obliged to meet the upgraded requirements, without any escape whatsoever.

During the Roxby Downs indenture select committee, evidence was sought from the Health Commission about the adequacy of those codes. I quote relevant extracts from the evidence of the principal Health Commission officer who appeared before the committee—Dr Keith Wilson. At paragraph 218 he said:

> The legislation will be adequate to apply sufficient controls for health protection.

At paragraph 252 he was asked whether the Health Commission was satisfied that the general welfare and safety of the community and employees who would be engaged in the operation would be adequately met. He replied:

> Yes, personally, that is so, and commission officers generally believe that both pieces of legislation give ample ability for controls to be imposed and monitored and to ensure adequate protection of employees and members of the public.

At paragraph 256 Dr Wilson was asked whether the ALARA principle was embodied in the codes and whether it provided the desired protection. By the way, the ALARA principle relates to not only the codes being observed but also the best efforts being undertaken to keep exposure to radiation to an absolute minimum. He confirmed that it was and did provide adequate protection. The present Minister of Mines (who was then a member of the then Opposition) followed up Dr Wilson's statement here by saying of the ALARA principle:

> It is an excellent principle, and I certainly agree that it appears to be contained in this Bill.

I (as the then Minister) also arranged to have evidence given to the select committee by Sir Edward Pochin, a respected world authority on radiation protection and control. He confirmed the adequacy of the codes in the indenture and replied 'That is correct' in response to the following question:

> You see no reason, on the basis of health to the employees, that this particular project should not go ahead?

However, all this did not satisfy members of the Labor Party at the time. They were hell bent on seeing that the Bill and the indenture did not pass. They were hell bent on finding excuses to justify their opposition to the project, because, of course, they had not sorted out their confused uranium policy at that time—and nor have they done so satisfactorily to this day. They indulged in the most outrageous misrepresentations possible. The Premier's prophecy that Roxby Downs would be a 'mirage in the desert' (the Premier's words) was one of the less offensive misrepresentations in this respect. We had the present Minister of Health, in particular, trying to frighten people at every possible opportunity. He also seriously reflected on the competence and integrity of Government officers.

As was quoted to the House yesterday, he complained that officers of the Department of Mines and Energy should not be involved in any way in worker safety, despite their long record of proven expertise in this area. He also complained about the codes and moved specific amendments in this House to change them. The present Ministers of Mines and Energy and Water Resources said this in their dissenting report:

> The radiological safeguards contained in the Bill be amended to allow for properly endorsed requirements for radiation protection to be imposed by the Minister without the statutory limits in the Bill.

During the select committee Mr Michael Bowering, then of the Crown Solicitor's office (recently appointed a judge by this Government), gave cogent reasons why the codes needed to be set in place at the time that the indenture was being ratified, rather than leave the matter in limbo, as the Labor Party then wanted. Mr Bowering's evidence, at paragraph 239, states:

> It is important that the joint venturers know ahead of time what standards they must meet. There was a substantial amount of concern and debate in the course of drafting clause 10 as to whether or not the Government could come along subsequently and impose some standard on the joint venturers that would render their project uneconomical. Therefore, it was important to write into the indenture, in effect, a restriction on what the Government could do perforce of condition, be it under the Mining Act or the then Radiation Protection and Control Bill, which was very much in its early stages and which the joint venturers had not seen, although I think they knew it was around the corner. Therefore, basically the State agreed that the Government will not seek to impose perforce of statutory measures, be it by condition, regulation or statutory amendment, conditions that go above those codes—

Those, as I said, were the strictest in the world. In other words, the joint venturers were concerned that by using some device a future Government might seek to close them down by putting impossible restrictions on them. Mr Bowering continues:

> If it does that, it is in breach of the contract. Nevertheless we were concerned to see that the joint venturers used all modern techniques to keep dose levels as low as possible. Therefore, they have given a contractual undertaking to do that, and it could well be, for example, that the most stringent dose of radiation specified under any code is, say . . . level 5, but the advance of technology is such that, meeting the all practicable means test in the ALARA principle—

to keep it as low as possible—

> they could meet a lower standard of say level 3. The State would not seek to impose that on them by means of condition, regulation or statutory amendment. However, we would expect them to comply with that standard and they are contractually obliged to do so. If they do not do so, they are in breach of clause 10.

This completely justifies the approach of the former Government, and completely repudiates the attitude the Labor Party took at the time that these codes should not be agreed as part of the indenture. Mr Bowering's evidence also gives the complete lie to the Labor Party's latest contention that the indenture cannot be enforced; that the joint venturers cannot be required to meet their undertakings by any means other than complete closure of the project. Again, this is a complete misrepresentation—indeed it is falsehood.

The Mines and Works Inspection Act gives strict powers to ensure the joint venturers meet their obligations every step of the way. Inspectors can enter a mine without notice at any time of the day or night. They can inspect practices and stop work if they consider that necessary. There are also sanctions in the Act against failure by companies to honour obligations in respect of worker safety.

It is nonsense for the Premier and the Government to suggest that the only way worker health and safety provisions at Roxby Downs can be enforced is through termination of the project. This is a smokescreen. It is being put up to hide continuing divisions within the Labor Party on the general question of uranium mining and the particular issue of the future of the Roxby Downs project.

There are those within the Labor Party who still want to stop the project. I am concerned that this issue is being used to suit those ends. I am concerned about the involvement of Dr Cornwall, in particular. His past performance demonstrates that he cannot be trusted. He is erratic in administration. He is egotistical in putting his point of view. In fact, one prominent member of the Labor Party confided to me that he was on an ego trip on this matter. It is not clear just what he is seeking in causing division within the Government on this matter.

He masks his intention by claiming a monopoly on concern and compassion for workers and by making all sorts of unfounded allegations against the former Government. However, the truth is quite plain. The former Government acted with full consideration of the interests and rights of workers at Roxby Downs. We insisted on the imposition of the strictest possible standards. It is interesting to note that the Government does not intend to amend them, despite the attitude of the now Ministers in seeking to block the legislation by suggesting that that should occur.

The Liberal Party still insists that the strictest possible standards be maintained consistent with the indenture obligations entered into by the former Government and honoured to this point by the present Government. It is up to the Premier to make a statement clarifying the Government's position so that the present uncertainty can end. He should resolve once and for all who will have responsibility for worker safety and health. All the conditions are already in place to ensure that the joint venturers honour their indenture obligations. All it requires is for the Premier to ensure the responsibility is given to the appropriate Minister, not a Minister likely to allow his ego and his prejudice to interfere with this project.

I wanted to get that on the record, because we have had this stream of constant prevarication on the part of the Government. I questioned the Minister of Mines and Energy during the Estimates Committee hearings, and he is today singing a different song than he was two or three weeks ago. As a result of a conversation I had with one of the senior members of the joint venturers at Roxby Downs I questioned the Minister about whether there was any conflict between him and the Minister of Health and whether the Government intended to enact any amendments to the radiation control protection legislation. He said that there was no conflict and that there would be some minor amendments.

I asked him whether those minor amendments were to clarify who was in charge for giving orders at the mine face in relation to worker safety and he said, 'Yes, it is to make it perfectly clear that there will be no change to the present arrangements, but in fact the Chief Inspector of Mines will be the responsible officer.' Either the information he gave to the committee—and he was evasive enough—was not correct, or the erratic ego-tripping Minister of Health this week happens to be in the ascendency. I found it hard to understand why the Minister of Mines and Energy should be so evasive.

During the Estimates Committee I asked him about his view in relation to sales of uranium to France, and he said he did not need to have a view. I found that reply rather strange from a man whose concern is to see that the health of mining in this State is safeguarded. I asked the Minister about his attitude to sales of uranium to Sweden and he said that he did not need to have an attitude. In fact, it was very hard to find anything on which he had an attitude. However, he had an attitude in relation to who would be in charge of the safety requirements, and the present arrangements seemed at that time to suit him fine. He believed that there would be a minor change to the radiation control legislation to clarify what he suggested was a slight discrepancy in the Act; but that life would go on as usual.

I deplore the misrepresentation and attempted vilification of the motives of members on this side of the Chamber. I have been around long enough not to be thin-skinned. I do not lose any sleep over it. However, at every opportunity, as I said yesterday, I seek to put the record straight. In the famous words of Don Chipp, I seek to 'try to keep the bastards honest', but it is not an easy task.

Mr TYLER (Fisher): I would like to get debate back to the Bill and away from the obsession of the Deputy Leader with the Roxby Downs Indenture. No wonder they call him radioactive Roger.

Members interjecting:

The DEPUTY SPEAKER: Order! The honourable member has been in this House long enough to know that he must address every person by their correct title and that he should not use the phrase he just used.

Mr MEIER: I rise on a point of order. Mr Deputy Speaker, would you have the member for Fisher withdraw that remark?

The DEPUTY SPEAKER: Order! I will not rule that way, but I will ask the member for Fisher to withdraw the remark. I will take the same stance with members on either side of the House.

Mr TYLER: Mr Deputy Speaker, I accept your ruling and withdraw. I cannot think of a more important Bill that members of Parliament will debate in this House than one relating to occupational health, safety and welfare. I indicate my full support for the Bill and congratulate the Minister of Labour on getting together a Bill that will profoundly affect and protect workers in South Australia.

I should point out to the House that I have had quite a deal of experience in working in a workshop environment. When I left school I took up an apprenticeship and spent five years as an apprentice watchmaker. Following that, I spent 10 years as a fully qualified tradesman working for a large local government authority. Although my employers have always been very safety conscious, there have been a few cases I can think of which fall into the category of very unsafe work practices. The introduction of safety officers, for instance, has helped eliminate some of these problems,

but I was one of the lucky people: I could go to my employer and point out an unsafe work practice, and that authority was conscious of the need to act in a preventative and responsible fashion.

Unfortunately, this is not always the case. I should also point out to the House that I myself have been a statistic in an industrial accident. Although mine occurred on the road, it was nonetheless classified as a workers compensation accident in the early stages, and I suffered severe injuries to a leg and had to undergo more than 12 months of constant rehabilitation to get myself literally back on my feet so that I was again useful in the workplace. So I do speak with some authority and experience in this area.

