HOUSE OF ASSEMBLY

Wednesday 23 March 1994

The SPEAKER (Hon. G.M. Gunn) took the Chair at 2 p.m. and read prayers.

SEAFORD RISE CROSSING

A petition signed by 291 residents of South Australia requesting that the House urge the Government to install a pedestrian crossing at the intersection of Commercial Road and Main Street at Seaford Rise was presented by Mrs Rosenberg.

Petition received.

PREMIERS CONFERENCE

The Hon. DEAN BROWN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DEAN BROWN: Members will be aware that on Friday, accompanied by the Deputy Premier and Treasurer, I will be attending the annual Premiers Conference in Canberra. As this is my Government's first Premiers Conference, it is appropriate that I advise the House of the approach we will be taking to Commonwealth-State financial relations. Because of the structure of Australia's Federal fiscal arrangements, the annual Premiers Conference has extreme significance to the finances of the States.

Notionally, the conference is to be a cooperative forum between the constitutionally established Governments of Australia. However, in the post-war era, they have become something entirely different. In effect, the States and Territories are obliged to go to Canberra with begging bowls, hoping against hope to influence unilateral decisions of the Commonwealth about what hand-outs will be given to the States each year. It would appear that the Commonwealth is expecting the States and Territories to do exactly the same thing again on Friday. This morning I received the Commonwealth's offer document for the Premiers Conference. It is proposing a reduction of more than $456 million—

The Hon. Frank Blevins interjecting:

The Hon. DEAN BROWN: I suggest that the honourable member listen, because it is his Federal colleagues who are imposing this on South Australia. His Federal colleagues through the Federal Government are proposing a reduction of more than $456 million in total net payments to the States and Territories this financial year.

South Australia's share of this cut is put in the offer document at $25.8 million. That is a $25.8 million reduction. However, the real cut is much greater. The States have been expecting a real increase in total Commonwealth funding. Taking inflation into account, South Australia, at a minimum, will be $39 million worse off, compared to this financial year's Commonwealth payments. In cutting our funding the Commonwealth has effectively stolen a whole program. It has abolished the Loan Council capital grants program and kept the money for itself. The Commonwealth is proposing to reduce total funding allocations to the States and Territories at a time when it will obtain the benefit of increased tax revenues from a growing economy.

This offer document highlights the deceptive and dictatorial approach Mr Keating has taken to Commonwealth-State relations and the extent to which this offer now leaves that relationship in tatters. I make it immediately and abundantly clear that this offer is totally unacceptable to South Australia. It jeopardises the extent of economic recovery in our State. If the Commonwealth wants State cooperation in economic reform it needs to offer the States a much fairer deal in revenue sharing.

The South Australian Government has inherited, from our predecessors, an economy which is structurally weak. In part, this is because of the particularly sharp impact on South Australia of changes in Commonwealth protection policies and other microeconomic reforms.

Mr Atkinson interjecting:

The SPEAKER: Order! The member for Spence will not interject again.

The Hon. DEAN BROWN: In part, it is also due to the lack of consistent economic planning by the former Government. We are facing up to these challenges. We are putting in place new structures and new policies to rebuild South Australia's economy. Our capacity to do what is needed, however, is constrained by the consequences for the State budget of this huge State Bank debt overhanging us all. We will receive, in the next few weeks, the report of the Commission of Audit into the State's public finances. This will help us form a blueprint for restoring the State budget to a state of structural soundness.

We want South Australia to be able to play its full part in reducing total Government debt in Australia so we can facilitate private investment and reduce unemployment. However, the Commonwealth offer we have received today will jeopardise our ability to do so. We insist that the States and Territories must have access to a fair share of the long term revenue benefits from economic reform and growth.

In our approach to Commonwealth-State financial relations we will also seek:

- first, the retention of fiscal equalisation between the States;
- a smaller proportion of total Commonwealth allocations to the States being made in the form of tied grants to increase the budget flexibility of the States;
- a significant and sustained reduction in administration duplication between the Commonwealth and States; and
- a new Medicare agreement, which removes penalties imposed on South Australia and allows tax deductibility of private health insurance, to encourage more patients to take the pressure off public hospitals.

Mr Speaker, Commonwealth payments to the States represent the largest single source of funding for State outlays on essential economic and social services and associated infrastructure. My Government regards as entirely unsatisfactory the arrangements which have been developed to make financial decisions of such fundamental importance to all Australians.

The arrangements are totally inconsistent with the principles of Federation that brought the then colonies together to establish the Commonwealth in 1901. In seven years, we celebrate the centenary of our Federation, and yet the fiscal imbalance and duplication of functions between the Commonwealth and the States is worse than ever. The current arrangements do not give the States the financial autonomy or budgetary flexibility necessary to meet their constitutional responsibilities to provide services such as schools, hospitals, police, public housing, public transport, roads, power and water.

Our public hospitals are overcrowded, our school buildings are run down, our police struggle to cope with rising crime because the Commonwealth wields the instruments of economic, financial and social policy in ways which deny the States the rightful role in determining priorities for service delivery. The States have relatively small, narrow and often distortionary tax bases because of Commonwealth intransigence on access by the States and Territories to personal income tax revenues and because of High Court interpretations of their taxing powers.

As a result, the States and Territories now depend on Commonwealth grants to fund 43.6 per cent of their outlays, and the States are forced to rely on the iniquitous payroll tax as their own major form of State taxation. But to achieve a better balance in its own budget, the Commonwealth has unilaterally and arbitrarily squeezed its grants to the States by more than it has been willing to squeeze its own purpose outlays. In other words, Commonwealth Government expenditure in recent years and this year again obviously will escalate quite dramatically, whereas at the same time the States up until now have been forced to hold the line and this year substantially reduce expenditure through a cut in Federal outlays.

The lack of assured funding from year to year has exacerbated the difficulties faced by the States in their financial planning. In addition, there has been a lack of progress in reducing the proportion of tied grants which now represent over 50 per cent of Commonwealth grants to or through the States. The Commonwealth claims it owns the income tax base from which the States are funded. It does not. It is time to challenge the Commonwealth position as strongly as possible.

The income tax base of our nation is jointly owned by the States and the Commonwealth, even though, under an arrangement entered into during the Second World War, the Commonwealth assesses and collects all income tax revenues. This cannot deny the States of a continuing right to a fair and assured level of revenue from income tax to facilitate their budget planning, to promote efficiency in service provision and to enable them to reduce reliance on distorting taxes.

In a speech delivered to the Australian National University on 22 February, the Prime Minister suggested that uniform taxation is 'the glue that holds the Federation together.' Yet again, Mr Keating misreads the history of our nation. The Federation has been held together more out of financial necessity. It is like a broken marriage, where a couple, for financial reasons, cannot afford to separate.

The Hon. Frank Blevins: Who wrote this crap?

The SPEAKER: Order! The member for Giles has had sufficient to say.

The Hon. Frank Blevins: Very much so, Mr Speaker.

The SPEAKER: Order!

The Hon. DEAN BROWN: Without denying that uniform assessment and centralised collection of income tax is a valuable feature of our Federal system compared with some others, South Australia believes that fiscal equalisation and necessity, not uniform taxation, has been the glue which has bound our Federation. Fiscal equalisation should ensure that all States and Territories have the capacity to meet the common citizenship rights and aspirations of their peoples for access to essential public services. It should mean that any differences which emerge between the States truly are the result of different political choices, not differences in access to fiscal resources.

But fiscal equalisation is not only about equity between the peoples of different States. It is not only about common citizenship rights and aspirations. Fiscal equalisation is also about ensuring economically sensible decisions by people in where they live, and by businesses in where they locate. It is about encouraging competition, innovation, experimentation amongst jurisdictions and spheres of governments in devising policies to better meet their people's needs. It underpins support for autonomy among States of different sizes and fiscal capacities while enabling much greater freedom of choice by the States in how they raise and spend their taxpayer's dollars. We should be striving for diversity between the States to maximise the economic and social potential of each State.

South Australia says to the Prime Minister: never forget that fiscal equalisation is the real glue, the real foundation of Australia as truly one nation. It is not just a system of benefits to less populous States. Rather, it is a fundamental underpinning for the Federal system as a whole which the States agreed to create in 1901. Hence, in its approach to Commonwealth-State financial relations, my Government will take as its starting point the absolute need to provide the States with an assured and growing share of tax revenues and the retention of fiscal equalisation as a means of achieving the benefits that a Federal system of Government can bring to all South Australians.

INDUSTRIAL AWARDS

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I seek leave to make a ministerial statement.

Leave granted.

The Hon. G.A. INGERSON: First, I apologise for not having further copies available; I will provide them as soon as I have read this statement. I wish to make a statement in respect of an article in today's *Advertiser* on the restaurant and hairdressing industries. The comments attributed to an officer of the Department of Labour, now the Department for Industrial Affairs, were not authorised, nor as I understand—

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: —based on any solid statistical data. I understand that the Chief Executive Officer is now investigating the matter of unauthorised and anecdotal information being made available.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: I wish to say, however, that if there are problems in these industries as described in the article they will obviously need to be addressed. Other anecdotal evidence suggests that this may not be so. In any event, I have asked to meet with representatives of these industries to discuss these issues and have asked my department to provide further, substantiated information. Should the situation be as suggested, I can assure the House that action will be taken. Indeed, the legislation which I will introduce today recognises that there is an urgent need for employers and employees to be able to negotiate openly and without coercion on wages and conditions.

There is also an urgent need to provide better protection for employees, and our legislation will give employees access to an employee ombudsman who will have powers to investigate and represent in matters of this kind. I will provide further details of our legislation at the time. In summary, I assure the House that this matter is being dealt

with in association with the relevant industry bodies as a matter of urgency. The fact that these matters may have arisen and not been investigated further and properly is further evidence that the Labor Party's existing industrial laws have failed and must be changed.

WOOMERA ROCKET RANGE

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: A number of recent developments are expected to lead to greater use of the Woomera Rocket Range facility in South Australia's Far North. Currently the Woomera township facilities are being used by the US Joint Defence Space facility at nearby Narrungar, and the range facilities are used by the RAAF and the Australian Army. The township also caters for a small but growing tourist interest. Considerable international interest is now being shown in reactivating Woomera as a launch site for commercial satellites. Much of this activity relates to the emerging world market for low-earth orbit satellite systems. The Woomera range is geographically ideally positioned to service this demand.

Members interjecting:

The SPEAKER: Order! There are too many interjections; leave has been granted.

The Hon. J.W. OLSEN: I am pleased to advise that the German Space Agency and Deutsche Aerospace Corporation, in association with the Japanese and Russian Governments, will be landing a satellite re-entry capsule in the Woomera area early next year. The South Australian based company, British Aerospace Australia, is providing support for the landings. The 'Express' space program is a series of re-entry vehicles carrying scientific experiments. The Economic Development Authority has been working closely with an Australian-German joint working group assessing the operational and safety aspects of landing the 'Express' capsules into Australian territory. Following the first re-entry next year, further landings of the 'Express' space capsules are likely to follow. Each satellite recovery operation will generate more than $1 million of revenue for South Australian subcontractors. Future 'Express' capsules could be launched from Woomera and return to Woomera. In late January, well after the last State election—

Members interjecting:

The SPEAKER: Order! I warn the Deputy Leader.

The Hon. J.W. OLSEN: I advise the Deputy Leader that he was not in government to be making this announcement over the course of the past three months. In late January this year, a team from Sweden and the USA visited Woomera to evaluate the site for small satellite launches. This month a team from the Japanese Space Agency is also inspecting the Woomera launch facilities. The Economic Development Authority is currently preparing a Woomera users' guide to assist the marketing of the benefits of Woomera to the international space community.

The Australian Space Council recently put forward a proposal to kick start an Australian space industry by funding a 'project of national significance'. The proposal was based on building and launching two small satellites from Australian soil. I have recently written to several Federal Ministers, including Senators Ray, Cook and Schacht, emphasising the importance of this proposal and the South Australian Government's continuing commitment to the concept.

The rapidly growing market due to the more economic services provided by small satellites in low earth orbit provides the opportunity for South Australia to manufacture lightsats in Adelaide and launch them from Woomera. The EDA has actively been putting together the right combination of international and Australian companies to do that. What has been missing has been the initiator, that is, 'the project of national significance', which will galvanise industry, Government and researchers to do it. That is a matter for the Federal Government, one would hope to be addressed in the Federal Industry Minister's statement to be brought down in the last week of April this year.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Mrs KOTZ (Newland): I bring up the first report 1994 of the Environment, Resources and Development Committee on regulations under the Development Act and move:

That the report be received and read.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

Mr CUMMINS (Norwood): I bring up the fifth report 1994 of the Legislative Review Committee and move:

That the report be received and read.

Motion carried.

The Hon. S.J. BAKER: Mr Speaker, on a point of order, I have twice heard a mobile telephone ringing in this Chamber. I do not know who is operating it, but it is my understanding that no mobile telephones are to be operated in this Chamber.

The SPEAKER: Order! I uphold the point of order. The Chair will deal very firmly with anyone who has a mobile telephone or other electronic device not authorised in the Chamber. I will ask the Sergeant-at-Arms to ensure that all users of the building take that into account.

QUESTION TIME

STATE BANK EMPLOYEES

The Hon. LYNN ARNOLD (Leader of the Opposition): My question is directed to the Treasurer. Is it Government policy to remove employees of Government organisations being corporatised from the State superannuation fund? At a meeting held last night to discuss the Government's decision to remove 600 State Bank employees from the State superannuation fund, the Treasurer said:

> What I am saying to you is that in any corporatisation there will have to be a movement, a change in schemes. We will be going through the same process with SGIC. We are trying to reach some resolution from one scheme to the next. That is the way it is going to work.

The Hon. S.J. BAKER: I thank the Leader of the Opposition for his question. Yes, by way of clarity, I have said that, as with the State Bank, if there are new owners of a former State Government instrumentality, there shall be new superannuation arrangements. I cannot stand before this Parliament and say that, on the one hand, we will do this for the State Bank and, on the other hand, we will have another set of rules for other employees. I have clearly stated my

position. It is consistent: there will be a scheme of arrangement reached at some point before an organisation is for sale. We have already told the House which organisations are for sale.

The former Government in fact signed on the dotted line to sell the State Bank. We are now going through that process of corporatisation and, eventually, sale. It is not made easier by one or two members on the other side of the House, given that they were party to the original problem. Having said that, it is quite clear that two organisations have been earmarked for sale. They will go through a corporatisation process; they will then go through a selling process. Before those organisations are sold, I made quite clear, new superannuation arrangements have to be put in place.

IMPARJA TELEVISION SERVICE

Mr KERIN (Frome): Can the Premier advise whether the previous State Government's financial commitment to the Imparja television service, established for Aboriginal communities in the north of South Australia, has been met?

The Hon. DEAN BROWN: When I met Imparja's General Manager this morning with you, Mr Speaker, in going through the history I was surprised to find what a sorry history existed as far as the South Australian Government is concerned. I think it is worth bringing to the attention of the House some of that history.

In 1984 the Commonwealth Government encouraged the setting up of a regional television system like Imparja. Imparja is a television and satellite-based system which means that it has to be linked by a transponder up to a satellite and back down to the various Aboriginal communities throughout South Australia and the Northern Territory, as well as some of the other States of Australia.

When it was first established in 1984 the South Australian Government indicated that it would contribute to the costs involving the transponder. However, no money was paid. Then in 1986 the South Australian Government agreed to provide a Government guarantee for a $1 million loan to Imparja. However, that guarantee was never supplied to it. In December 1988 the Government decided no longer to give the $1 million guarantee, but instead to give a $1 million loan in lieu of the guarantee. However, that loan was never provided even though it was promised, and in April 1991 the Government decided to withdraw the offer of both the guarantee and the loan.

Then, with some pressure from the Commonwealth Government, the South Australian Government offered to provide financial assistance to Imparja through advertising, but, despite that specific request and offer made by the South Australian Government two years ago, I was surprised to find that no money whatsoever was ever paid to Imparja. So, from 1984 to 1994 the South Australian Government has been making promises ranging from a $1 million guarantee or loan, financial assistance to set up and pay for the cost of the transponder to financial assistance to pay for advertising through Imparja. However, I find that not one dollar has been spent.

Members interjecting:

The Hon. DEAN BROWN: It is a series of about seven or eight promises made over 10 years. Imparja has quite rightly come to me this morning and said that there is a moral obligation on the South Australian Government to do something, and in particular to advertise, simply to undertake a major part of a health program through the television station to improve the health of Aboriginal communities.

I was interested to find that the Northern Territory Government has made such a commitment and has already undertaken such an advertising program. I have given an undertaking, as part of our 1994-95 budget process, to make some money available for that advertising program, particularly, I think all of us would recognise, as health is the biggest single issue facing Aboriginal communities in outback South Australia.

STATE SUPERANNUATION SCHEME

Mr QUIRKE (Playford): My question is directed to the Treasurer. How many of the 15 128 members of the State superannuation pension scheme will be forced out of that scheme as a result of Government plans to corporatise all Government authorities and enterprises? Key elements of the Government's debt reduction strategy include the sale of the Pipelines Authority, the State Government Insurance Commission and other Government-owned bodies. The Government has also established an audit extending to the commerciality and corporatisation of State utilities such as ETSA, E&WS, Marine and Harbors and the State Transport Authority. According to the 1992-93 South Australian Superannuation Board annual report, more than 9 000 workers in public authorities are members of the State superannuation scheme.

The Hon. S.J. BAKER: I thank the Opposition again for its question. Obviously it does not change its questions if one has already been answered. In answer to the Leader of the Opposition, I said that we had identified three bodies only. We outlined them at the election, we made no secret of them at the election, they were put on the table before that, and everybody understood it before the election. They were the three bodies. The State Bank was already for sale and, of course, the other two bodies were SGIC and PASA.

That was it: there were no more. There were no secret agendas. Obviously, with any improvement in the public sector, certain processes will be followed regarding those improvements, and whether it be through a process of corporatisation is quite irrelevant: the fact is that those bodies will remain State Government bodies, and I hope that is made clear in any material that may be prepared. It is intended that they will remain within the State Government, and we have no designs on their going out to the private sector. We have suggested changes that have to take place in their operations.

So, for the members we are talking about involving the State Bank and a few in SGIC (and I am unaware of the PASA situation; there are probably a few there as well) clearly there will be a changeover period. There will be a changeover period before sale for those select few people, and the rest of the employees have the guarantees that have always been with the system. The terms and conditions of changeover will be negotiated at the time.

STATE BANK

Mr TIERNAN (Torrens): Will the Treasurer inform the House of the extent to which South Australian taxpayers have been forced to assist the State Bank? At public meetings and local school AGMs and while door knocking in my electorate of Torrens, taxpayers have frequently asked me how much they have had to pay for the past Labor Government's mistakes which caused the State Bank disaster.

The Hon. S.J. BAKER: I thank the honourable member for his question—a very important question, given that we are talking about future costs that will have to be met by taxpayers, as well as about how much has—and how many bills have—to date been racked up in the process through the maladministration of the former Government. The sums are quite horrific. The people of South Australia recognise that the Government has paid out in indemnities $3 150 million (except for at least some minor amount that is left of that bill).

Every member of this Parliament can contemplate the impact of not having that amount available for the provision of services in this State and the problems we are facing because of the former Government's maladministration, lack of action, ineffectiveness and getting into bed with its smelly little mates. The people of South Australia will be paying the bills for many years—in fact, decades—to come.

The bills do not end there. About $3 150 million worth of opportunity has gone down the drain. On top of the $3 150 million, $190 million had to be paid out of the State budget last year as the cost of the borrowings to meet the indemnity, and this year's budget involves a further $275 million. So, in total for those two years alone, a further $465 million has to be met by the taxpayer. On top of that, we have lost our AAA rating; we are now AA with a negative outlook and, of course, the cost of borrowings has increased dramatically. Whilst the market is very soft on interest rates, the costs today are probably about $10 million a year. If those interest rates should increase and we have to lock into longer term borrowings, the costs could be as high as $30 million or $40 million a year.

So, the costs resulting from the State Bank and the former Government are extraordinarily high. We keep paying the bills and will continue to pay the bills. I refer again to the problem we have involving State Bank superannuation. Not only have we had the $3 150 million plus the $465 million, but we are now expected to pay another $94 million (of which $72 million was mentioned yesterday). We have to keep paying, the bills mount up and the people of South Australia are disadvantaged in the process.

STATE BANK EMPLOYEES

Mr QUIRKE (Playford): Why does the Premier insist on telling South Australians about State Bank employees double dipping on redundancy and superannuation payments? Yesterday the Treasurer told this House (and has repeated elsewhere) that State Bank employees can double dip if they are made redundant: that is, they can receive a redundancy payment to a maximum of 79 weeks and other benefits. He claimed yesterday that because of this, if 150 employees of the bank aged 45 years or over were sacked tomorrow, the bill would be $72 million. However, the union covering State Bank employees, the Finance Sector Union, has already agreed that pension payments should not commence until the severance pay expires, vastly reducing that liability. Despite this, the Premier repeated these figures on the radio this morning and did not acknowledge the union's concession, which was made four weeks ago.

The Hon. DEAN BROWN: The Treasurer yesterday clearly outlined the position to the House. The Treasurer has been involved in the negotiations and, no doubt, knows substantially more than the honourable member opposite. The Treasurer has again assured me that that is still the position; so, there is double dipping and, based on advice I have received from the Treasurer who is involved in these negotiations, I will continue to repeat that until I get other advice. The Treasurer did an excellent job yesterday in highlighting (and this is the crucial point) the very substantial costs to the taxpayers of South Australia, as they are the people who will ultimately pick up the cost if that double dipping is allowed to continue and the bank is sold with all those existing arrangements in place. That is what the Government is trying to negotiate, at least to reduce the size of the potential liability that would be imposed upon the taxpayers of South Australia.

TITANIUM DIOXIDE PLANT

Mrs PENFOLD (Flinders): Can the Minister for Industry, Manufacturing, Small Business and Regional Development explain the current status of the proposed titanium dioxide plant which is now the subject of a petition to Canberra supporting its location at Whyalla?

The Hon. J.W. OLSEN: I noted that the Whyalla community had voiced its strong support for this project, and that is to be applauded. I understand some 2 000 signatures were collected from people, urging the South Australian Government to pursue this case with Canberra. The South Australian Government has been pursuing this matter with the Federal Government. At the Industry Ministers' conference some three weeks ago the question of the Tioxide plant was put on the agenda as clearly being an important project for Australia, South Australia and the city of Whyalla. We have continually put that forward.

The Premier has also taken an active interest and pursued the issue of the project in South Australia's best economic interests. Whyalla has the infrastructure available to take on a project of that nature with the employment and population increase. It has a skilled work force and the climate in terms of evaporation required for a project of this nature. In other words, Whyalla is clearly the logical location for such a plant within Australia. I understand that of some 46 locations throughout Australia Whyalla was selected as the most logical location for a Tioxide plant.

However, despite the business incentive package put forward by the South Australian Government, despite the aggressive way in which we pursued the consortium to locate that Tioxide plant in South Australia, we face one impediment in terms of competition for identifying and locating that plant in South Australia, and it relates to the taxation incentives. Although the overall economics before tax between the two locations being looked at—Malaysia and Australia—are similar, when it comes back down to the taxation incentives the fact is that Malaysia is able to offer 10 years tax holiday to a company locating that plant in Malaysia *vis-a-vis* Australia.

The responsibility for changing that criterion is squarely in the court of the Federal Government and if it wants major projects of national significance to be located in Australia versus the Asia Pacific region, then in the industry statement to come down at the end of April questions of this nature need to be addressed. The South Australian Government had pursued that objective both at a Premier/Prime Minister level and at an Industry Ministers' level. It is worth noting what the South Australian Centre for Economic Studies had to say in relation to the benefits of a project of this nature.

The Commonwealth Treasury would receive some $77 million in taxation revenue during the construction phase and, if the employment levels were realised, it would save—and

people came off the unemployment queues in this country, and we are talking total extended employment opportunities of some 3 400 in the completion of all stages, not only in Whyalla but through other regional areas in Australia—another $44 million in unemployment benefits. That is $120 million worth of benefits to the Commonwealth Treasury. It is for those reasons that the Commonwealth Government ought to review its taxation proposals as they relate to projects of national significance.

It has done it before. We well understand the incentive given to Kodak. That company just happened to be in the Federal seat of the then Prime Minister, Bob Hawke. Kodak received a very significant taxation grant incentive to remain in Australia. There is no difference in a project of this nature. If the Prime Minister is fair dinkum about a national partnership in regional development, of bringing all of Australia in for economic development, and if the Federal Government is fair dinkum about establishing Australia as a regional headquarters to access the Asia Pacific region it needs to put policies in place and establish the infrastructure to enable Australia to do it.

The fact is that the Federal Government has not done that in the past. A golden opportunity confronts the Federal Government. I trust and hope that the Labor Party in South Australia will support a policy change in Canberra, to ensure projects of this nature enable us to become a State for economic development and to compete on a level playing field with countries like Malaysia. If the taxation incentives are not changed in Canberra, we will be behind the eight ball in getting projects like that up and running in this State.

For that reason, I urge the Opposition to join the Government in encouraging the Federal Labor Government, in its industry statement, to recognise that tax incentives for strategically located industries such as this are vitally important for Australia's economic development.

DETAFE EMPLOYMENT

The Hon. M.D. RANN (Deputy Leader of the Opposition): What is the Minister for Employment, Training and Further Education's target for further staff reductions in the Department of Employment, Training and Further Education, and which courses will be affected by the availability of separation packages for principal lecturers and lecturers? Supplementary bulletin No. 615, headed 'Targeted Separation Packages', which is circulating through the Department of TAFE, invites personnel from key targeted areas to apply for separation packages as part of the Government's commitment to its financial strategy. The key targeted areas include not only management and administrative staff but also lecturing staff currently employed in programs to be 'identified' and every area of TAFE is being reviewed. I am told that a further 400 TAFE personnel will be invited to leave the department, which will cause a serious reduction in TAFE's ability to service both its students and South Australian industry.

The Hon. R.B. SUCH: We are not at a point where we can indicate precise numbers taking up targeted separation packages. It is a process that we are working on; it is Government policy that these be on offer where there is a saving, where there is a net reduction in cost and where a position can be abolished. In respect of specific details, it is a process that is being worked through at the moment and I will be in a position to give details in the future but, at this stage, it is an ongoing process and one which needs to be worked through.

The Hon. M.D. RANN (Deputy Leader of the Opposition): Following his answer to my previous question, how does the Minister for Employment, Training and Further Education plan to avoid cuts in Commonwealth grants to South Australia for technical and further education following the planned major reduction in staff numbers advised to TAFE college directors and staff as part of the Government's budget strategy? Supplementary bulletin No. 615, which I previously referred to, says that TAFE is required to reduce its work force before the end of June as part of the debt reduction strategy. It is a wonder the Minister does not know the details. Funding for Commonwealth grants to DETAFE under the Australian National Training Authority legislation and agreements is dependent on the maintenance of effort by the State, expressed as annual expenditure on TAFE programs. Any reduction in expenditure is likely to be matched by a cut in grant moneys from the Commonwealth.

The Hon. R.B. SUCH: As I indicated before, it is a process that is being worked through. I am not in a position to give the precise details at this stage.

An honourable member interjecting:

The Hon. R.B. SUCH: Well, it is a process that is being worked through. The TSPs are on offer to people within the department. Until we know whether or not someone will accept a package—

Members interjecting:

The SPEAKER: Order! One question at a time.

The Hon. R.B. SUCH: It is not a question that I can answer in specific terms. We do not have a specific target of numbers to—

Members interjecting:

The Hon. R.B. SUCH: We do not have a specific target. We want to make the department as efficient and as effective as possible. It is a process that we are working through, and those recommendations and that invitation are out there at the moment and are being considered by staff. I am not in a position to give a detailed account of the numbers who will accept. In terms of Federal funding, that is a related aspect but, once again, we are working through a process. The honourable member is premature in trying to seek an answer. In due course he will receive the details.

CODED COMMUNICATIONS CORPORATION

Mr CUMMINS (Norwood): Following his previous advice to the House about various companies being attracted to set up in South Australia, including SABCO's new Victorian owners and the Smith Family at Onkaparinga, can the Minister for Industry, Manufacturing, Small Business and Regional Development say whether any overseas based companies have recently decided to establish in South Australia?

The Hon. J.W. OLSEN: I am pleased to advise the House that Coded Communications Corporation, an acknowledged industry leader based in California, is establishing its core technology operations centre for the Asia Pacific region at Science Park here in Adelaide. Science Park, which is already a focal point for a diverse range of technology companies, is a key centre for MFP Australia and is a joint venture with Flinders University. The venue is considered by Coded Communications Corporation to be an appropriate and exciting location from which to conduct its Australian and Asia Pacific business.

The company specialises in geographic information systems, applications for voice data and video communica-

tions via satellite; and information technology solutions facilitating the use of mobile and portable wireless data terminals. The Government's focus on fostering information technology companies, and its track record of disseminating technology to countries in the Asia Pacific region, provides a stimulus and a reason for Coded Communications Corporation to base its research and development facility at Science Park. It is a further indication not only of national business but international business identifying South Australia as the place to be for their regional headquarters to access the Asia Pacific region.

We will not ever be the biggest, but we can be the best and the smartest—in fact, the State of intelligence. We can seek out niche markets in the Asia Pacific region. This is another example of high-tech companies picking up and building on Technology Park, which was established by a former Liberal Government some 12 years ago, and the way in which this Government has tackled the centre for excellence and information technology and the way in which it wants to promote economic development for South Australia in identifying niche markets and developing South Australia as the smart State.

EUROPEAN WASP

Mr De LAINE (Price): Will the Minister for Primary Industries provide resources to local government to combat the rapidly increasing threat of the spread of European wasp populations or, alternatively, will the Minister, through the Premier, take up the matter with the Federal Government at this week's Premiers Conference? I had discussions this morning with the Local Government Association President, Mr John Dyer, who is very concerned about the situation. He informs me that local government does not have the necessary resources to embark on an eradication or control program. It has been suggested that funding be provided similar to that which the previous Labor Government gave to fight last year's mouse plague.

The Hon. J.K.G. OSWALD: The reason I have risen to respond is that the issue has been assessed as a local government matter, and I am already having discussions on the matter with local government and with my colleague the Minister for Primary Industries. The big difficulty with the European wasp is that, in Victoria and New South Wales, it is in plague proportions in that it is out of control. The difficulty with an eradication program in this State is that, if the wasp is brought under control in South Australia, they continue to come in straight across our borders. It really is a matter of getting a system up and running whereby local government receives support from the Government and whatever other external resources it needs to enter properties and deal with wasp nests as they are located.

What we are prepared to do at Government level is provide local government with support. The Primary Industries Department is prepared to sit down with me and discuss this with the LGA to work out a strategy. It was put to me this morning that the LGA was looking for a national strategy. I am certainly happy to talk to my Federal counterpart to see whether that is feasible. If, as it appears, New South Wales and Victoria have abandoned the fight against the European wasp because they believe the problem is out of control, here in South Australia we will have to concentrate more on dealing with the problem as we identify infestations. It is in that area that the Government is prepared to sit down with local government and work out a strategy to see how best we can tackle it to stop any further spread of wasp infestation throughout South Australia.

STATE BANK EMPLOYEES

Mr BECKER (Peake): My question is directed to the Treasurer. What action is the Government taking to reach agreement with the finance sector union over changes to superannuation arrangements for State Bank employees who are members of the old State scheme?

The Hon. S.J. BAKER: Last night I attended a meeting at the Dom Polski Centre where two other members of Parliament were present, namely, the member for Playford and the Hon. Michael Elliott from another place. At that meeting we presumed there would be some discussion about the package on offer to employees. When we arrived, we found that there was a motion from the union executive to reject the proposition that had been put forward in good faith. The issue was not about the package, because I found from the questions that a number of employees had not even read about the package or looked at the package to determine how it will affect their future. I believe that, if they had, they might have drawn a completely different conclusion to the one put forward by the union.

I realise that the process will sometimes be very difficult, because members of the Opposition—in this case the member for Playford, and the Australian Democrats—have decided to hijack the Bill. It was quite obvious that, with the level of comfort extended to the union, what they believed was originally a pretty good deal was no longer as good as employees could obtain through further negotiation. I have always said, and will continue to say, that, if there is a difficulty, my door is always open. That is what I told the meeting last night. This morning I was a little perturbed to hear on the radio that strike action was planned, when I understood the resolution was that the union would immediately reopen negotiations with the State Bank task force in order to reach a new agreement.

So, the position is that it is back to the drawing board on this issue. Last night I said that the bank legislation will be presented to Parliament this week or next week. The legislation will be debated. That is my intention. It would be of great assistance if agreement could be reached before that time so the arrangements can be inserted in the Bill. If agreement has not been reached, the Bill will progress through this House and go to another place. It is important to understand that at the moment we are seeing classic stand-off tactics. I did expect a little more from the finance sector union in the process. However, I do understand the stretch and stress that is being placed upon it by a particular group of members.

I would like the House to recognise that we are talking about arrangements for 600 employees, and it may well be that the sticking points come down to a much smaller group than that. If it turns out that, say, 200 employees believe they will be disadvantaged under the process, we will ask the unions to be true to their cause and think about the ramifications for the bank and for all its other employees. We want to produce a new bank for South Australia. It is an important process. It is important for this State and for our finances, our debt management and all the other important issues that we face in the future. I am hopeful that some level of agreement will be reached very shortly on this matter.

INDUSTRIAL AWARDS

Mr CLARKE (Ross Smith): Will the Minister for Industrial Affairs assure the House that his department will, as a matter of urgency, investigate through time and wages checks the restaurant and hairdressing industries to ensure their compliance with minimum award obligations? Will he also guarantee the House—

Members interjecting:

The SPEAKER: Order.

Mr CLARKE: —that sufficient resources will be made available to his department for its officers to be able to identify and prosecute all employers who have not complied with their award obligations to the full extent of the law? In an article in today's *Advertiser*, Mr David Brown of the Department for Industrial Affairs is reported as saying:

> Most of the cafe, city restaurants and hairdressing industries are the worst for complaints. . . I could walk into any restaurant in the city—or at least 80 to 90 per cent of them—and guarantee someone's being employed who's underpaid.

A simple time and wages check will get to the root cause of the complaints.

The Hon. S.J. Baker: What happened in the past 11 years under you lot? You are the people who are supposed to protect the workers. At least our Minister is—

The SPEAKER: Order! The Deputy Premier is out of order.

The Hon. G.A. INGERSON: The answer to both questions is 'Yes.' As an aside, I know a very good hairdresser who could help out the honourable member.

OUTWORKERS

Mr SCALZI (Hartley): My question is directed to the Minister for Industrial Affairs. Following on the previous question, what support and protection will outworkers get under the proposed industrial legislation? Women workers, especially those from non-English speaking backgrounds, who are employed as outworkers in the clothing and textile industry, have expressed grave concern about their coverage and protection under the proposed legislation. These workers are often the most vulnerable members of the work force, as they often do not belong to any organisations to protect them.

The Hon. G.A. INGERSON: Outworkers and the need for support for them has been an issue that the Labor Party has looked at for years. It has been the greatest mirror exercise that I have ever seen in the time that I have been in this Parliament. There has been more talk about what will happen in this area than any other area that I am aware of in industrial relations. One of the reasons for introducing the employee ombudsman into the industrial legislation was exactly for this cause: to make sure that people like outworkers and people who work in the textile, clerical and cleaning industries who have no awards have an opportunity to approach someone who has an inspectorate role, and who has the opportunity to go before the employees enterprise bargaining commissioner. The employee ombudsman will also have the opportunity to go before the commission and put forward on behalf of these workers issues where they believe they have been underpaid or subjected to excessive working conditions.

The reason for doing that is that this Government believes that the safety net system and those working outside the safety net system ought to be the basis of employment in this State. It is clear that the employee ombudsman will be able to take on that role and once and for all, instead of talk, we will actually have someone with statutory authority who will be able to protect women workers in our State.

PRISONER ACCOMMODATION

Mr FOLEY (Hart): Why has the Minister for Emergency Services ordered that prisoners be placed three to a cell in G Division of Yatala Labour Prison and that prisoners be doubled up where possible in all other accommodation areas?