I think at this stage that it is worth reiterating some of the statistics that the Minister covered in his second reading explanation. The fact is that in South Australia an average of 12 500 workers each year suffer injury and disease in the workplace, and of that number 1 600 will be rendered permanently disabled, and in excess of 30 cases will be fatal.

Mr S.J. Baker interjecting:

Mr TYLER: That is for the benefit of the member for Mitcham, if he has not read the second reading explanation. If we do not look at the human suffering, the human hardship, the family crisis and the social and psychological trauma that occurs and just look at this in cold hard dollars and cents, as the member for Mitcham obviously does, we find the direct cost to the employer by way of workers compensation premiums is currently in excess of $170 million per annum. And, of course, if we look at the other indirect costs which arise—such things as loss of productivity and the costs of retraining—it is estimated that the total cost is in the order of $600 million—$700 million each year. The cost each week is in excess of $10 million, and if we break it down even further to each hour then the cost is somewhere between $300 000 and $400 000. The Minister in his second reading explanation also pointed out that, in 1985, 365 000 days were lost in South Australia as a result of occupational injuries and disease, and this was 13 times higher than the time lost through industrial disputes over the same period. By any comparison, these figures demonstrate that occupational accidents are a major threat to the health of our community.

Mr Lewis interjecting:

Mr TYLER: If the member for Murray-Mallee listened for a moment he might have a little more understanding of this area.

Mr Lewis interjecting:

Mr TYLER: That is a scandalous slur on all workers in South Australia. The honourable member ought to be ashamed of himself. He has made so many scurrilous attacks on people in this Chamber before. Unfortunately, scant public attention is paid to industrial safety reform, even though Australian workers suffer industrial accidents at a rate three times greater than their counterparts in Britain. But, Liberal politicians such as the member for Murray-Mallee and much of the media prefer to concentrate on industrial disputes. Apparently, these people see workers' lives and livelihoods as less newsworthy than strikes and lockouts. Such a bias portrays a fundamental lack of understanding of our industrial scene.

So, it is on this note that I was delighted to see that the United Trades and Labour Council has gone into the workplace and made a start on the onerous job of educating the workers and the bosses about the benefits to be gained from preventative action in the area of industrial health and safety. As a result of this, we have found ourselves in a situation where people are becoming more aware, and the reforms in this Bill will further educate, because they are designed to put an end to the unacceptably high toll that we are experiencing in industrial injury and disease. The reforms should be welcomed by all South Australians, because they attack the problem on two fronts. The reforms aim not only to reduce the incidence of accidents and disease in the workplace but also to reduce the enormous costs. And the great thing about the Bill is that it will cover all workers in South Australia except those specifically exempted by regulation. That is good news for all workers because the current Act offers protection to only about 60 per cent of the work force, resulting in a very patchy and inconsistent coverage.

I firmly believe that it is the right of every worker in South Australia to have a safe work environment. Research has shown that most work-related accidents are avoidable if the proper safety and health precautions are taken. So, the provision in the Bill to strengthen the power for health and safety representatives is most welcome. The Bill also gives a clearer definition of the powers of inspectors and the duties and responsibilities of employers and employees. It also provides a significant increase in penalties for breaches of the Act. If the Opposition is serious about wanting fewer accidents and less industrial disease; if it is serious about wanting to reduce the cost to industry, it will join with the Government in a united approach to overcome this major problem. But alas! It is quite clear from what we have heard from Opposition members so far that they are not serious. It is quite clear that they do not have the welfare of our industry and our workers at heart.

I would like at this point to pay special tribute to the Hon. Jack Wright, a former Minister of Labour in this place and Deputy Premier, who so recognised the enormity of this social, human and economic problem that he established in 1983 a tripartite Standing Committee on Occupational Health and Welfare to inquire into and make recommendations on a suitable legislative framework to improve the standard of occupational health and safety in this State. That committee, of course, was chaired by Dr John Mathews and included representatives from Government, employers, the United Trades and Labor Council and the Working Women's Centre Inc. The steering committee completed its report in 1984. The committee examined the current system operating in South Australia and found a number of major deficiencies. Of course, we are always in a situation of improving legislation, and finding deficiencies and defects in legislation is always a problem. But I am mindful to note that the current Act was introduced in 1972 and at the time was considered to be one of the most progressive pieces of legislation for its time. As the Minister pointed out in his second reading explanation, the 1972 legislation was framed without any real concept of workers having any rights in matters of health and safety. Insufficient importance was attached to workplace consultation, and the value of a general tripartite framework in administration of the Act was only given qualified recognition.

Therefore, it is pleasing to see that the Bill provides for workers to be involved in all matters involving their health and safety at work. This will be achieved through the election of health and safety representatives, who will be concerned in all matters affecting people's welfare in the workplace. This is one of the provisions that has raised the most controversy and, quite honestly, I cannot understand why. All workers have a right to participate in the election of representatives and all workers have a right to representation. These work safety representatives will have a right to attend courses of training without loss of pay, which is only reasonable. After all, it is the employers who will benefit by having well trained representatives who are able

to detect a likely dangerous situation and can take the necessary preventative action. The Bill also recognises that situations can arise that are an immediate threat to the safety of workers, and in these instances the Bill recognises the workers' common law right to cease work. In addition, and in order to make this common law right effective, the Bill has given a work safety representative the power to direct that work cease.

In South Australia it is interesting to note that this power to halt work already exists under Federal awards covering the wharves and the pulp and paper industry. Even in Queensland, trade union-employed worker safety inspectors have statutory powers to halt work in the coal and mining industries. I really cannot understand why this has caused so much anxiety in the Opposition and among employers, because I note that the Bill also provides that where work is halted as a result of a direction of a worker safety representative the employer will be able to redeploy the employees involved in suitable alternative work.

There are other matters to be dealt with. Industrial accidents, I believe, will not be treated seriously while we attach grossly inadequate fines for serious negligence. The present fines are scandalously low, and this Bill, I am pleased to say, tackles this problem head on.

In a major speech in 1981, the now Prime Minister, Bob Hawke, pointed out that maximum penalties were so low that they make it profitable for some unscrupulous firms to ignore safety and thereby cut costs. Quite frankly, I find that grossly repugnant. In South Australia, the maximum penalty for breaches of sections of the Industrial Safety, Health and Welfare Act is only $1 000. The maximum penalty for breaches of a regulation under the Act is $500. I congratulate the Minister for introducing the Bill and indicate to the House my full support for its reforms.

The Hon. FRANK BLEVINS (Minister of Labour): I move:

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

Motion carried.

Mr INGERSON (Bragg): I would like to comment on the Bill itself, the transport industry and the owners of businesses who, as well as workers, are going to be affected by the Bill. It is relatively important to note, as one who has been in business, that people survive only in business if they recognise not only the health, welfare and safety of their employees but the need to look after them as well. Many times from the other side it is put across to us that we do not understand the plight of workers. Anyone who has survived in business for 20 years knows full well that you have to look after your workers, not only in regard to their safety but in other areas.

Mr Tyler interjecting:

Mr INGERSON: Some members opposite, particularly the member for Fisher, do not like to listen, and he does not like to be told every now and again that he does not know what he is talking about. In this instance there is an opportunity for us to put a point of view, which I believe needs to be listened to, on behalf of employers. There is no question that there are many provisions in the Bill that will dramatically change the way that they run the businesses they own, the businesses for which they put up capital, so that they can employ people under conditions that are reasonable.

That ought to be clearly noted: there is a two-way partnership in any business and it needs to be recognised that the employer is not wrong in the majority of cases. When one talks about industrial accidents one is talking about a minority of cases that occur. Hundreds and thousands of businesses in this country run injury free through almost their total life.

We also note that there are many businesses and industries in this country that are accident prone. I refer to abattoirs where workers flash around with knives. In the transport industry there is continual carrying and lifting, so surely there will be accidents in those areas and we need more control there. I am getting a bit sick and tired, every time someone from the other side speaks, of having them continually slam down our throat that employers are always wrong—that is not the case.

I have been an employer for 20 years, and I know from many many instances that it is a two-sided story. Members opposite should sometimes look at the other side of the coin to see that there are many times when employees act totally irresponsibly and do not accept their responsibility to be part of an important team.

This Bill relates not only to employers and employees but also to the public. It extends the responsibility of employers to not just preventing injury to employees but to eliminating risks to their health and safety. The Bill has been designed to ensure that provision is made by employers of labour in the work place to eliminate risk to the health, safety and welfare of employees. We support that strongly. We have never not said that in this place.

If members opposite had listened to our lead speaker, the member for Mitcham on this side, they would have noted clearly that there has never been a statement from him that does not support the need to recognise that the employer and the employee must work together and that rules and regulations must be observed.

We note that the employers' responsibility also extends to welfare not only of employees but the public. However, no clear definition within this Bill is given as it relates to welfare, which could cover a wide scope, including housing, family, extending far beyond the workplace for employees, and we cannot even imagine the extent of its scope if this applies to the public.

I believe that that is the sort of thing that the Minister will clarify in his reply. Health and welfare are synonymous unless it is the intention of the Bill to extend its influence beyond the work place and work environment. I do not believe it is, but the Minister ought to explain that, because it is not explained clearly in the Bill. As I said, there is some doubt as to whether welfare should be included in the legislation.

We also note that the employer's responsibility extends to risks to health. We could include almost any illness, not necessarily related to an employee's work or workplace. I do not believe that that is intended, but that is possible from reading the Bill. Could an employer be held responsible for an employee's catching cold because inadequate or no heating was provided? Could an employer be held responsible for an employee's contracting the 'flu or some other respiratory infection because immunisation injections were not provided? Could an employer be responsible for a member of the public, say, a person living in an area or working at an adjacent site and contracting hay fever or some other sinus illness because of work processes?