The Hon. W.A. MATTHEW: I have given no such order. The accommodation of prisoners is, of course, something that is decided by the Chief Executive Officer of the department and also by managers of the respective institutions. However, I think it is appropriate that something be put on record in this place about the nature of criminals who have been released from gaols in South Australia in the past under the previous Labor Administration. We well know that, through a series of moves commencing in 1984, the previous Administration steadily started to release prisoners in South Australia earlier. First, we saw the tampering (and I do not use that word lightly) with non-parole periods in order that prisoners could be released earlier—

Mr FOLEY: I rise on a point of order, Mr Speaker. The Minister has clearly been waiting for a question to give us his spiel, but I have been satisfied already with his answer.

Members interjecting:

The SPEAKER: Order! There is no point of order. I point out to the member for Hart that that is just a frivolous waste of the time of the House. From whichever side it comes, that sort of point of order will not be tolerated. The Minister.

The Hon. W.A. MATTHEW: Thank you, Mr Speaker. I can well understand why the honourable member rose to his feet: he knows what is coming and he does not want it put on the record in this House. Following that, we saw the introduction of home detention for non-violent, non-dangerous prisoners. Then we saw that scheme extended so that, under the previous Labor Government, murderers, people convicted of manslaughter, armed robbers, rapists and sex offenders could get out of gaol early. That process has now stopped. We no longer release on home detention murderers, people convicted of manslaughter, rapists or serious violent offenders. As a consequence, there has been an increase in the number of people in our gaols.

Prison managers have been charged with the responsibility of accommodating an increase in the number of prisoners in our system in response to the changes to home detention. That means that on some occasions some cells which were previously accommodating one prisoner are now accommodating two. In some areas, four cells, I think, are temporarily accommodating three prisoners while modifications are made to other cells. We need to increase the size of our prisons system in terms of accommodation; we know that. These are temporary measures, but if the member for Hart is suggesting to me that, instead of doubling up prisoners in a cell, he would like us to let a few more rapists, murderers or child molesters out early—if that is what the member for Hart wants—I challenge him to stand in this House and say that. But this Government will not do that, and the current situation will continue as we have altered it.

GULF ST VINCENT

Mr BROKENSHIRE (Mawson): Will the Minister for Primary Industries report to the House on the outcome of the

fortnight's prawn fishing in Gulf St Vincent after 2½ years of closure of this fishery?

The Hon. D.S. BAKER: If ever there has been incompetence by previous Ministers on the management of this fishery—it is absolutely disgraceful—

Mr Clarke interjecting:

The SPEAKER: Order! The Chair has been most tolerant. I would suggest to the member for Ross Smith that he has been given a considerable amount of latitude as a new member. That period is now complete, and further action will be taken if he continues to be so disruptive. The Minister.

The Hon. D.S. BAKER: Thank you very much for your protection, Mr Speaker. Previous Ministers, through lack of decision making and procrastination, have brought this whole fishery to its knees. But I must say they made one very good decision some 14 months ago: they appointed the Hon. Ted Chapman to be the independent Chairman of the management committee. It was a very good decision indeed. After the last election, Ted Chapman came to me and said, 'I think we can do something about this fishery.' So we started an extended survey over five nights to see whether there was recruitment within the fishery, and we undertook another survey in February. Then the management committee unanimously agreed that the fishery should be opened at some point in the future.

I was amazed by the spurious arguments put forward by the Hon. Ron Roberts, the shadow Minister in another place, on radio and in the press. I do not know where he is getting his information, but it is all wrong. What has really happened in this fishery since it has been opened for the past 13 nights is that the average has been 8.5 to 11 tonnes per boat; about 100 tonnes of prawns are being caught, for a value of about—

Mr Becker: What's that worth?

The Hon. D.S. BAKER: Thank you very much, the member for Peake—$1.4 million. That sum has gone into the community in South Australia and into the pockets of those fishermen, who have been brought to their knees by the mismanagement of previous Ministers. Then the honourable member from the other place said that it was mischievous to allow that size of prawn to be taken, so the size limit was set by the management committee and agreed by all the boat owners at 22 prawns per kilogram. The honourable member in the other place complained about it. In Spencer Gulf the size limit was set at 27 prawns per kilogram. Even members on the other side of the House, one of them being a previous Minister, could work out that bigger prawns are being caught in Gulf St Vincent than are being caught in Spencer Gulf. That is what has happened in the past 13 days.

However, that is not all. Before that fishery opened, I said to the management committee that the fishery owes $3.5 million and some accrued interest, which we must get back, because that was the agreement after the two year closure. So, before the fishery opened, I went to Crown Law and said, 'What we want to do is to reintroduce the surcharge and the licence fees so those fishermen can pay back some of the debts they owe.' They were very happy to do it. By letter, the Crown Solicitor stated:

> I am instructed that the Minister for Agriculture intends to reopen the Gulf St Vincent prawn fishery. I am asked if a surcharge may now be fixed pursuant to section 8 of the Fisheries (Gulf St Vincent Prawn Fishery Rationalization) Act 1987. . . Doubt has arisen because the licence fee for the 1993-94 licence year for the fishery has been fixed at no fee.

And that is not all. Further, the Crown Solicitor continues:

> If there is no licence fee, there can be no surcharge as there is nothing upon which the surcharge may be imposed. This interpretation is compelling.

It goes on:

> I have briefly discussed this matter with the Solicitor-General, Mr Doyle Q.C. His view is that if a surcharge were fixed and its validity tested in court, 'there would be a not unsubstantial risk that a court would find the surcharge to be invalid'.

So, here we have a fishery that is ready to open; the management committee recommends it; it is ready to go; it has caught 100 tonnes; and, because of the incompetence of the previous Ministers, we cannot start the repayments, which the fishermen wanted to do. And that is not all. I received a letter yesterday from the Hon. Ted Chapman, Chairman, Gulf St Vincent Prawn Fishery, and he stated:

> Currently, no licence fee or surcharge can be levied due to the gazettal of the $0 fee in September 1993.

Members will recall that that was the month in which we lost the Grand Prix. The letter continues:

> As a consequence, the industry component of the SAFA restructuring loan has the potential to increase through capitalisation of interest. The next payment is due on 30 April 1994.

That is not all. The Gulf St Vincent Prawn Boat Owners Association has made an offer through the management committee to pay $1 per kilogram for all prawns caught as an *ex gratia* payment. That will be $100 000 that will be going towards repaying that loan. The whole exercise has been very good and, thankfully, a bit of management is getting back into the fishery.

TITANIUM DIOXIDE PLANT

The Hon. FRANK BLEVINS (Giles): Will the Premier advise the House of any additional assistance offered by the State Government to Tioxide Limited, a subsidiary of ICI, to encourage it to build a $200 million titanium dioxide pigment plant at Whyalla? The previous Government negotiated a mutually acceptable incentive package with Tioxide to encourage it to relocate its Tasmanian operations to Whyalla. Has the Premier or any of his Ministers had further discussions with Tioxide Limited and increased the offer?

The Hon. DEAN BROWN: The honourable member seems to be confusing two different issues. One issue is the establishment of the new Tioxide plant at Whyalla, and that is what the Minister for Industry, Manufacturing, Small Business and Regional Development was talking about earlier today. That is the issue I discussed in London with the Chairman of Tioxide in February this year. I also discussed it with the Deputy Chairman of ICI, which owns Tioxide: Tioxide is a fully owned subsidiary of ICI.

The Hon. Frank Blevins interjecting:

The Hon. DEAN BROWN: In fact, the Tioxide plant in Tasmania is to carry on and is not to be closed. The establishment of a new plant at Whyalla is an entirely new operation to manufacture tioxide. The company has a range of plants around the world. Indeed, it has taken on some new technology recently obtained as a result of acquiring a company out of the United States of America and, therefore, the establishment of a plant at Whyalla or Malaysia, which is the alternative site, has been delayed because the company is continuing the plant in Tasmania and is not going to relocate at all. Furthermore, because of the acquisition of the new company in the United States of America, it has picked up additional capacity as a company—

The Hon. Frank Blevins interjecting:

The Hon. DEAN BROWN: I am coming to that. The specific question concerned the relocation from Tasmania, and that is no longer an issue with the company because of this acquisition. The crucial point is that the company is looking, as the Minister for Industry, Manufacturing, Small Business and Regional Development said earlier today, for some sort of concession as an offset against having to pay taxation in South Australia compared with not having to pay it for a 10 year period in Malaysia.

The Hon. Frank Blevins interjecting:

The Hon. DEAN BROWN: Well, in Australia, compared with not having to pay it in Malaysia.

The Hon. Frank Blevins: Have you any further information?

The Hon. DEAN BROWN: If the honourable member will listen, I will answer his question.

Members interjecting:

The SPEAKER: Order! The member for Giles has had the opportunity to ask his question and I suggest that he listen to the answer.

The Hon. Frank Blevins interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The member for Giles is getting excited, because the former Government had made a specific offer to Tioxide, and that offer still stands under this Government. As to whether or not it may be necessary to offer more, it depends on a range of issues. One important issue is what response we get from the Commonwealth Government.

The Hon. Frank Blevins: We know that.

The Hon. DEAN BROWN: Therefore, it is inappropriate to answer the question until we have had a response from the Federal Government.

The Hon. Frank Blevins interjecting:

The Hon. DEAN BROWN: I sometimes wonder how much the honourable member opposite really understands.

The Hon. Frank Blevins: Are you ruling it out?

The Hon. DEAN BROWN: I am not ruling it out, because we have not yet received a response from the honourable member's Federal colleagues in Canberra.

The Hon. Frank Blevins interjecting:

The SPEAKER: I am ruling the honourable member out of order.

The Hon. DEAN BROWN: I recently wrote to the Prime Minister putting a specific request to him that we receive compensation from the Commonwealth Government for Tioxide in lieu of the fact that it will pay income tax in Australia whereas it will not have to do that in Malaysia. It is fair and reasonable that people understand that, at the end of last year, the preferred site for Tioxide to establish its new plant was Malaysia. That was in the briefing that came through to me as Premier immediately on taking government late last year. In other words, we had lost our so-called preferred position for one reason: it appears that the previous State Government had not even bothered to take up with the Federal Government any specific proposal for compensation for the company, which would have to pay taxation in Australia.

We have now put a proposal to the Federal Government and, depending on its response, the South Australian Government may or may not have to make a further offer to Tioxide. However, the company raised two other important issues with me about becoming internationally competitive if it were to establish its operation in South Australia. One was to make sure that we had more competitive WorkCover in South Australia, so I am delighted that the honourable member has raised this issue. The other issue is to have a more flexible industrial relations system, again, a key part of our industrial relations policy.

Two key pieces of legislation are now before the Parliament. As to whether or not the member for Giles is interested in making sure that South Australia is put back in front of Malaysia as the preferred site for the development of the Tioxide plant, it will depend on whether his colleagues are willing to make sure that both these crucial pieces of legislation pass the Legislative Council.

Members interjecting:

The SPEAKER: The member for Napier.

Members interjecting:

The SPEAKER: Order! The member for Giles was interjecting so much that the member for Napier could not hear the call. The member for Napier.

AMBULANCES

Ms HURLEY (Napier): Does the Minister for Emergency Services propose an increased role for volunteers in the metropolitan ambulance service?

The Hon. W.A. MATTHEW: I thank the honourable member for her question. Interestingly, last week I was advised that the Ambulance Employees Association was looking for a 'bunny' in Parliament to ask some questions, and it would appear that the 'bunny' has jumped up.

Mr QUIRKE: Mr Speaker, I rise on a point of order.

Members interjecting:

The SPEAKER: Order! The member for Playford is raising a point of order.

Mr QUIRKE: We are well aware of the way that the Minister carries on. I believe his comments are unparliamentary.

The SPEAKER: Order! The member for Napier is in the Chamber. It should be the role of the member for Napier to take exception to the comments. The Minister.

The Hon. W.A. MATTHEW: A number of aspects of the ambulance service are under close examination in South Australia at the moment. As a Government we have a duty to ensure that we provide an effective and efficient ambulance service that delivers a professional standard in South Australia. It is no secret that the previous Government bungled in an enormous way its handling of the ambulance issue over the past few years. We have a situation in South Australia where our ambulance service costs are escalating rapidly and, at the same time, response times have been lengthening.

What we need to do is ensure that that service can be provided in a cost effective manner. If it happens that volunteers are able to assist us in providing a better service then, of course, we will use those volunteers to assist in providing a better service. As to whether or not volunteers will be used to reduce the number of paid employees, if that is what the honourable member is implying, that is a totally different issue. What we are looking at doing is increasing the level of service, increasing the service provision, in this State.

That service provision has to be looked at in a number of areas. We need to look at how it is provided in the country areas, where largely that service is provided by volunteer organisations, and look in the city, where there was a substantial volunteer input that was significantly cut back by the previous Government.

Mr Becker interjecting:

The Hon. W.A. MATTHEW: Volunteers were demoralised and, as my colleague the member the Peake interjects, the volunteer commitment in this State was wrecked by the previous State Government.

We have also seen a cost escalation. So, if there is a way in which those people can participate, that is fine. It may be that other avenues are worth investigating, too. Indeed, the former Department of Emergency Services, under the Labor Government, was examining the feasibility of involving fire officers in ambulance service provision. I do not know at this stage whether the previous Government was able to pass on that information to ambulance employees when it was dealing with that union. There is no move on paid staff. We will ensure that we provide a good and efficient ambulance service in this State.

SOUTHERN SPORTS COMPLEX

Mrs ROSENBERG (Kaurna): Mr question is directed to the Minister for Recreation, Sport and Racing. What action is the Government taking to establish the Southern Sports Complex at the Noarlunga centre?

The Hon. J.K.G. OSWALD: I thank the honourable member for the question, knowing her interest in the subject, the honourable member being a new appointee on the steering committee for stage 2. The Southern Sports Complex is a big issue in the southern region, which was neglected by the Labor Government for some 10 years. The former Government showed no interest in the Southern Sports Complex for years. In fact, some three years ago I first raised this matter in the House and the then Minister of Recreation and Sport (Kym Mayes) told me I was talking about a Taj Mahal down there. He persisted in that particular line, bucketing me about the Taj Mahal in the south that I wanted to build.

No other members of the former Government stood up and expressed any other point of view. Two other Ministers representing the southern region stayed silent on the issue. There was no support coming from the Labor Party for anything to happen, until the famous Bice Oval football match took place at Christies Beach, with some 9 500 local residents coming to see that match which was staged by the Football League. Panic went right through the Labor Party camp. The following Monday they were down at the SANFL saying, 'What do we have to do?' The SANFL gave them encouragement by saying that, from the turn-out of some 9 500 people at that Bice Oval game, it would be a proposition. It is well known then, historically, that the Better Cities money was gathered together with the help of Gordon Bilney and they built the oval, fenced it off and put in the lights and a changeroom. However, therein lies the impasse, because nothing else would have happened beyond that stage. The then Opposition—the Liberal Party—recognised that the next stage to be completed required transferring the South Adelaide Football Club to this site, because without a league football club there would be no further development of the site as it was being perceived by the local residents.

In our election campaign we put forward a proposal providing an extra $1.5 million towards stage 2. This was not matched at all by the Labor Party. It kept running around saying that the South Adelaide Football Club would be coming there, but I can inform the House that the South Adelaide Football Club would have not have put one foot inside that complex unless it had some assistance in getting the grandstand complex at least under way. It was given a head lease, which had the capacity to earn some $70 000 for the continuing redevelopment of the complex. Once again, however, without the South Adelaide Football Club being present there would be no complex.

We have now progressed the matter and formed the ongoing steering committee. I have appointed delegates to that steering committee, which is headed by Brian Phillis, and they are now looking at proposals for a community complex which, in part, will accommodate the South Adelaide Football Club which will build, at its own expense, its part of the complex. The community complex, which will be taxpayer funded, will be available to the whole community, and it will have the capacity, through the South Adelaide Football Club, to generate some $70 000 for the ongoing development of the complex.

It is an arrangement which this Government has put in place and which I believe will be well received within the local district because those people can see that we are now moving to the development of stage 2. That steering committee has commenced meeting and is in the process of calling for registrations of interest from other sporting organisations in the area. I have departmental officers sitting on that committee, and I predict that in the near future southern districts residents will start to see some activity for which they have been waiting for many years.

LEGISLATIVE REVIEW COMMITTEE

Mr CUMMINS (Norwood): I bring up the sixth report 1994 of the Legislative Review Committee and move:

That the report be received.

Motion carried.

GRIEVANCE DEBATE

The SPEAKER: The proposal before the Chair is that the House note grievances.

Mr BROKENSHIRE (Mawson): Everybody in this House, indeed all South Australians, are well aware of the problems we have encountered in trying to source and resource health facilities and services in this State. Unfortunately, in the southern areas over the past six months we have seen a massive blow-out in the waiting list currently before the Noarlunga Hospital, the Flinders Medical Centre and the Southern Districts War Memorial Hospital. The current state involving the number of people on waiting lists is simply far too high and unacceptable, and it involves not only surgical but also medical and clinical cases. The Noarlunga Hospital has had a massive increase in patient numbers over the past six months as it is now getting quite a lot of recognition from many specialists that it is a hospital worthy of recognition and support. Unfortunately, however, the funding required has not kept pace with that increase and we now have a waiting list there that is far too high.

The facility is of excellent quality but was always, in my opinion, underfunded by the previous Government. In fact, one would have to ask what were the real intentions of the previous Government with respect to the Noarlunga Hospital, given that we demanded that hospital for such a long time and it was only when the previous Government saw the margin

slipping away from it that it finally decided to build it. It never did its homework on how the funding to sustain the hospital was to be provided.

The Southern Districts War Memorial Hospital, which is another integral part of hospital care in the south, is one that really copped a bucketing under the previous Government. The hospital's budget was reduced and further reduced year after year, Labor's strategy clearly being to turn it into a nursing home. It did not consider the community that had funded and toiled for years and years to get that hospital up and running. All the previous Government thought of doing was pulling out funding from that hospital so that it could boost funding in the Noarlunga Hospital area.

That simply is not good enough. The people of the southern area, particularly in the McLaren Vale, Willunga and Aldinga regions, deserve a lot better. We must remember what involvements there have been with the community in the past and we must support those efforts, not undermine them. Bed numbers cannot be reduced in our area simply to accommodate other areas where there have been next to no health cuts for some time. Last year, during the election campaign, the Labor Party made a big noise about the fact that it was increasing funding to the Southern Districts War Memorial Hospital. That was clearly hoodwinking the people in—

Mr QUIRKE: Mr Speaker, on a point of order, my understanding is that there should be a Minister somewhere on the front bench to listen to the honourable member's whingeing.

The SPEAKER: It is not a requirement, but it is the normal practice of the House that there be a Minister occupying the front bench.

Mr BROKENSHIRE: On a point of order, Mr Speaker, I take offence to that remark.

The SPEAKER: That is not a point of order.

Mr LEWIS: On a point of order, Mr Speaker, I understand the member for Mawson to have drawn attention to the term used by the member for Playford when he said that the member for Mawson was whingeing. This is a grievance debate and I believe that it is his right and entitlement to put his complaints before the Parliament.

Mr QUIRKE: Mr Speaker—

The SPEAKER: Order! One point of order at a time. I point out that members are taking up the time of the member for Mawson. I do not uphold the point of order by the member for Ridley. There have been a couple of occasions this afternoon when members have made remarks which would have been far better not made. Unfortunately, they are in the very grey area of being unparliamentary. The member for Mawson.

Mr BROKENSHIRE: I need to get a couple of points across because I am nearly out of time. The fact is that the southern area has been neglected for too long through the incompetence of Labor members. Now that we are at the helm, I call on the Minister for Health and all members to support the southern area and to make sure that we get a better share of the cake as we have a rapidly increasing population. People in that area need these services. We have blow-outs in podiatry and physiotherapy and lack of support for the funding that is needed. Instead of Opposition members carrying on in the way that they do, it would be great if they showed the people of the south that they have some concern for them for once after 10 years of neglect and got behind those of us in the south to make sure that we get better funding for the hospitals. It is clear that the south must get a larger share of the cake.

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

The Hon. FRANK BLEVINS (Giles): I want to speak briefly in the time allowed about the proposed Tioxide plant for Whyalla. The State Government's incentives for the establishment of this plant are extremely good. I was pleased to hear that the State Government has not completely said 'No' to the possibility of further incentives if they seem appropriate. I appreciate that.

The main competitor, as was stated earlier, is Malaysia. The main thing that Malaysia has going for it is a 10-year company tax holiday, and that is a very significant incentive. One would have to argue in this era of GATT, free trade and so on, whether 10-year tax holidays around the world are the appropriate way to go. Nevertheless, Malaysia has decided to do that. Therefore, if we want this project, it is highly likely that we will have to match that incentive.

That gives me no difficulty whatsoever. I should have thought that it presented a great deal of difficulty to the so-called level playing field freaks opposite and also to those in their Federal Party. I am sure that to those people, particularly those in the National Party, for example, and their camp followers, those kinds of subsidies—because that is what they are—are anathema, but they are not to me: they are roughly the equivalent of subsidising manufacturing industry, which is little different from tariff protection, etc. As I have said, that gives me no grief at all, but I know that it will give a lot of grief to those opposite who have an ideological position.

There is no doubt that unless these subsidies are given—and a 10-year tax holiday is just another subsidy—the project will probably not be economical compared with Malaysia. The subsidy that is given will make that uneconomic project profitable for the proponents.

My argument with members opposite and Federal members who hold the view that industry has to stand on its own feet—that it ought not to be subsidised and that is what will make this country strong—is that there are a million reasons why that is wrong and they are all unemployed.

I do not think it is necessary in this day and age to have all the extremes that went on in this country over the past 50 years of extraordinarily high tariff walls. I think we can do something about our unemployment problem, particularly in the Whyalla area, without going to those extremes. All it requires is for the Federal Government to decide where it wants the Australian economy to go and what it wants it to achieve for Australians and then to go out and achieve it. That is not asking for anything unusual. We are asking for Australia to behave in the same way as every other industrialised country in the world behaves. Very few industrialised countries say, 'Let's leave it to the market,' because the free market, as they fondly imagine it to be, does not exist. There is a competitive market place for plants of this nature which have a relatively high labour content in the manufacturing process.

There is no doubt that in many respects Australian industry became a little tired over the past 50 years, but over the past five years at least, and probably longer, all that slackness has gone. If we are to have this plant, we have to compete against Malaysia. We can compete in other areas. The previous State Government—and I know that this State Government has made the same offer—virtually gave a complete tax exemption and significant reductions in State

charges. The State Government has done all that it can to date, although I think a little more tweaking of the package would not go amiss, and I look forward to that occurring. However, it is up to the Federal Government to state that it wants this plant, that South Australia needs this plant and that Whyalla needs this plant, and if the Federal Government will match the incentives given by Malaysia we will have the plant.

Mr SCALZI (Hartley): My grievance today is about the effect on Australian communities from ethnic backgrounds of the recent recognition of the Macedonian State. In speaking on this matter I should like, first, to state that I do not wish to comment on the Government's recognition as I believe it is not within the jurisdiction of this House; and, secondly, I am not an expert on Hellenistic history, so I will not go into the intellectual debate on that matter. However, I believe that the effects of this issue and what has happened are of great importance to Australian communities and should be the concern of all of us irrespective of our political backgrounds.

Multiculturalism as we know it is under threat, and that concerns me greatly, as I am sure it concerns many others in this House. I can best illustrate my concern with a little example that I used to give as a schoolteacher when I taught Australian studies. Whenever I had a new class I used to be asked two questions. The first question was, 'How tall are you, Sir?' and the second question was, 'Where do you come from?' In reply to the first question I said, 'I am two inches taller than Napoleon and he conquered Europe. I only want the class.' The second question, 'Where do you come from?' I took a week to answer. First, I told them Greece, Spain, Portugal, Iraq, Pakistan or whatever country I could think of. By the end of the week the students were thoroughly confused. Then I asked, 'Why have I confused you?' The students used to give me a variety of answers, 'You don't want to tell us, Sir,' 'You've forgotten,' 'You're just trying to be funny,' and so on. But I would pressure them until I got the correct answer. The correct answer is, 'It is not where you come from that is important, but who you are as a person.' Then I proceeded to put on the blackboard, 'We are all Australians.'

The sad fact is that community leaders, including politicians, often forget that we are all Australians. It is our responsibility to ensure that this is promoted: we are not just one group; we are Australian first. Multiculturalism means two-way traffic. We must promote all things that enrich the human condition. Language, art, culture, music, dancing and food are all things that enrich the human condition.

I am sure that everyone in this House would agree that Australia is the richer for all its diversity. It enriches the human condition, sets the self esteem amongst the young, and so on. However, certain things divide us. True equality is equality of difference, but the difference of any one group should not be elevated to a point where it threatens the equality of other groups in society. We have succeeded because there has been a balance. We must retain and promote that balance, and I as an Australian from a non-English speaking background put that first and encourage all community leaders and all members of Parliament to do likewise. It is the responsibility of people in public positions to promote harmony and true multiculturalism because, if we do not, we will be the poorer for it. Unfortunately, that has not been the case. Recent developments, including negotiations that have taken place overseas, will ensure that that occurs.

Mrs KOTZ (Newland): I wish to draw to the attention of the House the contents of a letter that I received from the relative of a person with a disease known as chronic myeloid leukaemia. The contents of the letter are extremely distressing. For the sake of confidentiality, I will refer to the person named in the letter as 'Wendy'. The relative states that Wendy lives with a disease called chronic myeloid leukaemia, which was diagnosed 12 months ago. Following the discovery that her one brother and two sisters were not suitable bone marrow donors, she embarked upon a course of treatment at the Queen Elizabeth Hospital under Dr Barry Dale. The basis of this treatment is a medication called Interferon Alpha 2B. Wendy currently receives Interferon injections three times a week. The nature of the drug is such that it is at its most effective when administered at the highest dose tolerated by the patient over a period of several months. In conjunction with other treatments, the drug holds the hope of a cure for those people suffering from CML. The letter continues:

> As with most drugs of this nature, Interferon is very expensive. It has been brought to our attention that Federal funding for Interferon has been refused because of the cost factor only and not on the basis of any scientific merit. Not only is Wendy's course of treatment threatened, but indeed the options of treatment for other people living with leukaemia will be greatly limited as our public hospitals are continually needing to reduce services in order to contain expenditure. While we fully understand that the pot of money available for health care is not endless, we cannot stress strongly enough that this drug be accorded the highest priority for Federal funding.
>
> We trust that you will take the message in this letter to your heart and seriously consider the consequences if Interferon does not receive adequate funding. The worst scenario will be the unavailability of this drug to the many young people of our community who are living with and fighting leukaemia. On behalf of all the concerned people who have signed this letter—

and I have in my hand a petition signed by 26 people—

> I request that you raise this issue in appropriate forums in an effort to highlight the necessity for funding for this important drug. If you have advice on a further course of action that we should pursue to encourage funding for Interferon we would be very pleased to hear from you.

I received this letter in October last year, and I took up the call for help addressed in that letter and wrote to the Federal Minister for Health, Senator Graham Richardson, and encouraged him to reconsider any decision that may have been made in relation to the medication Interferon that may not have received adequate Federal funding to maintain its availability to suffers of leukaemia.

Mr Atkinson interjecting:

Mrs KOTZ: I do not think that the people who wrote this letter to me consider that the matter is as insignificant as the member for Spence appears to. I recently received a letter from the Federal Minister for Health which states:

> Thank you for your personal representations of 25 October on behalf of 26 signatories concerning Federal funding for Interferon, which can be used in the treatment of CML. Commonwealth Government assistance with the cost is available through the pharmaceutical benefits scheme. Through this scheme the Government subsidises a range of drugs and medicinal preparations suitable for the therapeutic needs of most medical conditions. Items are made available as pharmaceutical benefits on the advice of the Pharmaceutical Benefits Advisory Committee, the expert body that advises me on such matters.

The Minister states that there was a meeting in May 1993 where the committee considered an application for listing this

drug, and it considered that listing the drug would be justified on purely medical grounds but that the cost effectiveness would not justify it. A further meeting was held in August 1993 when the committee further considered the data on cost effectiveness and again rejected the call. At its most recent meeting, held in November 1993, the committee considered a further proposal from the company concerning a new method of funding. The Minister states that the committee recommended that the drug should be made available as a pharmaceutical benefit for this condition. However, he goes on to say that details of the new funding proposal have not been finalised. Unfortunately, although the Federal Minister for Health sounds most positive in these statements, he qualifies them by saying that doctors will be advised if and when listing occurs, and they will inform their patients. I call on the State Minister for Health to take up this message on behalf of my constituents and address the urgency of this request.

Mr De LAINE (Price): On Monday 21 March I attended the decommissioning ceremony of the naval base HMAS Encounter at Birkenhead. Also in attendance was my colleague the member for Hart, and I am grateful to him for allowing me to speak on this subject today because the base is in his electorate. I have great personal affinity with the establishment and feel very sad about its closure because as a young child I lived within 100 metres of the base and served for a short time in the Royal Australian Navy as a national serviceman in 1956 and as a reserve rating after that until about 1960, and my father also served at the base. During its 80 years of existence it was a great landmark for the area, and it was a sad day for me to see its demise. I will read into *Hansard* a brief history of the establishment, as follows:

> On 12 April 1915 the Commonwealth of Australia acquired land situated on the corner of Fletcher Road and Shorney Street for the purposes of establishing a new naval depot in South Australia. This site replaced the previous depot which had existed on the sea front at Largs Bay. The new depot offered a number of advantages in that it was close to the Port River and adjacent to the ship repair facilities of Fletchers Shipway. Commander O.L. Burford RAN was the first district naval officer. Between the two world wars the Birkenhead naval depot gradually grew. Additional land was required and the first permanent brick building, later known as Torrens Hall, was constructed in 1922. The drill hall was extended in 1930.
>
> An ongoing feature of life at the depot was naval reserve training. With the onset of World War II the depot was officially commissioned as HMAS Cerberus IV on 13 September 1939 [the day the war began]. However, on 1 August 1940, the depot was recommissioned as HMAS Torrens. The war years saw a great deal of activity at HMAS Torrens with the depot being involved with large numbers of ships and the movement of troops. Other activities involved shipping repairs, defence of local waters and the disposal of enemy mines found in the South Australian area. On 12 August 1941, two sailors from HMAS Torrens were killed whilst detonating a mine at Beachport. It is believed that these two ratings were the first naval personnel of World War II killed on Australian soil as the result of enemy action.
>
> Following the war, HMAS Torrens returned to its peace time roles of providing a naval presence in South Australia, assisting visiting ships and reserve training. On 1 March 1965 the depot underwent another name change and was recommissioned as HMAS Encounter.
>
> The name Encounter commemorated the meeting between Matthew Flinders and Nicolas Baudin off the South Australian coast in April 1802. . . The decommissioning of HMAS Encounter on 21 March 1994 marks the end of over 100 years of a permanent naval presence in the Port Adelaide area. The last commanding officer is Commander B.K. Gorringe ADC RAN.

I would like to publicly thank Commander Gorringe, as the commanding officer, for the assistance and support he gave to me as a local member. He has temporarily relocated to Keswick Army Barracks before transferring interstate to some other commission. I wish Commander Gorringe well.

In last year's Federal budget, a decision was made to rationalise the South Australian defence force presence in South Australia, and this resulted in the relocation of the naval depot to Keswick Army Barracks. It is a ridiculous and retrograde step in my view, and I certainly made my thoughts known to the Federal Minister for Defence. I have spoken in this House on a couple of occasions about this and also raised the matter publicly in several local forums. The naval presence will now be confined to Keswick as I said, and at the Submarine Corporation site at Osborne. At about 11.30 a.m. last Monday, the white ensign was taken down from the masthead for the last time. In a moving ceremony the flag was presented to the South Australian Maritime Museum, ending—

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

Mr BASS (Florey): I rise to speak on a matter that needs the bipartisan approach of this House to stop what is happening to the Salisbury campus of the University of South Australia. As we all know, we have Flinders University in the south of Adelaide; we have Adelaide University in the centre of Adelaide; and we have the University of South Australia. Unlike Flinders and Adelaide, where most of their buildings are together, the University of South Australia has several campuses: city east, city west, Magill, the Levels, Salisbury, Underdale and Whyalla.

In today's economic climate no-one would criticise a university for restructuring its courses and its expenditure to make it competitive, but this should be done only after consultation with the university users and with a view to the ever changing population. The Salisbury campus is the centre of tertiary learning for the northern residents of Adelaide, and it caters to many areas north and north-east of Gepps Cross, and the near north country areas. A group of eight people prepared a document entitled 'Strategic Objectives and Academic Planning'. The group included four university bureaucrats who sit in their comfortable Adelaide offices: one ensconced at Malvern; an educationalist who peruses Adelaide from the luxury of a North Adelaide office; the seventh member who views the world from his fifth floor Pirie Street office; and one lone northern resident member from Salisbury, which seems a little bit lop-sided, to say the least. I do not mean to denigrate those who live in the northern suburbs, but they are recognised as one of the lower socio-economic areas.

The Salisbury campus is, under the guise of 'strategic planning', to be closed for all courses by the year 2003. The members of the Salisbury campus futures task force probably visit the northern areas only under protest. The local residents in the suburbs of Elizabeth, Salisbury, Para Hills and the North-East do not have the advantage of being a two or three car family, and in many cases do not have a member of the family in regular employment. The Salisbury campus is their only lifeline to break the rut that so many northern suburbs residents find themselves in.

Reorganise the University of South Australia by all means, but stop competing with Adelaide University. Get out in the northern suburbs where the university skills are needed; develop the University of South Australia as a university to be proud of, but where it is needed most—in the north. The population in the northern suburbs is expected to reach 80 000 by the year 2000. The University of South Australia

has a chance to be the best university in the north, serving a community that needs a chance to change from high unemployment and low education areas to one that is educated, with a chance for employment and for the people of this area to get out of the rut they are in. I understand that the charter of the universities is to reach out to the public who need their services. Locating the University of South Australia away from the Salisbury campus and away from the north does not fulfil that charter.

The Hon. G.A. INGERSON: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

STAMP DUTIES (CONCESSIONS) AMENDMENT BILL

The Hon. S.J. BAKER (Treasurer) obtained leave and introduced a Bill for an Act to amend the Stamp Duties Act 1923. Read a first time.

The Hon. S.J. BAKER: I move:

That this Bill be now read a second time.

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

Leave granted.

As part of its rural policy commitments the Government announced that it would provide stamp duty exemptions for:

- intergenerational farm transfers;
- rural debt refinancing;
- tractors and farm machinery.

This Bill seeks to amend the provisions of the Stamp Duties Act 1923 to provide those exemptions and to implement one further measure which will ensure that multiple duty will not arise for persons who carry on a rental or hiring business in more than one State.

In relation to intergenerational farm transfers a stamp duty exemption is proposed for the transfer of land used for primary production from a natural person (or a trustee for a natural person) to a relative of the natural person (or a trustee of that natural person) where a business relationship existed between the parties prior to the conveyance.

It is proposed to define the scope of 'family unit' as situations involving:

(a) father/mother to son/daughter relationships or grandchildren of the father/mother;

(b) brother/sister;

(c) the spouses of *(a)* or *(b)*;

(d) subject to certain criteria to ensure tax avoidance/evasion does not occur a trustee for the above mentioned persons will also be eligible, although transfers involving company structures will generally be ineligible.

In all instances it will be necessary for the parties to satisfy the Commissioner of Stamps that a farming relationship existed between the relevant transferor and transferee before the conveyance to ensure that the conveyance has not arisen purely from a tax avoidance scheme.

The concept of 'farming relationship' would include any previous employment relationship regardless of the amount or form of remuneration, share farming arrangements, level of previous assistance rendered to the business, partnerships, etc.

It will also be necessary to define 'land used for primary production'.

It is proposed that this concession operate prospectively for transfers executed on or after the date of assent.

The basic concepts of these proposed amendments for farm transfers are the same as those already applying in Victoria.

In relation to the exemption for certain loans refinanced by primary producers it is not proposed to exempt farmers from all mortgage stamp duty.

The concession will only apply to the amount borrowed under a mortgage which is used to 'pay-out' another loan.

For example, if $200 000 was advanced under a mortgage and only $100 000 was needed to pay-out an existing loan the 'new' mortgage would be exempt as regards the first $100 000 advanced only and duty at the rate of 35 cents per $100 would be payable on the remainder.

It is also proposed that the mortgages be over the same, or substantially the same, land or assets by the same mortgagor/debtor.

The requirement that the same land or assets be involved ensures that only genuine refinancing to achieve more favourable terms receives the benefit of the concession.

In such cases the same land would be used as security since the use of different land or assets as security would indicate the arrangement is an entirely new one and not a refinancing.

A reference to 'substantially the same' is intended to negate any argument where there is a minor change to the land to be used as security between the dates of the earlier mortgage and the mortgage in respect of which a concession is claimed such as in circumstances where the financial institution might demand additional security over realty or other assets.

The concession will apply to all farm mortgagors but excluding public companies and their subsidiaries (as defined under the Companies (South Australia) Code).

It is proposed that the concession operate prospectively for loan agreements or mortgages signed on or after the date of assent.

It is also proposed to amend the Act to exempt from stamp duty, applications to register tractors and farm machinery to ensure that farmers can obtain a registration document that allows farm machinery travelling on public roads to be covered against third party claims.

This initiative is consistent with the move towards the preferred option of the National Road Transport Commission that will require the registration of all vehicles that require access to the road network.

The last matter dealt with by the Bill seeks to amend the rental duty provisions to provide a credit offset for duty paid in other Australian States or Territories.

As the Act now stands a leasing transaction may create a liability for rental business duty in more than one jurisdiction. This is neither fair nor equitable.

The proposed amendment will further advance the degree of equity and harmony between stamp duty legislation administered by the various jurisdictions and will ensure that double duty is not paid in respect of certain leasing arrangements.

The relevant industry body has welcomed this initiative.

This Bill deals mainly with fulfilling the Governments rural policy commitments. The rural sector has withstood a number of economically debilitating situations which have affected its ability, not only to generate growth for the South Australia community, but also to survive until better times arise.

The proposed concessions will meet the rural sector's very basic need for relief and will assist the State's turnaround to economic growth.

The Government has consulted with the relevant industry bodies on the measures contained in this Bill and has appreciated their contributions.

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

Most of the provisions of the measure will come into operation on assent. However, the amendments relating to rental business duty will commence on 1 June 1994, to coincide with the beginning of a return period for the payment of duty under the rental duty heading.

Clause 3: Amendment of s. 4—Interpretation

It is intended to include a definition of 'business of primary production'. The definition is necessary for some of the amendments to be effected by this measure and it will be useful to have a definition relating to the business of primary production that can be used consistently throughout the Act. The definition is the same as a definition used in a number of other Acts.

Clause 4: Amendment of s. 31a—Duty on agreements for 'walk in walk out' sales of land used for primary production

This is a consequential amendment in view of the insertion of the definition of 'business of primary production'.

Clause 5: Amendment of s. 31b—Interpretation

This amendment is related to the amendments to be effected by clause 6 of the Bill, in that it is necessary to include a definition of 'corresponding law' so that duty paid under similar heads of duty in

other States or Territories can be off-set against duty paid under the rental duty heading.

Clause 6: Amendment of s. 31i—Matter not to be included in statement

This clause will allow a registered person who has paid duty under a corresponding law in respect of rental business to claim an off-set against duty that would otherwise be payable in this State in respect of the same business. The Commissioner will be empowered to determine whether or not it is reasonable to allow an off-set in order to guard against the creation of schemes to avoid the payment of duty.

Clause 7: Insertion of s. 71cc

It is intended to insert a new provision in the Act that will provide an exemption from stamp duty in respect of certain transfers of interests in real property used for the business of primary production. The exemption will be available if the Commissioner is satisfied that the relevant land is used wholly or mainly for the business of primary production and is not less than 0.8 hectares in area, that there has been a business relationship between the relevant parties to the transaction, in a case involving one or more trusts, that the trusts are 'family trusts', and that the transfer is not simply part of an arrangement to avoid stamp duty. The exemption will apply in relation to instruments executed after the commencement of the relevant provision.

Clause 8: Insertion of s. 81d

It is intended to grant a concession from duty with respect to the refinancing of certain mortgages over real property used for the business of primary production. The proposal is that duty will not be chargeable on so much of an amount under a new mortgage as secures the balance outstanding under a previous mortgage where the Commissioner is satisfied that it is a refinancing arrangement involving land used wholly or mainly for the business of primary production that is not less than 0.8 hectares in area. The mortgagor under both mortgages will need to be the same person. The concession will not apply if the mortgagor is a public company or a subsidiary of a public company. The provision will apply in relation to mortgages executed after its commencement. The provision is expressed to expire on the second anniversary after its commencement.

Clause 9: Amendment of second schedule

This clause will amend the Act to provide an exemption from stamp duty in respect of any application to register, or to transfer the registration of, a tractor or item of farm machinery owned by a primary producer.

Clause 10: Transitional provision

This provision clarifies that the amendments relating to rental business apply in relation to business transacted on or after 1 June 1994.

Mr QUIRKE secured the adjournment of the debate.
debate.

STAMP DUTIES (SECURITIES CLEARING HOUSE) AMENDMENT BILL

The Hon. S.J. BAKER (Treasurer) obtained leave and introduced a Bill for an Act to amend the Stamp Duties Act 1923. Read a first time.

The Hon. S.J. BAKER: I move:

That this Bill be now read a second time.

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

Leave granted.

The Stamp Duties Act has been progressively amended to facilitate significant improvements to Australia's system for the transfer, settlement and registration of quoted securities undertaken by the Australian Stock Exchange ('ASX').

The ASX has sought amendments to the relevant stamp duty laws from all State and Territory Governments to facilitate the introduction by the ASX of the Clearing House Electronic Subregister System ('CHESS').

CHESS will operate through a central clearing house controlled by the ASX.

CHESS will include the concept of an electronic subregister (which will comprise the records of the clearing house) upon which securities held by CHESS participants will be registered.

CHESS will introduce the concept of an 'electronic' transfer of securities in place of the traditional on-market transfer document.

CHESS will also facilitate 'electronic' transfers of securities in place of the Australian Standard Transfer form in respect of certain off-market transfers, wherever such transfers involve at least one clearing house participant as transferor or transferee.

CHESS will introduce simultaneous settlement and registration against the CHESS subregister.

The use of electronic transfers will render the existing arrangements for 'stamping' both on and off-market transfer documents inappropriate.

The existing provisions which provide stamp duty exemptions for transfers will also need to be extended to all CHESS participants. The CHESS system will enable participants to electronically record share trades through a subregister located on the ASX's central computer, eliminating the need for vast amounts of paper and improving the speed and efficiency of the share trading system.

The proposed amendments will ensure that the provisions of the Act recognise electronic transfers and will provide the necessary framework to enable the duty to be collected by way of return. The amendments do not impose any additional revenue impost on share trades but provide a more efficient way for both the Government and the ASX to collect the existing duty.

Complementary legislation will be introduced in all other relevant State and Territory jurisdictions and the proposed amendments have been the result of significant consultation between all State Taxation Commissioners and the ASX.

The Bill also contains some consequential amendments to the access to records provisions to take account of the electronic nature of many of the records which are now kept.

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the commencement of the measure on a date to be set by proclamation.

Clause 3: Amendment of s. 27b—Access to records

This clause amends section 27b of the principal Act by providing for inspection of records that are maintained on computer and to provide for the provision of written copies of such records.

Clause 4: Amendment of s. 71c—Concessional rates of duty in respect of purchase of first home, etc.

This clause removes an offence of making a false statement in respect of first home purchase duty concessions. This amendment is consequential on the amendment made in clause 14.

Clause 5: Substitution of heading to Part IIIA

This clause makes an amendment to the heading to Part IIIA consequential on the separation of Part IIIA into 4 divisions.

Clause 6: Amendment of s. 90a—Interpretation

This clause inserts a number of definitions relevant to the concept of the securities clearing house.

Clause 7: Insertion of heading

This clause inserts a heading for Division II.

Clause 8: Amendment of s. 90b—Application of Division

This clause makes an amendment consequential on the amendment made in clause 5.

Clause 9: Amendment of s. 90c—Records of sales and purchases of marketable securities

This clause makes an amendment consequential on the amendment made in clause 5. It amends subsection (6) to provide for the keeping of records on computer and it increases the penalty for failure to maintain the records required under section 90c.

Clause 10: Amendment of s. 90d—Returns to be lodged and duty paid

This clause increases the penalty for failure to lodge a return under subsection (1) and for failure to make a payment on assessment under subsection (4).

Clause 11: Amendment of s. 90e—Endorsement of instrument of transfer as to payment of duty

This clause amends section 90e to provide that, where undertaking an SCH regulated transfer, a dealer does not have to endorse the transferring instrument, a procedure that is only relevant in the case of paper instruments.

Clause 12: Insertion of Divisions 3 and 4

This clause inserts two new Divisions that provide for the payment of duty on SCH regulated transfers of marketable securities and which provide for the registration and regulation of the securities clearing house (SCH).

The clauses as inserted are as follows:

DIVISION 3—DUTY ON CERTAIN

SCH-REGULATED TRANSFERS

Application of Division

90H. This section provides that duty will be payable on SCH transfers of marketable securities only where—

(a) the transfer is a proper SCH transfer (that is, a securities clearing house transfer undertaken in accordance with SCH's rules); and

(b) Division 2 does not apply to the transaction; and

(c) the security is—

(i) a share, or a right in respect of a share, of a relevant company (that is, a body registered under SA law or a company registered under foreign law that has its registered office in SA); or

(ii) a unit of a unit trust scheme the principal register of which is situated in this State; or

(iii) a unit of a unit trust scheme that has no register in Australia and that is either managed by a relevant company or a person who is principally resident in this State or, not having a manager, has a trustee that is a relevant company or a natural person principally resident in this State; and

(d) the SCH scheme has been brought into operation by the registration of SCH under Division 4.

Transfer documents treated as instruments of conveyance

90I. This clause provides that the electronic "document" by which a marketable security is transferred through SCH constitutes an instrument of conveyance and the provisions of the Stamp Duties Act apply to it accordingly.

SCH participant liable to pay duty

90J. One or both of the parties to an SCH transfer will be an SCH participant.

Where both are SCH participants, this clause provides that the participant who is, or is acting for, the transferee will pay the relevant duty.

Where only one person is a SCH participant, he or she will be liable to pay the relevant duty and if that person is not, or is not acting for, the transferee, the person may recover the amount of the duty from the transferee as a debt by action in a court of competent jurisdiction and may, in reimbursement of that amount, retain any money in the participant's hands belonging to the transferee.

Record of SCH-regulated transfers

90K. On the making of an SCH-regulated transfer to which this Division applies, the relevant SCH participant (that is, SCH participant who is liable to pay duty, or where the transaction is exempt from duty, the participant who would be liable to pay if the transaction was not so exempt), must make records in respect of the following matters:

- the date of the transfer;
- the identification number of the transfer;
- the name of the transferee and, unless the transferor is, or is represented by, another SCH participant, the name of the transferor;
- the identification code of the participant and of the other SCH participant (if any);
- the quantity and description of the marketable security transferred;
- the transfer values of each marketable security and the total transfer value of all;
- the amount of duty chargeable in respect of the transfer;
- if *ad valorem* duty is not chargeable in respect of the transfer, a statement of the grounds on which *ad valorem* duty is not chargeable;
- in the case of an error transaction to reverse an earlier transfer that was made mistakenly, the transfer identifier of that earlier transfer; and
- any other prescribed particulars.

The SCH participant must keep these records for not less than five years and if the participant fails to make or keep such records, the participant is guilty of an offence ($2 000 fine or $200 expiation fee).

Particulars to be included by relevant participant in transfer document

90L. The conditions of registration of SCH may define the particulars to be included in a transfer document. Failure to include such particulars is an offence ($2 000 fine).

Relevant SCH participant's identification code equivalent to stamping

90M. This clause provides that, on the inclusion of an SCH participant's identification code in a transfer document, the document will be taken to be duly stamped.

Report to be made and duty paid

90N. This clause obliges SCH participants to provide reports to SCH regarding all dealings during each month in which the participant has traded. A report must be made within 7 days of the end of the month and must contain the particulars required by the Commissioner under the conditions of registration of SCH.

The participant must within the same time pay any duty payable in respect of the month to the Commissioner.

Failure to make such a report is an offence (penalty $5 000).

The Commissioner may make an assessment in relation to duty that he or she believes or suspects is unpaid and may also assess penalty duty equal to twice the amount of primary duty assessed. The participant is liable to pay this duty on being served by the Commissioner with a written assessment notice. If the defaulter does not pay the duty on or before the date specified in the notice, he or she is guilty of an offence (penalty $5 000 plus an amount equal to twice the amount of the primary duty assessed).

The Commissioner may remit any penalty duty, or part of any penalty duty, payable under this section.

Refund for error transaction

90O. Where the Commissioner is satisfied that *ad valorem* duty has been paid in respect of an error transaction to which this Division applies, the Commissioner must refund the duty so paid.

DIVISION 4—THE SECURITIES CLEARING HOUSE

Registration as the securities clearing house

90P. This section requires the registration as SCH of the body approved as SCH under the Corporations Law. Registration may be subject to conditions determined by the Commissioner from time to time.

The registration of the body as SCH is not limited by time but may be determined by SCH or suspended by the Commissioner if SCH fails to comply with the Act or the Commissioner's conditions of registration.

Monthly return

90Q. SCH must, within 15 days of the end of each month, lodge with the Commissioner a return setting out the particulars specified in its conditions of registration and must, by that date, pay to the Commissioner any duty paid to SCH under this Act in respect of an SCH-regulated transfer made in the preceding month.

The Commissioner may make an assessment in relation to duty that he or she believes or suspects is unpaid by SCH and may assess penalty duty equal to the amount of duty assessed.

The Commissioner may remit any penalty duty, or part of any penalty duty, payable under this section.

Particulars reported by participants to be kept by SCH

90R. Where a SCH participant reports particulars to SCH, the particulars reported must be kept by SCH for a period of not less than five years.

Disclosure to SCH of information

90S. This clause provides that the Act does not prevent the disclosure to SCH of information acquired in the administration of this Part.

Clause 13: Amendment of s. 106a—Transfers of marketable securities not to be registered unless duly stamped

This clause provides that the prohibition against registration of transfers of marketable securities in relation to which duty has not been paid does not apply to the new class of SCH transfers.

Clause 14: Substitution of s. 107

This clause inserts a new general offence of providing or recording false or misleading information (Penalty: Where there is intent to evade duty, $10 000; in any other case, $2 000. An expiation fee of $200 is also fixed).

Clause 15: Amendment of second schedule

This clause provides for amendments to the second schedule. The second schedule specifies the amount of duty payable in respect of various types of instruments.

Paragraph *(a)* provides that gifts of marketable securities transferred via SCH will incur duty at the rate of 60 cents per $100.

Paragraphs *(b)* and *(c)* update the wording of exceptions to duty clauses 19, 20 and 21 to accord with the rest of the Act.

Paragraph *(d)* provides exemptions to duty in respect of entrepot accounts (dealers' clearing accounts previously referred to in repealed clause 24 of the exemptions), error transactions and securities lending transactions.

Mr QUIRKE secured the adjournment of the debate.

REAL PROPERTY (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. S.J. BAKER (Treasurer): I move:

That this Bill be now read a second time.

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

Leave granted.

The principal objects of this Bill are to amend the *Real Property Act 1886* to rationalise and streamline dealings with easements, the registration processes of land division under Part XIXAB of the Act and the strata titling of land under the *Strata Titles Act 1988*. To achieve this, the Bill adds a number of provisions to Part VIII of the Act dealing with easements, replaces Divisions I, II and IV of Part XIXAB of the Act and makes consequential amendments to the *Strata Titles Act 1988*. The Bill also makes some minor procedural changes to a number of sections of the Act.

The Bill addresses two principal areas of concern.

First, problems are often faced by land owners in the creation, variation and extinguishment of all types of easements. One of the amendments to the *Real Property Act 1886* proposed by this Bill (see section 90c) will enable a person to grant an easement to himself or herself. At present this is only possible in relation to an easement created as a condition of approval endorsed on a plan of division lodged in the Lands Titles Registration Office after 12 September 1985 or a strata plan lodged after 1 September 1988. The main types of easement envisaged under the new provision will relate to rights-of-way, water supply and drainage.

The Bill also provides (see section 90b(1)) that any easement may, on application by the owner of the dominant or servient land, and with the consent of all other persons having a registered estate and interest in the land, be extinguished, varied in position or dimensions or have its appurtenance extended.

The Bill also provides (see section 90b(4)) that an easement can be extinguished or varied in position where it is proven to the satisfaction of the Registrar-General that the owner of the easement, or the owner of land subject to the easement, cannot be found, and that the use of the easement has been abandoned. This will help overcome difficulties faced by land owners who want an unused easement expunged from a certificate of title. This provision replaces existing section 90a of the principal Act.

The Bill also aims to prevent disputes arising between dominant and servient owners of easements by ensuring that the physical occupation of the easement on the ground and its registered position on a certificate of title coincide. Problems of this nature will not arise if the easement is surveyed at the time of its creation. The Bill gives authority to the Registrar-General to require a survey from a licensed surveyor when an easement is created or varied. This will ensure that the service provided by the easement has been located on the ground and is accurately fixed on the generating plan, or in the case of a proposed easement, its position has been fixed on the ground by the placement of survey marks. This will assist a person engaged to construct the easement service on or in the ground in its correct position and the owners of the right to identify the position of the easement accurately. The provision is not intended to be applied to simple easements that may be located on or near a title or other surveyed cadastral boundary line, but rather to easements that are extensive and wind through the site unrelated to any boundary.

The existence of private rights of way over public streets have caused problems in the division or strata titling of land. The original intention of granting rights of way over streets in a plan of division (which did not vest in a council) was to restrict access to owners of land in that plan. These rights are extinguished on declaration of a public street under S.303 of the *Local Government Act 1934*, or when a public street is closed under the *Roads (Opening and Closing) Act 1991*. Some allotments, after division, are no longer contiguous with the streets over which they have rights and many owners are unaware of the existence of rights of way over public streets on their certificates of title.

As land is divided into more and more allotments or units of land, the number of land parcels that retain a private right over a public street increases. The Registrar-General has, for many years, somewhat relieved those problems by not carrying them forward onto certificates of title generated by the division or strata titling of land as they are considered to be a duplication of public rights over a street. Those rights of way still exist however in a partially cancelled certificate of title.

This Bill simply provides that a private right of way cannot exist over a public street or road (see section 90e).

This provision will result in cost savings for the public, and the Lands Titles Registration Office. There will also be a saving to councils, the owner of public streets. At present, when a need arises to extinguish private rights over public streets, the extinguishment requires a separate dealing to be transacted between council and each dominant owner. The provision will also assist in the conversion of manual certificates of titles to the Torrens Automated Titles System, TATS (computerised titles system) environment by allowing the cancellation of certificates of title left uncancelled because of a private right remains as the balance of the land in that title.

The second principal area addressed by the Bill is that of land division.

Currently, there are two legislative processes to be followed to enable the issue of separate certificates of title under the *Real Property Act 1886*. First, development approval must be gained under the *Development Act 1993* and secondly, application must be made to the Registrar-General for the deposit of a plan of division in the Lands Titles Registration Office under Part XIXAB of the *Real Property Act*. The Bill seeks to replace Divisions I, II and IV of Part XIXAB incorporating a number of minor and major changes designed to streamline the plan deposit and associated registration processes.

The present Part requires application to be made to the Registrar-General for the deposit of a plan of division and where conditions of approval apply, such as the creation, extinguishment or variation in position of easements and/or the transfer of land between adjacent land owners, those conditions can only be fulfilled by the production of separate instruments to be registered under the *Real Property Act 1886*. These conditions may involve the registration of a transfer of land between neighbours, the grant/extinguishment or variation of an easement or the discharge or variation in the security of a registered mortgage or encumbrance (including a Land Management or Heritage Agreement). All of these instruments cause extra expense and a likelihood for a delay in the registration process due to errors that frequently occur in the often complex property descriptions contained within them.

The Bill provides that where there are such dealings, they occur by vesting automatically as required by the plan on its deposit in the Lands Titles Registration Office. The owners of registered estates and interests in the land must consent to the deposit of the plan in an accompanying application. The Bill also provides that the application for division and the plan together form a single instrument, whether there are necessary essential transactions or not, and will, by necessity, have the same order of priority of registration as an instrument under Section 56 of the *Real Property Act*.

The new provisions will allow a plan of division to be lodged either with, or prior to, the application depending on the wishes of parties to the application. This will allow any property settlement or advance of moneys by lending institutions, that may be required before deposit, to be made on an approved copy of the plan of division. This will continue the current practices of the lending institutions and conveyancers.

At the present time, certificates of approval of the SA Planning Commission and a council and a Land Division certificate issued under the *Development Act 1993* expire on the first anniversary of issue under the relevant Act but have an unlimited life once lodged with the Registrar-General under the *Real Property Act*. It is an unfortunate consequence that developers use this fact to make application to the Registrar-General and allow the application to sit for several years and use the Lands Titles Registration Office as a repository for proposed divisions to be finalised later at their convenience. This practice, although lawful, defeats the spirit of the present Part, the *Development Act* and the State Development Plan.

This Bill provides that once lodged with the Registrar-General, a certificate under section 51 of the *Development Act 1993* will expire under the *Real Property Act* on the first anniversary of the date of lodgement. The Bill also provides that the Registrar-General may extend the life of a certificate. It is intended that any such extension will only be given where there is some genuine reason that prevents an applicant from attending to requisitions to a plan or application once lodged in the Lands Titles Registration Office due to circumstances beyond his or her control, e.g., a legal impediment

that cannot be resolved until probate is given or a Court order is made.

The Bill inserts a schedule (the First Schedule) into the principal Act. Clause 1 of this schedule provides a means to rid the Torrens Register of unwanted plans of resubdivision filed or deposited in the Lands Titles Registration Office prior to the commencement of the present Part XIXAB, viz, 4 November 1982. Where any land is the subject of a plan of resubdivision pursuant to the *Planning and Development Act 1966* or any previous Act, and the plan is subject to a condition of approval that remains unfulfilled in respect of all or some of the allotments created by the plan, the Registrar-General may give the owner at least 2 months to fulfil the condition. If the condition is not fulfilled in the time given the Registrar-General may cancel the plan or the relevant part of it. A plan of this type will prevent the owner from dealing with the land unless the condition is fulfilled or a fresh plan of division is made to cancel the condition. Clause 1(2) of the first schedule enables a land owner who wishes to deal with his or her land to request withdrawal of a plan of resubdivision at any time. This provision will save that owner considerable expense in cancelling the effect of the plan by submitting a new proposal by way of fresh land division.

A further matter addressed by the Bill concerns a large number of existing applications for the deposit of a plan of division that are held unapproved and undeposited by the Lands Titles Registration Office. These applications have outstanding requisitions, relating to inconsistencies and errors in the application or plan, forwarded by the Registrar-General to the lodging party for their attention and, remain unattended. Many of these plans have been lodged on the principle that certificates of approval have an unlimited life once lodged in the Lands Titles Registration Office. It is believed that many applications in this category have been lodged with deliberate errors and left in the Lands Titles Registration Office unattended in order to thwart possible changes to the Development Plan.

It is therefore proposed to clear these applications from the system by providing that a Certificate of Approval issued under the *Planning Act 1982* or a Land Division Certificate issued under Section 51 of the *Development Act 1993* will expire on the second anniversary of the commencement of this Part unless the Registrar-General consents to an extension to that time (see clause 2(2) of the first schedule). Extension will only be given where it is shown that any delay to attendance of requisitions of the Lands Titles Registration Office has been prevented by a circumstance beyond the control of the land owner.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Amendment of s. 3—Interpretation

This clause removes from section 3 the definitions of "lunatic" and "person of unsound mind" and replaces them with a definition of "mentally incapacitated person" which is the modern terminology.

Clause 4: Amendment of s. 27—Lands granted prior to the day on which this Act comes into operation may be brought into operation under this Act

This clause makes a consequential amendment to section 27 of the principal Act.

Clause 5: Amendment of s. 33—Procedure under second class

This clause amends section 33 of the principal Act. That section requires that notice of an application to bring land under the *Real Property Act 1886* must be published four times in the *Gazette* if the land is not subject to a mortgage or encumbrance or, if the land is subject to a mortgage or encumbrance, the mortgagee or encumbrancee has joined in or consented to the application. The Registrar-General is of the view that four publications of the notice is excessive and that one would be sufficient in these circumstances. The amendment reduces the number of times the notice must be published from four to one.

Clause 6: Amendment of s. 89—Short form of describing right-of-way

Section 89 of the principal Act provides a "short form" relating to rights-of-way that can be used in the drafting of an instrument and will have the effect of the longer form contained in the fifth schedule of the Act. In some instruments the first two words of the short form, namely "together with" are not appropriate and the purpose of this clause is to remove those words. If they are needed they can be added without any detriment to the meaning of the long form.

Clause 7: Substitution of s. 90a

This clause replaces section 90a of the principal Act with five new sections all dealing with easements. New section 90a provides for the application of the following four sections. Section 90b provides for the variation and extinguishment of easements. Subsection (2) requires that the proprietors of the dominant and servient land and all persons who have or claim an interest in that land must agree with the proposal. Subsections (3), (4) and (5) spell out circumstances in which that agreement can be dispensed with. Subsections (6), (7) and (8) form a bracket of provisions dealing with a problem that arises if dominant land is transferred without the easement. Such a transfer leaves the easement unattached with no-one able to exercise rights under it. These three subsections solve this problem. The purpose of subsection (9) is to require planning approval before an easement that was originally created to satisfy the requirements of a planning authority can be varied or extinguished. Sections 90c, 90d and 90e have already been discussed.

Clause 8: Amendment of s. 96a—Acceptance of transfer

This clause replaces the term "mentally defective person" with "mentally incapacitated person" in section 96a of the principal Act.

Clause 9: Amendment of s. 100—New certificate to purchaser and balance certificate to registered proprietor

This clause amends section 100 of the principal Act. Section 100 requires the Registrar-General to keep cancelled or partially cancelled certificates of title. Members of the public frequently request that such certificates be given to them because of their interest in the history of the land concerned. This amendment removes from the section the requirement that the Registrar-General must keep the certificate and consequently the Registrar-General will be able to give such a certificate to an interested person under section 220(10).

Clause 10: Amendment of s. 141—Procedure for foreclosure applications

This clause amends section 141 of the principal Act which requires a notice offering land for sale to be published in the *Government Gazette* on four occasions before a foreclosure order can be made. Once again the Registrar-General considers this to be excessive and the amendment reduced the number of times the notice must be published to one.

Clause 11: Amendment of s. 220—Powers of Registrar-General

This clause makes a number of amendments to section 220 of the principal Act. Paragraph *(c)* amends paragraph (10) by giving the Registrar-General the option of delivering a superseded document to an appropriate person. At the moment the Registrar-General's only option is to destroy the document. Paragraph *(d)* makes a consequential change to paragraph (10).

Clause 12: Substitution of Divisions I, II and IV of Part XIXAB

This clause replaces Divisions I, II and IV of Part XIXAB of the principal Act. New Division I is largely the same as the old Division. Subsections (1) and (2) of section 223*l*b have been changed and a new subsection (3) added. These changes are to cater for the fact that some certificates of title include a part allotment in which case the various allotments in the certificate can be dealt with separately so long as the part allotment remains contiguous with one of them. New subsection (3) provides for those cases where a part allotment is included in a certificate but is not contiguous with the full allotments in the certificate. The definition of "allotment" has been deleted from old subsection (7) in consequence of these changes.

Section 223*l*d is similar to the existing provision. New subsection (10) is a corollary of section 223*l*e. That section provides that where a plan of division or an application states that an estate or interest is vested or is discharged or extinguished that estate or interest will be vested or discharged or extinguished on deposit of the plan without the need to register a supplementary instrument. The purpose of section 223*l*d(10) is to ensure that the requirements of the *Real Property Act* as to instruments that register that kind of dealing (for instance a transfer) are complied with if land is transferred by means of deposit of a plan of division. The purpose of section 223*l*e(3) is to limit the use of plans of division for vesting land.

Sections 223*l*f and 223*l*g are similar to existing provisions. Subsection (6) of section 223*l*f is new and is a "tidying up" provision. Where an easement is appurtenant to land part of which becomes a road or street there is usually no point in the easement remaining appurtenant to the road or street. This subsection provides that it ceases to be appurtenant unless the plan states that it will remain appurtenant. The width of the easement for electricity purposes in section 223*l*g(3) has been extended from 4 to 10 metres. Four metres has been found to be too narrow.

Section 223*l*h provides for consent to plans of division and section 223*l*i ensures that a plan of division that effects a number of transactions will be regarded as constituting a number of separate instruments for the purpose of stamp duty.

Division III replaces existing Division IV with a couple of additional provisions. New subsection (3) of section 223*l*j requires the consent of certain persons to the amalgamation of allotments. Where a mortgagee or encumbrancee has a mortgage or encumbrance over only one of the allotments to be amalgamated it is important that he or she consents because the amalgamation will affect the power of sale under the mortgage or encumbrance. New subsection (5) provides for a method by which the appurtenance of an easement can be extended to the whole of the amalgamated land.

Clause 13: Repeal of section 223lm to 223lo

This clause repeals sections 223*l*m (see clause 4 of the first schedule inserted by clause 11 of the Bill), 223*l*n (see new section 223*l*g) and section 223*l*o (see new section 223*l*e).

Clause 14: Amendment of s. 244—Provision for person under disability of infancy or mental incapacity

This clause makes a consequential amendment.

Clause 15: Substitution of s. 245

This section is substituted to make a consequential change. The effect is to remove the power of the Supreme Court to appoint a committee under that section for the purposes of the *Real Property Act 1886*. The *Guardianship and Administration Act 1993* provides a cheaper and simpler procedure for the appointment of an administrator by the Guardianship Board.

Clause 16: Insertion of first schedule

This clause inserts certain transitional provisions as the first schedule to the principal Act. Clause 3 of the schedule is the transitional equivalent of new section 223*l*f(6). The other provisions of the schedule have already been discussed.

Clause 17: Amendment of fifth schedule

This clause makes an amendment to the fifth schedule that is consequent on the amendment to section 89 made by clause 4 of the Bill.

The schedule makes consequential amendments to the *Strata Titles Act 1988*.

Mr QUIRKE secured the adjournment of the debate.

INDUSTRIAL AND EMPLOYEE RELATIONS BILL

The Hon. G.A. INGERSON (Minister for Industrial Affairs) obtained leave and introduced a Bill for an Act about the relationship of employer and employee, and for other matters. Read a first time.

The Hon. G.A. INGERSON: I move:

That this Bill be now read a second time.

This Bill represents a fundamental and historic reform of the South Australian industrial relations system. There is no more important task in the rebuilding of this State than for this Government to ensure that our industrial, social and economic systems are the best possible structures upon which our State can be rebuilt. The Liberal Party recognises that structural change to our industrial relations system is absolutely essential to the rebuilding of South Australia. After a decade of neglect by the now Labor Party Opposition, this Government has the vision and the commitment to make these changes. Indeed, Liberal Party Government has a clear mandate of the people of this State to do so. On 11 December 1993 the people of South Australia voted for reform, for change for the better. Through this historic Bill, we deliver on each and every undertaking concerning industrial relations entrusted to us by the people of South Australia 14 weeks ago.

This Government understands, as do the people of South Australia, that the structural barriers to our productivity and prosperity must be removed. Nearly a generation of Labor Governments neglected to make essential changes to our industrial relations system because of the political domination of trade unions over those Governments. The consequence is that in 1994 change to South Australia's industrial relations system is no longer an optional extra. On 11 December 1993, the people of South Australia endorsed this reform as an economic, industrial and social imperative. Today, in this historic Bill, this Government delivers on that mandate.

This Government recognises that the quality of this State's industrial relations is ultimately determined by the actions and attitudes of employers and employees in the workplace. However, this Government also recognises that it has the responsibility to remove or restructure the legislative barriers to change which restrain workplace reform. In this reform Bill, the Government establishes a legislative framework that will not only improve our industrial relations but will integrate industrial relations into our overall objectives for the rebuilding of this State.

This Bill is the first fundamental rewriting of existing industrial relations law since 1972. It represents the most significant reforms to our system in the history of this Parliament. In introducing this Bill, the Government has been committed to one overriding principle, to construct so far as is possible the best and fairest industrial relations legislative framework for South Australia in 1994 and beyond. This Bill is not based on the principle of change for change's sake, nor on the principle of retaining arbitration for arbitration's sake. Rather, this Bill combines the concept of collective workplace bargaining with conciliation and arbitration. It does so in a manner that will provide business with flexibility within a framework of employee protection.

The objects of this historic Bill unashamedly integrate the policy aims of employment growth and industrial productivity into the industrial relations system. Our industrial laws have not been restructured for more than a generation. Over this period, the South Australian and indeed the Australian economy has undergone fundamental change. Over this period we have seen an unparalleled level of national and international competition for our State's industries. We have seen the elimination of high tariff barriers. We have seen an economy that has had no option but to diversify and encounter the cutting edge of competition. We have seen Labor Governments mismanage our public finances and impose massive debt on the South Australian community. We have seen Labor Governments impose taxes and levies on South Australians which have rendered our businesses uncompetitive both nationally and internationally. We have seen Labor Governments create an economic recession which has even now left us with a legacy of 11.5 per cent unemployment and an astonishing 40 per cent youth unemployment rate, yet for 10 years the trade union movement refused to allow these Labor Governments to reform our centralised industrial relations system in a meaningful way, despite the system crying out for reform.

This State Government recognises that the highly regulated institutional centralised system to which the former Labor Government was a blind adherent must be reformed to reflect the modern realities and the modern era. The doctrinaire centralised industrial relations system with its priority on third party intervention and compulsory arbitration must be changed. Its rigidities undoubtedly limit our capacity for higher productivity and restrict our ability to provide improved living standards through greater levels of employment and higher wages and improved working conditions.

In endorsing this Bill last week, the South Australian Employers Chamber of Commerce and Industry clearly described the challenge facing South Australia in the following terms:

The cold hard fact of life that is we are faced with a dilemma. We either move ahead with meaningful but moderate reform or we entrench our position as a backwater State afraid to make any of the tough decisions.

This historic reform to our industrial relations system will benefit both employers and employees alike. The essential theme underpinning this legislation is to provide an industrial relations system which gives priority to employers and employees and empowers them to make change at their own workplace. It provides for flexibility to achieve joint benefits to both employers and employees. In doing so, it protects those in the bargaining process with guaranteed minimum standards and access to a simpler and more efficient conciliation and arbitration system. It also recognises and protects individual freedom of association and requires greater accountability by industrial associations and trade unions to their members.

The Government's industrial relations framework established by this Bill will provide South Australians with a clear and fair choice. For the first time, all South Australians in our State system will have the equal choice to engage in enterprise bargaining at their workplace in order to improve productivity, wages and conditions, or to remain under the existing industrial awards established through the compulsory conciliation and arbitration system. Until now, that choice has been denied to 70 per cent of private sector employees who have freely chosen not to become trade unionists. This Government's industrial relations system rejects the presumption of the current law that industrial relations must be the product of conflict and that compulsory arbitration must dominate the system. Rather, this Bill incorporates the presumption that employers and employees at the workplace can in most cases collectively agree on industrial relations outcomes and should do so within the framework of statutory minimum standards and an award safety net.

In embarking upon this great change, the Government will restore the balance of industrial relations equally between the interests of employers and employees. We recognise that employers and employees, above all other parties, must be the prime beneficiaries of the system.

I will now outline the main elements in the Bill. First, enterprise agreements. The central focus of the new industrial relations system will be the creation of enterprise agreements negotiated between an employer and a group of employees at the enterprise level. The objects of the Bill provide for the establishment of enterprise agreements as this Government's preferred method of regulating wages and conditions of employment. The Government believes that only where the industrial relations system focuses on enterprise outcomes is there maximum potential for improved enterprise productivity and improved wages and conditions of employment for its employees.

The Government's enterprise agreement laws are fair and balanced in the interests of both employers and employees. They replace the failed and unworkable union only industrial agreement laws of the former Labor Government. Unlike the Labor Party, this Government believes that enterprise bargaining must be accessible to all employees of our State, whether members of a trade union or not.

Under this legislation, enterprise agreements will be able to be made by a group of employees irrespective of their union membership. A large number of the public sector work force in this State is not unionised and less than 33 per cent of the private sector work force in this State is unionised. It is an affront to any concept of enterprise bargaining to deny employees who choose not to be union members the right to benefit from enterprise agreements. Equality of opportunity in the workplace demands that this injustice be corrected by this Parliament as a matter of urgency.

This Bill proposes that enterprise agreements can be made between an employer and a majority of employees in the enterprise or a discrete part of the enterprise. This will ensure that enterprise agreements are collective agreements entered into on a democratic basis. Enterprise agreements must be for a nominated period; must contain dispute settlement procedures; and must identify the award provisions being incorporated into the agreement.