Do those sorts of conditions apply? We believe that only causes of illness directly related to a given worker and his or her work place should be considered. That is an important point because it really homes in to the worker/employee/employer relationship to which this Bill should be relating. In the definitions of the Bill an occupier is said to mean a person who has management or control of a workplace, not necessarily the owner or a company. In the transport indus-

try this means a depot, so that responsibility under the legislation is being placed on each depot manager, in addition, we presume to the overall company general manager. I believe that this is spreading the net of responsibility far too wide. I hope that in Committee we will be able to question the Minister on those implications. Another definition is of work group, which means a group of workers so designated in any working place, but the definition is not sufficiently specific. Does it mean a group of workers in a given area, on a given task or process, or on any given piece of machinery? Does it mean on any factory floor or transport depot? There could be a number of work groups.

As the Minister would be aware, in a number of modern transport depots larger companies are coming together, and many groups are coming together in depots. What does that definition really mean? How many work groups are we really talking about? Considering that it will be from these work groups that the health and safety representatives will be elected, it could mean a proliferation of representatives in any workplace. When we look at the workplace definition we find that it includes any aircraft, shop or vehicle where a worker works and includes any place where a worker goes while attending at work. The transport industry is seriously concerned at the defining of a vehicle as a workplace, not so much from the safety factor—this is covered in other Acts, nor from the employee aspect, which is covered in awards—but because this definition embraces owner drivers who are subcontractors, who provide their own vehicle and over whom a prime contractor has no control as to the state of repair of that vehicle.

That is the sort of thing that concerns the transport industry. The transport industry today is principally an industry of small business, where the prime contractor purely and simply has the function of organising the goods to be delivered from point A to point B. No delivery is done at all by the prime contractor. In this instance one has an involvement of a subcontractor in the occupational health area. I do not believe that it is reasonable: again, as we did in the workers compensation area, we would like some clarification from the Minister as to whether that will apply in this area.

Under the Bill it appears that an employer will be required to consider the owner-driver's vehicle as a workplace, but unable to control the conditions of that workplace as regards, say, a leaking exhaust system. The industry objects very strongly to the inclusion of a vehicle under the definition of workplace. That is not meant in any way to reflect that the industry does not believe that the workplace (for example, the vehicle) should be safe, but it clearly points out that the industry is concerned that it has a moving object that is continuing on into its world, with no fixed point, with variables all the time, being included and made the responsibility of the prime contractor. That is a most unrealistic position.

In the area of the administrative control of the legislation, it is noted that the commission is largely composed of Government employees, with only one member necessarily having any expertise in the field of health and safety: I do not really believe that. The Minister, again in Committee, will be able to explain that to us, but that is the way that it reads and appears to me. The industry considers that, if the commission is to be involved in formulating policies, promoting awareness, issuing codes of practice, promoting education and devising courses of training on safety and health, it must have a greater understanding of what it is about and hence be composed of more members with expertise in health and safety and, in particular, more people who relate directly to the industry.

Under the area of employer-employee responsibilities is a reference to 'taking all reasonable steps'. What is 'taking all reasonable steps'? It is not reasonably defined. What are they? What is 'reasonable'? Who will decide what are reasonable steps? Will they be relative to the circumstances existing at any time? Will they vary from inspector to inspector, representative to representative, workplace to workplace? There must be a clear definition if this word 'reasonable' is to make any sense because, as I see it, anyone can make any decision as to what is reasonable, and be right. In this instance, there needs to be some clarification on that point.

The duties of workers are very plain and simple: it is in only five lines, and it calls on him or her to ensure their own health and safety and to ensure that they do not affect the health and safety of others. Could a non-smoker make a claim against a smoker? Could a person claim that he or she was infected by another? The responsibilities of an employee to his or her employer must be defined in greater detail. Should an employer give specific instructions that a particular work practice has to cease, or that it should apply, there is no penalty for an employee who fails to abide by that instruction. Penalties should apply as much to employees as to employers, and to the same degree.

I have said earlier in discussions with the member for Fisher that in this legislation and in many areas of the legislation it is very one-sided: there needs to be a recognition that there is the other side of the fence, that there is the individual on the other side of the fence who has to face up each week with the wages. Unless there is a reasonableness between the two points of view, no future business will survive.

The most controversial section of the legislation deals with provisions relating to occupational health, safety and welfare issues that arise at the workplace, and the procedure to be adopted when an issue arises. The Bill states that if an issue arises in a workplace the safety representative—or, if there is no representative, the workers—can cause a cessation of the work. The great danger as far as the employer is concerned and the continuance of the business is that any one or any number of workers can call out their fellow workers if they consider, not necessarily based on any expert advice, that there is an immediate risk to health and safety. The employer is then left to call an inspector, and that can take up to two days. If the inspector agrees with the representative, work group or the worker, the employer is then obliged to appeal to the commission.

There is no time limit as to how long it would take the commission to review the matter, beyond the requirement to immediately refer the matter to a review committee. In the meantime, the employer's business, or a section of it, is unproductive, but he is obliged to continue to pay the employees. He can, during the cessation of work, assign the workers to suitable alternative work, but who is to decide what is 'suitable alternative work—the employer, the workers, the appropriate union yard delegate, who? Who makes those decisions? Who makes the decision in the slaughterhouse when there is a problem in some section that one cannot work in the other part of the slaughterhouse? Who makes the decision that in the transport depot one vehicle can go in on one side and the other cannot go in on the other side of the depot: the employer, worker, union, or who?

Those sorts of things need to be more clearly set out so that one knows exactly where one stands and so that the decision is apportioned with reasonable responsibility on both sides. It is obvious that a review situation must be put in place. An inspector could be incorrect in his assessment

and the industry believes that before cessation of work under a prohibition notice the notice ought to be ratified by the commission. The industry believes that this subclause is fraught with a potential for industrial disputation, which could affect other sections or the whole of the workplace.

As far as health and safety representatives are concerned, it is believed that this section sets out who they will be and how the safety representatives will be elected. It should be noted that the provision does not specify the responsibilities of the safety representatives, nor does it apply any liability for not performing. There are plenty of penalties under this Bill if the employer does not perform but if the safety representative does not perform there is no responsibility and no liability at all. The Act does not require that a representative eligible for election have any prior training or be knowledgeable in matters of safety, health or work practice. It is very likely that many instant experts will be created.

The Act refers to employees of a registered association, which obviously refers to whatever trade union may be involved. It is obvious to me that the majority of representatives will be union appointees from the shop floors, which is not necessarily a bad thing.

Responsible unions will see that the most able person is elected and will see that he or she is capable, has training and has some knowledge of the work practices, safety and health. There is a danger that this position could be abused and used to effect during industrial disputation. That area has caused the most concern to employers in the transport area and to responsible employers in all of the industries to whom I have spoken: that in fact this positioning of a person with these responsibilities will become an industrial matter and not a health, safety and welfare matter. That really is the major single concern that this legislation is bringing towards the public.

Another concern is that a person, to be eligible for election as a representative, must be a member of a registered association. It will be tantamount to compulsory unionism. Members opposite have heard many times my comments in this area relating to compulsory unionism. I believe it is obnoxious and that every individual has a right to decide whether he be in or out of a union, exactly the same as he has a right to decide whether he is in or out of any business.

Mr Tyler interjecting:

Mr INGERSON: You ought to know about the freedom of individuals, and, if you do not, you ought to go and look it up. We do not believe that the Bill should specify that a safety representative is a union member. That is not my statement; that is the statement of the transport representatives. It is also the statement of all small business owners that I know, because they are sick and tired of being bound into 'Union this, union that'.

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

Mr RANN (Briggs): I rise to support this excellent Bill. By the end of this year, more than 300 Australian workers will be killed and perhaps 300 000 injured in some way in the workplace around this country. I say 'perhaps' because we really have no idea of the depth of the industrial accident problem, let alone the incidence of occupational disease. Unfortunately, statistical information is either fragmentary or collected by a system which significantly underestimates the extent of industrial accidents and varies from State to State.

Despite this black hole of information, it is estimated that the carnage at the workplace will result in 2.5 million bed days in our hospitals. We have heard a great deal, quite rightly, about the road toll in Australia. Let us remember that, for every person injured on our roads, five will be injured at the workplace. When has one ever read about these problems in the papers except when reforms are resisted by Opposition Parties and by those very few callous businessmen? In this State, with the best record of industrial peace, the difference between days lost through strikes and accidents is stark. As the member for Fisher pointed out, for every day lost through industrial disputes last year, more than 13 days were lost as a result of occupational injuries and disease. The personal, family and community costs of industrial accidents, like the financial costs to industry, are enormous, and that is why this Bill is so important.

We have heard a lot from our Opposition colleagues about these reforms, but the Party that parades itself on law and order issues wants to go soft on those that persistently and negligently place workers' lives at risk. We have seen today the comparative value that they place on various crimes against humanity. For instance, we saw earlier this year a parade of Opposition spokesmen and others attempt to defend those who persistently and negligently place workers lives at peril. Strangely enough, we have seen a demand for workers to be fined or to be dismissed by employers for negligence contributing to their own injuries, but any suggestion of fines for wilfully negligent employers brings howls of protest.

The member for Mitcham said it was ludicrous to suggest that any employer was deliberately creating dangerous conditions at work. No-one, he says, is ever deliberately negligent. You could use the same argument about drunken drivers, for goodness sake. Apparently, existing penalties are not steep enough. Let us look at those penalties and, in doing so, place in the spotlight the value that members opposite put on the lives of working people in this State.

We have already had pointed out that the maximum penalty is $1 000 and $500 for a breach of the regulations. That is not even the true story because, when I was looking at the problem in 1984, I found out that the average penalty actually imposed for negligence causing injury or death in South Australia was $164. Is that the value that members opposite place on people's lives and injuries? Across Australia, it has long been obvious that society places a higher value on crimes against property than it does on workers' health and lives.