No group of employees is or will be forced into enterprise agreements under this Bill. For employees who do not enter into enterprise agreements, existing awards will continue to apply. This Government recognises that giving employees the choice to move from the centralised conciliation and arbitration system into enterprise agreements requires checks and balances to protect the interests of employees and encourage employees to make that choice. These checks and balances are clearly provided for in the Bill.

. Enterprise agreements must be lodged with the independent Enterprise Agreement Commissioner for approval.
. The Enterprise Agreement Commissioner must only approve the agreement if it has been genuinely entered into without coercion.
. Further, the enterprise agreement can only be approved if, when considering the circumstances of the enterprise, the Commissioner is satisfied that there is no substantial disadvantage to the employees.
. An enterprise agreement must conform to the statutory minimum standards relating to wages, annual leave, sick leave, parental leave and equal pay for work of equal value.
. If any changes are proposed to these standards, then even though they are agreed, the Enterprise Agreement Commissioner must not approve the agreement unless satisfied that the agreement is substantially in the interests of the employees. If the Enterprise Agreement Commissioner is in any serious doubt about the approval of such agreements, the Commissioner must refer the matter to the Full Industrial Relations Commission. In essence, we have a double safety net check.

In addition to these checks and balances, the Government recognises the right of employees to choose their representative agent for the purposes of negotiating or approving their enterprise agreement. The Bill confers full rights to any enterprise union or trade union to represent any of its members bound or to be bound by the enterprise agreement in the negotiation of that agreement or in any relevant proceedings before the Enterprise Agreement Commissioner or the Full Commission. It clearly provides that the unions can be involved at the negotiation stage but that they can no longer intervene in enterprise agreements after that point. Further, the Bill actually confers the right for a union to enter into the agreement on behalf of the group of employees where the majority of employees to be bound by the agreement have authorised the union to act as their agent.

The effect of these provisions is to provide clear incentives for employers and employees to enter into agreements designed to increase efficiency and productivity and thereby provide employees with improved wages and conditions of employment appropriate to the circumstances of that enterprise.

By making these statutory approval requirements mandatory conditions for all enterprise agreements, the Government has achieved a framework which gives flexibility to employers and employees whilst maintaining award provisions and minimum statutory standards as an effective safety net.

The Government expects that these enterprise agreement laws will be of real value to employees who have been disadvantaged by the rigidities and inflexibilities in awards, such as in work rosters, classifications or hours or work provisions. In particular, women in the work force will be empowered to use this flexibility to achieve improved wages and conditions which cater for the integration of working hours with other parental or social responsibilities. It is women employees caught in these circumstances who have been ignored and neglected by the current system, despite clear demand for reform. Indeed, in 1989 the former State Labor Government was advised by its own Women's Advisers Unit as follows:

> The access of women to employment and training is directly related to the provision of child-care and adequate forms of maternity and parenting leave as well as flexible forms of work organisation which allow for the ability to choose to lessen or increase involvement in the labour market for varying periods of time, depending on the demands of family responsibilities. In the interests of children, equal opportunity and a generally fairer and productive society these choices should be available to men as well as women.

The previous Government failed to restructure the industrial relations system to provide this necessary flexibility. In doing so, it demonstrated how remote it was from the real needs of the workplace and the real aspirations and expectations of employers and employees. In this Bill, our Government establishes a system which provides fair and equal treatment and choices for all employees.

The second issue is industrial awards. Under these reforms the State Government continues in existence all existing industrial awards. This means that employers and employees who do not choose to enter into enterprise agreements will automatically continue to employ and be employed under their pre-existing industrial awards which will continue to govern their wages and conditions of employment. In particular, these awards will continue to be awards of the Industrial Relations Commission and will be varied from time to time through the conciliation and arbitration process.

Awards will continue to be made on a common rule basis across industries except where enterprise agreements apply. Furthermore, the Act will continue to prohibit employers or employees from individually contracting out of award provisions, except through approved enterprise agreements.

The Bill proposes that industrial awards will continue to be made or varied on the application of employer associations or trade unions. In addition, this Government will confer upon individual employers and individual employees the right to themselves make an application to the Industrial Relations Commission for the variation of an award. The Bill also provides for State wage cases to adopt guidelines governing the variation of awards. Awards must then be varied on a case by case basis.

In order to ensure that industrial awards are modernised and reflect the objects of the Act, the Bill requires each award to be subject to an annual review by the Industrial Relations Commission. This is an important objective of the Bill and reflects the sentiment (but not subsequently the practice) of the Prime Minister of Australia when nearly 12 months ago Mr Keating addressed the Institute of Company Directors in the following terms:

> Compulsorily arbitrated awards and arbitrated wage increases would be there only as a safety net. . . Over time the safety net would inevitably become simpler. We would have fewer awards with fewer clauses. . . We need to find a way of extending the coverage of agreements from being add-ons to awards, as they sometimes are today, to being full substitutes for awards. . . . There are lots of employees who for one reason or another don't have a union to represent them. We need to make the system more relevant and flexible to our present and future needs.

That is quotation from Mr Keating, and it quite amazing when we consider what we have ended up with in the Federal arena. The Labor Party, even at a State level, failed to deliver any reform in line with this policy, and this exposed the degree of trade union control over its industrial policy. This Government has no such compact with sectional interests. This Bill will retain all existing industrial awards and will encourage the restructuring of those awards by the independent tribunal for the common good of employers and employees.

This Bill recognises the need to enshrine in legislation minimum standards relating to wages and key conditions of employment. These minimum standards are necessary to provide a fair negotiating base for employees who choose to opt out of the award stream into enterprise agreements.

The minimum standard relating to remuneration reflects the Government's commitment to maintain existing awards as a safety net. The award ordinary time hourly rate of pay will be the scheduled minimum rate, as varied by the Industrial Relations Commission from time to time.

The Bill also provides for minimum standards of 10 days sick leave per year, four weeks annual leave per year and up to 12 months unpaid maternity leave, paternity leave and adoption leave. In addition, and for the first time in this State's legislative history, the Government has guaranteed in our industrial laws the right for men and women to be paid equal remuneration for work of equal value, whether through awards or enterprise agreements. This right will be based upon a relevant convention of the International Labor Organisation and is considered by the Government to be a proper and appropriate recognition of the principle of equal remuneration on work value grounds.

Another significant new right conferred on employees by this Bill is the recognition of an employee's sick leave being used for the care of ill children, spouse, parents or grandparents. This Bill will positively encourage employers and employees to apply this concept through the flexibility of enterprise agreements. Working women in particular will be able to tailor their employment commitments with their broader parental or social responsibilities. In this way the industrial relations system becomes more relevant and flexible to the needs of the work force.

A theme which underpins this historic reform is the principle of an individual employee's right to freedom of association, the right to belong to an association or not, the right to belong to a union or not, the right to belong to an employers' group or not. This Government is concerned to protect the interests of the whole of the South Australian work force and not merely the interests of the minority of the work force who have chosen or been forced to join trade unions. Under this Government's legislative reform package, compulsory unionism is outlawed, whether at the instigation of a union or the employer.

Under this Government's legislation preference to unionists, whether at the instigation of a union or the employer, will also be outlawed. Any such laws in industrial awards will be immediately rendered inoperative. Individual

employees who choose not to join a trade union will be guaranteed equal rights as employees who join trade unions. No trade union or unionist will be allowed to refuse to deal with or work alongside another employee simply because that employee chooses not to join a union. This Bill will encourage an employee's choice of industrial representation.

This Bill will also encourage the development of enterprise associations and will confer upon enterprise unions equal status to that of trade unions for the purposes of representing their members. None of these reforms are anti-union. Rather, they provide equal and fair rights to all employees—unionists and non-unionists. Employees who choose to join enterprise unions or industry-wide trade unions will be equally protected against prejudice, discrimination or victimisation by employers or other employees.

Under this Bill, unions and employer associations will be required at all times to act in the best interests of their members. Unions in particular will need to become service oriented and directly accountable to their members. All existing registered trade unions and employer associations will become automatically registered under the new Act. Unions will retain all existing industrial rights with respect to the representation of the interests of their members but will not have industrial rights to represent employees who have chosen not to be members of that union. Rights of entry for union officials onto business premises will continue to apply but only in relation to premises where that union has members among the work force.

These principles of freedom of association will lead to a fairer and more effective industrial relations system, and are regarded by this State's Liberal Government as fundamental to the implementation of real industrial democracy in the workplace.

In order to further protect the interests of employees in this new legislative framework the Bill establishes a new Office of the Employee Ombudsman. The Ombudsman will be conferred with extensive investigative and inspectorial powers in relation to industrial matters. In addition, the Employee Ombudsman will be available to all employees (whether members of the trade union or not) to assist those employees in claims of coercion relating to the making of enterprise agreements. The Employee Ombudsman will become a practical and accessible avenue for protecting the interests of employees when entering enterprise agreements.

In addition, the Bill specifically confers upon the Employee Ombudsman the right to investigate contracts concerning the provision of services by outworkers. The previous Government's legislative attempts to address the plight of outworkers have failed both in theory and in practice. For the first time, this Government will provide outworkers with access to an Employee Ombudsman whose powers of investigation and intervention will lead to more practical solutions in the interests of outworkers in any cases of unfair dealing by their employers.

The Government continues to recognise the need in our industrial laws for a specific remedy for employees who have been unfairly dismissed. However, the Government has responded to concerns from employers and employees in relation to the current law and practice of the unfair dismissal jurisdiction. In order to provide for fairer and faster industrial justice to both sides in unfair dismissal claims, the Government is restructuring key elements of this jurisdiction. These changes include:

. a requirement that claims must be made within 14 days of dismissal
. providing Commissioners with greater powers at conferences to dismiss frivolous claims or claims where an employee has no reasonable prospect of success
. placing a maximum ceiling on compensation orders (including in cases of redundancy no more than redundancy standards)
. empowering the commission to award costs where parties act unreasonably or abandon their case
. requiring Commissioners to deliver decisions within three months
. preventing double-dipping of remedies for unfair dismissal in more than one jurisdiction
. and to legislate for consistency between the State jurisdiction and relevant Federal laws and conventions of the International Labor Organisation.

Importantly, this Government will also legislate for two new rights for employees in relation to termination of employment. Firstly, minimum standards of notice of termination will be enshrined in the Act. Secondly, the Act will be amended to confer upon an employee the right and opportunity to defend themselves in relation to allegations of misconduct prior to any dismissal on that basis.

These important new rights for employees contained in this Bill reflect this Government's intention to restructure this unfair dismissal jurisdiction in an even handed manner, and to provide for consistency with Federal laws where consistency is appropriate or necessary. These changes to the unfair dismissal jurisdiction are also designed to provide improved incentives for parties to settle matters at conciliation conferences. They will provide greater fairness and justice to both employers and employees in those cases which proceed to a full hearing.

This Bill continues to implement a system of compulsory conciliation and arbitration of industrial disputes in relation to parties bound by awards. The Government also requires parties to enterprise agreements to specify in their agreements a disputes settlement procedure which may confer specific jurisdiction on the Industrial Relations Commission to both conciliate and arbitrate disputes over enterprise agreement matters.

The commission's conciliation and arbitration powers over industrial matters continue to be extensive. They are designed to provide fair and expeditious settlement of industrial disputes where the parties or the public interest requires the intervention of a third party. The Government does not, however, believe that the process of compulsory conciliation and arbitration in an industrial relations tribunal should be the exclusive method of responding to or settling destructive strikes and industrial action.

Unions engaging in unlawful industrial action must be subject to the same laws as any other citizen who causes damage to an employer's commercial dealings with employees or third parties. For these reasons the State Government has introduced in this Bill boycott and secondary boycott provisions as well as a statutory offence which reflects existing industrial torts. These provisions are designed to provide clear and effective remedies for employers against those unions and union officials engaging in destructive industrial action contrary to the public interest or to the interests of that employer's enterprise.

This Bill rejects outright the limitations which Labor Governments at both State and Federal levels have placed upon the right of employers to take such action. Unions should not be placed above the law by any Government. Effective remedies must be provided for. This Bill not only

provides for the imposition of penalties where offences occur but also enables the court to grant injunctions and, in the case of a failure by unions to meet their liabilities for penalties, to order the sequestration of assets.

Consistent with the Government's view that the industrial relations system should reflect sound commercial principles, the Government does not believe that relationships between contractors and subcontractors should be regulated in the same manner as employment relationships. These relationships are fundamentally different both at law and in practice from the employer-employee relationship. Unlike the Labor Party, this Government will not introduce laws that have no commercial or industrial value but which merely provide a new vehicle for recruitment of members by trade unions. This Bill requires commercial disputes between contractors and subcontractors to be dealt with in the same legal courts as the myriad of other commercial disputes are dealt with in our community, and not in industrial relations tribunals.

This Bill restructures the existing Industrial Court and Industrial Commission into two new tribunals: the Industrial Relations Court and the Industrial Relations Commission of South Australia. The Industrial Relations Commission is structured into two streams: the Enterprise Agreement Division and the Industrial Relations Division. The Industrial Relations Division is comprised of Industrial Relations Commissioners, whilst the Enterprise Agreement Division is comprised of Enterprise Agreement Commissioners. The delineation of functions between the two divisions of the commission are clearly set out in the Act and reflect the Act's policy to create a system whereby employees and employers have a choice: either to remain under the compulsory conciliation and arbitration award system administered by the Industrial Relations Division of the Commission or to opt out from that system into the Enterprise Agreements Division which is administered by the Enterprise Agreement Commissioners.

The Industrial Court retains jurisdiction and power to enforce industrial awards and enterprise agreements, and to interpret legal issues arising out of awards or agreements. The court will continue to administer an equitable underpayment of wages jurisdiction, with decisions being required to be made within three months of hearings being completed. Inspectors will continue to have a key role in investigating breaches of industrial laws and in bringing matters before the Industrial Court or the Employee Ombudsman.

For the first time, the Government will enable appeals to be made from the Full Industrial Court to the Supreme Court. In addition, the Minister will have the right to refer matters of law from either the Industrial Relations Court or the Industrial Relations Commission to the Supreme Court. These mechanisms will provide for a more efficient and expeditious resolution of major legal cases, as well as providing an appropriate level of association between the industrial jurisdiction and other courts.

The Government's reform continues to provide for cooperation with the Federal industrial relations system by means of concurrent appointments and joint sittings of both commissions. This Government is, however, fundamentally committed to the retention of the South Australian industrial relations system. Unlike the Federal Labor Government, this Government believes that a State based system of industrial relations is best suited to provide benefits to employers and employees. This is particularly so in a regional economy and a regional State like South Australia. Centralising industrial relations in a Federal system where policy is made in Canberra and where award matters are regulated from Melbourne or Sydney is the very opposite of a cohesive and efficient industrial relations system for South Australian employers and employees.

The advantages to all South Australians of a State based industrial relations system are self-evident. The system is controlled and directed from South Australia. The system comprises local tribunals with personnel who are intimately aware of local circumstances and able to respond quickly to local issues. Costs of representation are reduced and local input into policy is enhanced. Autonomy for local branches of unions is protected, and this improves the democratic capacity of unions to respond to the expectations of their members in South Australia.

The Government is aware of recent moves by some trade unions to endeavour to seek misguided solace in the Federal industrial relations system. In enacting this legislation this Government is clearly indicating to South Australian employers and employees and their representative organisations that it is committed to the retention of a State industrial relations system that reflects the balanced policy objectives of enterprise bargaining with a safety net of award based conciliation and arbitration.

The South Australian Government will not stand back and allow our State industrial relations system to wither by a centralised Federal Government or by some short-sighted union officials. We will protect the interests of this State and its historic and traditional role over industrial relations. Some 45 per cent of South Australian employees remain employed under the State system. Where the public interest needs to be protected, the Government has determined to vigorously oppose applications by trade unions to rope South Australian employers and employees into the Federal system—including taking proceedings to the High Court of Australia, if necessary.

The Government is committed to maintaining a peak tripartite policy advisory group on industrial relations. The Bill proposes to integrate the existing Industrial Relations Advisory Council as an advisory committee under the one main industrial relations statute. In order to enhance the consultative process the Bill does not propose to limit by statute the categories of legislation which may have industrial significance and be subject to consideration by IRAC.

This historic Bill provides an unprecedented opportunity to reform industrial relations in this State. It is a reform that is responsible and balanced. It is a reform that puts primary control of workplace relations back into the hands of the people most directly concerned with the prosperity and efficiency of the enterprise, that is, the employer and the employees. It is a reform which implements enterprise bargaining within the context of an award safety net and historic new statutory minimum guarantees and standards. It is a reform which provides increased rights for employees, not decreased rights. It is a reform which empowers employees to be involved in their industrial relations, and not be regulated by unknown unions.

It is a reform which provides for opportunity, for economic growth, and for business productivity. It is a reform which creates a positive encouragement for employment through job growth. It is a reform which will lead to higher wages and improved conditions of employment. It is a reform uniquely South Australian, not modelled on any State or Federal system. It is a reform which is balanced and fair. It must be implemented as a matter of urgency for the betterment of South Australia and the rebuilding of our economy.

It is a reform which this Government promised to deliver in its industrial relations policy released in June 1993. It was specifically endorsed by the people of South Australia in December 1993. It is a reform which the community of South Australia now expects this Government to deliver.

This Liberal Government is proud of and has the vision and commitment to put this historic Bill before this Parliament. I commend this Bill to the House.

I seek leave to have inserted in *Hansard* without my reading it the Parliamentary Counsel's explanation of the clauses.

Leave granted.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will come into operation on a day to be fixed by proclamation.

Clause 3: Objects of Act

This clause sets out the objects of the Act, which are (broadly speaking) to promote goodwill in industry, to contribute to an economic climate that maximises employment opportunities and minimises inflation, to promote efficiency, flexibility and productivity in South Australian industries, to encourage the use of enterprise agreements, to provide for the resolution of industrial disputes, to promote freedom of association, and to encourage principles of democracy in representative associations of employers and employees.

Clause 4: Interpretation

This clause sets out the various definitions required for the purposes of the measure. Many of the definitions presently appear in the *Industrial Relations Act (S.A.) 1972*. The opportunity has been taken to update and rationalise various definitions.

Clause 5: Application of Act to employment

The Act will not apply to certain classes of employment. The classes are based on existing exclusions under the definition of 'employee' in the *Industrial Relations Act (S.A.) 1972*.

Clause 6: Industrial authorities

This clause describes the industrial authorities that are to be constituted by the new Act. The *Industrial Relations Court of South Australia* will be a judicial authority with jurisdiction to adjudicate on rights and liabilities arising out of employment. The *Industrial Relations Commission of South Australia* will be an industrial authority with jurisdiction to regulate industrial matters and to prevent and settle industrial disputes. The *Industrial Relations Advisory Committee* will have advisory functions. *The Employee Ombudsman*, and inspectors, will be administrative authorities to ensure that employment obligations are respected and enforced.

Clause 7: Establishment of the Court

This clause provides for the creation of the new Court.

Clause 8: Court is court of record

The Court is to be a court of record.

Clause 9: Seal

The Court will have a seal (and may have more than one seal).

Clause 10: Jurisdiction to interpret awards and enterprise agreements

The Court will have jurisdiction to interpret an award or enterprise agreement. The Court should act to give effect (as far as practicable) to the intentions of the parties to an award or agreement at the time the award or agreement was made.

Clause 11: Jurisdiction to decide questions of law and jurisdiction

The Court will be able to hear and determine questions of law referred to it by the Commission and to determine issues about the validity of determinations of the Commission.

Clause 12: Jurisdiction to decide monetary claims

The Court will have jurisdiction to hear various kinds of monetary claims.

Clause 13: Injunctive remedies

The Court will be able to order a person who acts in contravention or non-compliance of the Act, an award or an enterprise agreement to remedy the contravention or non-compliance, or to refrain from further contravention or non-compliance. Orders will also be able to be made in relation to threatened contraventions.

Clause 14: Composition of the Court

The judiciary of the Court will consist of a President, Deputy Presidents, and industrial magistrates. The presidential members of the Court will be judges of the Court.

Clause 15: The President

The President will be the principal judicial officer of the Court and responsible for the administration of the Court.

Clause 16: Appointment to judicial office

This clause sets out the qualifications for appointment as a judge of the Court.

Clause 17: Leave

A judge of the Court will be entitled to the same leave as a judge of the Supreme Court.

Clause 18: Removal from judicial office

A judge of the Court will not be able to be removed except on an address from both Houses of Parliament.

Clause 19: Judicial remuneration

The Remuneration Tribunal will determine the remuneration of the judges of the Court.

Clause 20: Resignation and retirement of judges

The retirement age for judges of the Court will be 70 years.

Clause 21: Conditions of appointment of industrial magistrates

Industrial magistrates will be appointed, and hold office, under provisions set out in a schedule to the measure.

Clause 22: Constitution of the Court

The Full Court will be constituted by two or more judges. Otherwise, the Court will, at the direction of the President, be constituted of a judge or an industrial magistrate.

Clause 23: Full Court to act by majority decision

The Full Court will act by majority decision, except that if the judges are evenly divided on an appeal, the appeal must be dismissed.

Clause 24: Establishment of the Commission

This clause provides for the creation of the new Commission.

Clause 25: Seal

The Commission will have a seal (and may have more than one seal).

Clause 26: Divisions of the Commission

The Commission will have two divisions, namely *(a)* the Industrial Relations Division; and *(b)* the Enterprise Agreement Division.

Clause 27: Jurisdiction of the Commission

The Commission will have jurisdiction to approve enterprise agreements, to make awards, to resolve industrial disputes and to exercise other statutory jurisdiction.

Clause 28: Advisory jurisdiction of the Commission

The Commission will have jurisdiction to inquire into, and report on, matters referred to the Commission by the Minister.

Clause 29: Composition of the Commission

The Commission will consist of a President, Deputy Presidents, and Commissioners.

Clause 30: The President

The President of the Commission will be appointed by the Governor and may (but need not be) the President of the Court. The President will be responsible for the administration of the Commission.

Clause 31: The Deputy Presidents

The Deputy Presidents will be appointed by the Governor and may (but need not be) the Deputy Presidents of the Court.

Clause 32: Eligibility for appointment as a Presidential Member

A person will be eligible for appointment as a Presidential Member of the Commission if the person is a judge of the Court, or has appropriate qualifications, experience and standing in the community of a high order.

Clause 33: Term of appointment

A Presidential Member of the Commission will be appointed for a term specified in the instrument of appointment.

Clause 34: Remuneration and conditions of office

The remuneration of a Presidential Member will be determined by the Remuneration Tribunal. Other conditions of office will be determined by the Governor. A Presidential Member will be able to be removed from office on the petition of both Houses of Parliament.

Clause 35: The Commissioners

The Governor will appoint the Commissioners of the Commission. A person will be appointed either as an Industrial Relations Commissioner or as an Enterprise Agreement Commissioner or both as an Industrial Relations Commissioner and as an Enterprise Agreement Commissioner.

Clause 36: Term of appointment

A Commissioner will be appointed for a term specified in the instrument of appointment.

Clause 37: Remuneration and conditions of office

The salaries and allowances of a Commissioner will be determined by the Remuneration Tribunal. The Governor will be able to

determine that Part 3 of the *Government Management and Employment Act 1985* applies to a Commissioner, with modifications determined by the Governor. A Commissioner will be an employee for the purposes of the *Superannuation Act 1988*. A Commissioner will not be entitled to engage in other forms of remunerative work without the approval of the Minister, or to be an officer of an association representing the interests of employers or employees. The Governor will be able to remove a Commissioner from office on various specified grounds.

Clause 38: Concurrent appointments

This clause will allow concurrent appointments between the Commission and industrial authorities established under the law of the Commonwealth or another State (which includes a Territory by definition).

Clause 39: Powers of member holding concurrent appointments

A member who holds concurrent appointments may, in an appropriate case, simultaneously exercise powers deriving from all or any appointments.

Clause 40: Constitution of the Full Commission

This clause provides for the constitution of a Full Bench of the Commission.

Clause 41: Constitution of the Commission

The Commission, when not sitting as a Full Bench, will be constituted of a Presidential Member or a Commissioner, as determined by the President. If a Commissioner is to determine an enterprise agreement matter, the Commissioner must be an Enterprise Agreement Commissioner.

Clause 42: Industrial Registrar

This clause provides for the appointment of an Industrial Registrar. Other administrative officers of the Court and Commission will also be appointed.

Clause 43: Powers of Industrial Registrar and other officers

A Registrar or other officer of the Court or Commission will be able to exercise the jurisdiction of the Court or Commission to the extent authorised by this Act or the rules.

Clause 44: Disclosure of interest by members of the Court and Commission

This clause requires a member of the Court or Commission who has a pecuniary or other interest that could conflict with an official function to disclose that interest and, if directed to do so by the President, or if not given consent to continue by a party to the relevant proceedings, to withdraw.

Clause 45: Protection for officers

A member or officer of the Court or the Commission will have the same privileges and immunities as a judge of the Supreme Court.

Clause 46: Annual report

This clause provides for the preparation and presentation of annual reports on the work of the Court and the Commission, and on the operation of the Act. Copies of the reports will be laid before both Houses of Parliament.

Clause 47: Establishment of the Committee

The *Industrial Relations Advisory Committee* is established by this clause (and will take over the role of the Industrial Relations Advisory Council).

Clause 48: Functions of the Committee

The functions of the committee will be to provide advice to the Minister on industrial relations and policies affecting employment in the State, to advise the Minister on legislative proposals of industrial significance, and to consider matters referred to the committee by the Minister or members of the committee.

Clause 49: Principles on which Committee is to act

This clause sets out the principles on which the committee must act. In particular, the committee will be required to act on a non-political basis and seek to achieve (as far as possible) consensus on questions that arise before it. The committee must not seek to interfere with the proper performance of functions by industrial authorities or tribunals.

Clause 50: Sub-committees

The committee will be able to establish subcommittees.

Clause 51: Annual report

The committee will be required to produce an annual report, copies of which will be laid before both Houses of Parliament.

Clause 52: Membership of Committee

The committee will consist of 14 members, being the Minister, the chief executive officer of the Minister's department, six persons nominated after consultation with employee groups, and six persons nominated after consultation with employer groups.

Clause 53: Terms of office

A term of office of a member of the committee will be for a term, not exceeding two years, specified in the instrument of appointment. The Governor will be able to remove a member from office on specified grounds.

Clause 54: Remuneration and expenses

Allowances and expenses payable to members of the committee (other than the Minister and the chief executive officer of the Minister's department) will be as determined by the Governor.

Clause 55: Meetings

The committee will meet as determined by the Minister, but there must be at least one meeting per quarter. Four or more members will also be able to require that a meeting be held.

Clause 56: Proceedings

The Minister will chair meetings of the committee. A quorum will be eight members, including at least three representatives of employers and at least representatives of employees. The chief executive officer of the department will not be entitled to vote on questions arising before the committee.

Clause 57: Confidentiality

This clause sets rules as to the confidential nature of the committee's proceedings.

Clause 58: Constitution of the Office

This clause provides for the office of Employee Ombudsman.

Clause 59: Ministerial control and direction

The Employee Ombudsman will be subject to the general direction and control of the Minister.

Clause 60: General functions of Employee Ombudsman

This clause sets out the functions of the Employee Ombudsman, which are to include providing advice to employees on their rights and obligations under awards and enterprise agreements, investigating claims of coercion in the negotiation of enterprise agreements, representing employees in cases of suspected coercion, and investigating conditions under which outworkers, and certain other persons, are engaged.

Clause 61: Annual report

The Employee Ombudsman will be required to prepare an annual report. Special reference must be made to any investigations concerning outworkers (or others) under examinable arrangements. Copies of the report will be laid before both Houses of Parliament.

Clause 62: Who are inspectors

This clause provides for the appointment of inspectors.

Clause 63: General functions of the inspectors

The functions of inspectors are to investigate complaints of non-compliance with the Act, enterprise agreements and awards and, as necessary, to take action to enforce compliance.

Clause 64: Basis of contract of employment

This clause relates to the basis of a contract of employment and provides that such a contract may be for a fixed term, or on a monthly, fortnightly, weekly, daily, hourly or other basis.

Clause 65: Accrual of wages

The Act will provide that, as a general rule, wages accrue under a contract of employment from week to week. However, if an employee is employed on an hourly basis, wages accrue from hour to hour, or if an employee is employed on a daily basis, wages accrue from day to day. Allowance is also made for cases where an employee is employed on some other basis of less than a week.

Clause 66: Form of payment to employee

This clause sets out the ways in which an employee may be paid. An employer will be allowed to make certain payments on behalf of an employee. However, an employer will not be required to deduct membership fees payable to an association to which an employee belongs.

Clause 67: Minimum rates of remuneration

A contract of employment will be construed as if it provided for remuneration at a rate in force under this measure (see especially schedule 3), unless a more favourable rate is fixed by the contract, or a rate is fixed in accordance with an award or enterprise agreement.

Clause 68: Sick leave

A contract of employment will be construed as if it provided for sick leave in terms of the minimum standard in force under this measure, unless a more favourable standard is fixed by the contract, or the provisions of the contract are in accordance with an award or enterprise agreement. The Full Commission will, on application by the Minister, the United Trades and Labour Council, or the Employers' Chamber, be able to set a fresh minimum standard if it's satisfied that it is necessary or desirable to do so in order to give effect to the objects of the Act.

Clause 69: Annual leave

This clause makes provision in relation to annual leave in a manner similar to the provisions under clause 68.

Clause 70: Parental leave

This clause makes provision in relation to parental leave in a manner similar to the provisions under clause 68.

Clause 71: Nature of enterprise agreement

This clause is the first in a series of clauses relating to enterprise agreements. It provides that an enterprise agreement may be made about remuneration and other industrial matters.

Clause 72: Persons bound by enterprise agreements

An enterprise agreement will be able to be made between one employer, or two or more employers who carry on a single business (as defined), and a group of employees. An association will be able to enter into an agreement on behalf of a group of employees if (and only if) notice has been given in accordance with the regulations and a majority of employees in the group authorise the association to act on their behalf. The concept of a group of employees is dealt with under clause 4 of the Bill. One employee will be able to constitute a group in certain cases.

Clause 73: Formalities of making enterprise agreement

The regulations will set out certain procedures that must be followed in negotiating an enterprise agreement. An agreement will be required to comply with certain formalities, including the inclusion of procedures to prevent and settle any industrial dispute that may arise between the parties. An agreement will also need to address the issue of its interaction with any relevant award and the question of disclosure of the terms of the agreement to third parties. It will be necessary to submit an enterprise agreement to the Commission for approval within 21 days after its execution.

Clause 74: Enterprise agreement had no force or effect without approval

An agreement will not have force or effect unless approved by the Commission.

Clause 75: Approval of enterprise agreement

This clause sets out the various matters that the Commission must take into account when assessing an agreement submitted for approval. An agreement will not be approved if it substantially disadvantages the employees when it is considered as a whole and within specified contexts and circumstances. Special consideration will be given to an agreement that provides for remuneration or conditions of employment inferior to the scheduled minimum standards.

Clause 76: Effect of enterprise agreement

An enterprise agreement will prevailed over a contract of employment to the extent of any inconsistency, except where the employer has agreed that more beneficial provisions under the contract are to prevail. An enterprise agreement operates to exclude the application of an award except to the extent that the award is incorporated into the agreement.

Clause 77: Enterprise agreement may invoke jurisdiction of Commission

The Commission will continue to have power to settle disputes if an enterprise agreement so provides and, in any event, will be able to exercise powers of conciliation in any case involving a dispute between an employer and employees bound by an agreement.

Clause 78: Duration of enterprise agreement

An agreement will continue in force until superseded by another agreement, or rescinded under this Part. The Commission will be required to convene a conference of the parties to an agreement before the end of the presumptive term of the agreement (that presumptive term being specified in the agreement). If an agreement cannot be reached on the terms of a new agreement, the existing agreement will continue (even after the end of the presumptive term) until superseded or rescinded.

Clause 79: Power of Commission to vary or rescind an enterprise agreement

The Commission will be able to vary an enterprise agreement at any time to give effect to an amendment agreed between the employer and a majority of employees currently bound by the agreement. The Commission will, by agreement, be able to rescind an enterprise agreement during its term. Provision is also made for rescission after the end of its presumptive term.

Clause 80: Commission may release party from obligation to comply with enterprise agreement

This clause will empower the Commission, on application by a party to an agreement, to release a party from the agreement, or to vary the terms of the agreement, if another party has engaged in industrial action. The Commission will need to be satisfied that it is fair and reasonable for it to act under this clause.

Clause 81: Limitation on Commission's powers

It is proposed that the Commission not have any power to vary or rescind an enterprise agreement apart from powers expressly conferred under this Part of the Act.

Clause 82: Confidentiality

This clause will make it an offence to disclose confidential information in breach of an enterprise agreement.

Clause 83: Special function of Enterprise Agreement Commissioner

An Enterprise Agreement Commissioner will have a duty to promote community awareness of the provisions of this Part of the Act, and of the objects of the Act in regard to enterprise agreements.

Clause 84: Power to regulate industrial matters by award

This clause will authorise the Commission to make awards about remuneration or other industrial matters. However, the Commission will not be able to regulate the composition of an employer's workforce, affect rights and obligations under an enterprise agreement, or provide for leave except on terms that are not more favourable to employees than the scheduled standards.

Clause 85: Who is bound by award

An award will be binding on all persons expressed to be bound by the award, other than to the extent that rights and obligations arise under an enterprise agreement.

Clause 86: Retrospectivity

An award cannot operate retrospectively unless all parties appearing before the Commission agree.

Clause 87: Form of awards

An award must be expressed in plain English, must avoid unnecessary technicality and excessive detail, and be settled and sealed by the Registrar.

Clause 88: Effect of awards on contracts

An award will prevail over a contract of employment to the extent that it is more beneficial than the contract.

Clause 89: Effect of multiple award provisions on remuneration

This clause is relevant to an employee who is engaged in different classes of work in respect of which an award or awards fix different rates of remuneration.

Clause 90: Duration of award

An award will continue in operation until superseded by a later award.

Clause 91: Effect of amendment or rescission of award

An award may vary or cancel an accrued right.

Clause 92: Consolidation of awards on amendment

The Registrar will be able to consolidate the text of an award to include amendments. The Registrar must, in the course of undertaking a consolidation, correct clerical or other errors in an award.

Clause 93: Annual review of awards

The Commission will be required to review each award on an annual basis.

Clause 94: Adoption of principles affecting determination of remuneration and working conditions

The Full Commission will be able to adopt, in whole or in part and with or without modification, principles, guidelines or other matters enunciated by the Commonwealth Commission, subject to the requirement to maintain consistency with the Act.

Clause 95: State industrial authorities to apply principles

A State industrial authority will be required to apply Commonwealth principles that have been adopted by the Full Commission, other than in relation to enterprise agreements.

Clause 96: Records to be kept

An employer who is bound by an award or enterprise agreement will be required to keep certain records.

Clause 97: Employer to provide copy of award or enterprise agreement

An employer will be required to produce to an employee, on request, a copy of any relevant award or enterprise agreement. The employer will be required to give the employee a copy of the award or enterprise agreement, subject to certain qualifications.

Clause 98: Powers of inspectors

This clause sets out the powers of an inspector to carry out inspections, copy or retain documents, and question persons. It will be the duty of an employer to facilitate, as far as practicable, the exercise by an inspector of powers under this section.

Clause 99: Unfair dismissal

An employee who has been dismissed may, within 14 days after the dismissal takes effect, apply to the Commission for relief. An employee cannot make an application if the dismissal is subject to appeal or review under another State Act, and an employee who takes proceedings will be taken to have elected to proceed under

these provisions to the exclusion of other proceedings or remedies that may be available on the same facts.

Clause 100: Conference of parties

A conference must be held if an application is made under these provisions. The purpose of the conference is to explore the possibility of resolving the matter by conciliation and ensuring that parties appreciate the possible consequences of further proceedings.

The person presiding at a conference will be able to dismiss an application at that stage if the applicant does not appear, the application is frivolous or vexatious, or the person considers that the application has no reasonable prospect of success. If an application is not dismissed or discontinued, the person presiding at the conference must make recommendations on how the matter might be resolved.

Clause 101: Question to be determined at hearing

The issue on a hearing is whether the dismissal was harsh, unjust or unreasonable, which must be established by the employee on the balance of probabilities. The dismissal of a redundant employee cannot be regarded as harsh, unjust or unreasonable if the employer has made a redundancy payment in accordance with an award or enterprise agreement. The Commission must take into account the Termination of Employment Convention and whether the employer has complied with certain procedures specified in the schedules.