I admit that very few employers are prepared to cut corners on safety and risk the penalties, and workers fearful of retrenchments are often wary of formal complaints. That is not just the case in South Australia. Let us remember that tragic case in Victoria a few years ago, where two young lads were put into a degreasing vat and asked to clean it out. They were not told about the nature of the chemical or given any protective clothing whatsoever. They were stuck in this vat and told to clean it out. Those two lads were found clinically dead a few hours later. The book was thrown at that company; the maximum penalty of $2 000 was imposed for the deaths of those two lads. It should have been manslaughter; it should have been murder in my book. By the way, they were actually accused of breaching enclosed space regulations.

We have also seen outrage from members opposite about giving stronger rights and responsibilities for employee representatives. The simple answer to the growing problem of industrial accidents and occupational disease is not simply to increase the number of inspectors. The simple fact is that our industrial inspectors cannot possibly hope to keep up with the problem. They have too much to do. What we need is self inspection at the plant level and job level, and that is what this Bill seeks to do—by enshrining the rights

of workers safety representatives and by providing them with information, responsibilities, powers, duties and obligations.

Members interjecting:

The SPEAKER: Order!

Mr S.J. Baker: You are talking garbage.

The SPEAKER: Order! I warn the honourable member for Mitcham for continuing to interject at the very moment that the Chair was calling the House to order. The Chair has been fairly tolerant, accepting that a certain level of interjection is part of the natural flow of debate. However, the Chair will not allow members on either side to be shouted down.

Mr RANN: That is why this Bill is so important in giving a key role to elected workers safety representatives in assisting employers and workers to resolve health and safety issues. At last these representatives will have the right to attend courses of training, without loss of pay, to inspect the workplace at any time and to receive relevant health and safety information. Hopefully at the local and plant level we will see the evolution of an effective self inspection system. Basically, this is very fundamental. It comes down to the basic difference between the Opposition and this side of politics. It comes down to values.

Surely, if workers have a vested interest in and a right to make decisions about anything at all in industry, it should be about their safety and health on the job. This Bill, by establishing stronger powers for elected safety representatives will, I am sure, help foster a greater awareness of safety issues in South Australia's work places. Instead of the present system where even minimum statutory requirements are barely enforced, the role of an on-the-job inspector will become one of training, anticipation and education for preventive measures beyond statutory minimum requirements. I congratulate the Minister of Labour; I congratulate his team; and I congratulate his department and his predecessor, Jack Wright. This is one of the best pieces of legislation that we will see in the next decade.

Mr GUNN (Eyre): I rise to make a few brief comments. It has been interesting listening to members opposite trying to highlight the emotional side of industrial accidents. We have just listened to the member for Briggs read a prepared diatribe which amounted to nothing less than a vindictive attack on the employers of this State and this country.

Mr Tyler interjecting:

Mr GUNN: The honourable member has continued to interject. He has never employed anyone in his life. He does not know anything about the responsibilities and difficulties of employing people. It is the employer who must pay the wage bill at the end of each week. No matter what conditions are set, all the laws in the world can be passed but at the end of the day, commonsense and reality has to dawn upon the people who are passing these laws. If you want to have people employed, you have to come to your damn senses. You can pass these laws but none of you have had any experience in a workplace employing people, being responsible, and trying to make a business run so that you can create the conditions in which people do have permanent jobs.

You can pass all the laws you like, but you will not have any people employed. You will continue on this downward trend and hundreds more people will be out of work. If this legislation passes in its present form, it will mean that massive modifications will have to be made to plant and machinery in the rural industry. People will not have the expertise or the financial resources to update machinery. Will the Government send an army of bureaucrats—gestapo-like inspectors—around the State imposing their will on people. I can give an example where one of the best engineering workshops for farm machinery in South Australia was closed down at Streaky Bay by one of these fools. As a result, the employer said, 'I have had this.' He then closed his door and sacked all his employees. When I contacted the inspector he said, 'I expected that that would happen before I went there.' The inspector was a bigger fool than most of us thought.

I have seen shops close down because of crazy conditions. Commonsense must apply. The way that this Bill is drawn up, the definitions of 'employer' and ' employee' will make it disastrous for people who engage private contractors. At the end of the day commonsense must apply. What concerns me is that those who have had some experience in employing people—

Mr Tyler interjecting:

Mr GUNN: If the member will listen for a moment, he may learn something, but I know it is difficult for him. The way the member has been performing displays a great deal of ignorance. The member can have all the academic theories that you like, but when you are in the real world and you have to face reality he will find that a lot of the nonsense promoted by him will not work.

Mr Tyler: You've not been listening.

Mr GUNN: The honourable member has not made a sensible contribution since he has been in this place. He can read speeches that have been prepared for him by someone else, but he should go out into the workplace and face reality. That is why this State and nation is in its present condition. There are too many academics who sit down and prepare dossiers. They have never dirtied their hands, have never had managerial responsibilities or tried to employ people and create good working conditions. It is in the interests of employers to have safe working conditions and reasonable conditions and to have harmonious working relationships with employees. That is how you get the best results from people working for you. By imposing on people the conditions set out in the Bill—and some of them are absolutely nonsensical—you will not do anything for relations between employers and employees. It will not help rectify some of these difficulties.

Mr Tyler: What's your approach—*laissez faire*?

Mr GUNN: Just listen. If the member listens for a few minutes, he might learn something. I know that it will be difficult. The way that the honourable member has been carrying on, it is very difficult to get through to him, but I will try. There must be a commonsense approach. Commonsense is the greatest thing that anyone can have in this Parliament or outside. If it does not apply, it does not matter. You can pass whatever laws you like, but you have to make them work. A bit of commonsense and a reasonable approach will fix most things. But arming inspectors with this legislation and giving worker representatives these sorts of powers will cause ill-feeling and frustration, and it will not lead to harmonious working relationships.

Very briefly, my concern is for the rural industry and for those industries which have done so much for this country. You can draw up all the regulations you like and you can attempt to impose them but, as a result, you will shut down industries. What do you then do with the people who have lost their jobs? If you impose more unreasonable costs on people, you will make life more difficult for them and their businesses will become unprofitable. It can be done only by negotiation and discussion. The Bill should be amended so that, if a person has 10 employees or less, there are quite different conditions. There must be streamlining of the arrangements for importers who bring in machinery from

overseas. A considerable amount of time must be allowed before any of these provisions come in: they must be phased in and not imposed overnight.

Mr Hamilton interjecting:

Mr GUNN: The honourable member can laugh. Unfortunately, thousands of people in this State are out of jobs. As I said before, you can pass whatever laws you like, but you have to make them work. It is how that happens and its effect on the work force that concerns me. People will shut up shop, they will employ fewer people and they will do less work.

Mr Tyler: What about decent working conditions?

Mr GUNN: I am trying to put a commonsense approach to the honourable member. Someone who has spent all his life—

Mr Tyler: Your speech is anything but commonsense.

The SPEAKER: Order! The honourable member for Fisher has already made his contribution to the House.

Mr GUNN: Really, there is little point trying to get anything through to the member for Fisher. Obviously, he has had no experience in the workplace. He has never employed anyone, and he probably never will. He comes into this place, gets up and reads prepared speeches which have no relationship with reality, and he does not take a commonsense approach. I am appalled that we have to listen to the member for Fisher's sort of nonsense. I say to the member for Fisher and the Minister: you can pass this Bill and get your way, but you will inflict on industry conditions that do not apply anywhere else in Australia or the world. You can force it on employers and put more people out of jobs, and you can impose more costs and more conditions.

Australia is one of the most over-regulated countries in the world. In this State we have far too many regulations, controls, forms to fill out and all the other humbug and nonsense that gets in the way of industry and commerce. If the Government continues along this track, it will be on its head and, unfortunately, the people of this State will have to bear the brunt of it. We will all have to suffer. I look forward to this Bill being amended to bring it back to reality. I sincerely hope that commonsense prevails. If not, it will have to wait until an incoming Liberal Government can amend it and apply a commonsense, reasonable and fair approach to it. As I said earlier, it is in the interests of all sections of the industry to have safe and sensible working conditions. To arbitrarily impose this measure on people will cause unnecessary problems and will not help the people of this State.

Mr HAMILTON (Albert Park): I strongly support the Bill. It was rather interesting to hear the rhetoric from the previous speaker. Before I spoke tonight I dug out some information from the files in my office. The member for Eyre spoke about the imposition of protective requirements for employers. I refer to a magazine that is possibly well known to the member for Eyre, namely, the *Farmer and Stockowner* of July 1984, which states, in part:

> Primary producers have only 10 weeks to ensure tractors and power driven machinery meet State safety requirements.
>
> From 1 Otober 1984, the rural industries machine safety regulations will take effect—marking the end of a 7-year lead-up period, allowing time to modify equipment, plus a further two-years deferment due to the 1982 drought.

If that is imposing and forcing through safety requirements, I will walk to China. I believe that Governments in the past have been too easy on those unscrupulous employers who are not prepared to provide safe conditions in the workplace.

I refer now to the words of probably one of the most eminent and prominent people in Australia, namely, the Chairman of the Australian Law Reform Commission, Mr Justice Kirby, as follows:

> Until recently, the basic structure of Australia's safety legislation traced its origins directly to the English Factory Acts, supplemented by a 'hotchpotch of highly specific, ad hoc bits and pieces' and enacted to meet immediate problems as they were perceived.

Mr Justice Kirby used those words in Perth when speaking about the new State and Federal laws on occupational health and safety on 23 February 1984. When I first came to this place one of the first speeches I made, which I recall vividly, was in relation to the first function I attended as a member of Parliament, on 4 October 1979, at the Western Rehabilitation Centre at Royal Park. I remember it vividly because at the time the newly elected Premier, Dr Tonkin, when opening the rehabilitation workshop for workers was requested by Dr 'Bunt' Burnell from the Queen Elizabeth Hospital to provide $300 000 for a hydrotherapy pool which would have enabled workers to be rehabilitated.

That request came from a very eminent doctor who was well respected in that field of assisting injured people, especially people with arthritis. The Premier's response was, 'I have learnt three new words since becoming Premier: the first two are, 'How much?' and the third is 'No'. I have never forgotten that, and when each Bill that was introduced by the then Liberal Government was before us I asked the then Minister of Industrial Affairs (Hon. Dean Brown) what he was going to do about that rehabilitation hydrotherapy pool. His Government did nothing.