Clause 102: Remedies for unfair dismissal

This clause sets out the remedies available under the Act if the Commission finds that a dismissal was harsh, unjust or unreasonable.

Clause 103: Costs

Costs will, on application, be awarded against a person who has acted unreasonably in failing to discontinue or settle the matter before the conclusion of a hearing, or who discontinued proceedings more than 14 days after the conclusion of the conference required under these provisions.

Clause 104: Decisions to be given expeditiously

The Commission will be required to hand down a determination on an unfair dismissal application within three months after the date of the hearing, unless the President allows an extension of time in a special case.

Clause 105: Termination of Employment Convention 1982

It is intended that these provisions give effect to the Termination of Employment Convention and provide an adequate alternative remedy to the corresponding remedy under the Commonwealth Act.

Clause 106: Slow, inexperienced or infirm workers

This clause continues the scheme under which the Commission may grant a licence to a slow, inexperienced or infirm employee to work at a wage that is below the prescribed minimum. The clause is similar to section 88 of the current Act.

Clause 107: Non-application of awards

This clause makes special provision for persons who have an impairment, cannot obtain or retain employment at ordinary rates, and are being trained or assisted by a prescribed organisation or body. The clause is similar to section 89 of the current Act.

Clause 108: Exemption for charitable organisations

This clause empowers the Minister to grant certain exemptions to organisations that have charitable, religious or non-profit making objects. The clause is similar to section 90 of the current Act.

Clause 109: Freedom of association

This clause establishes the principle of freedom of association.

Clause 110: Prohibition of discrimination by employers and employees

It will be an offence to discriminate against another on the basis of whether or not the other person is, or is not, a member or officer of an association.

Clause 111: Prohibition of discrimination in supply of goods or services

It will be an offence to discriminate in relation to the supply of goods or services on the grounds that an employer's employees are, or are not, members of an association.

Clause 112: Eligibility for registration

This clause sets out the criteria on which an association is eligible for registration under the Act. An association of employers must consist of two or more employers who employ, in aggregate, not less than 100 employees. An association of employees must consist of not less than 100 employees. An organisation, or a branch, section or part of an organisation, registered under the Commonwealth Act cannot apply for registration under this Part.

Clause 113: Application for registration

This clause sets out various procedural matters relevant to an application for registration.

Clause 114: Objections

A person may object to the registration of an association.

Clause 115: Registration of associations

The Commission may register an association if satisfied as to various matters specified in this clause.

Clause 116: Registration confers incorporation

An association becomes a body corporate on registration.

Clause 117: Rules

This clause sets out basic requirements to which the rules of a registered association must conform.

Clause 118: Alteration of rules of registered association

A registered association may alter its rules after complying with various procedures specified by the rules. An alteration does not take effect unless or until approved by the Commission.

Clause 119: Model rules

The regulations will be able to prescribe model rules, and no objection will be able to be taken to any rule, or proposed alteration of rules, that is consistent with the model.

Clause 120: Orders to secure compliance with rules, etc.

The Commission will be able to require a registered association, or specified officers of a registered association, to comply with the rules of the association. The clause is similar to section 119 of the current Act.

Clause 121: Financial records

A registered association will be required to keep proper accounts and to prepare financial statements on an annual basis. The financial statements must be audited. The clause is similar to section 121 of the current Act.

Clause 122: Amalgamation

Two or more registered associations may amalgamate pursuant to an appropriate resolution. The clause is similar to section 120 of the current Act.

Clause 123: De-registration of associations

The Commission will be able to de-register an association in certain circumstances.

Clause 124: Eligibility for registration
Clause 125: Application for registration
Clause 126: Objections
Clause 127: Registration
Clause 128: De-registration

These clauses provide for the registration and, if appropriate, de-registration of an organisation registered under the Commonwealth Act. The provisions are similar to Division III of Part IX of the current Act.

Clause 129: Federation

This clause is similar to section 127 of the current Act and will allow a federation of organisations recognised under the Commonwealth Act to act under this Act as a representative of the registered constituent members.

Clause 130: Restraint of trade

A purpose of an association in restraint of trade will not, for that reason, be regarded as unlawful.

Clause 131: Association must act in best interests of its members

An association will be expressly required to act in accordance with its rules and in the best interests of its members.

Clause 132: Industrial services not to be provided to non-members

An association, or an officer of an association, must not represent a person who is not a member of the association, and who has not applied to become a member of the association, in proceedings associated with an enterprise agreement or award.

Clause 133: Powers of officials of employee associations

An officer of a registered association of employees may be empowered by an award or enterprise agreement to enter premises at which one or more members of the association are employed, carry out inspections and interview members of the association about complaints. An official will be required to give reasonable notice to the employer, and comply with any other specified requirement, before he or she exercises any such power. The Commission will be able to withdraw a power in a case of abuse.

Clause 134: Register of members and officers of associations

A registered association will be required to keep certain registers and records and, on request, to furnish the Register with an up-to-date list of its members or officers.

Clause 135: Rules

A registered association must, on request, furnish a member with a copy of its rules.

Clause 136: Certificate of registration

A registered association will have a certificate of registration issued by the Registrar.

Clause 137: Service
This clause sets out the manner in which a document may be served on a registered association.

Clause 138: Saving of obligations
The de-registration of an association will not relieve it, or any member, from a pre-existing obligation.

Clause 139: Sequestration orders
This clause will allow for the making of sequestration orders against a registered association's property.

Clause 140: Exercise of powers of the Commission
The Register will be able to exercise the powers of the Commission under the provisions relating to associations.

Clause 141: Time and place of sittings
The Court and Commission will be able to sit at any time and at any place.

Clause 142: Adjournment from time to time and from place to place
The Court and Commission may adjourn proceedings from time to time and from place to place. The Industrial Registrar will be able to adjourn proceedings on behalf of the Court or Commission.

Clause 143: Proceedings to be in public
The proceedings of the Court and Commission will, as a general rule, be conducted in public. However, an Act or the Rules will be able to provide that certain matters be conducted in private, and the Court or Commission will also be vested with the power to determine that particular proceedings be conducted in private.

Clause 144: Representation
A person will be able to be represented before the Court or Commission by a legal practitioner or registered agent, or by an officer or employee of an association of which the person is a member. However, certain qualifications apply in relation to representation.

Clause 145: Registered agents
This clause continues the scheme relating to registered agents.

Clause 146: Intervention
The Minister will be entitled to intervene in proceedings if of the opinion that the public interest is likely to be affected by the proceedings. Any other person who can show an interest will be able to intervene with leave of the Court or Commission. However, only the Minister or Employee Ombudsman will be able to intervene in relation to proceedings relating to an enterprise agreement.

Clause 147: General principles affecting exercise of jurisdiction
The Court and Commission will act according to equity, good conscience and the substantial merits of a case, and without regard to legal forms. The rules of natural justice will expressly apply.

Clause 148: Nature of relief
The Court and Commission will be able to give any form of relief under the Act (irrespective of the relief sought by a party).

Clause 149: Power to require attendance of witnesses and production of evidentiary material
The Court and Commission will have power to issue summonses requiring the attendance of any person or the production of documents.

Clause 150: Power to compel the giving of evidence
A person may be required to give evidence or produce material before the Court or Commission.

Clause 151: Issue of evidentiary summonses
The clause sets out the persons who may issue summonses.

Clause 152: Inspection and confidentiality
This clause relates to the release of evidentiary material. Special provision will be made for the protection of information relating to trade secrets or financial matters.

Clause 153: Form in which evidence may be taken
Evidence will be able to be taken on oath, affirmation or declaration, and either orally or in the form of a written deposition.

Clause 154: Orders to take evidence
The Court or the Commission will be able to appoint a person to take evidence on its behalf.

Clause 155: Witness fees
A witness will be entitled to witness fees.

Clause 156: Power to dispense with evidence
It will be possible to dispense with evidence in appropriate cases.

Clause 157: Powers of entry and inspection, etc.
This clause sets out various powers of inspection for the Court and the Commission.

Clause 158: Joinder of parties, etc.
It will be possible to join parties to proceedings, or, if no proper interest exists, to remove parties from proceedings.

Clause 159: Amendment or rectification of proceedings
It will be possible to amend any document associated with any proceedings, and to correct errors, deficiencies or irregularities.

Clause 160: Extension of time
This is a general power to extend limitations of time under the Act.

Clause 161: Power to decline to hear or desist from hearing
The Court or the Commissioner may decline to hear frivolous or vexatious proceedings, or proceedings that are not in the public interest.

Clause 162: Ex parte hearings
Ex parte proceedings may occur in certain cases.

Clause 163: Power to refer matters for expert report
A scientific or technical matter may be referred to an expert.

Clause 164: Service
This clause relates to the ability to effect substituted service in certain cases.

Clause 165: Reservation of decision
It will be possible to reserve any decision. The Registrar will be empowered to deliver reserved decisions on behalf of the Court or Commission.

Clause 166: Costs
Costs may be awarded if so authorised.

Clause 167: Power to re-open questions
It will be possible to reopen any question.

Clause 168: General power of direction and waiver
This clause gives the Court and Commission a general power to give directions about questions of evidence or procedure, and to waive compliance with procedural requirements.

Clause 169: Contempts of Court or Commission
This clause will give the Court and Commission power to deal with contempts.

Clause 170: Punishment of contempts
A contempt will constitute a summary offence. A contempt in the face of the Court or Commission will be immediately actionable.

Clause 171: Rules
This is a rule-making provision.

Clause 172: Limitation of action
Monetary claims must, as a general rule, be made within six years after the relevant sum becomes payable.

Clause 173: Who may make claim
An association will be able to make a monetary claim on behalf of a person if acting under specific written authority. A minor will be able to make a claim as if he or she had attained the age of majority. A personal representative, or beneficiary, of the estate of a deceased person will be able to claim money that should have been paid for the benefit of the deceased person.

Clause 174: Simultaneous proceedings not permitted
This clause is intended to prevent duplication of proceedings.

Clause 175: Joinder of additional defendant
It will be possible to join a principal to proceedings against an agent on a monetary claim.

Clause 176: Award to include interest
The Court will usually award interest on a monetary claim.

Clause 177: Monetary judgment
It will be possible to order that a monetary judgment be paid in instalments.

Clause 178: Costs
Limitations will apply in relation to the award of costs on monetary claims.

Clause 179: Decisions to be given expeditiously
The general rule will be that decisions on monetary claims must be handed down within three months (as a general rule).

Clause 180: Appeals from Industrial Magistrate
An appeal will lie from a decision of an Industrial Magistrate to a single Judge of the Court.

Clause 181: Appeals to Full Court
An appeal will lie from a decision of a single Judge to the Full Court.

Clause 182: How to begin appeal
An appeal will be commenced by a notice of appeal. It must be commenced within 14 days after the day on which the decision appealed against was given.

Clause 183: Powers of appellate court
It will be possible to take fresh evidence on an appeal, if the Court thinks fit.

Clause 184: Appeal to Supreme Court
An appeal will lie from a decision of the Full Court to the Full Court of the Supreme Court. Leave will be required.

Clause 185: Commission to conciliate where possible

The Commission will be required in its proceedings to attempt to conciliate, prevent impending disputes and settle matters by amicable agreement.

Clause 186: Determinations to be consistent with object of Act

The Commission's determinations must be consistent with the objects of the Act.

Clause 187: Applications to the Commission

This clause sets out who may bring proceedings before the Commission.

Clause 188: Advertisement of applications

The Commission will be required to give notice of its proceedings.

Clause 189: Commission may act on application or on own initiative

The Commission will be able to exercise its powers on its own initiative, or on the application by a party or a person with a proper interest in the matter.

Clause 190: Commission's power of mediation

The Commission will have the power to mediate in any industrial dispute.

Clause 191: Assignment of Commissioner to deal with dispute resolution

The President of the Commission will be able to assign a Commissioner to deal with disputes of a specified class.

Clause 192: Provisions of award, etc., relevant to how Commission intervenes in dispute

The Commission will be required to take into account any dispute-settling procedures specified by an award or enterprise agreement.

Clause 193: Voluntary conferences

The Commission will be able to call voluntary conferences.

Clause 194: Compulsory conference

The Commission will be able to call compulsory conferences of parties involved in an industrial dispute if it appears desirable to do so in the public interest.

Clause 195: Reference of questions for determination by the Commission

The person presiding at a compulsory conference will be able to refer a matter to the Commission for determination.

Clause 196: Representation at voluntary or compulsory conference

This clause sets out rights of representation at conferences.

Clause 197: Experience gained in settlement of dispute

This clause is intended to facilitate improvements in the dispute settling processes between parties.

Clause 198: Presidential conference to discuss means of preventing and resolving disputes

The members of the Commission must confer on an annual basis (at least) in order to promote the fair and expeditious resolution of disputes, and to ensure consistency with the objects of the Act.

Clause 199: Finality of decisions

A determination of the Commission will be final and only open to challenge under this Act. However, the Full Supreme Court will be able to hear and determine claims of excess or want of jurisdiction against the Full Commission.

Clause 200: Right of appeal

This clause relates to appeals from decisions of the Commission or Industrial Registrar when exercising the powers of the Commission. An appeal will be to the Full Commission.

Clause 201: Procedure on appeal

The rules will set out the time limit for appeals. The Full Commission will be able to exercise various powers on an appeal.

Clause 202: Stay of operation of determination

The Full Commission may stay the operation of a decision under appeal.

Clause 203: Powers on appeal

The Full Commission will be able to make consequential and ancillary orders and directions on an appeal.

Clause 204: Review on application by Minister

The Minister will be able to apply to the Full Commission if the Minister considers that a determination of the Commission is contrary to the public interest, or does not adequately give effect to the objects of the Act.

Clause 205: Reference of matters to the Full Commission

It will be possible to refer matters from the Commission constituted of a single member to the Full Commission.

Clause 206: Powers of Full Commission on reference

This clause sets out the procedures on the reference of a matter.

Clause 207: Reference of question of law to the Court

The Commission will be able to refer questions of law to the Court.

Clause 208: Co-operation between industrial authorities

Clause 209: Reference of industrial matters to Commonwealth Commission

Clause 210: Commission may exercise powers vested by certain other Acts

These clauses are based on sections 40a, 40b and 40c of the current Act and are designed to ensure greater co-operation between the Commission and industrial authorities of the Commonwealth, or of another State (or Territory).

Clause 211: References to the Full Supreme Court

The Minister may refer a question of law arising before the Court or the Commission to the Full Court of the Supreme Court.

Clause 212: Protection for officers, etc.

This clause provides personal protection to a person employed in an office or position under the Act.

Clause 213: Confidentiality

This clause relates to the disclosure of information gained under the Act.

Clause 214: Notice of determinations of the Commission

Notice must be given of any determination of the Commission that affects persons who were not parties before the Commission.

Clause 215: Industry consultative councils

It will be possible to form a consultative council for a particular industry.

Clause 216: Boycotts related to industrial disputes

Clause 217: Interference with contractual relations, etc.

Clause 218: Discrimination against employee for taking part in industrial proceedings, etc.

Clause 219: Non-compliance with awards and enterprise agreements

Clause 220: Improper pressure, etc., related to enterprise agreements

Clause 221: False entries

These clauses create various offences for the purposes of the Act.

Clause 222: Experience of apprentice, etc., how calculated

Employment as an apprentice or junior will count as experience in a particular industry.

Clause 223: No premium to be demanded for apprentices or juniors

A person must not seek a premium for employing a person as an apprentice or junior (except as approved by the Minister).

Clause 224: Illegal guarantees

It will be unlawful to require a guarantee in respect of the conduct of an apprentice, junior or employee (except as approved by the Minister).

Clause 225: Orders for payment of money

This clause provides for the enforcement of orders for the payment of money, which may be filed and enforced in a civil court.

Clause 226: Recovery of penalty from members of association

The members of an association may be liable for the payment of any penalty or monetary sum not paid by the association.

Clause 227: General defence

An employer may claim a general defence in a case where another person was responsible for the act or omission constituting the offence, the employer used all due diligence to prevent the offence, and the offence was committed without the employer's knowledge and in contravention of an order of the employer.

Clause 228: Order for payment against convicted person

A person convicted of an offence may be required to pay any amount due to an employee in respect of whom the offence was committed.

Clause 229: Proof of awards, etc.

This clause will facilitate the proof of determinations under the Act.

Clause 230: Proceedings for offences

A prosecution for an offence against the Act will be heard and determined before an Industrial Magistrate.

Clause 231: Conduct by officers, etc., of body corporate

This clause relates to the conduct of bodies corporate.

Clause 232: Regulations

This is a regulation-making power.

Schedules

The schedules set out various matters related to the operation of the provisions contained in the Act, provide for the repeal of the *Industrial Relations Act (S.A.) 1972* and the *Industrial Relations Advisory Council Act 1983*, and set out relevant transitional provisions.

Mr CLARKE secured the adjournment of the debate.

WORKERS REHABILITATION AND COMPENSATION (ADMINISTRATION) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 8 March. Page 310.)

Mr CLARKE (Ross Smith): I rise to address the Government's amendments with respect to this Bill. The Government's Bill is strenuously opposed by the Opposition. This second of three Bills that the Government is introducing to, so call, reform the workers compensation and occupational health and safety and welfare laws turns the clock back literally decades with respect to the rights of injured workers. In his second reading explanation the Minister stated that these amendments, in particular the amendments contained within this Bill, 'balance the interests of employers and employees in applying the WorkCover legislation.' That is a massive misinterpretation, quite deliberate on the Minister's part, about the intent of this Bill.

Rather than balance the interests of employers and employees, it comprehensively shifts the balance of interest in favour of employers to the disadvantage of employees. Indeed, the Government's objectives and the interests that they represent can clearly be seen in the objects of the Bill under clause 2. The new objectives of the legislation, under clause 2(1)(a)(v) are as follows:

> that ensures that employers' costs are contained within reasonable limits so that the impact of employment-related disabilities on South Australian businesses is minimised. . .

Quite simply, the Government's position is, 'Yes, we will provide basic workers compensation coverage in South Australia, but rather than it being based on fairness and equity the legislation will be governed by the lowest common denominator. At no time will we offend any employer anywhere in this State, and if that means slashing benefits to injured workers then so be it.'

Also contained within the objectives of this Bill are two particularly obnoxious references. They are contained, in the first instance, in clause 2(1)(c), which provides:

> to establish incentives to encourage efficiency and discourage abuses. . .

Clause 2(2) provides:

> A person exercising judicial or quasi-judicial powers must interpret this Act in the light of its objects without bias towards the interests of employers on the one hand, or workers on the other.

The objective to which I have referred in clause 2(1)(c) is based on the Government's and its employer mates' perceptions of workers in general; that is, that only malingerers and those who wish to abuse the workers compensation system actually access the compensation system and that workers are motivated by greed and are generally venal in their dealings with their employer.

No right thinking person supports or encourages abuses of the workers compensation system. In any society there will always be some individuals who will seek to take advantage of any system. However, they are found not just in the workers compensation system but also amongst employers themselves in the way that they conduct their corporate affairs; for example, Alan Bond, Christopher Skase and so on. However, draft legislation, such as the Government has introduced with this Bill, on the basis of punishing injured workers who find themselves unfortunate enough to have been injured during the course of travelling to or from work or from stress arising from their job and trying to sweep the Government's actions away with the rhetoric of punishing the so-called rorters of the system, is manifestly unjust.

Clause 2(2) is an outright insult and attack on the integrity of all review officers operating under the WorkCover system and of all members of the Workers Compensation Appeal Tribunal and, indeed, of the justices of the Supreme Court of South Australia. To state in an Act of Parliament that persons exercising judicial or quasi-judicial powers must be unbiased in their dealings is to imply that, indeed, members of the Workers Compensation Appeal Tribunal, Supreme Court justices and review officers who have dealt with WorkCover cases over the past several years have not conducted themselves free of any bias, nor have they objectively weighed up the evidence put before them by the respective parties before them. Again, this is an illustration of the mind set of some employers, and certainly of the Minister who, having spent so long in Opposition on industrial affairs, has come to believe his own ill-founded propaganda.

The Minister's second reading explanation proposes a number of amendments. On the matter of journey accidents to and from work, the Minister is intent on creating two classes of citizens in South Australia. The thrust of the Government's legislation effectively denies tens of thousands of workers the right to claim for journey accidents travelling to or from home to work.

I will give an example of workers being disadvantaged under the Government's proposal with respect to journey accidents. I want to draw this to the attention particularly of a number of Liberal members who spoke yesterday and who love using anecdotes to try to discredit the WorkCover system and injured workers in general. I draw attention not to anecdotes that have been relayed second or third hand or, more particularly, which have been scoured and brought forward at the Minister's instigation by WorkCover officers who have gone out of their way in some instances to try to find the most hair-raising examples that the Government can use, but to a specific incident.

This incident relates to an horrific car accident on 31 January 1992 when seven oil rig workers were killed on the Princes Highway near Millicent as a result of injuries sustained in a vehicular accident. The findings of the Coroner, given on 21 July 1992, are very important. He accepted as a high possibility that the driver of the van carrying the seven workers had fallen asleep a short time prior to the accident. The driver had been working on a six-week duty cycle involving three weeks on duty and three weeks off. For some period prior to the accident the driver worked 14 consecutive 12-hour day shifts and then, two or three days prior to the accident, there had been a transition to the night shift.

In this regard he had worked a short shift of seven hours and then commenced a 12 hour night shift scheduled on 29 January. This was maintained on the evening of 30 January and he was en route to commence night shift at 7 p.m. on 31 January when the accident occurred. I want members opposite to appreciate that this employee was acting under the direction of his employer to work those 12 hour shifts in a very arduous, physically demanding occupation. Counsel representing the dependants of the deceased workers sought to have the Coroner make some comments concerning the shift work required of the workers by their employer. The Coroner quoted the legal counsel representing the dependents of the deceased workers, a Mr De Garis, as follows:

It is entirely inappropriate for workers working shift work of the nature being worked by Mr Van Nieuwberg and his partners to be required to drive motor vehicles to and from work sites which are long distances from the sites of sleep and rest.

Mr De Garis went on to point out that this increased the length of the shift. The Coroner concluded by saying:

It is not the function of this court to embark into the realms of industrial law, awards, etc. I certainly would be very loathe to do so. However, I would make the general comment that certainly a 12 hour shift continued over a time must pause for tea. In such an event I think it would certainly be very appropriate for the undertaker of a particular enterprise to provide independent transport. By that of course I mean that the person employed on long shifts, as was the case here, should not be required to drive any substantial distance to and from the work site. In this case the shift really would have amounted to approximately a 13½ hour shift allowing for travelling time to and from Millicent. I think due regard should be paid to this particular aspect of the matter as it is no doubt important to have a regard to my earlier findings, including the high possibility of a fatigue condition being suffered by the driver of the Nissan van.

This is but one of many such examples where workers, at the direction of their employer, are required to travel significant distances after they have worked very long shifts, often on a rotating shift basis. Plenty of evidence exists, as you, Mr Acting Speaker, would be aware from your involvement with the Police Association, of the fatigue of workers on shift work. In fact, that is one of the main reasons why penalty rates are paid to people on shift work.

Mr Caudell interjecting:

Mr CLARKE: The member for Mitchell says, 'What twaddle'. I would expect that type of comment from the member for Mitchell in reference to an accident involving seven workers who were killed whilst on a journey, and their dependents not being in receipt of any workers compensation benefits under the Bill proposed by the Minister. They would not be covered by the provision in respect of journey accidents. That is an absolute scandal. The Minister comes into this House and says to the families of those deceased workers, 'You are not entitled to any benefit under the workers compensation scheme.'

Mr CAUDELL: I rise on a point of order, Mr Acting Speaker. The member for Ross Smith is blatantly misleading the House with regard to a tragic incident. He should show more regard for the propriety of the situation and for the people involved. He is well aware that they are covered under other provisions of the legislation.

The ACTING SPEAKER (Mr Bass): I do not accept the point of order, as the honourable member is raising the matter in debate.

Mr CLARKE: Well may the member for Mitchell want to suppress that type of information because the Minister, in justifying this draconian legislation—

Mr CAUDELL: Mr Acting Speaker, I rise on a point of order. At no stage did I try to suppress any information. I was raising a point of order in relation to a situation, and I ask that the honourable member withdraw the comment that I was trying to suppress information.

The ACTING SPEAKER: There is no point of order, and I remind the member for Mitchell about frivolous points of order.

Mr CLARKE: The point I was coming to was that the Minister, in trying to justify this draconian legislation, talked about a worker playing squash for two hours and being injured on his way home and claiming compensation. The Minister was disappointed because, despite sending out a call to WorkCover to dredge up such a case, it was unable to provide him with one. As a result, he had to refer to a number of other claims, including the Director of Nursing who made a claim after she fell out of a tree while picking apricots on a weekend. The only problem is that the claim was not made under the journey provision; it was a claim arising out of the course of employment. It had nothing to do with a journey accident. This is the whole point behind the debate.

When the Minister and other Government members get up to speak, as they did yesterday, they entirely confuse the issue because they never allow the facts to come before their bias and prejudice. I refer to specific incidents without apology because for too long members opposite have been quite prepared to draw out all sorts of anecdotes without any reference to real examples and without stating them in totality. I return to the remarks of the Coroner, as follows:

This is but one of many such examples where workers are required by their employer to work long shifts, often in arduous conditions where tiredness and fatigue are a major factor in accidents.

Mr Caudell: He lost his place.

Mr CLARKE: I can find my place. I doubt that the honourable member can find his way out of this building with all the lights turned on. I am aware of a building site—

The Hon. G.A. Ingerson: Who wrote this for you?

Mr CLARKE: It must be difficult for the Minister to comprehend, but I write my own.

Mr Brokenshire interjecting:

Mr CLARKE: I point out to the member for Mawson that, unlike him, I do not need the Minister's vast resources in WorkCover to write my speeches. I am perfectly happy for the honourable member to get up and make his pathetic sort of speeches because, when he does, I will be delighted to mail them out to the workers in his electorate when I remind them to vote him out in 3½ years.

An honourable member: At your own expense?

Mr CLARKE: Absolutely. I would enjoy it at my expense. In fact, I would have them personally hand delivered.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I am quite content for the Minister to make those comments. I survived the holocaust. As I look at the empty spaces opposite I am reminded that that is what it will be like in four years, and I will not have to worry about the member for Mitchell then. I am aware that the tradespeople working on a building site at Gawler live in the southern suburbs of Adelaide.

An honourable member interjecting:

Mr CLARKE: No doubt they are your constituents. Their employer requires them to work 10 hour shifts at that building site. That is the requirement in an arduous physical environment. Those workers are not covered under the Government's legislation if they are injured travelling to or from their work site. Given the hours that they must work on the building site, they have no other recourse but to travel by motor car. Given the distances they have to travel, you can add up to 1½ hours to their travelling time. Yet the Minister, who in Question Time was more than happy to make passing reference to bald spots, hair cuts and things of that nature involving me—

Mr Leggett interjecting:

Mr CLARKE: I would have thought that the member for Hanson would join me in defence. At least, unlike a number of other members opposite, I do not have to represent the interests of Ashley and Martin. However, the Minister, living in the leafy eastern suburbs of Adelaide—

Mr BRINDAL: I rise on a point of order, Mr Acting Speaker. I believe it is improper to refer to other debates in this place in the course of a given debate but the honourable member is doing that. I hope you will instruct him on parliamentary etiquette, again.

The ACTING SPEAKER: I am not convinced that he was, but I point out the Standing Orders for the member for Ross Smith.

Mr CLARKE: We have the Minister living in the leafy eastern suburbs of Adelaide, all of 10 or 15 minutes from Parliament House and, as all members of State Parliament, protected for income maintenance should he be injured in any vehicular accident, or any other accident for that matter, whilst travelling in his Government provided car from home to his office or to Parliament House. Yet the oil rig worker, effectively working a 13½ hour shift, in a very physically demanding environment, is not covered. Where is the justice, I ask the Minister? From information supplied by WorkCover, some 80 per cent of the journey claims for the years 1991-92 and 1992-93—

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: Please do—have been a result of motor vehicle accidents. Many of those claims should be recoverable from the compulsory third party insurance that motor vehicles must carry. I note that to date the percentage of costs recovered on journey claims is about 34 per cent. I have not yet been able to ascertain any reasonable answer from WorkCover as to why, if 80 per cent of the journey claims arise from motor vehicle accidents, only one-third of those costs are recovered. I would have thought that that would be an area for far greater attention by the Government than simply to deny workers this fundamental right.

I make an important point at this time: since the 1980s, so far as motor vehicles accidents are concerned, the traditional common law remedies that were available to persons injured in motor vehicle accidents have been capped in South Australia. In Victoria, where journey accidents have been abolished by the Liberal Government in that State, there is a no-fault transport accident scheme in operation, which at least offers some protection to those who suffer a journey injury on the road. In New South Wales, where the only added restriction has applied to cases of contributory negligence, there is also a form of no-fault motor accident scheme. There is no such scheme in South Australia.

To remove workers compensation protection, without introducing a no-fault motor vehicle accident scheme, would be to leave workers worse off than they were before workers compensation was extended to cover journeys in the first place in 1956. By this legislation, with respect to journey accidents, this Government and members opposite, who will willy-nilly vote for the Government's proposal when it is finally put to the vote, are placing workers in a worse position than they were in prior to the introduction of journey accidents in 1956.

Apart from the hope of suing another driver for a reduced amount, if negligence could be proved, people involved in motor accidents on the way to and from work would be left completely unprotected by the law for the first time since 1956.

The Hon. G.A. Ingerson: And so they should be.

Mr CLARKE: 'So they should be', says the Minister. It is always very good to have a few pearls of wisdom from the Minister that we can use to bash him with farther down the track in the lead up to the next election.

The Hon. G.A. Ingerson: It will be a long time before you have to worry about it.

Mr CLARKE: I do not have any fears on that point.

Mr Brindal: Look at the support he is getting from his side of the House.

Mr CLARKE: Those workers who travel other than by motor car are completely unprotected.

Members interjecting:

Mr CLARKE: No question about it.

Mr Brindal: Where are your mates?

Mr CLARKE: They are out campaigning.

Members interjecting:

Mr CLARKE: They are out campaigning.

Members interjecting:

The ACTING SPEAKER: Order! The member for Ross Smith has the call. Would he please debate the Bill and not argue across the House. The same applies to members on my right.

Mr CLARKE: I am completely at ease with the vote of confidence that my colleagues have given me to carry this burden, unlike the Minister, who must have his gaggle of geese behind him to roar him into action.

South Australian workers have had the right to journey accident claims under workers compensation since 1956, as I have stated. It is a right that has long been enjoyed by South Australian workers, and for good reason. A worker injured travelling to or from work should be entitled to be covered by workers compensation as it does arise in the course of his or her employment. If they were not travelling to or from work, selling their labour to their employer and producing goods and services which that employer can sell for profit, the worker would not have been injured travelling to or from work: had they not be been in the employer's employ in the first instance, they would not have been injured.

It has been part of our social safety net in Australia, like our award safety net, but we all know what the Liberal Party's agenda is: wherever there is a safety net, let us tear it down; let us go to the lowest common denominator; let us bring in all the wonderful conditions of Malaysia, Taiwan or South Korea. I am sure the Minister would desire greatly to have the same sort of authoritarian laws to enact in this State with respect to free trade unions.

The only fair alternative would be to create a national fault free compensation scheme covering all our citizens, 24 hours a day. The Minister talks about another monopoly. By way of interpolation, I point out that Queensland has the cheapest workers compensation scheme, which is a Government monopoly. It has no exempts and it is not one that I fancy. It has very poor conditions compared with those in South Australia, but it is a Government run scheme and it is the most cost effective in Australia. This was envisaged at the time of the Woodward inquiry, initiated by former Prime Minister Whitlam in the early 1970s and, unfortunately, it has not progressed since.

Indeed, the need for such coverage is greater today, I suggest, than when journey accident compensation was first legislated. There has been growth in the metropolitan area and, in particular, the distances that employees now have to travel from their home to work have increased, as witnessed by our burgeoning northern and southern suburbs and the greater traffic congestion on our roads. The likelihood of injuries being sustained whilst travelling to and from work has increased rather than diminished. Employers such as the State Government, for example, can now place teachers within a 45 kilometre radius of their homes. Many of these

contract teachers are being placed at schools many kilometres from their homes. This is a requirement enforced on them by the department.

In addition, a number of employers employ workers in remote areas. For example, many of the workers at the Moomba gas fields live on the west coast and in Port Augusta. They journey to Adelaide to catch the plane flight to Moomba. If they were injured on the way to Adelaide Airport to catch the company plane, they would not be covered by the employer under the Bill presently before us. A number of members opposite who pretend to represent rural interests might want to note the situation regarding stock and station agents. I represented workers in the rural industry for a number of years, people who worked for stock and station agents such as Elders, Bennett and Fisher, as it then was (it is now called Dalgety Bennetts Farmers)—

Mr Caudell interjecting:

Mr CLARKE: No, I was re-elected every time unopposed—thank you to the member for Mitchell. Those stock and station agents, as part and parcel of their job each week, often travelled to country sale yards many hundreds of kilometres away from their home. Those persons are not covered by the Bill. I refer to new section 30(5), which provides:

> A disability that arises out of or in the course of a journey arises from employment if and only if the starting point and the end point or intended end point of the journey are places at which the worker is required to carry out duties of employment.

Journey accidents are not covered, except in a few isolated instances. However, what rankles the Opposition and, in particular, the general community is that the Government can be so sanctimonious about the need for reducing the cost of WorkCover to employers to make us so-called internationally competitive, and that that need is so urgent that it warrants overturning legislative rights that South Australians have enjoyed for decades, but still the legislators in this Parliament are covered by our own schemes that ensure that members of Parliament, whilst legislating to take away the rights of ordinary workers—the nurse, the factory worker, the shop assistant, the bakery assistant and the like—to claim journey accidents still retain their 24 hour coverage.

It is an absolute outrage that the Government can claim that the economic health of this State is so dependent upon reducing the costs of WorkCover that it is prepared to take away these provisions. But in an unparalleled act of bravery, these same legislators believe that State MPs are so essential to the well-being of the State's economy that we should not share in the same pain that we will be doling out to the general community. When a division is finally called for the passage of this Bill—

Mr Brindal: On a point of order, Mr Acting Speaker, many times in this debate today and yesterday the member has made assertions against members of Parliament touching on the privileges of this House. I believe that those assertions are, first, incorrect and certainly touch our privileges as members of Parliament. I ask that you, Sir, take this matter on notice and refer it to the Speaker, because it is a matter that trespasses on the privileges of this Parliament and should be referred to a committee of privilege. If the member is wrong, the member should be dealt with by this House.

The ACTING SPEAKER: I will take up the matter with the Speaker. I remind the member for Unley that he can refute what the honourable member is saying at the appropriate time. The member for Ross Smith.

Mr CLARKE: When a division is finally called on the passage of this Bill, let every member opposite, in particular the dozen or so oncers, fully appreciate the hypocrisy of their stance. They are prepared in this House to carry a Bill which will deny journey accident claims to the attendants who work in this House, the switchboard operators, the *Hansard* reporters, the clerks and the journalists who cover the proceedings in the House, except that members opposite will know also that they can take comfort that they reserve to themselves a full 24 hour protection to them and their families with respect to any such accident that might befall them in the conduct of their parliamentary duties. But to just about every other employee and worker in this State, they are prepared to thumb their nose and say, 'We are allowed to keep our privileges, because we are the privileged few.'

The Government is also outlawing compensable claims for injuries arising out of authorised breaks. Heaven help the shop assistant or the nurse who, during the lunch break, crosses the road to do the shopping and is injured: no compensation claim for that worker. The only grounds that the Government advances in support of this removal of compensation cover is that it will save the corporation approximately $900 000 per annum. There is no suggestion in the Minister's speech that the claims were not justified or that there were rorts or abuses of the system. His objection is simply that claims were made and have cost the scheme in net terms $900 000, which has to be recovered from employers. This is an insignificant sum of money when spread across all employers in South Australia. However, it is not an insignificant sum of money to the actual injured worker.

This amendment turns back the clock as far as 1931, when members of the High Court began including injuries occurring at intervals between periods of work, for example, lunch time. Lunch time injuries sustained off the premises were included, by decisions of the High Court, by 1949.

It is a pity that the member for Frome is not here, because I received a telephone call recently from constituents of his who live at Crystal Brook and who are employed by the Department of Road Transport. They were concerned because, as part of the transport gangs who work on our major highways, they often take their lunchbreaks sitting in the cabin of their truck on major highways, such as Highway No. 1. One of the great difficulties that highway workers experience, as we know from publicity that has been generated, is that, unfortunately, passing motorists do not slow down; they do not pay attention to the fact that there is a vehicle from the Road Transport Department parked on the side of the road. If a vehicle collided into the cabin of that truck during the lunch break, the smoko break or some other authorised break, those people would not be entitled to receive compensation.

The Hon. G.A. Ingerson: You are proving beyond doubt how dopey you are.

Mr CLARKE: I would welcome the Minister's disproving me by making it crystal clear in the Bill that, in such examples, workers would be covered. There are literally thousands of such examples. There is an example which happens every day, whether it involves a nurse, an office worker or a factory worker who, as a result of award restructuring, has forsaken cash pay in return for pay rises or some other part of their award: if that person, going in their lunch break to collect their pay from the electronic funds transfer, which is basically the only way you can collect your pay these days (public servants in this place are all on EFT

these days), is injured while crossing the road, there is no compensation.

Mr Caudell interjecting:

Mr CLARKE: I can understand the member for Mitchell babbling away in the background. With respect to stress, the Minister has proposed an amendment which eliminates stress in its entirety, and I note that another amendment has come forward which presumably will be debated in Committee—

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I am more than content for any of your gratuitous insults, because it will not be long with a mouth your size and your inflated ego about your ability before—

The ACTING SPEAKER: Order! The member for Ross Smith has the call. He should be debating, not holding an argument across the Chamber. Please debate the Bill.

Mr CLARKE: Dealing with the Minister's ability, we remember—

The Hon. G.A. Ingerson: At least I am over here.

Mr CLARKE: Absolutely, but it will not be long before you will be on the back benches. You will be one of the Ministers to go.

Mr BRINDAL: On a point of order, Mr Acting Speaker, you have warned the member several times about directing remarks through the Chair. He is now flouting your authority.

The ACTING SPEAKER: I am afraid, because of the noise from both sides of the House, I could not tell what the honourable member was doing. I ask members to please remain silent, do not interject and allow the member for Ross Smith to complete the call.

Mr CLARKE: Thank you for your protection, Mr Acting Speaker. When the Minister introduced this Bill dealing with stress, I spoke to the media, as did the Trades and Labor Council, and said, 'This is absolutely outrageous when it deals with stress. No worker will be entitled to any stress claim, not even emergency service workers such as police, fire brigade and ambulance officers, and the like.'

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I call on the Minister to withdraw the remark that I am a great liar—a great debater, but not a great liar.

The ACTING SPEAKER: I consider that that comment is unparliamentary, and I ask the Minister to withdraw.

The Hon. G.A. INGERSON: I withdraw the word 'great'.

The ACTING SPEAKER: I do not accept that; I ask the Minister to withdraw the word 'liar'.

The Hon. G.A. INGERSON: I withdraw the word 'liar', Sir.

The ACTING SPEAKER: Thank you, Minister. The member for Ross Smith.

Mr CLARKE: I accept the word 'great' remaining. The Minister and members opposite are all chattering away—

An honourable member: And behind us.

Mr CLARKE: —and behind us, of course (how could one forget the member for Mitchell?), saying that it is outrageous that we should be running to the press and saying that workers and police officers, etc., will not be covered by stress. Well, notwithstanding this brains trust which we have as a Government and which was so mocking of the ability of the Opposition and the United Trades and Labor Council to interpret its own Bill, only an hour or three quarters of an hour ago the Minister tabled an amendment which is no good anyway but which at least recognises that we were right. Fire fighters and police officers were not covered for stress under your Bill.

Mr LEWIS: I rise on a point of order, Mr Acting Speaker. As I understand it members must not use the second person pronouns 'you' or 'your' but rather must address their remarks through the Chair to all members of the Chamber.

The ACTING SPEAKER: I accept the point of order. The member for Ross Smith will obey Standing Orders.

Mr CLARKE: I accept your ruling, Mr Acting Speaker. So, despite all the humbug for the past two weeks about what we were allegedly saying and misinforming the public of South Australia about, this Bill has come home to roost at the hands of the Minister himself. I intended to deal with the stress claims provisions in the Bill in some detail, but I will try to deal with those and the Minister's amendment simultaneously. The Minister's amendment providing for stress still does not do what he says it will do.

I know he will say, 'Clarke is only a bush lawyer, what would he know about it?' Mind you, that is what he said two weeks ago, and he has had to come back with an amendment. This is a pathetic looking amendment, which tries to use subterfuge to allay the fears of people working in emergency services. The amendment provides that the stress arising out of the employment must exceed the level that would normally and reasonably be expected of employment of the relevant kind.

Mr Acting Speaker, as a former practising policeman, you would know as well as anyone what is expected of a serving police officer attending road accidents where deaths are involved, particularly of young children. What could 'the stress arising out of employment exceeds the level normally and reasonably expected of employment' conceivably mean? Subclause (3) provides that the stress is not to a significant extent attributable to (among other things) a reasonable action to transfer, demote, discipline, counsel, retrench or dismiss the worker, or a reasonable decision not to award or provide a promotion. It is true—the Minister is right—he has read that part of the Act, but not in its entirety, because the Act provides that the reason for the stress did not arise wholly—

Members interjecting:

The ACTING SPEAKER: Order! I call the members for Playford and Mitchell to order.

Mr CLARKE: The Act contains the words 'a reasonable manner', which have now been deleted. Let us be sensible about this. If the Minister is serious about addressing some of the wrongs that he was trying to perpetuate in his first Bill, it might be all right; it may be a reasonable action to transfer a serving police officer from Adelaide to, say, Crystal Brook. But if that police officer is told in a very unreasonable manner and hectored and abused, as often occurs when employers are wanting to intimidate employees (and you only have to consult all the section 31 unfair dismissal notice cases in the Industrial Commission to know that these circumstances do arise), what may be a reasonable instruction may, in fact, be an instruction that is delivered in such an unreasonable, foul manner as to cause the employee to suffer from stress. That is not covered under the Minister's amendment.

So, the basic objection that the Opposition has with respect to the Bill is maintained, notwithstanding the amendment tabled by the Minister today, but at least I am prepared to accept that he is man enough to recognise that his proud pronouncements of two weeks ago—his accusations against the Opposition and the United Trades and Labor Council—were found to be entirely false.

I have dealt with some stressful situations already, but the deficiencies of the Minister's foreshadowed amendment are highlighted by the further example of the recent tragedy of

the bombing of the NCA headquarters in Adelaide. Any worker, whether they be a police officer or an employee of another agency, who was directed to attend that site as part of normal duties and who became stressed as a result would not be able to claim for a compensable injury under the wording of the current Bill and the amendments foreshadowed by the Minister.

The Act has already considerably tightened the stress provisions, and those amendments were made to the WorkCover Act at the end of 1992, only a little over 12 months ago. The Opposition believes that the Government should give more time to consider this amendment to allow us to determine what effect it has on levels of claims under this heading. The Government's misinformation campaign on this matter has been exposed, not just by the Opposition and the trade union movement, but also in a press release issued by Professor Sandy McPharlane, who is Professor of Community and Rehabilitation Psychiatry at the University of Adelaide. In his press release of 18 March 1994 he said:

> We all know that people in these fields [referring to employees in major public services] endure grotesque and horrendous situations in the line of duty which can impact on their physical and mental health,. . . yet under the proposed changes this will be viewed as a reasonable part of their jobs and therefore ineligible for compensation.

The Minister has maintained in his press statements and his utterances in this House that persons confronting traumas such as those outlined above as part of their day-to-day duties will be covered in this Bill, but, as I have pointed out, his actions today in tabling the amendment prove that the concerns expressed by the Opposition and the United Trades and Labor Council when the Bill was first introduced were justified.

In a letter I have received from Mr John Raftery of the Australasian Society for Traumatic Stress Studies, he states:

> I am writing on behalf of the society to express concern about the wording of the Bill being proposed by the Government. We are also concerned about the lack of consultation by Mr Ingerson. . .

There has been much lack of consultation on behalf of this Government in dealing with matters of substance in the industrial relations field. The Minister might feel secure in doing that now because of his Government's huge numbers in the House, but I encourage him to deal with this matter in his usual arrogant fashion, because nothing will bring him undone more quickly than to pursue his current attitude toward the trade union movement and workers in general. The letter continues:

> We are also concerned about the lack of consultation by Mr Ingerson and his attitude to any form of rational debate.

Hear, hear! We would be at one. Mr John Raftery of the Australasian Society for Traumatic Stress Studies—

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: The Minister's reputation precedes him. Mr Raftery goes on to say:

> This has been clear in his public discussions with the parties such as the Law Society and the United Trades and Labor Council.

I know this causes the Minister, the Government and its minions on the backbench some angst, but the reality is that the Law Society of South Australia is also opposed to the Bill.

Members interjecting:

Mr CLARKE: The member for Mawson claims it is only because its members will not earn so much. I am sure the Law Society will be interested to learn of such erudite contributions from the member for Mawson. The Law Society will be around South Australia for much longer than the member for Mawson will be around this House. Mr Raftery also goes on to state:

> The society takes the view that proposed changes are a backward step. At worst, the current legislation is preferable to the new Bill.

I make it clear that Mr Raftery was not exactly rapt in the former State Labor Government's amendments with respect to stress. He continues:

> Any legislation needs to acknowledge the reality of stress is a normal condition for a minority of workers and avoid a 'blame the victim' approach. We would advocate more proactive legislation aimed at encouraging employers to create psychologically healthy working environments.

The Australasian Society for Traumatic Stress Studies is an affiliate of the International Society for Traumatic Stress Studies. The society has been involved in public dissemination of information on research and practice as to the nature of traumatic stress for a number of years. In April 1993 it held a major international conference in Adelaide where many of the issues relating to the recognition of treatment of occupational stress were addressed.

Dealing with stress and the need for South Australian industry to be competitive, let us look at some figures for the year ended 30 June 1993. These figures do not include State Government statistics, which have not been provided to WorkCover, and I would certainly appreciate figures from the Minister in that area.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I look forward to an informed analysis, no matter how difficult that may be for the Minister, of those statistics. As at 30 June, 156 stress claims were made in the private sector. Out of 60 000 claims made each year under the WorkCover legislation only 156 were stress claims in the private sector. The member for Unley would want to listen to this because he has many mates, supporters and contributors to his election campaign living in Unley. The most expensive claims were seven from general managers, costing $21 916 each on average, whereas stress claims for other trades assistants and factory hands comprised a total of 10 at an average of $2 759. Amongst cleaners, we saw 24 claims at an average cost of $3 254. These statistics are just another example of how the Government has been duped by its own rhetoric in this matter and is seeking to impose its own ideological views on this matter in a straitjacket, rather than objectively looking at the facts.

The Government's Bill also deals with misconduct of a worker, in that it would deny a worker from receiving compensation on the balance of probability that that disability is wholly or predominantly attributable to serious or wilful misconduct or the influence of alcohol or a drug voluntarily consumed by the worker other than a drug lawfully obtained. The existing Act already provides that a worker who is guilty of misconduct or who voluntarily subjects himself or herself to an abnormal risk of injury shall not be regarded as acting in the course of his or her employment, unless that worker's disability results in death or permanent and total incapacity for work. The Bill is a far more draconian proposition and is again an example of a sledge-hammer being used to crack a nut. I am not aware whether or not WorkCover has been able to compute what if anything it will save in monetary terms as a result of this amendment, but it does have a serious impact on any dependant of a worker who dies or who is totally and permanently incapacitated as a result of an injury that is found not to be compensable under the terms of the amendment.

I see no reason whatsoever why, in the event of death or total and permanent incapacity, workers even if they have wilfully misconducted themselves or suffered from the influence of alcohol, their widow and/or dependent children should not be compensated as per the existing Act. I cannot see any justification why those dependants should suffer financially. Again, in real terms, what costs are actually saved by employers in this instance as against the harm done to innocent widows and children? This is an extraordinarily mean and miserable provision by a mean and miserable Government, to take away from widows and dependent children compensation benefits that they now enjoy under the Act in these areas. To do that is an absolutely disgraceful action.

The Hon. G.A. Ingerson: What are you talking about?

Mr CLARKE: If the Minister is not aware of his own Bill, I will explain the position. Under the Bill workers who seriously or wilfully injure themselves because of alcohol or drugs do not get compensation.

The Hon. G.A. Ingerson: Do you condone—

Mr CLARKE: I am not condoning that. The Minister—

The Hon. M.D. Rann interjecting:

Members interjecting:

Mr CLARKE: What about members of Parliament, as the Deputy Leader points out?

Members interjecting:

The ACTING SPEAKER (Mr Bass): Order!

Members interjecting:

The ACTING SPEAKER: Order!

Mr CLARKE: I point out to the Minister that the current Act provides that, even if a worker has wilfully contributed to the accident that has resulted in his death or to his total or permanent incapacity, his widow or dependants receive compensation. The Minister's amendment takes that away from the widow and children of the worker. That is a wonderful act of compassion! Last evening the member for Unley claimed that the Liberal Party was the Party of compassion. This is the International Year of the Family and this miserable lot who call themselves the Government seek to take away compensation benefits from widows and dependent children. When Government members vote for this provision tonight, I shall be delighted to have a roll call when the division is held, because members opposite will have to account for themselves to their own constituencies in 3¾ years.

With every day that passes members opposite will become a lot more nervous, particularly as they start fighting and squabbling amongst themselves for better seats after the redistribution. I look forward to that. I can assure members opposite that they will need compensation following their pre-selection brawling. I refer to the commutation provision and the amendment to section 42. The Opposition opposes the amendment on the ground that it gives the corporation an absolute discretion to commute or not commute a liability under this provision of the legislation.

An honourable member interjecting:

Mr CLARKE: That is not so. I wish the honourable member would read his own Bill. Clause 9(3) provides:

> The corporation has an absolute discretion to commute or not to commute a liability under this section and the corporation's decision on the application for commutation is not reviewable.

Under the present legislation big brother in the form of the WorkCover Corporation is not able to say that, if it decides not to commute, the worker has the right to challenge it. It is unfair and unreasonable that a decision taken by WorkCover is not subject to judicial review. The Bill seeks to remove the right of workers to challenge WorkCover's omniscient decisions when it comes down to commutation benefits. That is an absolute outrage. During negotiations between an injured worker and the corporation, it totally tips the balance decisively in favour of the corporation.

The Opposition does not support the judicial interpretation of the current Act which states that it allows for what the Minister would say is double dipping, whereby a worker can elect to commute and also claim a weekly benefit. However, what is fundamentally important is that WorkCover should not have the scales decisively tipped in its favour with respect to the issue of commutation whereby the worker does not have the opportunity to challenge WorkCover's decision in any court of review. I put it to members that every other jurisdiction provides citizens with the right to appeal the decision of a Government body before the Supreme Court in certain circumstances, and even before the High Court if necessary. However, under this Bill the Government wants to take away that right. This is another example of the Government's mean and miserable attitude in respect of injured workers.

Mr Brindal interjecting:

Mr CLARKE: I know the member for Unley will be eternally grateful, because I will go into more detail during the Committee stage.

Mr Brindal: I will go upstairs

Mr CLARKE: No, the honourable member should stay. He is so thick, he needs the education. He needs to stay here 24-hours a day to learn about the rights of workers.

Mr CUMMINS: I rise on a point of order, Mr Acting Speaker. The member for Ross Smith has breached Standing Order 127. He is passing personal reflections on the member for Unley. In my submission he should be asked to withdraw.

The ACTING SPEAKER: I accept the point of order. I ask the member for Ross Smith to withdraw that comment.

Mr CLARKE: Out of respect for you, Mr Acting Speaker, a former union secretary, I withdraw.

The ACTING SPEAKER: I remind the House that interjections are getting a little out of hand. I will have to do something about it. I ask members to allow the member for Ross Smith to complete his contribution.

Mr CLARKE: With those few points setting out the Opposition's overall position with respect to the Government's Bill, I reiterate our strong opposition to it. We look forward to a long and lively debate during the course of the evening. I trust that members have their sleeping bags with them.

Mr CUMMINS (Norwood): Once again we have heard the word 'hypocrisy' used by the other side. Perhaps we should detail some of the hypocrisy of the other side while we have the opportunity. As the member for Unley said a few minutes ago, workers used to have extensive common law rights. One might ask the question: 'Who took those rights away?' Of course, none other than the Labor Party, the Party that cares about the workers! I remind the House of what happened when it did that. Section 54(1) placed workers in a ridiculous situation. If a worker became a quadriplegic after being hit by a forklift in a factory, and the forklift happened to be registered, he or she was able to make a claim of about $2.5 million. If the forklift was not registered and, therefore, he or she was not covered under SGIC, he or she could claim for some WorkCover payments and a bit of pain and suffer-

ing. That is what the Labor Party did to the workers of this State.

An honourable member: The champions of the workers!

Mr CUMMINS: Yes, but let us forget about that for a minute. Members opposite talk about widows and children. They also had a go at third party rights. They were not satisfied with having a go at the workers—they also decided to have a go at everyone. The member for Ross Smith talked about the widows and the children, so I ask: what did his Party do for the widows and children? The Labor Party amended the Wrongs Act. It took away substantial claims for pain and suffering. It took away interests on claims, and it took away solatium claims. That is what the Labor Party did to men, women and children. That is the Party that cares about workers and widows and children! The Labor Party led the way in removing the rights of workers and others under third party insurance. So much for the sympathy of the Labor Party for workers and people in this State.

I want to deal with what the Labor Party attempted to do with the Workers Rehabilitation and Compensation Act 1986. It was introduced by a member who is not present at the moment, the member for Giles. It is patently obvious, if members look at the sections of the Act. Members opposite criticise us for what we say about stress claims, but let us deal with that. The former Labor Government introduced section 30A. In fact, that section provided that there was no claim for stress if the work was not a substantial cause of the disability. You have to ask the question: what does 'substantial cause' mean?

If we look at the third edition of *Legally Defined Words and Phrases*, the words suggest a dichotomy into the substantial part and not substantial. The dictionary definition says exactly the same thing. You attempted to introduce that provision to limit stress claims, but unfortunately, because of the competence of the Bill you introduced and the ability of the person who presented it, namely, the member for Giles, you failed. That was your intention, and that is clear from the words that you used. So we now have to amend the Act and use the terminology 'wholly and predominantly', which means 51 per cent or more. That is the provision that you attempted to introduce in 1986.

Mr QUIRKE: I rise on a point of order, Mr Acting Speaker. Even though this is a prepared address, and we can see that, four times in the past minute the honourable member has said, 'You over there'. I believe that is blatant disrespect to the Chair.

The ACTING SPEAKER: I think the member for Norwood should use the word 'they' and not 'you'.

Mr CUMMINS: There is one over there at least. I refer to section 56(1). The provision has always applied that if someone is involved in misconduct at work they are deprived of a claim. Again, that provision was introduced into this Parliament by the Labor Party. All we have done, under new section 30, is to use the words 'wholly or predominantly', which mean that the causation is greater than 50 per cent; namely, 51 per cent. Are members opposite really saying that it is unreasonable that a person who goes to work drunk or under the influence of drugs and who suffers an injury and the predominant or greatest cause is the alcohol should be deprived of a claim? I find it quite amazing that they should even suggest that, but that is what they are suggesting. I want to deal with a couple of other things. The member for Ross Smith talked about the—

Mr Quirke interjecting:

Mr CUMMINS: What are you saying?

Mr Quirke interjecting:

Mr CUMMINS: I was never caught by the factions of the ALP. They never interested me and I was never a member. Looking at the numbers over there, we can see the effect that the factions have had on the honourable member's Party. They have basically destroyed his Party. I think I was very wise not to support the factions system and not to get involved in it.

Members interjecting:

The SPEAKER: Order! The member for Mitchell is out of order.

Mr Venning interjecting:

The SPEAKER: Order! The member for Custance will not interject from where he is.

Mr CUMMINS: We all remember that there was a working paper on the Workers Rehabilitation and Compensation Act before it was enacted. The legislation was finally passed and there were some changes. What did that Act attempt to do? An examination of the proposals looked at in light of the operation of the Act demonstrates that the legislation has fallen far short of stated expectations. For example, it was stated that the system of appeals adopted should avoid delays, excessive legalism and high cost.

Members will be aware that the Full Court list of the Supreme Court since this legislation was enacted has been clogged with WorkCover claims. In fact, 50 per cent of cases before the Full Court in the past few years have been in relation to this legislation which was introduced by the member for Giles. It was a brilliant piece of drafting and analysis of establishing workers' rights by putting them to the cost of going to the Full Court of the Supreme Court on numerous occasions. So much for the intent of the Act that it should avoid delays, excessive legalism and high cost. What a failure that was!

The first level of appeal was to provide for a speedy and informal hearing before a review officer. Union practitioners and practitioners for employers tell me that they go there sometimes and cannot even find the files. So much for the organisation that the former Government established. In addition, in relation to the speedy process of review officers, I am told that the process by practitioners in that jurisdiction takes about a year, if not more.

Mr QUIRKE: I rise on a point of order, Mr Speaker. I believe you ruled this afternoon that the use of cellular phones and their activation in the Chamber is not on. I would seek your ruling on that in respect of one of the advisers in the box.

The SPEAKER: Order! The use of cellular phones is not permitted in the Chamber or in the lobbies. I advise any assistants to the Minister to bear that in mind.

Mr CUMMINS: The legislation has been subject to endless amendment, as we all know, and litigation before the superior courts. They have had to do that to grapple with the proper interpretation of the legislation. The reason is that the member for Giles and the Labor Party decided that they were going to have some sort of airy-fairy Act which they thought would help workers. They did not use the traditional wording of this sort of legislation, and for that reason matters are constantly going to the Supreme Court.

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

Mr CUMMINS: Prior to the dinner adjournment, I was talking about the Act introduced by the Labor Government in 1986 and saying, in regard to the working paper on that

Act, that it purported to say that the legislation would reduce delays, reduce excessive legalism and diminish costs. Given the amount of litigation in the Full Court of the Supreme Court and the Full Industrial Court and the confusing decisions of review officers, it has been totally and wholly unsuccessful.

I will now turn to a matter raised by the member for Ross Smith, who referred to commutation and said that we, the Liberal Party, in our legislation deprive the workers of the right of judicial review. Judicial review, of course, is an investigation into whether or not certain procedures are being carried out by the authority in relation to commutating loss of earning capacity.

If one looks at the Act and asks the question, one sees that in 1986 the same provision existed. In 1986 in relation to commutation of loss of earning capacity, under section 42a, the Labor Party in government inserted the same provision, namely, that it was not reviewable. Yet the honourable member tells us that we have inserted that provision in new subsection (4) of section 42 when in fact his Government, the Labor Government, inserted it in the legislation in 1986. Talk about calling the kettle black, but perhaps if he had read the legislation a little more carefully he might have known what he was talking about.

The other point that I found interesting in his speech yesterday related to common law rights (and I have addressed the House in relation to that, saying that the Labor Government deprived workers of common law rights, and it certainly did): the member for Ross Smith justified that by saying that the workers (the union) have equal representation on the board. What a fatuous statement that was. Members opposite are prepared to give away fundamental common law rights that have been available to workers for hundreds of years so that they can get equal rights on the board. We all know why they gave away workers' rights, namely, because Peterson said that if they did not amend the Act he would force an election. They knew that they would lose the election. They were looking after their own pockets and not looking after the workers with this legislation. They never have.

I refer now to the working paper brought down prior to the introduction of the legislation in 1986. The proposals in that paper contemplated a potential reduction in workers compensation premiums of 44 per cent. By 26 April 1990, less than three years after the legislation had been enacted, the industry was paying 7.5 per cent. I suggest that, rather than delivering a reduction in premiums of up to 44 per cent as promised, the Act has been a total and complete failure. It has put this Government in a position where there could be a massive blow-out. The amounts of compensation payable for income maintenance are to be calculated by reference to three separate criteria, depending on the duration of the incapacity. As we know, the first 12 months attracted 100 per cent of notional weekly earnings and the second 12 months 80 per cent of notional weekly earnings, if suitable employment was not offered. In other words, the intent of the provision was that in the second year one would get far less and would have to be assessed as to what work one could do.

However, we know that, because of the poor drafting of the legislation, the courts have said that the labour market can be taken into account: someone can be on 80 per cent for the rest of their life. We now have the discrimination legislation, which would clearly indicate that a worker who has been injured can be on 80 per cent of their notional salary indexed for the rest of his life. That was patently obviously not the intent of the working paper or of the Labor Government when the Bill was introduced, but that is what has happened. It has happened because of the incompetence of the drafting and because of the terminology—not sticking to well tried meanings of words.

The difficulty was that WorkCover, when it calculated the cost of the system, worked on the basis that the claims would cut out within five to seven years maximum. The reality, as we now know, is that they are for life, so I predict that in future there will be a massive blow-out in the WorkCover bill. That is another example of the incompetence of the Labor Government in relation to this legislation. In addition, it used terminology that was not well known in this sort of legislation. A prime example of that is the third schedule of the Act, which deals with lump sum compensation. It uses the word 'disability', which has a well known meaning, but clause 4 talks about a percentage of total bodily function represented by a particular impairment of a physical or sensory faculty; that is to be determined in accordance with professional principles governed by regulations.

The regulations refer to the meaning of 'sensory loss' as being that defined in the United States guidelines. So in relation to lump sum compensation for injuries, we have three different criteria: disability, subjective assessment of extent of injuries compromising an individual; impairment, an objective test of loss of function; and a further test of loss of sensory faculty, which adopts the guidelines of American Medical Association. It is no wonder, given this sort of legislation and the lack of use of traditional meanings, that 50 per cent of the Full Court list is being occupied since this Act came in whereas, if one looked at the number of cases under the old Act, one would be lucky to find one every two years. Again it goes back to the incompetence of the Act, the way it was drafted and the fact that it was foisted onto the people and workers of South Australia by the Labor Government. In other words, the legislation has not fulfilled its objectives.

These are not simply my views. If one looks at the Full Industrial Court case of *United Yellow Cabs Services v WorkCover* (decision 188 of 1993), one finds that the Full Court, in unanimously commenting on the transitional provisions of the Act, made the observation:

> To state that the transitional provisions are poorly drafted is an understatement. They have already given rise to much litigation and, whilst they remain in their present form, they are likely to continue to do so.

Anyone who practises in the law, on either the employers' or the workers' side, in that jurisdiction will say that the Act is absolutely hopeless. We are doing something now to amend the Act, but the reality is that the Act has to be completely changed because it does not work and will not work.

The courts, in interpreting the Act, because of poor drafting, have basically made the law. In fact, the Full Court of the Industrial Court, in that case dealing with the transitional provisions, which basically wiped out certain rights that workers had because of the poor drafting of the legislation, admitted that it was virtually redrafting the legislation as part of the decision. That is what has been foisted upon us by the Labor Government. It goes back to the fact that it was trying to get lawyers out of the system because, as Blevins said, he does not like them. I have forgotten what he called them. The Labor members thought that they were looking after workers but, in fact, the contrary has happened. The cost in the system has escalated and will continue to do so. The cost of this litigation has also escalated. They have failed in every single objective that they intended to achieve with the

Act, yet the Labor Opposition comes here today and attacks us but, in fact, if we look at the provisions of the original 1986 Act, we find that they are not much different from the provisions in relation to stress or many of the other provisions.The only difference is this: our provisions will work. When the Opposition tried to put in its provisions, because of the incompetence of the drafting they did not work.

Mr ASHENDEN (Wright): In supporting the Bill, I want to make a number of points. First and foremost, it is important to address some of the issues raised by the member for Ross Smith. I do not think that the member for Ross Smith has learnt a lot since he has been in this House, because he has carried on with his typical nonsense and he has used the good old union strong arm muscle tactic of making threats. When you are a union secretary you can, of course, go along to employers and say, 'Either knuckle under, buster, or we will call our members out.' He seems to think that, if he makes threats to members opposite, he will get his own way.

His threat this afternoon was that he would send a letter to all workers in the electorates of some of the members opposite. I hope he does. I really hope he sends them to my electorate. I would be delighted if he were to send out these letters and save me the cost of highlighting the points I will be making in this and other debates in terms of workers compensation. As I said in last night's debate, I was absolutely staggered by the number of employees who advised me of the rorts that some of their co-workers were undertaking; they were angry that the system was being abused and that people were swinging the lead and not carrying their weight. I can assure the member for Ross Smith that many times we were made aware of rorts by the employees themselves.

He then had the nerve to say that rorts were pulled occasionally by some employees and often by employers. I can give him chapter and verse of situations where rorts were instigated and carried through by the union—where the union was the instigator. The union went to the employee and said, 'Listen, buster, here is a chance for you to really take them to the cleaners.' And away they would go. I can cite case after case where the union actively encouraged employees to rort the WorkCover system. No wonder these ex-union heavies are now coming here and carrying on, because they do not want to see their little game coming to an end.

I gave examples in an earlier debate of the sorts of situations where the union has encouraged employees to rort the system. I gave the example of an employer who advised me of an employee who had a number of WorkCover claims. The employee went on leave and eight days later he injured his back while doing some repairs to furniture in his house. He returned from leave and months afterwards happened to drop the word, and the union said, 'Well, listen, put in a WorkCover claim and you will get some payment for that.' That was despite the fact that the employee had injured himself while on holiday, did not report the incident to the employer for months after the injury had occurred, and did not get a doctor's certificate for a couple of years after the injury, and then only at the instigation of the review officer when the matter was appealed. All this time the union was pushing to ensure that this employee continued to rort the system.

I could give other examples. I note that the member for Ross Smith did not answer the question that I asked him to address last night as to why an employer should be responsible for payments in relation to journey accidents or accidents that occur when an employee is not actually at work. He brought out, in a most unfair way, an extremely unfortunate situation that occurred in the South-East. He used that accident for his own ends, and I do not think you can get much lower than that. Let us make no mistake about that accident where those employees were killed. They had cover in one of two ways: if they had signed on prior to commencing that journey, which is not uncommon in situations such as that, they would still have been covered under this Bill; on the other hand, if they had not signed on and were travelling to work, they would have been covered by compulsory third party insurance.

All members in this House would be only too well aware that compulsory third party insurance pay outs are usually in excess, and often well in excess, of any entitlements under WorkCover. I have never been able to understand why the unions have pushed so hard for journey accidents to be covered under WorkCover when, particularly if it is a motor vehicle accident, the employee would probably be entitled to greater payments under compulsory third party.

I have still not had an answer from members opposite as to why an employer should be responsible for a journey accident. The employer has no control whatsoever over the environment in which the employee is operating at that time. At work, there is no argument. The employer has a very strong responsibility to ensure that the work place is safe and one in which the employees can work free from the threat of accident. As I said last night, as far as I am concerned, any employer who does not meet his obligations in those areas deserves all the condemnation that can be brought upon that employer. Similarly, the employee has responsibilities too. I gave instances last night where, unfortunately, the employee would abuse the system. While employees are at work, they should be covered under the WorkCover legislation, and they will be covered under this legislation.

Again, I plead with members opposite not to come up with any emotive argument. I want an answer from them as to what logical reason there is why an employer should be required to pay. Do not let them say it is not the employer paying out but it is WorkCover. They know as well as I do that, as soon as you lodge a claim against WorkCover, the size of the claim and the number of the claims immediately impact on the bonus penalty situation for the employer and, therefore, every claim increases the cost to the employer, because the money that WorkCover has can come from only one source, and that is the employers. Why should the employer be responsible for payments in relation to journey accidents?

That is a simple question. I do not want the South-East situation raised. All I want is an answer as to why the employer, who cannot control the environment that the person is in when the person is travelling to or from work, possibly in his or her own vehicle, or whatever it might be, should be responsible?

Mr Foley: Why not?

Mr ASHENDEN: 'Why not?', asks the honourable member. That is typical of the Opposition. All care and no responsibility. Let the employer pick up the tab. The employee does not have to be responsible at all. Let the employee drive as he likes, be as irresponsible as he likes, but the employer will be the one who pays.

Mr Foley interjecting:

Mr ASHENDEN: Why do we have compulsory third party cover? You were obviously out of the Chamber when I was covering that point. Again, I want an answer from members opposite and I cite the example of an employee who

leaves the employer's premises to go shopping. This is a specific example that occurred when I was group human resources manager with one of my previous employers. The employee left the premises at lunch time to do some shopping. That employee slipped and fell on some stairs in a retail store and injured herself. The employee immediately returned to work and hit us with a WorkCover claim.

Why should the employer be responsible? One of two things happened: either the employee was not careful in descending those stairs, in which case it was her own fault; or the stairs were in an unsafe condition and then, surely, the responsibility for any damages rested with the owner of the retail premises. Why did we, as the employer, have to cop that claim and again have our bonus penalty scheme affected? Again, it was out of the control of the employer. The environment could possibly be controlled by the employer. I look forward to members opposite telling me why the employer should be responsible for the injuries incurred when the employee is not on duty and is in premises other than those owned and operated by the employer.

I do not want emotive arguments: I want a good, reasonable, logical answer to the question why the employer should be the one who picks up that tab. I can hear them already: 'The member for Wright, cruel, hard-hearted beast that he is, wants to see these people without any money.' Nonsense! This person could have claimed against the owner of the retail premises just as those employees injured in journey accidents—if travelling in a vehicle—could claim on third party insurance. Once again, the ignorant people opposite say, 'Just toss it to the employers.'

Mr Foley interjecting:

Mr ASHENDEN: I tell you what, I would be able to run rings around your knowledge, because all you people do is say, 'Hit the employer. Make the employers pay.' They then wonder why the business community in this State is going down the gurgler. We will come later to other examples raised by the member for Ross Smith, who so frequently resorts to personal abuse. I guess these are his old tactics from when he was a union secretary. If he cannot get his way, he will threaten and abuse, and they will cave in. He is in Parliament now, and I would prefer to hear logical arguments rather than abuse coming from him.

The honourable member talks about stress claims. No wonder the legislation has had to be tightened up. First, we had the Mediterranean back, then RSI, and now we have stress. Let us face it, there are some genuine stress claims that should be met and will be met under this legislation. But, boy, is this ever an area that has been open to rort, and haven't the unions had a field day in advising their employees in the ways in which they can get away with stress claims!

I can give a perfect example of an employer in my electorate who has given me chapter and verse. In fact, I have seen the full transcript of this matter when it was raised as an appeal and it was covered by a review officer. It is just about enough to turn your hair grey to see what happened in that hearing. Here was a woman extremely happy at work and who had said so many times to her fellow employees, 'The only thing that keeps me happy is the fact that I have this job.' Unfortunately this employee had very real problems at home. Enter the union: here is an opportunity, hit them for stress. This is what happened.

The employer, on his own initiative, instigated an appeal, and the matter went to a review officer. Eight witnesses went along (and I have read the transcript): four were fellow employees, all of whom put forward the points made by the employee—how happy she was at work, how great it was to come to work and get away from the problems at home. Four independent witnesses from outside the workplace who were called said, 'Yes, when we've called at those premises she has made those comments to us.' Only one witness said this was not true. Who was that? The employee. What happens? Members opposite wonder why I talk about political patronage. In this instance, the review officer found in favour of the employee. Absolute nonsense! No wonder we have to tighten up the legislation.

Here is another example of where an employer went to the review officer. The first thing the review officer said, before any evidence had been taken, was, 'This is only $600. You can afford that. Why don't you just pay it and forget it?' That is coming from a supposedly independent review officer. Needless to say, the employer did not accept the advice. What was the good? Evidence was brought in that supported the employer. Only one witness (again, the employee) led, encouraged and cajoled by the union, and the review officer said that he felt that the employee was of an honest nature and he rejected all the other evidence that had come in. In other words, he was really saying the evidence brought in by the others just was not reliable. That was the review officer who said, at the very start, 'Look, employer, it's cheap; you pay it, anyway.'

Then the member for Ross Smith talks about wilful acts and employees affected by alcohol, and uses the emotive argument, 'What about the poor widow and the children?' If the member for Ross Smith and the unions are so concerned, I suggest that the union could pick up the tab for its members. The honourable member shakes his head. But, the employer can pick up the tab—no problems! Make the employer pick up the tab, but not the union! I have an example here from an employer where a wilful act came into play, where the employee told the employer that he was going to lodge a claim with WorkCover just to get even. Within two weeks the employee injures himself deliberately on two occasions on the one day, and he is out on WorkCover. Why should the employer have to pay where the employee deliberately injures himself purely and simply to spite the employer?