It is to the eternal credit of Dr John Cornwall that he was prepared to honour an undertaking given in Opposition to provide the necessary funds for that rehabilitation facility, which I had the honour of opening on 11 April this year. All my colleagues are concerned about this measure, but I suggest that there are employers who do not want union officials or shop stewards going around the workplace finding the problems. A letter sent to Robe River employees who are members of the Electrical Trades Union states:

> 1. A job steward shall not leave his place of work to investigate any matter or to discuss any matter with the employer's representative unless on each occasion he first obtains permission to do so from his foreman or supervisor.
>
> 2. The company regard a *bona fide* regular industrial relations meeting as one which takes place in the presence of a full time State union official of the steward's respective union.
>
> 3. Job stewards will be paid only for time worked and for such additional time they spend on union matters that have been approved by the company. Retrospective approval will not be forthcoming.
>
> Any previous arrangements, understandings and concessions are hereby nullified and have no further effect.
>
> A copy of this correspondence is to be distributed to the duly credentialled job stewards as advised by your organisation.

Having worked for 24½ years in the railway industry, I would tell management to go to hell if someone came to me with a problem in the workplace and wanted me, as a union official, to investigate it. Any reasonable employer would respect the right of a shop steward or unpaid union official to investigate that matter immediately. Many years ago at the Mile End goods yard one of the shunters came to me and asked whether I would come quickly because a company wanted to decant LPG in that yard into another tanker. I went down there and told the people concerned that they would be in all sorts of strife if they attempted to do that and that, if they did so, any leak of gas could not only blow the employees to pieces but flatten the whole goods yard. I was in dispute with one of the bosses over that and subsequently saw the superintendent, who applauded me for my action in stopping the decanting of LPG. That is one of many illustrations that I could give of

the dangers that exist and the need for vigilance by employees—

Mr S.J. Baker interjecting:

Mr HAMILTON: Yes, I can bring many to mind.

Mr S.J. Baker: Things have certainly changed a lot since you were involved.

Mr HAMILTON: I do not believe that they have changed a great deal. As my colleagues have said, the hostility has been generated from the other side. They talk about employers all the time; I have not heard much about the problems of employees. I worked in the railways—

Mr S.J. Baker interjecting:

Mr HAMILTON: I have talked to many employers. I have 400 business houses in my electorate. If the member for Mitcham is bold enough to come down and talk to some of them he can learn of my concerns not only for employees but also for small business people. We are not as bigoted as the member for Mitcham would suggest. The cost in terms of industrial accidents is five times more than the cost of industrial disputations. I am informed that overall that is probably 3 per cent of the gross national product. It is alarming to hear people on the opposite benches always criticising the trade union movement. I was an employee for almost 25 years, and I know that without the trade union movement we would not have the conditions, and particularly safety provisions, that we enjoy today. This Bill seeks to further enhance those conditions that have been long and hard fought for. The South Australian Department of Labour magazine *Workplace* dated 4 April 1985 states:

A five-woman team which spent six months inspecting shops, offices and warehouses in the city, North Adelaide and Greenhill Road has reported 'widespread' lack of knowledge about safety legislation.

The 50-page report reveals that a substantial number of occupiers and employers were unaware of their responsibility to take all reasonable precautions to ensure the health and safety of their employees.

Twelve per cent of premises surveyed did not comply with Safety Code regulations for fire extinguishers and fire-safety officers.

Six per cent did not meet First Aid equipment requirements.

Almost half the employers were not aware of their obligation to provide staff with a written safety-and-health policy outline.

And 78 per cent of employers were not aware of the need to report an injury where the person was away from work for three days or more.

The member for Briggs highlighted that point when he spoke about the black hole of industrial accidents in this country. When, as a union official, one has had to go into hospitals and see the results of industrial accidents, particularly in the railway industry—probably one of the most dangerous occupations in Australia, I would suggest—and see one's colleagues with both legs cut off or a limb or part of a limb cut off, or when one has had to visit the widows, I clearly understand the responsibility—

Mr S.J. Baker interjecting:

Mr HAMILTON: If the member for Mitcham can contain himself, it was under successive Governments that I was prepared to take those issues right up front—even under the Dunstan Government. I was involved in industrial disputes over these matters. I can recall vividly a lad at Balaklava who lost his legs. I visited him in the Adelaide Hospital and helped him fill out his workers compensation forms. Not long after, he returned home to Balaklava, and having travelled up with a welfare officer from the railways on a barracks inspection and come into Balaklava, I suggested we visit this lad and see how he was getting on. His response was, 'We've honoured our undertaking in terms of the legislation,' and that is all he was prepared to do. Is it any wonder that employees decide to take industrial action to try to protect not only themselves but the well-being of their children and their spouses? I believe that these penalties are realistic. The existing penalty of $500 is absolutely appalling.

Mr S.J. Baker interjecting:

Mr HAMILTON: I am just saying that I believe the penalties are realistic and, in my view, long overdue. Enshrined in this legislation is the proposal for committees to report back to the Minister. One of the things I hope he will be looking at very closely with these committees is the problem of shift workers. From my experience as a shift worker, I know the sort of problems shift workers go through, and I am talking about those people who work not just regular shifts but also irregular shifts. The impact that it has upon them, not only in terms of blood pressure, stomach ulcers and respiratory problems but also in terms of the pills they take, including sleeping pills, pain killers, etc., is, I believe, one very important area which needs to be addressed after this legislation is passed.

Another matter I raised last year related to the industry I worked in. I was talking to a rail car driver prior to the 1985 elections, having met him at the Adelaide Show where the Labor Party had a booth. He was in a very emotional state, having killed a child when he was driving a rail car. I asked him what sort of assistance had been given to him, and he said, 'I went and saw the doctor, had a few days off from work, and that was it.' His wife informed me, however, that he had many nightmares and was in a very highly emotional state. I believe that is another aspect which should be looked at: a follow-up for those people to see what further assistance and counselling can be provided to them.

I strongly support the legislation, and applaud the Minister and the previous Minister for their involvement in this field. I hope the Bill has a speedy passage through both Houses. I know there are those who will frustrate, or attempt to frustrate, this measure, but in my view it is very progressive and long overdue.

Mr LEWIS (Murray-Mallee): I do not rise to address this measure in any cynical way or to criticise the general intention of the legislation. Members opposite are quite mistaken if they think otherwise. With the number and variety of physical injuries of one kind or another that I have suffered over the years, there probably would be no-one else in this Parliament at the present time who would be more concerned to ensure safety for people performing a task for which they receive some reward, even if that reward is pure recognition of a voluntary service rendered.

What distresses and depresses me about legislation of this kind, as pointed out in fairly fiery terms by the member for Eyre, is that it merely adds to the cost which must be met by anyone attempting to establish a venture or engage in some project or other which involves an investment of time and money. I have no idea how members of the Government believe that any economy can possibly get itself started, let alone sustain itself, if it were to have imposed on it at the outset the kind of measures this Bill contains in concert with other similar measures which regulate the hiring and firing of labour. It would be an enormous expense to me, an expense which I would not contemplate, had I the need to comply with Acts of this kind which have been introduced over the past decade or so, when setting out to establish one of the various businesses that I have run from time to time.

I do not think any members opposite, although they may have had the opportunity, would have had the courage or would have felt the challenge to attempt to establish a venture from which they could personally derive a living, and, in the event that they were successful in so doing, hire the services of some other individuals to help them perform

the tasks involved, in return for thich they paid some reward agreeed between them and their employees.

How did we get this State going? Why do we now need legislation which so fetters the capacity of any individual to establish a business that it is impossible to do so? Do we not have any respect for the profound relevance of those values which have inspired our forebears over the past 150 years to get the State established? Do we not have that clear insight and commitment any more? Are the kinds of detailed legislation and conditions being imposed needed by those of us who would be bold enough to chance our arm and our grub stake in attempting to establish a business? Is there no morality left anywhere in this State making it possible for an employer and employee to get together and determine what is safe and reasonable?

Clearly, under the terms of this Bill I could not work as a contract trapper trapping rabbits because it would be deemed that the equipment I was using was too dangerous. Mark you, Sir, I was not paid wages to do that. Rather, I did it on a contract basis, getting scalp money for the rodents that I caught.

I wonder whether the member for Briggs, when he contemplated this legislation, considered himself to be an employee of the South Australian Government or the South Australian Parliament. Accordingly, under the definition of 'worker' on page 3 he would qualify as such and as the Bill is supposed to bind the Crown (and that is a nonsense), does he believe that there ought to be regulations made to cover his employment in his capacity as a member of Parliament? Clause 4 (4) provides:

The following matters are aspects of occupational health, safety and welfare:

(a) the physiological—

that is, his skeleton, the flesh that hangs on it and anything else he has in it—

and psychological needs—

That is, his mind, his disposition, the way in which he feels about the environment in which he is operating, and wellbeing are regarded as being the responsibility of the employer—us—the people of South Australia.

I do not think that it is at all unlikely as an ultimate consequence of the way in which this legislation will be applied. It may sound rather ridiculous now but I can foresee that, under the terms of this legislation if it ultimately suits the South Australian Institute of Teachers to take a situation not too far removed from the way that we operate and function, the institute will be demanding regulations under this Bill when it becomes law—as I am sure it will, given the determination of the Government to crunch its number and ignore any requests or arguments that we may put to the contrary—and thereby obtain from their employer—the Education Department, the Minister, and therefore the taxpayers—unreasonable requirements relating to the so-called psychological needs that they have.

They will identify I am sure at some time in the future a case for stress under the heads of the psychological needs that they refer to. We will find ourselves in all sorts of awkward binds because we will not be able under other legislation—equal opportunity legislation—to deny a person who has the apparent academic qualifications the right and opportunity to become a teacher.