Then we talk about those affected by alcohol. Again I make the point that all the unions are saying is that the employer has to have all the responsibilities for the actions of the employee. Does not the employee have any responsibility? Should not the employee be responsible for making sure that he conducts himself so he will not injure himself, let alone deliberately injure himself? Should not the employee ensure that he never becomes influenced by alcohol and therefore put himself in a position where he could be injured? Why should the employer have to pay for the irresponsible behaviour of employees? Again, I do not want to hear any more emotive nonsense like we have had from the member for Ross Smith. I want a calm, reasoned answer as to why it is the employer who should have the responsibility for employees' abuses of the sort I have just outlined.

They are the three areas I really do look forward to hearing about from members opposite: why employers should be responsible for journey accidents; why employers should be responsible for injuries occurring to employees outside the workplace and when the employees are not on duty; and why employers should be responsible for injuries that a worker deliberately causes to himself or herself or are caused because they are under the influence of alcohol? If members opposite, who are all union hacks, believe it is the employer who should be responsible, I say, if they are members of their

union, why on earth is not their union responsible for those payments? It is just as logical. Again, the honourable member laughs, but I look forward to hearing his explanations as to how and why an employer should be responsible when an employee injures himself or herself away from the workplace, away from the area that the employer has any opportunity to control whatsoever.

Perhaps members opposite are telling me that the employer should not allow employees to leave the premises at lunch time. Is that what they are advocating? That is the sort of dictatorship they are so used to practising within their own ranks. There are a number of matters I have touched on and will expand on tonight and in the third Bill in relation to WorkCover. I spoke last night about the composition of the board and the problems presently experienced by employers involving review officers, the problems that employers are experiencing because of the existing legislation—and I have certainly covered many of those points—and I am delighted that the legislation that is coming forward will remove the opportunities for rorts in so many areas.

I look forward to a situation in which we will have a structure that is fair for all. Again, I would make the point that I do hope that this speech will be circulated throughout my electorate by members opposite. I would be delighted for them to go to that cost, because I know from the feedback I get that the ordinary people out there, the ordinary workers, are just as opposed to the rorts of the system that are going on as I am and as are other members on this side of the House. It is intriguing to note that it is the unions that are carrying on in this way.

Again I point out that one of the things I have had to negotiate many times in my previous places of employment was unions coming and saying, 'We want you to make this a closed shop.' The reason was they could not attract the members, so they wanted the employer to turn around and do their dirty work and make it a closed shop. That is a fair indication, certainly where I have been, where there have been problems with the unions getting members, particularly in the clerks area. The employees said they wanted to have nothing to do with the unions.

Mr Quirke: Was it a closed shop?

Mr ASHENDEN: No. I have had one closed shop, but otherwise there has been a choice, and I think it is right for all employees to decide whether or not they want to be a member of a union. There have been problems in all sorts of areas, but I am delighted that this legislation will at last take action to remove the unfair costs in relation to journey accidents, lunch breaks, false stress claims and various other rorts. I look forward to supporting this Bill right through this House to the point where it becomes law and where at last the employers of this State will have an incentive to increase employment.

Mr BROKENSHIRE (Mawson): It is gratifying to see at last a sensible and sustainable effort going into provisions relating to workers rehabilitation and compensation, in order to ensure that *bona fide* workers are rehabilitated and compensated, as was always the objective of the workers compensation principles. It is worth pointing out to the member for Ross Smith, who claimed that road transport workers on a recess or lunch break would not be covered, that clause 30(3)(b) clearly provides that a worker's employment includes attendance at the worker's place of employment during an authorised break from work. If they are having their smoko that is certainly an authorised break and is certainly occurring at their place of work and, therefore, they would obviously be covered. It would be very helpful to the community if those points were clearly spelt out by members opposite instead of their creating all the fear that we are witnessing.

The objectives of this Bill are precise, but they are also broadly based so as to accommodate everything required in respect of workers compensation. It is very important that we get the journey definition cleared up once and for all, because everyone knows, and it has been quoted time and again in this House over the past few days, that unfortunately a few rorters have made the position very difficult for other workers, particularly those who have been unemployed. That is because these rorts are pushing WorkCover levies through the roof, and this does not encourage employers to get on with the job of employing. The simple fact is that if you continue to increase taxes and charges you will not get people back into jobs. You have to be world competitive and cost efficient, and that means having lower taxes and charges. That can all be accommodated in a Bill such as this which protects the people it is meant to protect and which stops the actions of rorters.

We hear the member for Ross Smith saying that we will disadvantage people because they will not be protected as they go to and from work. It is a wonder that he has not said people should be covered when they get out of bed in the morning, go to put on their socks and boots for work and happen to bend over and twist their back. He would claim that they were preparing for the journey to work. When does it stop? The clear fact is that until such time as workers get to work—just as in the case of students travelling to school or people going to church, or people involved in any other area—they are not actually in attendance until they get there. Why should they be covered and the whole community have to bear the brunt of this cost because of the inadequacies of the current Act?

The composition of the advisory committee is well thought out and truly representative of both workers and employers—something that has been sadly lacking in the past—with the ability to look at the whole matter in a constructive manner. Is disturbed me yesterday to hear comments from the other side that we hate workers.

An honourable member: It's true.

Mr BROKENSHIRE: It is far from true, and it is about time members opposite realised that we love to create jobs, and that is why we are here, working and introducing Bills such as this so that we can, in fact, create jobs. Many of us have a real passion for employment and have been trying for a long time to create jobs amidst massive difficulties caused by the actions of members opposite, who claim to be creating jobs but who, in fact, have been doing the opposite. It is a source of great satisfaction to be able to create jobs, and the history of this State shows that the best job creation measures have taken place under a Liberal Government. The honourable member claims that we hate workers. I can recall the honourable member as a Minister going down to Elder Park and saying that all farmers were the same, implying that because we were farmers we were some rich and almighty group of people who were getting benefits from the community that others were not.

In fact, 60 to 70 per cent of this State's income still comes from agriculture and mining, and it would be a good idea if members opposite remembered that. Our Premier put out a press release this morning referring to laying the foundations for economic recovery and to WorkCover (and I will quote

that in a minute), but the Leader of the Opposition cannot bring himself to admit that this Government is on track and agree to work with us in the best interests of South Australia. When he was asked on SAFM how he thought this Government was going after its first 100 days, he said he thought it was 'airy fairy—let's just say like a sponge cake'. I thought that was quite a compliment, frankly, because anybody who has tried to cook an airy sponge cake and get it to rise would have found a fair bit of difficulty.

If we compared that to our getting the economy going again—and getting it rising—I would have to agree with the Leader of the Opposition, but if he means it in another way he should get his mind back on the job, be realistic and agree that this Government is doing a good job in introducing Bills such as this. The Leader of the Opposition's problem was that he was never able to get any air or rise in the cake; in fact, all the previous Government produced was a flat cake which nobody could eat.

The Government is committed to bringing about major reform in South Australia. What is fundamentally different about the style of government we now have in this State is that the new Government is working with the whole community to achieve long term prosperity for all South Australians. The last thing this Government wants for South Australia is the sort of confrontation we saw in the other States. Such confrontation would only impede economic recovery, yet members on the other side fail to see it and want to oppose a sensible Bill such as this.

We are already moving to achieve significant reform in industrial relations and other matters in this State, and it is crucial to the future of South Australia that this Bill should proceed. Scaremongering and outright scandalous attacks on the Bill do nothing whatsoever to give the public of South Australia the true image of what we are trying to achieve. Whilst one member on the other side said that we will not save a lot of money out of Bills of this sort, he should remember that many new spokes need to be built into that new wheel, and if we can rebuild the strength of that wheel—and this is one vital spoke—we will have a wheel that will work well for South Australia.

Mr Brindal: It might even turn.

Mr BROKENSHIRE: It might turn in a positive direction rather than in a negative one. Members opposite claim that, under the Bill, workers such as firemen, police and ambulance officers will not be able to claim for stress and trauma. We know now that that is simply not true at all. In fact, those workers will be more than satisfactorily protected. Indeed, as all of us on this side of the House really enjoy working with and looking after workers, we will not do anything to them, except give them and their families jobs. That is also what this Bill is about. However, we read of cases such as that of a gentleman working for the Correctional Services Department as well as having another job. This is anecdotal, but it is *bona fide*. The department said that he could undertake the other job, but he did not turn up for correctional services duty for 14 days, because he was too busy doing his other job. The bottom line was that when confronted by the senior Correctional Services officers he went out on a claim alleging that he had been stressed out by the interrogation of the officers. He therefore cost all his workmates a lot of money in claims to which he was never really due.

It is the same with drugs and alcohol. Why should anybody be protected when they go to their work affected by drugs and alcohol? Clearly, they are negligent in their duty, and others should not support them. The unions are having a fair crack at us as well at the moment and are running around telling the public things about this legislation that are simply not true. I suggest to the unions that, while I am not a union basher and I know they have an important role to perform, if they were to get out and work for their members instead of scaremongering as the Opposition is doing, maybe they would get more members. It is sad that some of my constituents in the Public Service who endorse this Bill and who tell me they are being threatened by the unions say that the only hope they will ever have of participating in enterprise agreements and the like is if they join the union, otherwise the deal done with some seniors in the Public Service means they will miss out. We have a democratic process here and an opportunity for people to be represented either by the unions and by their own small committees or at last by an independent ombudsman.

I will not dwell much more on that, because it is clear that I support the Bill, but it is worthwhile highlighting a few points. Before Victoria resolved its problems it was $2 billion in the red and an array of powerful forces within and outside it fiercely resisted any change. The story of Victoria's turnaround is remarkable. Vested interests were challenged, debt was turned into surplus and an entrenched culture began to change.

What was Australia's basket case is now teaching other States how to operate. It is for that reason that we must support the Bill. The results are startling: unfunded liabilities have been reduced from $2 billion to less than $250 million. The people servicing that system are similar to those servicing our system. Doctors, lawyers, rehabilitation consultants and so on were grabbing around 35¢ of every dollar, and I am sure that is what has been happening here, and that is certainly not in the interests of the worker.

I would summarise by saying that Pat Zehntner, who handles rehabilitation for Tubemakers Australia, claims that the reforms that have already been introduced in some States are simply fantastic. Under the old system people rarely returned to work, but people are now claiming that under the new system they do not have people who do not return to work. That is what this Bill is all about: it is about protecting people and getting them back to work and getting South Australia back on the road. I commend the Bill to the House.

The Hon. FRANK BLEVINS (Giles): I oppose the Bill, which is the second of the three Bills which collectively are designed to fundamentally change our system of workers compensation, the best system in Australia and, some would say, the best system in the world. If South Australia can be proud of something, it is that it looks after its sick and injured workers better than any other State in the world. That is something to be proud of. It is an enormous plus. Before making my points, the member for Mawson mentioned something about a farmers' march back in 1983, from what knowledge I do not know, and said that at the time I said all farmers are rich. I have never heard such nonsense in my life. I dare say that some members in the Chamber were present on that occasion, but I will bet that the member for Mawson was not one of them. I can assure the member for Mawson that I said nothing of the sort.

The first speech I gave to the UF&S was in the presence of the Minister for Industry, Manufacturing, Small Business and Regional Development as the then Leader of the Opposition. I congratulated him on getting all the farmers to support him, because about 86 per cent of farmers voted for

him when they had a gross income of about only $6 000. That said something for his skills, and it also said something about the farmers. I point out to the member for Mawson that the main beneficiaries when we fundamentally changed workers compensation were farmers and miners.

The main beneficiaries were the productive sectors of the economy. It was designed that way: they were cross-subsidised by the likes of real estate agents and others. The productive sectors of the community were the ones that benefited. Members in this House were big enough to say that. Shearing contractors in this House were big enough to say that their workers compensation levy dropped a tremendous amount. Small business people were big enough to say that, had those changes not been made, they would have gone out of business.

My local plumber in Whyalla said that had we not brought in the WorkCover system he could not have afforded to employ plumbers. He was paying 16 per cent and the cost was increasing, but his levy went down to 4 per cent. The member for Mawson might know a lot about selling real estate, but he does not know a great deal about workers compensation or history.

Mr Brokenshire: You ought to try employing—

The Hon. FRANK BLEVINS: Well done! I have always been an employee, the one who actually did the work and produced the wealth. I have always done it, and always in the private sector. I have never exploited anyone—I have always been the exploited one.

Members interjecting:

The Hon. FRANK BLEVINS: That is absolutely correct. I said yesterday that the main point that came through in respect of these Bills was spite. The Minister claims the legislation will not have much affect at all other than in respect of people who rort the system. Even when that was absolutely incorrect as the Bill came in, the Minister produced an amendment to try to patch up some of the things that he botched, particularly in respect of emergency services. That is what it is designed for: it is designed to shut the place up; it is designed to shut up the 'firies' and the 'ambos' and so on. It will not work.

The Minister referred to rorts. There are always rorts. We saw mention of rorts in this morning's paper, but they were rorts by the bosses. There will always be some people who will abuse the system. It is not unknown for the occasional member of Parliament to do the same thing, to abuse the system. Even if with a magic wand we removed all the rorts and made the legislation perfect and beyond challenge in the courts, with every word a small gem and correct, what would we achieve? If we take out all the rorts, what do we achieve? We would not save even two bob in the scheme of things. That is what concerns me about this Bill, and that is why I say it is spiteful.

I refer to journey accidents. The members for Mawson and Torrens asked why an employer should be responsible for covering a worker travelling to and from his or her workplace. The reason is simple. Someone ought to cover the worker in that situation. If we had a no fault compulsory third party motor vehicle system, the argument and the question would have some validity. In some States there is no coverage through workers compensation but they have a no fault system of compulsory third party motor vehicle insurance. I am happy to discuss which method is best, but in South Australia we do not have no fault compulsory third party motor vehicle insurance. That is the answer.

I now refer the House to some concrete examples, and I hope that in responding to the second reading debate the Minister will tell me whether the examples raised by my constituents are correct. The examples given are specific, and it ought to be easy for the Minister (if he pays attention) to comment on them. First, I refer to a teacher who lives at Cowell and works two days a week at Cowell and three days a week at Cleve. He travels 42 kilometres along kangaroo infested roads to get to work.

The Hon. G.A. Ingerson: Covered.

The Hon. FRANK BLEVINS: The Minister says he is covered and there is no problem. From leaving the front gate—

The Hon. G.A. Ingerson interjecting:

The Hon. FRANK BLEVINS: So, to start work, from outside the gate, not on pay, but travelling to work—

The Hon. G.A. Ingerson interjecting:

The Hon. FRANK BLEVINS: That is fine. We will get it on the record. What about teachers who take students on excursions, but not during paid school hours?

The Hon. G.A. Ingerson interjecting:

The Hon. FRANK BLEVINS: All covered. The Minister is saving less and less. He was not saving much in the first place, but he is saving less and less. Another example is aquaculture teachers who transport students to and from school and leave the site by boat on Franklin Harbor. Are they all covered?

The Hon. G.A. Ingerson: Ask the question in Committee.

The Hon. FRANK BLEVINS: Are they covered?

The Hon. G.A. Ingerson interjecting:

The Hon. FRANK BLEVINS: I am asking you now. You can answer when you respond to the second reading. You have all these characters here; some of the finest brains that the employers can put up.

Mr Bass interjecting:

The Hon. FRANK BLEVINS: I will come to you in a moment. What about teachers who use their time at weekends and after 5.30 p.m. to prepare school lessons in the school environment? They are not on pay. It is on the weekend and after working hours. Plenty of schools allow that.

Mr BRINDAL: I rise on a point of order, Mr Deputy Speaker. The member for Giles has been here much longer than I and most other members in this Chamber. He knows there is a Committee stage, yet for the past five minutes all he has done is ask the Minister questions. I suggest, Sir, that you tell him that there is a Committee stage and to confine himself to the debate.

The DEPUTY SPEAKER: The honourable member is entitled to ask rhetorical questions, but he is not entitled to direct his conversation across the floor. I ask the member to address any questions through the Chair.

The Hon. FRANK BLEVINS: Certainly, Sir; you are quite correct. I am perfectly entitled, during the second reading debate, to ask these questions that were raised with me by a constituent. What is new about that? I am outlining some of the difficulties. It may well be that these difficulties can be cleared up by the Minister and his advisers—and I am sure the member for Mawson would not be one. What about teachers travelling to a conference to develop themselves professionally, or to gather information for a school? Are they covered? I look forward to the Minister's response to the second reading to find out. I think these are quite legitimate questions. This teacher is not being smart but wants to know. It is very important.

In relation to journey accidents, the principle is perfectly sound. There have been some rorts and decisions which were fairly inexplicable. However, I can assure members that there have been some inexplicable decisions on the other side, too, where one would have thought the worker was a lay down *misere* to get the decision but that did not happen. On other occasions a case has been won when one would have thought that it would not go to court. You win some and you lose some in tribunals and courts, and there is nothing new in that. There is no reason at all to fundamentally change the scheme. Fine tune it certainly; and we did that.

I now refer to breaks off pay or during a lunch period. Again, why bother? How many claims have there been for injuries caused during a lunch period? You go to all this trouble to cover that and what have you got at the end of it? Next to nothing. The question of stress is interesting. There are some occupations which are incredibly stressful, and there is no doubt about that, but there are others that are not. I do not have a great deal of difficulty in some of these areas if some stress claims are disallowed. We did something in respect of stress, and as a result we had a few problems with the trade union movement. It is clear that the question of stress ought to be related to the occupation. I have no complaints about some of these things being tidied up. Let us do it.

I refer to wilful misconduct on the job. It seems to me to be petty and spiteful. The people who will suffer are the dependents of the worker. The fundamental basis of our system is that it is a no fault scheme. It does not tell the worker that they have been negligent to this degree or that degree. That is not the foundation of the scheme; the platform is no fault. The workers gave up an awful lot, some still say too much, for that fundamental principle of no fault. They gave up their rights, in the main, to a common law claim. It is not an insignificant right. They gave that up to have a no fault system. The Government is now attempting to introduce fault into the system. If that is the case, there is another side of the coin and at some stage, if this Bill goes through in anything like this shape and changes that fundamental basis, you will start getting claims on the job. Employers did not want it, and I did not want it. If you tamper with the scheme too much, that is what will happen. If you believe that the economy of this State will always be in a position where the workers do not have any industrial power you are kidding yourself. The wheel does turn.

There can be no other explanation for this Bill other than spite, ideology and a general hatred of workers. The 1.8 per cent announced by the Minister for workers compensation premium rates to come down by is a tiny fraction of what will be achieved by the measures that I have referred to, that is, stress claims and journey accident claims. In relation to journey accident claims, I think that after SGIC has paid WorkCover it costs about 2 per cent of the premium or 2¢ in the dollar. It is nothing. It is absolute trivia. What it will not do is bring it down to 1.8 per cent, and that is my point. You can argue over the figures. There is always an argument. With actuaries you get what you pay for. I found that out, and I know that the Minister found the same thing. It is the same with economists and those who conduct audits. What you pay for and what you tell them you want is what you get. They are honest people—they give you what you pay for. What value it is to you is another question.

You can argue about whether it is 2 per cent, 8 per cent or somewhere in between. It is not significant on the way to achieving 1.8 per cent. To achieve that figure requires a significant overall reduction in the benefits that apply to workers. Tinkering at the edges and getting rid of a few rorts will not do it. That is what this set of Bills is about. It is about laying the groundwork for a significant reduction in worker's benefits. If you do that, at some stage you will receive a claim for make-up pay. I will support it, because that was never the deal.

I refer to remarks that were made by the member for Florey yesterday. The member for Florey said I made a cowardly attack on him. I am not quite sure how it was cowardly. The member for Florey was in the Chamber whilst I did it through the Chair as Standing Orders permit. I stated very clearly what I thought about the behaviour of a trade union official in the position that the member for Florey is in now, who, in my view, is selling out the people who gave him everything he has. The member for Florey will have to agree with me. I spent an awful lot of my time as a Minister looking after police officers. At every budget discussion I supported police officers with respect to the level of rent they pay. I did it against a great deal of attack from all quarters including, at times, other public servants. I know the reason why police officers pay such low rent, and I support it. Nobody would touch them while I was a Minister, even though they tried it year after year. We have the best paid police officers in Australia, and I am proud of that. We have the best superannuation for any police officers in Australia.

Mr Bass: Who negotiated it? I did.

The Hon. FRANK BLEVINS: I did.

The DEPUTY SPEAKER: Order! The member for Florey.

The Hon. FRANK BLEVINS: I did.

Mr Bass interjecting:

The Hon. FRANK BLEVINS: We have the best conditions for police officers in Australia.

Mr Bass interjecting:

The Hon. FRANK BLEVINS: That's right, and that is the point.

Mr Bass interjecting:

The DEPUTY SPEAKER: Order! The member for Florey.

The Hon. FRANK BLEVINS: I spent a great deal of my 11 years ensuring that police officers had the best conditions and superannuation—

The DEPUTY SPEAKER: Order! The member for Giles will resume his seat. There is another point of order.

Mr BRINDAL: My point of order, Mr Deputy Speaker, is that I am interested in police superannuation and police rent, but I thought we were discussing workers compensation at present.

The DEPUTY SPEAKER: We are.

The Hon. FRANK BLEVINS: We have the best workers compensation in Australia, and I put a lot of my time into achieving that. It outrages my sense of fairness that, after investing all that time, the member for Florey, who has had far more out of police officers than I have ever had—

Mr Bass interjecting:

The Hon. FRANK BLEVINS: —sits in this place and sells out the very membership—

The DEPUTY SPEAKER: Order! The member for Giles will resume his seat. Debate across the House by members addressing one another is simply not permitted. Members are well aware of that. Display of any material, whether advertising or not, I remind the member for Florey, is not permitted in the House. There have been several breaches of conduct with members haranguing one another across the floor. The

remedy, which lies in the hands of the Deputy Speaker, is simply to name someone. There is no need for the Deputy Speaker or the Speaker to warn any member before being named. I suggest that the tone of the debate at the moment is such as to warrant a naming on either side of the House. I do not intend to discriminate. Therefore, I urge members to be cautious. The member for Giles.

The Hon. FRANK BLEVINS: In conclusion, I dislike the Alf Garnetts of this world. I dislike people who sell out the very people who gave them everything they have got.

The DEPUTY SPEAKER: Order! The honourable member's time has expired. I call upon the member for Elder.

Mr WADE (Elder): This Bill, one of three related Bills, will refocus the Workers Rehabilitation and Compensation Act 1986 towards injuries caused at the workplace. It will ensure that financial, administrative and social commonsense is applied to the WorkCover scheme. Financially, the WorkCover scheme will cost South Australian employers a further $25 million next year to balance its books. The average levy paid by employers is currently 2.86 per cent. This will need to increase to 3.15 per cent of the total payroll to cover the WorkCover blow-out. The current levy of 2.86 per cent is already 1 per cent higher than schemes in operation in other States.

Our scheme costs South Australian employers over $86 million per year and, unless changes are introduced now, this cost to employers will blow-out to over $110 million per year. The effect on employment and employment prospects is obvious. Any company wishing to establish its presence in this State must come to terms with forking out a WorkCover levy 1.3 per cent higher than the national average. An offshore company looking to establish itself in Australia will have to allocate a further 1.3 per cent of the value of its payroll towards workers compensation if it wants to establish itself in South Australia. Businesses struggling to maintain their operations in our State must be looking outside our borders where the levy grass is greener.

This Government is acutely aware of our situation—a situation that contributes to making South Australian businesses nationally and internationally uncompetitive. This Government's target is not just to hold the line against future levy increases but to reduce the average levy rate in South Australia to 1.8 per cent—the national average. This rate will put South Australia back in the race to maintain its current industries and attract new commerce and industry. Further imposts on South Australian employers will place a strain on employment, both current and future.

The Workers Rehabilitation and Compensation Act 1986 sought to establish a no-fault liability in respect of work related injuries. The Act sought to implement and control effective workplace rehabilitation programs and to ensure that injured workers were not financially disadvantaged during the recuperative process. Those are laudable aims that should be supported by all persons seeking a fair deal for employees who have been injured at work through no fault of their own.

The prevention of workplace injuries was delegated to the Occupational Health, Safety and Welfare Act 1986. Everyone soon realised—at least those of us in private enterprise as exempt employers did—that the stages of prevention and rehabilitation were complementary and really could not be separated. As a group manager of human resources and a member of the employer working party that was convened to comment on the 1986 compensation Bill, I did not understand why this separation occurred. I personally view any rehabilitation as a failure—a failure of management, unions and employees to implement adequate preventive safety mechanisms in the workplace. Prevention of accidents must always be the primary objective of any workplace safety program. Failure to prevent is failure to manage properly, whether it be managing people, the material resources or the equipment that is used.

The WorkCover Corporation realised this and its audits of exempt employers covered preventive mechanisms as well as rehabilitative and claims management mechanisms. The standards are tough, but the preventive standards are not tough enough. Injuries still occur that are the result of poor ergonomics, faulty equipment, lack of training and lack of effective supervision/management.

I fully support the integration of the management of the Occupational Health, Safety and Welfare Act with the Workers Rehabilitation and Compensation Act. Duplication of effort will be eliminated and commonsense will finally prevail. Yesterday the member for Giles stated that 'the courts and tribunals of this State have taken workers compensation in this State further than was envisaged by the Parliament'. For once I agree with the member for Giles.

This Bill is not anti-worker. I have heard example after example of situations that have been regarded as journey accident rorts. The Act allowed these people to make their claims and the interpretation of the Act determined the claims in their favour. That does not mean that the employee is rorting the system. The system allowed itself to be taken advantage of by those who saw its faults and loopholes and used them to their advantage. It was often said that the Workers Rehabilitation and Compensation Act was designed on four premises: that all employees were honest; that all doctors were honest; that all lawyers were honest; and that all employers could afford to pay.

Mr Brindal: You could not have a more fundamentally flawed argument than that, could you?

Mr WADE: I agree. Irrespective of the validity of such claims, it is the system that is at fault. It is the current Act that has taken the straight line between an employee and an injury at work and twisted it into a muddled pretzel. This Bill will fulfil the original intent of the Act in respect of work related injuries. The Federal Government's Industry Commission reported that it did not think it was fair that employers should fund injuries not occurring at the workplace.

Again, we agree. An employer can ensure the safety of employees only if the employer is in a position to do so. An employee chooses his or her way to get from home to work or from work to home. An employer cannot force an employee to catch a taxi, a bus or a train. The employer is only concerned that the employee is ready, willing and able to commence work at a designated time at a designated work place. The employer has no opportunity to prevent injury to an employee who is travelling to and from work in whatever conveyance they choose. Therefore, there can be no logical, moral or defensible reason why an employer must be held liable for any injuries sustained by any employee after he or she has ceased work and is travelling home or be liable for an employee injured after leaving home and prior to their actual attendance at their place of work.

The current Act regards such journey accidents as work related and therefore compensable. It regards as compensable injuries sustained by a worker who was cycling home and gestured to a truck driver who passed by close to him; the truck driver pulled up, alighted and punched the employee unconscious. The employee's injury was determined to be a

compensable disability while on a journey home from work. The employer paid. Again it was not the employee's fault. The employee is not rorting the system. It is the system that is at fault as it allowed the situation to occur in the first place. Similarly an employee on an unpaid lunch break is covered by an injury sustained whether or not on the premises. Again, the employer is fully accountable and responsible under conditions where the employer has no right to direct or control the activity or behaviour of the employee. Such a system is ludicrous.

The employer can be responsible for employees only when the employer is in a position to employ preventative strategies. Journey and free time situations are outside the employer's influence and control. Injuries sustained prior to attending work and after ceasing work are not the responsibility of the employer, for reasons I have just given. They cannot be viewed as compensable.

I hope that the member for Ross Smith looks up the conditions surrounding third party insurance. I have for a long time been most partial to extending compulsory third party insurance to include property coverage, but that is an issue for another time. The Occupational Health and Safety Act is clear that a person must not be under the influence of drugs or alcohol whilst at work. This Act states that the employee is responsible for his or her safety and the safety of others whilst at work. If a person injures themselves at work and the injury is caused by unsafe behaviour as a result of the voluntary intake of alcohol or drugs, the employer should not be liable for that injury. That is commonsense. That is fair. The union movement recognises the problem of alcohol and drugs in the workplace and supports counselling of employees. It has supported disciplinary action, even dismissal, against employees who have refused treatment or continued to attend work in an unsafe manner. The unions had no concern for the wives of those employees when they supported those actions.

With this long history of cooperation between employers, unions and employees, there is no logical reason why any responsible union would support the payment of workers compensation to an employee injured at work as a result of their being under the influence of drugs or alcohol. They should not be at work in the first place. They are a danger to themselves and to other workers. One would expect that this amendment would be welcomed by the union movement. It will assist employers, unions and employees in their efforts to maintain a safe and drug and alcohol free work place.

Let us be in no doubt that the prevention of work place injuries is our primary concern. Where an injury is sustained at work through no fault of the employee, the payment of compensation while an employee recuperates via an approved effective rehabilitation program is not in question. The employee must not be disadvantaged due to his or her sustaining an injury in paid time at work. The objective of the Act is to close the door on unscrupulous persons who see an opportunity to recession proof themselves or their clients by receiving workers compensation payments for injuries that are not wholly or predominantly caused at work.

The Bill is long overdue and necessary for the survival of our businesses, increased job opportunities and the protection and well-being of our workers, who have a right to work in a safe environment, who have a right to be compensated for injuries genuinely related to their work and who are sick and tired of seeing a basically sound system rorted by the greedy and unscrupulous.

Ms HURLEY (Napier): As a member who represents an outer metropolitan area, I am pleased to have this opportunity to point out some of the inequities in this legislation. I do so on behalf of members opposite who represent outer areas who, from misunderstanding or adherence to Party line, are supporting these changes. It is a matter of sheer common sense that people living in the outer suburbs often have a greater distance to travel to work. The longer they travel, the greater the likelihood of an accident on the way to or from work. The additional complicating factor for people in Napier or other newly developing areas is that they are usually heavily committed financially. Typically, they are buying their house and have a large mortgage. They are spending on furniture and improvements to their house and paying off the car that they use to get to work.

This Government proposes to take away compensation for journey accidents without putting other measures in place. It means that workers who are injured on the way to and from work and who are not able to claim compensation from any other source will have their lives destroyed by the Government's actions. Even if they are away from work for a short time, the financial situation for themselves and their families will be difficult, if not impossible, to recover. The member for Ross Smith pointed out earlier that in Victoria, where a Liberal Government also abolished coverage for journey accidents, a no-fault transport accident scheme is in operation. This Liberal Government proposes to remove workers compensation protection without introducing such a no-fault motor vehicle accident provision. This Government is prepared to leave workers in South Australia worse off than they were before 1956 when workers compensation laws in South Australia were extended to journeys.

I am sure that it has been pointed out to the Government that the cost to WorkCover of journey accidents is minor in the scheme of things. There will be relatively minor cost benefits afforded by this legislation. That means that the Government in its headlong pursuit of cost cutting measures is putting before us a proposal that has little significance for WorkCover but dramatic significance for the individual workers involved. We recognise the Government's responsibility to contain costs, but this proposition is not of sufficient impact to justify such dislocation to the people affected. The heavy weight of Government authority is exercised without sufficient justification. The Government needs to work on a more creative approach, breathe new life into its philosophies and not echo the dull cost cutting ethos of previously failed conservative Governments.

I would also like to touch on the case of workers who receive commutation of their future weekly payment. Yesterday, some members opposite drew on cases where workers had a number of different WorkCover case officers. This is in fact quite a common situation. The myth that all WorkCover clients get a dream run through the system, getting whatever they ask for, has no basis in fact. The truth is that many clients feel harassed, frustrated and hounded by the constant checks, reviews and reassessments built into the WorkCover arrangements. These clients, who are ill or injured and in a debilitated state are then asked, under the proposals before us, to enter into their own negotiations with the corporation over the size of their lump sums.

What is more, there is then no right of review allowed. There is no come back for a person who feels that they might have been pressured, harassed or tricked into accepting an unfairly low sum. What this will mean, of course, is that workers will need to ensure that they have legal representa-

tion in this process. This complicates and distorts the scheme. It means that those who are most vulnerable will be most disadvantaged for purposes which are again dubious in terms of the benefits that will be gained.

This Bill has been brought forward by a new Government, which takes industrial peace for granted. The previous State Labor Government and the Federal Labor Government have worked effectively over the past decade to bring a remarkable industrial harmony in Australia, and South Australia in particular. This arrogant and inexperienced Government is breaching the trust that has begun to be established between workers and management. The current Government has been brought in on the crest of a big mandate. For marginal members in the south and north-east areas this will be the first in a trickle of problems that will start to seep into their electorate offices.

This is one of the few areas where this Government has acted rather than referring off matters to reviews or committees. Wherever the Government decides to act it will probably be acting to erode its support, because ultimately the Liberal Government represents a pretty narrow interest base. In paying back its debt to those interest groups the Government, through Bills such as this, does not represent the interests of the broader population of the State.

The Hon. G.A. Ingerson interjecting:

Ms HURLEY: Not for long. Those members in the more marginal seats will find themselves having to defend their Government's actions rather than, as they do now, blaming everything on the former Government. They will find many aspects of this Bill indefensible. They will have, coming into their offices, people who have had journey accidents; people who have suffered work related stress; people who are aggrieved about the lack of right of review; and people who feel that they have been denied natural justice. It will not be sufficient for them to cite anecdotal evidence of previous anomalous cases.

It will not be relevant to talk about what the previous Government did on WorkCover amendments. They will have to defend their part in the process, which has eroded workers' rights. Many members opposite would have been elected on promises to serve individuals in the community. They will be unable to keep those promises because the heavy hand of their executive Government will override their best intentions.

Mr Quirke interjecting:

Ms HURLEY: Exactly. This Bill is an example of that process, which is just beginning for the marginal Liberal members opposite.

Mr BRINDAL (Unley): It gives me some pleasure to follow, on this side of the House, the member for Elder who made a considered and reasonable contribution to this debate. I also commend the member for Napier for her contribution because, like some of the better members on her side, she stuck to the matter at hand and debated the issue that is before this Parliament. In this context I am somewhat aggrieved to find that in this Parliament, as well as in the last, a night carters' union in the Labor Party appears to remain alive and well.

It is a deplorable tendency in a few of the members opposite—and there are some very fine and honourable members opposite—continually to play people and not to play issues. I, for one, want to put on record my absolute—

Mr Quirke: He says it with a straight face.

Mr BRINDAL: —abhorrence at the sort of trite remarks that are thrown across this Chamber and thought to be funny. I do not mind interjecting. I do not mind a bit of repartee, but when it gets down to the personal levels, as we have witnessed among some of the members opposite, which has nothing to do with parliamentary performance, I think it is disgusting. I want to put on record that members opposite are very good, when it is one of their own who finds himself in trouble, to sneak around the corridors—

Mr QUIRKE: I rise on a point of order, Sir. Could you remind the member for Unley that he may not have much ammunition tonight but that he ought to use it on the Bill?

The DEPUTY SPEAKER: There is no point of order. The honourable member for Unley.

Mr BRINDAL: Thank you, Sir, because I am commenting on the debate as it has been presented in this House. When one of their own falls into some personal trouble they are quick enough at going around the corridors, telling us all that it is a personal matter and should be treated as such. But when it is a member opposite they think it is fine to come in here and throw mud and abuse and make stinky little comments across the Chamber. I thought we had lost some of those members.

An honourable member interjecting:

Mr BRINDAL: If the member opposite wants to know what I am talking about, I will tell him in full detail later.

The DEPUTY SPEAKER: The honourable member will return to the subject matter. He has expressed his displeasure.

Mr BRINDAL: I will not detain the House long in this debate. I want to make three points, because I view these as a package of Bills, and I spoke at some length on them last night. My first point is that this Government is making, I believe, a most genuine effort to reform an area that needs reforming. There is nobody, I would hope, on either side of the House who would seek to deny people, injured in the course of their work, rightful compensation for their injuries or for pain and suffering sustained. Having said that, I think all members would seek to redress the situation where some human beings—because greed is a part of human nature, unfortunately—through greed, have pursued claims that they had no right to pursue and, as the member for Elder rightly pointed out, *quasi* judicial processes have not only sustained the greed but enhanced the ability to pursue it. Nobody can blame anybody who has sustained an injury for taking that injury through due process, but it is a judicial process which, in essence, made it necessary to look seriously at journey accidents.

It is only after noting the examples that have been brought before this House that this Government has found it necessary to preclude journey accidents. Had the precedent not been set, that might not have been necessary. It is very similar in areas related to stress. The member for Ross Smith gave some figures. I have also been provided with some figures. In 1992-93, 661 new cases of stress were reported.