They may be temperamentally and therefore psychologically ill suited to the job and, shortly after becoming so employed as some of them these days now are, they will find it to be beyond their means to cope psychologically. That could require the Education Department not only to provide them in the event that they are laid off with some compensation but, more particularly, to avert that necessity, and introduce some nefarious work practices into the classroom situation in schools that alleviated the stress for those people who have been promoted beyond the Peter principle, the level of their competence.

Of course, looking at the Bill overall one can see that the effects will be to render redundant equal opportunity legislation and, more particularly, the Equal Opportunity Commission in a fairly short time, if not immediately upon the Bill's proclamation. It would be possible to read everything into this Bill and regulations which can be established under it in the event that it becomes an Act which is presently contained under equal opportunity legislation as it stands.

Now, I want to draw the attention of the House to an equally ridiculous situation to illustrate the stupidity of such bureaucratic intervention in the work force. What about the prostitute in the event that the so-called private member's Bill now before Parliament becomes law? We look at subclause (4) *(a)* as follows:

the physiological and psychological needs and well-being of workers while at work;

Let us contemplate the appointment of a safety officer in a brothel to enter the place at work, inspect the premises to ensure that they are all safe. The mind boggles! It distresses me that we go to such lengths to be so inordinately stupid about the way in which we are attempting to regulate the workplace. On the contrary, as the member for Eyre said, in most instances, indeed, in all instances, commonsense ought to apply and certainly sooner rather than later it will have to apply for, as much as this detail—not the general principle—which the Bill envisages as regulation and control over the way in which people can work and get work done, one for the other, it will certainly cost so much as to destroy employment opportunities within the total framework of the macroeconomics of the State.

It will disadvantage this State compared to other States. It will disadvantage this country compared to other countries the wider these measure are adopted.

I want to refer to another situation which is equally ridiculous, that is, the situation of a fisherman and the deckhand who works with him. Imagine the cost to the Government to provide inspectors to check on the safety of working conditions on the decks of fishing vessels—particularly crayfishing vessels—in providing vessels for inspectors to get out to check their workplace and the practices in the workplace.

Members opposite might ask who is interested. I say in response to any such hypothetical question asked rhetorically by members opposite that if one is not interested in all, why be interested in any? I am sure that it is every bit as dangerous to work on the deck of a boat and every bit as stressful, and therefore physiologically and psychologically prospectively damaging, as it is to work anywhere at all. Let us consider that in connection with clause 19 (3), which provides:

An employer shall so far as is reasonably practicable—

I do not know how you interpret what those words mean—

(a) monitor the health and welfare of the employer's workers—

that is, the deckhand in this instance, or it might have been the prostitute—

in their employment with the employer—insofar as that monitoring is relevant to the prevention of work related injuries—

and keep information and records, etc. That is not the sort of thing you do for fun when your fingers are numb with cold, when you are wet from head to toe in stormy weather trying to get your pots out of the water so that you do not lose everything you have got in that regard—lose all your gear.

Let me consider another context just to illustrate the ridiculous lengths to which this Bill could be applied and probably in due course will be applied if it is the determination of the UTLC dominated commission to wipe out an industry because it cannot be unionised. I refer to clause 19 (3), which relates to volunteers selling badges. The Bill certainly covers such people.

It covers CFS volunteers fighting fires, SES volunteers and a wide range of other people who wish to work in a voluntary capacity, not the least of which will be secondary and tertiary students seeking work experience. By definition and law, under the terms of the arrangement, they have to volunteer; they cannot receive any reward for their services. Yet it will be possible to make it impossible for them to get the experience if it suits the determination of some power hungry twit or some union determined to disrupt the practice of an employer in an industry until that employer agrees to force all his employees to join the union. Then, of course, the safety officer on the shop floor can decide to back off and withdraw: that is what the Bill envisages. That really disturbs me.

Another complaint that I have about this debate is that with a Bill which is so complex and far reaching in its impact on the economy of the State and the complex relationships between employers and employees as it will bureaucratically regulate them, and which extends to 42 pages and has wide ranging ramifications, I am expected by this Government to address this measure in 20 minutes. That is in my judgment an absolute abrogation of my rights and responsibilities, imposed on me by the Government in the way in which it has changed Standing Orders.

Many aspects of the measure relate specifically to the kinds of communities and industries that exist in Murray-Mallee in predominant form, and which I am sure should be more carefully analysed so that the fashion in which this legislation will affect them can be brought to the attention of the Minister, who simply stands there with his back to you, Mr Speaker, and with his hands in his pockets, completely ignoring the points that I make to try to help him understand how undesirable is this kind of bureaucracy in the way that it impacts on the people whom I represent.

The thing that worries me most is the fact that it entrenches in the minds of the community at large the notion that it is necessary to have rules and written laws for everything that we do. In doing that, we are really preventing the emergence of any new, fresh green shoots in our economy because the energy required to produce any fresh new shoot (that is, new enterprise, which will employ people) and the energy that has to be set aside in the form of money—not capital to be invested in equipment to get the business up and running but in fees to be paid to get all these bloody licences and establish all these committees that are required under the terms of the legislation—

The SPEAKER: Order! I ask the member for Murray-Mallee to moderate his language.

Mr LEWIS: Yes, Mr Speaker. The distressing part about it is that it will not be possible for any people who wish to undertake some new enterprise to get started. So, where will the new shoots come from? There is no incentive for anyone who has that capacity for initiative to start businesses in this State. It is better if one has a wish to be involved in some enterprise or other to do it on the basis that one can never be considered as an employer. The Bill as it stands envisages a ridiculous situation where the contractor who may employ 100 people himself is nonetheless, if he is on the job and doing the job, not only responsible in his own right for the people directly working for him, but he in turn can pass the responsibility on to the person to whom he has contracted. How foolish!

The SPEAKER: Order! The honourable member's time has expired. The member for Mawson.

Ms LENEHAN (Mawson): I rise to wholeheartedly support the Bill before the House this evening. In so doing, I address myself to some of the clauses contained within the Bill. First, we look at clause 14, under the heading 'Functions and powers of the Commission'—and I commend those 16 separate functions and powers of the 10-member commission, and I believe that it is vitally important to look at some of them in detail. Specifically, the first of the clauses, which is the formulation and promotion of policies and strategies for improving occupational health, safety and welfare, is fundamental to this Bill. We have heard the member for Eyre say that what we need are safe, secure workplaces and that in fact the principle should be one of commonsense. I could not agree more. However, as every member of this House knows, not all employers apply commonsense. Certainly, a number of employers do. I cite a large employer of labour in my area—Mitsubishi Motors—which probably has one of the best records in this State.

I will also pick up a couple of points that have been made by the member for Bragg and the member for Eyre, who obviously have not read the Bill in detail because, if we look at the provisions contained under clause 14 we find that, rather than imposing on the workplace a whole range of requirements, the Bill seeks to promote education in the field of occupational health, safety and welfare; to devise, promote or approve courses of training in occupational health, safety or welfare; and to cooperate with educational authorities in the provision of courses of training, to disseminate information and statistics on occupational health, safety and welfare, and to promote and, with the approval of the Minister, conduct inquiries and public meetings and discussions relating to occupational health, safety and welfare.

This Bill contains an enormous component relating to the dissemination of information about occupational health and safety issues as well as a complete educational function not just of employers but of employees and of the community in general. I also pick up on the point that my colleagues on the Government side have made, that is, whereas only 60 per cent of workers are presently covered by legislation this Bill will now cover 100 per cent of all workers.

One of the other clauses in the Bill which is vitally important and which I have raised in other contexts on many other occasions in this House is clause 15, which specifically takes account of the various differences in the work force. I draw the attention of members to this clause, where it provides that account must be taken of racial, ethnic and linguistic diversity in the population of the State. It must take into account the interests of both sexes and of those who may be physically, mentally or intellectually impaired.

I congratulate the Minister, his advisers and his department on the preparation of this Bill. I particularly congratulate them on the specific reference to those groups which have traditionally been most disadvantaged and discriminated against in the workplace. I am sure that every member of this Parliament is aware of how much members of the community who do not speak English fluently have been discriminated against in many areas of the work force.

This whole question of taking account of the various differences within the work force leads me to discuss the issue of common law rights. The question has been raised

that under the present common law rights workers can take common law actions where they believe there are unsafe work practices or where they believe that conditions apply that are detrimental to their health and safety.

However, that argument does not take account of the power relationships which exist within the workplace. I do not have to spell out the situations which exist where employees will not take common law action against employers. The reason is very obvious: the employees are frightened of losing their job. Let me give one example when a person came into my electorate office.

Mr Lewis interjecting:

Ms LENEHAN: No, they cannot always get another job. If you are a migrant woman working as a spot welder and you are continuously burnt from the sparks from that welding, when you are asked, 'Why do you not raise this with your employer or take this to the Department of Labour?' The reply is, 'No, I am frightened, because I will lose my job. I am frightened because I will not be able to get another job.' It is a nonsense to talk about people taking action under common law. It is therefore vitally important that the rights of workers be formalised in Statute rather than under the common law. I certainly support this. I believe that this is vital—

Mr Lewis interjecting:

Ms LENEHAN: I am sorry if the member for Murray-Mallee does not understand the way in which the power relationships work within the work force. He is obviously not in touch with people who do not have an education, who are unfortunately disadvantaged—in many cases because of their ethnic background, because they are women, or because they may be physically, intellectually or mentally impaired.

Another section of the Bill which I believe is vitally important is that relating to health and safety representatives and committees. I do not intend in the short time available to me to pursue this in detail, because my colleague, the member for Briggs, has gone into a great amount of detail over this whole question of representatives and committees at the workface. I totally support this appointment of health and safety representatives and committees. The clauses in the Bill that relate to this are not only detailed but also extremely important.

I want to very briefly turn to the question of penalties. As members may recall, I recently asked the Minister of Labour a question in this Parliament relating to the penalty of $450 that was handed down against a company found negligent for an accident involving a worker losing eight fingers. I do not believe that any member in this House probably felt any less upset than I did, because it seemed to me that this was one of the most immoral—

Mr Lewis interjecting:

Ms LENEHAN: I am sure that the member for Murray-Mallee would support me on this. This is one of the most immoral and unjust situations that anyone could come across. Under the present law—(and the member for Fisher spelt out the penalties: the maximum penalty is $1 000 in the case of a breach of a section of the Industrial Safety, Health and Welfare Act, and the maximum penalty for a breach of a regulation under the Act is $500), that company was fined $450.

I am very happy to have on the public record that I totally support the maximum penalty of $100 000 and five years imprisonment, and I stress that it is a maximum penalty. I think the worker who lost his eight fingers must feel that this penalty must be applied. Unfortunately, it will not give him back his eight fingers and or do anything to the company which, as the Minister pointed out to the House, had been charged on a number of occasions and found guilty of gross negligence.

The bottom line for me and many other members of this Parliament is the horrifying statistic that each year in South Australia more than 12 500 workers suffer injury and disease in the workplace. Of these, on average, 30 will be killed and 1 600 permanently disabled. They are just not statistics: I am talking about human lives and suffering, not just for the workers themselves but for their families and for those who are close to them. As a member of this Parliament, I know that in the next 12 months it will be some of my constituents who are killed, maimed or injured, and for that reason I wholeheartedly support this Bill and congratulate the Minister of Labour and the Department of Labour on the preparation of it.

COMMERCIAL AND PRIVATE AGENTS BILL

Received from the Legislative Council and read a first time.

GOODS SECURITIES BILL

The Legislative Council transmitted a Bill for an Act to provide for the registration of security interests in prescribed goods; to amend the Bills of Sale Act 1886, the Consumer Transactions Act 1972, the Mercantile Law Act 1936, and the Sale of Goods Act 1895; and for other purposes, to which it desired the concurrence of the House of Assembly. The Legislative Council drew to the attention of the House of Assembly clauses 15 and 21 printed in erased type, which clauses, being money clauses, cannot originate in the Legislative Council, but which are deemed necessary to the Bill.

Bill read a first time.

COMMONWEALTH POWERS (FAMILY LAW) BILL

Received from the Legislative Council and read a first time.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE BILL

Debate resumed.

The Hon. FRANK BLEVINS (Minister of Labour): I thank all honourable members who have contributed to the second reading of this very important Bill. Most speakers addressed themselves to the Bill and I think raised some very interesting points and, on occasions, some valid points. As with most things in life, things are not black and white: there are valid points of view on both sides of most arguments.

I must say it was a pity that the member for Mitcham chose to sprinkle his somewhat lengthy contribution to the debate with quite unnecessary personal abuse. It seems to be a habit of the honourable member's, and that is a problem for him and, I suppose, his Party. Also, throughout his contribution and, unfortunately, also through the contribution of some other members opposite, it was quite clear that there was a contempt for workers and for their health and safety. That is a pity, and it was quite unnecessary.

The Bill is essentially a Committee Bill. It would be pointless for me to respond to some of the points made by

honourable members because, from experience, I know that in the Committee stages those points will be raised again—quite legitimately—and the arguments put again. In the interests of saving the time of the House and my own breath, I will save my responses for the second time that the questions are asked.

However, there are just one or two important points that I feel ought to be made. The member for Mitcham and other members raised the question of the Mathews report and made some criticisms of it. The member for Mitcham, particularly, was somewhat scathing of the Mathews report. I merely point out that the steering committee which put together the Mathews report with Dr Mathews as the Chairman, consisted of Malcolm Maslen, representing the Chamber of Commerce and Industry; Hedley Bachmann, the Director of the Department of Labour; John Lesses, representing the United Trades and Labour Council; and Ms Stephanie Key, who was, at the time, from the Working Women's Centre.

It was a very well-balanced committee. Except for two points, it was unanimous in its final report. So, when the member for Mitcham criticised the Mathews report, in effect, he was criticising those people.

Mr S.J. Baker: I was criticising the author.

The Hon. FRANK BLEVINS: They were the authors.

Mr S.J. Baker: You know that they didn't write the words.

The Hon. FRANK BLEVINS: They did.

Mr S.J. Baker: You know how it was compiled.

The Hon. FRANK BLEVINS: I do not want to get into an extensive debate at this stage. However, the report was written and agreed to by the people whom I have mentioned. That is the fact. Whether or not that is recognised by the member for Mitcham is of no particular interest. Since the release of the draft Bill and publication of the Bill itself, the response from the majority of employers has been excellent. I congratulate those employers who have taken the trouble to speak to me and congratulate me on the Bill and the philosophy behind it.

Most of the employers who have spoken to me pointed out that it will not make any difference at all in their workplace because they have their act together, as it were, on occupational health and safety. In fact, they will be delighted if the measure can pull into line some of the firms that are not measuring up. These firms which work on the cheap are their competitors, and the employers to whom I have spoken think, apart from anything else, that it is unfair competition from these firms that do not play the game. I congratulate those employers (and they are very significant employers in the community) who do the right thing and recognise that this Bill will not affect them to any degree at all.

I suppose the most compelling point made by the member for Mitcham was in the form of a rhetorical question to which he had the wrong answer. The question was 'Why change when things are working well?' I would agree with that, if that was the case, but that is not the case. The fact is that things are not working well at all. When we have 12 500 workers on average in this State injured or rendered ill in some way through industrial accidents and disease, quite obviously it is not working well. It is an incredibly high figure and, to put it in perspective, the loss of time through sickness and injury in the workplace is 13 times more than the time lost in industrial disputes. On average, there are also 30 industrial deaths a year in South Australia.

So, again, for the member for Mitcham to suggest that generally speaking things are working well is patently nonsense, because things are not working well. However, as I said, this is principally a Committee Bill. I will be pleased to respond succinctly in the Committee stage to the points that I am sure will be raised, quite properly, by members opposite. I commend the second reading of the Bill to the House.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr S.J. BAKER: I move:

Page 1—

Line 18—Leave out 'This' and insert 'Subject to this section, this'.

After line 19—Insert new subclause as follows:

(1a) Section 24 is suspended until a day to be fixed by proclamation being a day falling at least 2 years after assent.

Line 21—After 'specified provisions' insert '(exempt section 24)'.

This amendment links in with clause 24 which, for the edification of members, deals with a person who designs, manufactures, imports or supplies any plant for use at work and details the duties of manufacturers as a result of prescriptions that will be placed on them to improve the safety of working conditions.

The problem raised with me by a number of people concerns the difficulty in asking importers and manufacturers to change the design of their machines overnight. Overnight is not necessarily one or two days but sometimes it could be lead time amounting to years. In the agricultural area, as the Minister would appreciate, most of the machinery that comes from overseas is not designed for Australian standards and conditions. Quite often the machinery does not have things like spark guards and various other pieces of equipment which are part and parcel of the needs of our machinery.

In other areas we find that the design standards are built on what was previously accepted by importers and users of the machinery. We will run into very grave difficulties with this measure if the final regulations on design standards are somewhat different from those of our interstate counterparts, because I do not think that overseas manufacturers will know where they are.

It does indeed point to the real need, if we are to have machine design standards, for this to be done on a national basis so that all people manufacturing machinery for Australia are well aware of the conditions under which they are operating rather than having to look after each State individually. I have moved this amendment because industry has asked for a two year lead time in terms of new machinery. It is probably appropriate at this time to raise a question about clause 24 with the Minister.

Since I first prepared this amendment, I have had two letters from people who work in rural industries about the fact that they have enormous stores of machinery, engines and various other things throughout the countryside. They say that in many cases this equipment will become obsolete overnight and that they will be faced with enormous capital losses. If the two years relates to new machinery only, that is a fairly satisfactory standard to lay down. However, if it embraces existing machinery at all, we may need some more lead time. I note, for example, that in New South Wales there is in the legislation a lead time of about 10 years for machinery where people were asked to comply with new design standards.

The Hon. FRANK BLEVINS: I oppose the amendment but, in doing so, indicate to the member for Mitcham that the Government will give this issue further thought between now and when the Bill finally emerges from the parliamentary process. It is interesting to note that the general duty

of care already applies to those who sell or hire machinery, and so on, under section 32 of the current Act.

Those people who hire or sell machinery have had to comply for a considerable period, so it is nothing new. If they have been selling machinery that does not comply they have been in breach of the current Act. While it is true that the new provisions are more extensive inasmuch as they will apply to designers, manufacturers and importers who are not presently covered, it seems to me that it is not unreasonable for any of these groups to distribute, design or manufacture plant that is unsafe. I really do not think that these people should do that now, whether or not there is a law against it. All we are asking of them is to design, manufacture and distribute machinery that is safe. The reason why this provision should be implemented as soon as it is practical to do so was given by the member for Mitcham, who said that machinery is being sold at present without spark guards. I would have thought that in South Australia of all places it is irresponsible for anyone to manufacture such machinery.

Mr S.J. Baker interjecting:

The Hon. FRANK BLEVINS: It should not be possible to import machinery that does not have those necessary safety devices. As I stated, before the parliamentary process is concluded I will take a further look at the matter to see whether there is anything we have overlooked and any way we can assist in what may be a problem, and I stress 'may be'. I also point out that this provision already applies in Victoria, so it is nothing new. I believe that importers do not import for one State only: they import for the country as a whole, so that, if one State is enacting such a provision, that virtually compels the manufacturers, designers and distributors to import to the highest standard that is applicable in Australia. However, I will have another look at the matter over the next couple of weeks.

Amendments negatived; clause passed.

Clause 3—'Objects of Act'.

Mr S.J. BAKER: I move:

Page 1—

Line 30—Leave out 'and'.

Lines 31 and 32— Leave out 'workers, employers and their representative associations' and insert 'employees and employers'.

After line 32—Insert new paragraph as follows:

and

(e) to encourage registered associations to take a constructive role in promoting improvements in occupational health, safety and welfare practices and assisting employers and employees to achieve a healthier and safer working environment.

In some ways this clause sets the tone for the whole Bill. The Minister will note in many of the amendments the role of registered associations in occupational safety and health. We believe that registered associations have a positive role to play, and certainly, as I indicated during the second reading debate, major business organisations are doing a lot to improve safety practices through membership of the various bodies.

I am not aware of what is being done by the union movement because, as I said, I have issued an invitation to the people concerned to discuss this matter with me but have received no response. I note the number of submissions they made in connection with the Mathews report but, in terms of actively canvassing safety issues with their members and trying to upgrade their thinking on such issues, I am not too sure of the situation. We will be referring to the UTLC representatives training course at a later stage.

We believe that everyone has a part to play in safety, and we have changed the wording of this clause, so that rather than having the bland proposal 'to involve workers, employers and their representative associations in issues affecting occupational health, safety and welfare' we have said that it is desirable that employees and employers get together on issues affecting the workplace. That is a principle that no-one could disagree with.

The separate issue of what parts should be played by the registered associations is also addressed by proposed new paragraph *(e)*, and this indicates our belief that everyone has a part to play. We have also separated registered associations from involvement with workers and employers. Every member here must recognise that improved safety conditions can occur only if the right decisions are made by the employers and there is complete cooperation by employees.

It is important to separate the two matters. There are only two people involved in any given situation. Associations are onlookers and only assist the system: they are not there to intervene in the workplace. To that extent we propose to insert new paragraph *(e)* and take out the involvement of registered associations in paragraph *(d)*.

I am almost used to hearing the rhetoric about welfare. An employer once asked me, 'What does welfare mean?' When I was looking at overseas legislation it was normally 'health and safety' and there was no welfare legislation that I can recall seeing. Will the Minister, in replying, clear up where welfare becomes involved in the South Australian system and say why the situation is different from overseas?

The Hon. FRANK BLEVINS: I oppose the amendment. The member for Mitcham stated that his major concern is that registered organisations were peripheral to the issue between employer and worker, and I disagree completely with him. Registered organisations in the system concerned with the way we conduct our industrial affairs in South Australia are absolutely central, and certainly it would be a completely different system if that were not the case. The whole system of arbitration is based on registered organisations rather than individuals.

Some may like it and some may not, but that is the way we operate in the Australian context. I happen to like it, and think it is a very good system. If this legislation is going to work it will work through the interest and motivation of those workers who have taken the trouble to join trade unions and who have taken a sufficient interest in their working conditions and general health, safety and welfare.

Without that commitment the whole thing will not work at all, so I would argue that to have registered organisations in that very central role is very necessary if we are going to make the system work. I instance some rough figures I have received from Victoria which have emerged since the Act, on which this measure is based, came into force in that State: 5 000 or 6 000 safety representatives have been appointed, only 20 of whom are non-union. I think that gives some idea of where the strength, unity, commitment and motivation come from.

In respect of the UK legislation, under Prime Minister Thatcher, worker safety representatives are directly appointed by the trade unions. Mrs Thatcher can cope with that, so I think that we can cope with something that does not go that far. As regards the word 'welfare' I do not have a dictionary in front of me, but I am sure the member for Mitcham is capable of going to the library and having a look, if he wants the precise meaning.

Certainly, anything that affects a worker on the job, or through his position in the workplace, is something concerning which the employer ought to be aware and have some responsibility, and I do not think that it is an issue with any of the individual employers to whom I have spoken or any significant issue with the employer organi-

sations. I think the provision gives a nice broadening and rounding off to the Bill and is certainly worth including.

Mr S.J. BAKER: That is not an acceptable answer. As the Minister would appreciate, we will go through some areas that will be subject to division. In the process we are laying down principles that we believe are important. The Minister said that he believes the union movement is the central body that will set the safety world alight. He mentioned the United Kingdom, and that fascinates me. I said in my speech that it was the only place I could find that actually had worker safety representatives appointed by the trade union movement, so I do not know why the Minister bothered. I should have thought he would not mention the fact the the UK has trade union-appointed representatives, because no other country does. It is a simple fact of life.

We heard disparaging remarks from the other side of the House about the unemployment problems in Britain and how badly off Britain is, but now the Minister trots out the UK as a shining example of why trade unions should control the election of health and safety representatives. We have not reached that issue, and I will certainly be canvassing a number of issues when we get there. I cannot understand why the Minister would even bother. He knows he is on rocky ground there because he cannot dish out examples, whereas I can probably name a number of countries where the employer nominates a representative, and they have very good safety records, and where they are democratically elected and have very good safety records. Yet the Minister picked the UK. I cannot understand it.

Leaving aside that issue, this illustrates the fact that we have a complete divergence of views as to what the basic thrust of the Act should contain or about the mechanisms in the Act which will improve health and safety in South Australia. That is what we are talking about. I do not say that they are peripheral matters. I said right from the beginning that the most important aspect of this Bill should be to have employers and employees agreeing on a set of standards which will actually improve safety in their workplace. The Minister said that they would be committed only if the union movement stood over them to ensure that that happened. I could probably mention one or two places where the union movement is very positive in its approach to health and safety matters. It actually pulls its members into line when they start to lag.

There are a few other places where they are totally slack and, in fact, are a negative influence on the system. Probably, some of those issues will best be debated when we get to the clauses concerned, because I will ask the Minister his viewpoint on a number of areas which have been brought to my attention where unions have resisted change that would have improved safety in the workplace. Unions have actually said, 'We will not do this despite the fact that it is going to be safer.' He can then tell me what a positive influence the union movement is in that regard. However, I will leave aside that issue.

This is a fundamental aspect of the Bill. The Minister has identified that we are actually splitting off the two items. First, we believe that employers and employees should get together and, secondly, we believe that the registered associations have a very positive role to play, but not by interfering in the day-to-day management of the firms and organisations concerned.

So, the Minister's answer on this issue is not acceptable. In relation to welfare, the smart answer was, 'You can look it up in the dictionary.' I have always accepted welfare as being included. Welfare tends to belong in other Acts that are tied up with social security and various other things, whereas health and safety need to be the major thrust here. The question is now being asked about welfare, because it has connotations that could extend the role of the employer.

I will leave aside that issue, unless some way down the track we see some more amendments which say, notwithstanding the health and safety regulations, that we will have a few items to assist the welfare of the workers. So, I cannot accept the Minister's rejection of our amendment. It is a fundamental clause as far as we are concerned, and, when the clause is put, the Opposition will divide.

The Committee divided on the amendments:

Ayes (15)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker (teller), Blacker, Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Oswald, and Wotton.

Noes (22)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Blevins (teller), Crafter, and DeLaine, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood, and Keneally, Ms Lenehan, Messrs McRae, Payne, Plunkett, Rann, Robertson, Trainer, and Tyler.

Pairs—Ayes—Messrs Becker and Olsen. Noes—Messrs Klunder and Slater.

Majority of 7 for the Noes.

Amendments thus negatived.

The CHAIRMAN: I take it that the member for Mitcham is now not proceeding with his amendment after line 32.

Mr S.J. BAKER: That is correct.

Clause passed.

New clause 3a—'Non-application of Act to mining and petroleum operations.'

Mr S.J. BAKER: I move:

Page 1, after line 32—Insert new clause as follows:

3a. This Act does not apply in relation to—

(a) mines or mining operations to which the Mines and Works Inspection Act, 1920, applies;

(b) operations to which the Petroleum Act, 1940, applies; or

(c) operations to which the Petroleum (Submerged Lands) Act 1967, applies,

(but the Commission may, in the performance of its functions, make recommendations in relation to occupational health, safety and welfare issues that arise in the mining industry and the petroleum industry).

This amendment clarifies the impact of this Bill on the area traditionally handled by the Director-General of Mines. The subject of mines has been in vogue in recent days involving the discussion of Roxby Downs. Further in the Bill the Minister talks about inspectors. The Minister has another amendment on file affecting the chief inspector under the Mines and Works Inspection Act, and another provision under the Petroleum Act.

My amendment seeks to clarify once and for all the responsibility for mining and petroleum remaining with the Minister of Mines and Energy, which is where it has always been. Indeed, in most overseas jurisdictions it remains in that portfolio area. As to matters of health and safety, we presume that the Minister was saying that health and safety management will remain within the province of the Department of Mines and Energy under the Minister of Mines and Energy. Having read the Bill once or twice we are unsure what the Minister intends. My new clause clarifies the situation once and for all. Will the Minister tell the Committee what he is trying to do?

The Hon. FRANK BLEVINS: I can understand the honourable member's confusion (that word is too strong, but it is the only one I can think of at five minutes to midnight). Probably, my amendment was not on file until after the honourable member formed his opinion on the clause as printed in the Bill. My advice is that there is a conflict. The intention is that the legislation applies in the mining indus-

try but the policing of the legislation is done by mines inspectors. Obviously, in the mining industry they can form safety committees, and so on. My information is that the Bill as printed does that, but there is another school of thought that says it is not clear.

I have been contacted by the industry and asked to clarify it so that the matter is beyond any dispute and I have done that with the amendment on file, which I will be moving shortly. I will be rejecting the prepared new clause, which goes much further than my intention. The amendment is saying that in the mining industry this legislation should not apply at all. I am not willing to accept that. People in the mining industry are equally as entitled to the benefits of this legislation as as they are now. However, the policing of the legislation, as at present, will be done by mines inspectors rather than inspectors from the Department of Labour.

Mr S.J. BAKER: A fundamental question needs to be asked: under what areas of law are we to cover the specific provisions relating to mines? Will we have dual legislation? We have this legislation which broadly and specifically applies. In these other areas are we going to have other Acts, especially in the mining and petroleum industries?

The Hon. FRANK BLEVINS: This legislation is in addition to any other legislation that applies. It does not do away with any other Act that may apply in the area of mining. It is simply an addition, as is the present Act, so there is no change there. Obviously, there is change to the method of applying occupational health, safety and welfare principles. But there is no fundamental change in any of the relationships in the mining industry to their own legislation and to occupational health, safety and welfare legislation.

At midnight, the bells having been rung:

The SPEAKER: Order! It is now midnight and, under Standing Order 58a, the House stands adjourned until 11 a.m. tomorrow.

ADJOURNMENT

At 12 midnight the House adjourned until Thursday 30 October at 11 a.m.