Mr Clarke: Private sector?

Mr BRINDAL: Government sector. There were 748 ongoing cases and the cost to Government was $15.79 million. I do not consider that figure to be small or insignificant, especially when you look at the fact that there seems to be, even on a *per capita* basis, more stress claims among the teaching profession than the emergency services professions. I know that teaching can be a stressful job but I doubt that teaching can be more stressful on a day-to-day basis than the work performed by those involved in the emergency services. Let me assure members opposite that I am absolutely

convinced, as I know all my colleagues are, that this Minister is not seeking to deny police, nurses who work in emergency sections of hospitals, doctors or fire brigade officers any claim that they might make for stress caused as a result of their work.

I point out to the member for Ross Smith that it happens to be the job of an Opposition to provide constructive criticism. If the criticism was constructive and the Minister listened, rather than the member for Ross Smith adopting the attitude, 'Ha, ha, we told you so,' the honourable member should be standing in this place and saying, 'We congratulate the Minister for listening to the point we raised,' but, unfortunately for the member for Ross Smith, the Minister does not only listen to him. The Minister listens to his own Party—all of them who are his colleagues—and he listens to advisers in the private sector and wherever useful advice is offered. I would put it to members opposite that the Minister was addressing this matter before it dawned on the member for Ross Smith that there may be a problem, and the Minister was already attending to it. I can give members opposite an assurance, as I am sure that the Minister will, that if—

The Hon. M.D. Rann: Are you spokesman or something?

Mr BRINDAL: No—if the definition proves wrong, I have every confidence that the Minister will bring the legislation back into this place and will have it amended, because it is not his intention to disadvantage anyone.

Finally, I would make one comment, in the hope that it is not the Party opposite that is responsible for this. I would like members opposite to listen. Today, somebody came into my parliamentary office and threatened me, through my personal assistant, for my contribution in this House last night and for taking on the Opposition. They said that if I took on the Opposition again, they would get me.

Members interjecting:

Mr BRINDAL: I would have—

The DEPUTY SPEAKER: I would ask members to cease interjecting. If such a thing did happen, I remind members that it is in their own interests that they should not be threatened, as individual members of Parliament, by executing any activity in the course of their duties. All members are protected. I ask the honourable member to conclude his remarks.

Mr Clarke interjecting:

Mr BRINDAL: I would expect the member for Playford to interject like he is. I assure the honourable member that it would give me great pleasure to name—

The DEPUTY SPEAKER: The honourable member is adding more heat than light to the occasion. I ask the member to resume his speech.

Mr BRINDAL: In the context of the debate—and it is in the context of this debate—a threat was made against me. I am bringing that matter before the House, and I am telling the member for Playford and all members opposite of that incident, of the fact that it has been reported to the police and of the fact that I would like to name that person before this House, because I think it is a very serious infringement of our rights as a member of Parliament, as you have pointed out, Sir. But, in typical fashion for the cowardly acts of people who go in and do more to disturb my electorate assistant than me, they make these wild accusations. We have a description, but they did not bother to leave a name and address.

Mr Clarke: Describe them.

Mr BRINDAL: If the member for Ross Smith is genuine, I am quite sure he can get the description from the Unley police station.

Mr Clarke interjecting:

Mr BRINDAL: Members opposite can make what they will of this. I do not think it is a joke. I do not like my electorate assistant threatened. I do not like to be threatened, however indirectly, because I was elected by the people of Unley to do my very best. I assure this House, and I assure members opposite, that I will continue to contribute to debates; I will continue to use my best efforts, and if I end up by being beaten or roughed up over it, so be it. I believe in democracy, and I believe in due process, as I am sure do all other members in this place, except perhaps a few of the rabbits opposite who should not be here, and God willing the electors will see they are not after the next election.

The Hon. M.D. RANN (Deputy Leader of the Opposition): Obviously all of us are stunned to hear that the member for Unley has been threatened, and certainly, if we can assist him in any way in defending his rights and duties as a member of Parliament, then we will endeavour to do so. We certainly value his contribution in this House. Indeed, I would like to see the member for Unley become a Minister in the Brown Government or at least a parliamentary secretary, along with the member for Coles, because I believe that both of them have a substantial contribution to make, not only in this Parliament as future Ministers but also in their role in terms of being sorts of commentators on their own Party with the media and with others. I think that is a very important role, that independent streak that should be encouraged.

Here, we are dealing with a Bill that fundamentally alters the workplace rules and seriously weakens and reduces the entitlements and rights of injured workers and their families. We are told that this Bill is about stopping rorts. That is the PR gloss being put on it, but it is not the real reason. We are dealing with a Bill that substantially erodes the rights of injured workers. Earlier this afternoon, the member for Ross Smith and shadow Minister for Industrial Affairs hit the nail on the head. 'This Bill', he said, 'is part of an effort to slash benefits to injured workers.' He said it had been framed on the basis that the Minister and his colleagues have a fundamental belief that the vast majority of injured workers are malingerers.

If you listened last night and today to Liberal speaker after Liberal speaker, the clear message coming through with their anecdotes, the little personal stories, was that injured workers are considered to be rort artists, shirkers and abusers. They are viewed by the Liberal Government as being venal and greedy, rather than deserving or in need. By contrast, every Liberal speaker has been talking about employers quite differently: they seem in their view to be a higher, more noble breed than workers who are injured in the workplace. That is the difference, the clear divide, between them and us on industrial relations.

The first promise that was broken by the Premier was on election night when he stood before the cameras, sanctimonious, and said that he was the Premier of all the people, not just the Liberals who voted for him, but he would be the Premier for the workers, the Labor supporters and those who voted Labor. That was fundamentally dishonest. What we are seeing tonight and in this legislation is a mean-spirited, divisive piece of legislation which is about them and us. We know which side they are on, and our people know whose side we are on. This Bill has been drafted on the basis that workers who claim compensation must be belittled, harassed and punished rather than rehabilitated and assisted.

It is not just injured workers who are being demeaned by this legislation. A number of clauses in this Bill are clearly aimed at the judiciary who are seen as biased in favour of the worker and not objective in undertaking their oath of office. Let us go through this Bill point by point in order to flesh out its very bitter divisive purpose.

First, this Bill details its so-called objects. It describes the objects of the legislation in terms that can only be described as ideological claptrap. It sounds rosy when it proposes to 'establish incentives to encourage efficiency and discourage abuses.' Efficiency in what? Abuses of what? It does not say. Again, there is a trick that gives an edge to the gloss. In new section 2 (2), it states:

A person exercising judicial or *quasi* judicial powers must interpret this Act in the light of its objects without bias towards the interests of employers on the one hand, or workers on the other.

It sounds all right, does it not, Mr Deputy Speaker? It sounds fair and equitable, the decent thing to do; a candy-flossy, nice, motherhood statement. But the real purpose of this clause is to try to get around the judicial characterisation of workers compensation as remedial legislation, that is, legislation the purpose of which is to make up for wrongs done and damage caused to people—real people, our people. In ambiguous cases such legislation has traditionally been interpreted by the courts in favour of the person whose rights and interests are meant to be protected. The changes being pushed by members of this Government are clearly designed to try to force the courts away from this approach of balancing the interests of employers and workers towards a bias in favour of employers.

That is what it is all about: a push to the side, a push towards their mates—pay-offs, not pay outs, to their mates, the ones who forked out the money in back room deals before this election campaign. So, rather than being innocuous, this provision represents a major change of focus of the legislation away from establishing and protecting the rights of people injured at work towards modifying those rights in the interests of the employer. It is about looking after mates. This provision alone is a major boost for lawyers, not for workers. Extensive litigation will emanate from the conflict between applying the legislative prescription as to rights and entitlements and the directive to 'interpret the Act in the light of its objectives' if this provision is passed.

We now move on to journey accidents, which my learned colleague covered extensively earlier. The biggest media focus so far has been on journey accidents. It is the old story: keep it simple and stupid, highlight a few rorts, some real and some imaginary, and hope that a few journalists who have never been involved in workers compensation and who probably could not spell it will think the whole system is crook. We have all seen the line being pushed by the Liberals. We know the story; it is a little anecdote. A worker drives out of her driveway, the dog escapes, she chases the dog, she falls over the dog, and she gets compensation because she has commenced her journey. The Government has been pushing the line that this is the rule rather than the exception when it comes to journey accidents. We all know that this is it not the rule, and what the Government is proposing will clearly lead to inequities and hardship to many genuinely injured workers. The Government knows it but it wants these little stories going around to try to blur the fact that it is really about an assault on working people.

This is just the start. There will be more and more legislation this year, and this hapless Minister, the Premier's correspondence clerk, who was dumped by his colleagues, has been given the task of mounting the assault against workers. Do not worry, Minister: when it is all over they will soon dispose of you. The Government has been pushing the line that these are the rules and that rorts are the rules rather than the exception when it comes to journey accidents. We all know that this is not the rule. To cut out all injuries occurring on the way to and from work will certainly eliminate some claims, but what is being ignored is that these represent 4.5 per cent of claims and 7 per cent of the cost of the scheme, on the Minister's own figures. Therefore, how will the removal of journey accidents from WorkCover hurt and have major consequences for the few unlucky people injured going to and from work?

Let us look at some examples, not plucked out of the air or rare examples, but based on reality. What about those people who because of the difficult job market are forced to take a job a long way from their home and who therefore run far greater risk of injury than someone lucky enough to be employed at a workplace close to their home? There are many people like this in my electorate and many others. What about the impact on those people? What about the impact on those people who are transferred by their employer to a work site distant from their home? Anyone who has an electoral office has heard stories of hardship and dislocation as people are shunted around. They are told that their work site is being closed and that they have to go to the southern suburbs, even though their kids are in school in Salisbury and the whole focus of their existence is there. Workers are given no choice at all except the choice to resign, so they are being quite unfairly disadvantaged by this provision, and the Minister knows it.

People deemed to be at a place at which they are 'required to carry out duties of employment' will be covered on a journey from that place, whereas those who are not so deemed will not be covered. Presumably, for example, workers lucky enough to be able to take work home will be covered for journeys between their home and the employer's premises. We all know that professional people will be able to manipulate their working arrangements so they will always be covered. Workers who have to clock on at a factory will be hardest hit because, despite what the Premier said on election night, members opposite do not and will not represent them. Of course, the greatest rort of all is that workers will be hit whereas members of Parliament will not. We have our own arrangements: if there are any problems they can be fixed up; we all know that. What is right, proper and just for us is too good for working people, according to Liberal philosophy. My view is that if it is good enough for MPs to be covered for journey accidents it should be good enough for decent, honest workers.

Assuming that a worker does embark on a journey between one workplace and another, clause 4(c) provides that the new definition of journey may include a deviation or interruption, provided certain strict criteria are met, namely, that the deviation or interruption is not substantial, is made for a purpose related to the worker's employment and 'does not materially increase the risk of injury to the worker'. What will be the position for a worker directed to travel between workplaces but to make a deviation for some employment related purpose which he or she considers increases the risk of injury? Can this worker refuse to make the deviation? An example is a worker who has to drive to country centres and who may be directed to make a lengthy diversion via another centre along the way. The greatest rort is that this would not

apply to us if we were going to country centres to service our electorate offices and so on.

Finally, journeys between places where a worker is employed by different employers are to be excluded—a classic example of a proposal which does not comply with the proposed objective of this Bill to achieve a reasonable balance between employers' and workers' interests. If a worker travels between two workplaces and both are operated by the same employer, he or she is covered but, if not, both employers avoid any responsibility, as the worker is not covered at all. The whole thrust of other areas in this Bill is that the tests for compensability for stress-caused emotional and psychological problems are being tightened, while those which cause broken limbs, muscle strain and other problems will continue to result in penalty. In this enlightened era when mental illness is becoming recognised as an equally genuine and debilitating problem as many physical illnesses and injuries, this seems a retrograde step.

Such a restriction on the eligibility for compensation for stress-caused disabilities will deter caring and sensitive people from entering those professions in which the community expects the human touch. Despite what the Minister says, I include police work, firefighting and ambulance work, because the fact is that the amendments do not cover those occupations clearly. Let me tell members a story about an emergency services worker in this State who pulled someone out of a car who was very dangerously injured in a crash and who was close to death. This worker was later advised that that injured person had a communicable disease of a very serious and grave nature. For more than a year that worker needed a series of blood tests to ensure that they had not contracted the illness, putting huge stress on both the worker and his family.

Thankfully, he did not contract that condition, but these are the sorts of stresses that workers in a whole range of occupations have to suffer. The fact that this Government, despite all its posturings before the election, did not think of our police, firefighters, ambulance workers and nurses is an absolute example of what this Bill is all about. It is part of an assault. As I said last night, it is the first inch of the bayonet, and there are many more inches left to go later this year.

If disabilities resulting from experiencing the traumas that such workers are sometimes exposed to as part of 'reasonable requirement or instruction' in the course of their jobs are not compensated and efforts not put into rehabilitation, these professions may well end up as repositories of people incapable of dealing with the normal range of human emotions, stresses and strains. That is what we are talking about. We are talking about stigmatisation.

The provision is not consistent with the proposed object of the Bill, whereby the scheme should achieve a reasonable balance between the interests of employers and workers. It is heavily weighted in favour of the employers' interests, in that any reasonable act, decision, requirement or instruction in connection with a worker's employment or his or her entitlements under the Act will be deemed not to have caused a compensable disability. No matter how an employer or anyone working for an employer who is in a position to make decisions affecting the worker goes about acting, deciding or instructing under the conditions of the Bill, the employer is protected from the consequences of any condition caused by stress.

The potential for harassment and industrial discord is simply enormous. We have heard a great deal over the past couple of days, but I just hope that over the next few months people in the work force will have a close look in the quiet hours of the night at what Liberal members think about them. A whole range of quotes from each member opposite fundamentally betrays what they really believe about working people. When Government members go to bed at night, they have a deep contempt for a large slice of the electorate. They have a deeper contempt for those people who have been injured and those people suffering from stress.

Time and again, when Government members talk about injured workers they mention rort artists and people who put their greed before the community's industrial interests. They deliberately highlight the exceptions to try to make them the rule. Government members know that that is incorrect and they are shamed for doing so.

Mrs PENFOLD (Flinders): I support the Government's new WorkCover Bill. At the outset I indicate that I would like the reforms to be implemented quickly. Our opponents must realise the enormous mandate we have to introduce changes in South Australia, changes that will bring growth to the economy of the State. We now require cooperation between Government, employee groups, trade unions and employers to see that WorkCover provides a safety net to injured workers without it being used as a quasi welfare net.

I have some concerns about certain aspects of the Bill. One concern is that an employee has total discretion in determining whether a workplace accident has or has not taken place. Evidence has been presented to me by the South Australian Farmers Federation that this is leading to rorting. I do not doubt its word or its motive. The federation is a responsible and dedicated organisation that watches out for the interests of its members. It believes that many examples put before it by its members of widespread rorting must be dealt with. The examples often involve an employee leaving his work perfectly fit and happy with the outcome and conclusion of his employment contract, yet several weeks later to their great surprise the employer finds that a WorkCover claim has been made against him. Nearly always it is a claim that the accident happened at the employer's workplace.

In the shearing industry the surprise accident has nearly always occurred near or at the end of the shearing run or shearing season. It should be no surprise to members to know that the benefits paid under WorkCover to supposedly injured workers are more generous than those paid to out of work shearers by the Department of Social Security. What saddens me is that this is not an isolated occurrence. Another case has been reported where an employee made a claim to WorkCover that he was injured at his last workplace. When the doctor involved in the case questioned the employee more closely, the employee withdrew the claim. My information is that WorkCover has since attempted to have this employee reapply, but it is nothing more than rorting.

The Government, the trade union movement and employer groups must see that this relatively small but highly damaging fraud and rorting is stamped out. As I said, there are many claims and much evidence has been gathered that rorting of the system has been widespread. This distracts from the intention of WorkCover, which is to have a safety net in place to protect the income of the genuinely injured worker. One example brought to my attention involved a person who claimed an injury after leaving her Riverland workplace. She claimed the injury happened when she fell from a ladder. Her English was not good and she convinced WorkCover and her doctor that because of her poor English she had not been able

to communicate her injuries to her employer. The injury claimed was severe.

Despite thorough questioning of all her work mates, no-one was able to say with certainty that they had ever seen this person on a ladder at any stage of her employment, let alone that she actually fell from one. This is not good enough. Another dubious claim involved a worker who was supposed to have had a serious motorbike accident. The motorbike rider claimed he fell from his bike and injured himself in an accident that was supposed to have occurred in the proximity of other workers, yet no-one saw any cuts and there were no tears in the workman's clothing. This rorting of the system is costing the State employment opportunities.

People have been reluctant to employ because of the perceived problems with WorkCover. An employer group gave me one example of what it said is typical of industry's present attitude to employment. It gave me the name and history of an Adelaide based plumber who once employed five other tradesmen. His business boomed but due to steep increases in WorkCover premiums and a couple of bogus claims he is the only employee in the business. What a wasted opportunity for the State. The work is there, the tradespeople are out of work and, because of rorting, employment opportunities have been lost. The plumber has the work but the penalty of higher and higher WorkCover premiums is a major disincentive to him employing people. This experience is widespread. If we clean up the rorting of WorkCover, we can get employment growth, and that is what we need in South Australia. We must be competitive not only within Australia but internationally, otherwise job growth will not occur.

I now refer to the clauses covering journeys to and from work. Concerns have been expressed to me that people travelling to different workplaces will not be covered by WorkCover, but I am pleased to see that this is not the case. It appears that anyone injured whilst travelling on business for his or her employer will be covered by WorkCover. This means that, if an itinerant teacher starts work at his or her local school and is instructed to attend other schools to teach subjects, WorkCover protection is in place. This will ease the concerns of several of my constituents. Why should WorkCover be a *de facto* or quasi welfare agency? WorkCover was never intended to replace or relieve the Federal Government of its welfare responsibilities.

I support the passage of this Bill, which will reform the operation of WorkCover; I hope that, removing much of the rorting potential, it will lead to employment growth. Sadly, in the past, WorkCover and its totalitarian position has been seen as a major disincentive to employment growth.

Mr QUIRKE (Playford): Some of the issues raised in the debate tonight by members opposite deserve comment. I must say that the member for Norwood is a very eloquent speaker and he did a good job in his 20 minutes in making out the case for lawyers. However, he did not address himself to the proposal before the Chair: he was really debating the 1986 proposal, because at that time his mates, the lawyers, exited the scheme, although not entirely. A few of them managed to get back in and to get their fingers onto a bit of dough out of the whole system but, in general, the no-fault system introduced in 1986 is the system that lawyers such as the member for Norwood dislike intently.

The DEPUTY SPEAKER: The honourable member will resume his seat. The honourable member really knows better than that: under Standing Order 127, he is attributing an improper motive to a member of this House, directly through to his profession, and that is irrelevant to the debate. The member is the real issue. I ask the honourable member to stick to the issues before the Chair and not to malign any of his colleagues.

Mr QUIRKE: Mr Deputy Speaker, I referred to the comments of the member for Norwood because he said that the 1986 Bill had taken litigation from the system. I am quite happy to leave the issue there, because there are other issues that need to be rebutted tonight. I have listened to one Liberal after another give us fairyland examples of supposed rorts. I have not heard a name yet or any identifying characteristic of a case. I have not heard anyone say, 'This is what happened in this particular instance, and this is the person's name.' In my view, most of it, if not all of it, is invention.

Let me give an example of a journey accident that was different from that. In 1985 before this system came in—under the old workers compensation scheme—a fellow by the name of John Hartjes whom I knew very well (at that time he was married to my sister) had a journey accident. His employment necessitated his doing some driving but, when that was finished and when he had parked the vehicle he was driving, he travelled home. He had a seven mile drive home and he had an accident. A car came out and his injuries were such that he spent 18 weeks in intensive care with brain damage and a number of other injuries.

The Hon. G.A. Ingerson interjecting:

Mr QUIRKE: I am coming to that, Minister. That is why I am giving this example. This chap spent 18 weeks in intensive care before he died. We have been told, as the Minister interjected a while ago, that that would have been covered under compulsory third party insurance. Indeed, he is dead right. A claim was made on compulsory third party insurance. The accident took place on 15 June 1985 and the widow finally received compensation in March 1989: it was more than four years before the issue was resolved.

The Hon. G.A. Ingerson interjecting:

The DEPUTY SPEAKER: I ask the Minister not to interject.

Mr QUIRKE: Do we find those proposals before us now? No, we do not. What we find is that the claim can be covered under compulsory third party, and it does not matter. The widow in this instance does not matter, because this is a mean, reprehensible Bill which will not save a lot of money. The member for Giles put forward a series of proposals about those whom it would affect. The Minister indicated that in many instances people will still be covered. We want to look at the exact scope of journey accidents.

I refer to a document entitled 'The Statistical Supplement to the 1992-93 Annual Report'. In 1987-88, the number of journey accident claims was 1 899 of a total number of 35 266. The total percentage of claims in that year, the first year of operation of the WorkCover Act, was 5.4 per cent. Are we to believe that there is an enormous problem out there which in the past so many years has become so dramatically worse that we have to do something about it? This measure is one of the first Bills to come before the House. Is this area one of those that desperately needs reform? Let us look at some of the figures. In 1992-93, there were 1 664 journey accident claims out of a total of 36 062, or 4.6 per cent; in 1987-88, 5.4 per cent; in 1988-89, 5.6 per cent; in 1989-90, 4.8 per cent; in 1990-91, 4.5 per cent; in 1991-92, 4.5 per cent; and in 1992-93, 4.6 per cent. Far from the problem getting worse, the percentage of claims is drastically reducing.

What we find is that there was a high figure in 1988-89 of 2 835 journey accident claims (almost 3 000) but in 1992-93 the total was 1 664. Both the percentage of the number of claims and the total number of claims are decreasing. If, as we are told, there are many provisions that will still allow these claims under this Act, and if there are a number of instances where some of these claims would indeed be claims under the WorkCover Act, one can only postulate how small the savings will be and the miserable message that is going out.

An honourable member interjecting:

Mr QUIRKE: As the member for Hart says, it is minuscule. The message to injured workers is that this Government does not care a great deal about their problems. We have been told that rorts are occurring. Members opposite have interjected that there are rorts. Members have made speeches and told us that the Farmers Federation totally supports this legislation because it would like to see the end of journey accidents and all the rest of it. There has been a nagging sore within the Liberal Party for many years in relation not only to this legislation but also to the old Act.

It is rather interesting that it was the Liberal Party which brought in the provisions almost 40 years ago. Ever since, there has been a campaign, which has slowly built up momentum within the conservative ranks, to knock them over. I make a prediction tonight that the WorkCover Act will be back before this House not too far into the future for further amendment. Indeed, I am sure that a number of other things will wind back many of the benefits of what is a successful, if not the most successful, scheme in Australia.

We have been told that the few decimal points of the percentage of the amount that the boss has to pay for WorkCover is such that it will make the difference between recovery in the economy or no recovery at all. I make the point, which I have made many times before, that if it were all cost driven Bangladesh would be booming, and it is not. If they think that WorkCover is the straw that is breaking the camel's back, that is utter and arrant nonsense.

This is a miserable little measure that has come before the House. It has inflamed some of the best debates that we have heard so far. We on this side of politics make no apology for defending the rights of injured workers, and we believe that the Minister is miserable when he makes comments about screwing the system. I find it hard to comprehend the comments being made by members opposite. It is a total subservience, a toadying attitude, to the bosses in this State for what is going to be a minuscule saving and, indeed, for most businesses it will not even be felt. However, a number of people will be hurt in this system and they will wait years for third party claims. Some may not even be eligible for third party claims. Some people will fall between the two stools. Others will fall right through what was meant to be a net to ensure that nobody would be impoverished in this way.

Despite the fact that for many years this concept has been in workers compensation in South Australia—it has been there since 1956—we find that as soon as this Bill, if the Government has its way, passes through the two Houses and is assented to, that fundamental change in 38 years will mean that workers will not be able confidently to go to work and come home again knowing that their families and they themselves are covered for journey accidents.

I wonder what is the next step in this regard. I am not sure where it will go. It seems that this Government is bent on winding down the cost to the boss of workers compensation at any price. We are seeing the first stage of winding back the benefits of a scheme in South Australia that has been constantly reviewed and refined and I believe works much better now than at any time before. The system is now being stripped bit by bit of the benefits to workers.

There are a number of other provisions in this legislation. Indeed, I believe that some of the other changes are in similar vein to the journey claims. I will not take up the time of the House on those items now, because the member for Ross Smith and others on this side have made the case very fully and I am aware of the time constraints on this debate, and I know that other speakers will follow me. However, I believe that the three Bills that have been presented to us this week in respect of workers compensation are unworthy to be considered in this House because of what they will do to ordinary workers who are not making a lot of money and who need that safety net for anything that may go wrong. I do not believe that in every instance compulsory third party will pick up those who, under the existing system and the system in 1986 when WorkCover came in, would be covered for workers compensation.

There is no doubt that this legislation strips away many of the benefits that workers in this State have enjoyed under regimes of both the Liberal Party and the Labor Party for 38 years. It is a very sad moment for members opposite that the tight ones have managed to get the numbers and are shafting ordinary workers, and that is one of their first priorities.

This is a miserable measure. I hope that, if the numbers in this place prevail on this issue—and there is no reason to assume that they will not, because I can count as well as anyone else—it will be a different story further up the road. That is yet to be seen. I am not sure what the attitude of the Australian Democrats will be when the Bill goes to the other place. However, it is my hope that these miserable measures are never enacted into law in South Australia.

Debate adjourned.

SITTINGS AND BUSINESS

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I move:

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

Motion carried.

MEMBERS' ALLOWANCES

The Legislative Council transmitted the following resolution in which it requested the concurrence of the House of Assembly:

That—

(a) in view of allegations of impropriety having been made against a former member of the Legislative Council in relation to claims for living-away-from-home allowances and observations having been made about claims for these allowances by other members of Parliament; and

(b) noting that the Auditor-General already examines claims as part of his annual audit of the accounts of the Legislature, and that the Premier has already requested the Remuneration Tribunal to examine claims for certain allowances by members,

the Legislative Council and the House of Assembly

(a) support the Auditor-General, as part of his audit function examining such claims in both the Legislative Council and the House of Assembly, the basis for them and the authority for such payments;

(b) support the request to the Remuneration Tribunal to examine whether its determination in relation to living-away-from-home allowances requires and is capable of greater definition.

WILLS (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

RETIREMENT VILLAGES (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council with a message drawing the attention of the House of Assembly to clause 15, printed in erased type, which clause, being a money clause, cannot originate in the Legislative Council but which is deemed necessary to the Bill. Read a first time.

WORKERS REHABILITATION AND COMPENSATION (ADMINISTRATION) AMENDMENT BILL

Second reading debate resumed.

(Continued from page 519.)

Mr CAUDELL (Mitchell): Some of the statements made by the Opposition tonight and also last night have been amazing. It makes one wonder about some of the greatest untruths that have been told. It also makes me think about some of the greatest untruths that were told in my electorate during the election campaign, because some of the statements made tonight by the Opposition go close to them. I think of the time when something was sent out in my electorate stating that we were going to drive a train down the main street in Marion. The statement made here that workers will be disfranchised with regard to workers compensation is another untruth.

Mr Brindal interjecting:

Mr CAUDELL: No, the train is not running down the main street. Also, it was stated that we were going to close seven schools within my electorate. The employers appeared to be the ogres in this situation. A perception exists in the marketplace that the WorkCover cost to the community is in excess of what it should be. A perception also exists in the community that some people on WorkCover benefits are rorting the system. Further, a perception exists that the existing system, which has operated over the previous eight years, has failed the community. This is no longer a perception but a known fact. As detailed in the Opposition's speeches, this former Government and now Opposition has bent over backwards to assists its mates, especially those on South Terrace. After reading some of the speeches, this is no longer a perception but a fact.

If one reads the speech of the Deputy Leader of the Opposition, one finds that he said that it represents the most systematic attack on workers and their families since 1940. He refers to 'a wholesale attack' on their representatives in the union movement.

Members interjecting:

Mr CAUDELL: He has not changed—he would be better off chasing sheep.

The DEPUTY SPEAKER: Order! I ask that the honourable member address the Chair.

Mr CAUDELL: I appreciate what you are saying, Mr Deputy Speaker. Unfortunately, the former Government did a good job of shafting small business in a myriad of ways, and it will take the present Government a long time to get the situation back to one where businesses can become profitable, where development can occur in this State and where we can create jobs. Opposition members have made great play of the consultation process in the period from 1984 to 1986. I took part in that consultation process in that period in my position as a terminal manager for an oil company. Unfortunately, there was no consultation. We were told exactly what we had to do and exactly what was going to take place. We were told that there were no buts, ifs or whatever: that was the score and the position we had to accept.

They gave us the good news: we had service stations around the place that were paying $400 in respect of workers compensation and their bills went straight up to $1 200. It was extreme progress, part of the shafting process! Members opposite have also spent a lot of time here creating the perception that, if people wilfully get drunk and wilfully kill themselves, employers in this State are the people who are saddled with the burden. As far as I can see, that situation is humbug. It is a situation that should not be allowed to continue and we should put an end to the rorts in the system.

The Opposition gave us some figures, quoting average wages and costs, which were impressive to a certain extent but, again, quoting certain figures can create a certain desired perception. Unfortunately, if we look at the real figures that came out for that period we gain a different perception.

Mr Brindal interjecting:

Mr CAUDELL: I appreciate what the member for Unley is saying. The workers compensation costs for the different States can be compared and broken down into a labour cost per hour, revealing some very interesting figures. In South Australia workers compensation costs in the private sector amount to 56¢ in labour cost per hour worked, while in Queensland under the Goss Labor Government it is 22¢ labour cost per hour worked, which is up to one-third less compared to the South Australian scheme.

Yesterday the Leader of the Opposition dared me to speak about payroll tax in comparison with other States, so I will refer to payroll tax in the private sector. Our major competitor with regard to obtaining manufacturing business and other business from New South Wales and Victoria is Queensland. Payroll tax in Queensland is 45¢ per labour cost per hour worked, whereas in South Australia it is 63¢. So, obviously, the Leader was not only not good on figures but also poor on running a variety of businesses.

Like everything else Opposition members did when they were in Government, they quoted some figures and then established an argument around those figures. They created averages but, unfortunately, we all know what averages can do. If we find that 49 per cent of the population in South Australia is male and 51 per cent is female, do we then take an average situation and say that the average male in South Australia is queer? We can also look at the matter of costs being less than they are elsewhere (a matter that I have addressed previously).

Basically, when we look at costs we must look at the whole spectrum of costs with regard to running a business. We must also look at costs involving the size of the market and the size of the population and from where it will draw its labour force and expertise. We must look at all oncosts in order to determine where we can encourage development and jobs. WorkCover is one of those organisations involving costs confronting businesses in this State. We have to ensure that the rorts are finished with and that the existing provisions involving journey free time accidents no longer apply. It is an intolerable situation that under the existing Act we allow a situation to occur whereby a person can be coming home from work, stop off at the pub and subsequently have an

accident on the way home from the pub, and employers of this State are required to pick up the tab for that accident.

Mr Brindal interjecting:

The SPEAKER: Order! The member for Unley will observe the Standing Orders, namely, No. 137.

Mr CAUDELL: The situation relating to journey free time accidents is intolerable. Figures can be quoted for times in particular months when such accidents do not represent a large percentage of the total claims, but for every claim that occurs that claim has an effect on the premium for the ongoing years for that business. It will affect the premium not just for one year but for a number of years. So, by allowing the situation for which an employer has no responsibility—in this case he cannot do anything to ensure that the person engages in safe working practices—he is lumbered with an ongoing cost.

Under the existing Act the onus of proof of the disability being compensable was on the employer. The onus of proof for a disability should be on the employee to show that that accident occurred in the workplace. I have had the experience in employment where a worker came to me with an injury that supposedly occurred three days previously.

The employee came along with a doctor's certificate stating that she had a back injury sustained at work on a Sunday evening—this happened to be a Wednesday evening. When I appeared before the WorkCover review board, I asked the doctor how he had ascertained that the back injury had occurred in the workplace. The doctor replied that the worker had told her so. The worker had told the doctor that the injury had occurred at the workplace. Whether it did or not I, as an employer, was lumbered with the additional cost involved in future years.

I am sure, as was previously mentioned by a number of speakers, that many instances can be cited. Rorts within the system cost workers and also cost employers. Even the thickest among us, including the member for Ross Smith, cannot condone these excesses. No-one denies an injured individual who has suffered a workplace injury the right to a fair compensation payment. But no-one, Mr Speaker, denies the right of this Government to be rid of the rorts, to right the wrongs, and to have in place a scheme which is fair, compassionate and just, and these amendments are just such a scheme.

Mr FOLEY (Hart): It is a brave Government that uses its majority, which I admit is quite substantial, to pick on the average worker and rip their benefits away from them at the first opportunity. We have a Government that has talked much about what it wants to do for this State. We have a Government that promised much before the election, and what do we have as one of its very first initiatives in this Parliament? It wants to rip benefits off workers. The Government wants to pick on what it considers to be the easiest target and go for it. To the Government it looks tough, it looks strong, and it gives an appearance of a Government that will attempt to make change.

I say to the Government that it is a very sad day when it picks on the worker to try to achieve the macho image that it is trying to portray in the electorate at present. Over the past two nights we on this side of the Chamber have had to sit and listen to nothing short of worker bashing. We have had individual members using no imagination, no research, little fact, little policy, and little initiative to express their views, referring to individual cases where there have been rorts by workers. They cite their little examples of worker X or worker Y, where he or she has taken advantage of the system.

As I said in this Chamber last night, no system is perfect. One of the major reasons that WorkCover was introduced in this State was at the request of the South Australian business community. Under the private insurance system, premiums were out of control and the business community needed to have a centralised system that brought down the cost of workers compensation. Under the previous private system there were rorts. Unfortunately, isolated cases of rorts have been reported under this system, because no system is perfect.

I do not see members talking about employers and small business people who rort the tax system. They know it happens, because the tax system is not perfect and it is not possible to detect or stop the rorting of the tax system. Opposition members do not come in here and say, 'Have you heard about company X in my electorate that last year understated their income tax?'

Mr Brindal interjecting:

Mr FOLEY: Perhaps I will. We do not hear that. What we hear is anecdotal evidence about individual workers and what may or may not be a rorting of a system. Members opposite should be a little more imaginative, put a bit more detail and effort into their work and not take the easy option of citing some fictitious case of worker X or worker Y, a device that the now Minister for Health used to some effect when he was the Opposition health spokesman.

Members interjecting:

Mr FOLEY: I am ignoring those interjections. I want to concentrate in my contribution tonight on the question of journey claims and claims during authorised breaks. With regard to the issue of journey claims, it has been a contractual obligation between workers and their employers for nearly 100 years that the worker will cover an employee travelling to and from his or her workplace. It is not some great benefit; it is not something that should be looked upon as an enormous benefit to the worker. It should be looked upon as a decent obligation of the employer to provide that security and that safety to workers and their families, ensuring that employees can travel to work in safety and that they can also return home in safety. That should not be denied workers.

We have heard tonight a lot of emphasis on the issue of journey claims. One would be mistaken to think that we are talking about hundreds of millions of dollars of savings to the WorkCover system. We are not: we are talking about something that amounts to nothing more than about 4.5 per cent of all claims on the WorkCover system.

Mr Brindal: $15 million or $16 million.

Mr FOLEY: We are talking $15 million, yes.

Mr Brindal interjecting:

Mr FOLEY: If the member for Unley will let me finish he will see where my argument is leading, because unlike many members opposite I am putting an argument together. I am not stating some anecdotal evidence that is the easy way to present an argument. I would like to see more effort put in by the WorkCover Corporation and more effort put in by employee groups around this State to improve workplace safety.

The Hon. G.A. Ingerson interjecting:

Mr FOLEY: Enormous efficiencies and enormous cost savings can be made at the workplace by companies around this State.

The Hon. G.A. Ingerson: Your Party was in Government for 20 years and you did nothing about it.

Mr FOLEY: This is my first time in the Parliament, Minister.

The Hon. G.A. Ingerson interjecting:

Mr FOLEY: Not on this issue, Minister. The point I am making is that, if the Government wants $15 million worth of savings out of a turnover in excess of $250 million, it can be achieved by means other than ripping off the worker. Why not put a bit of effort, a bit of pressure and a little bit of money into workplace programs to improve workplace safety? Unlike many members opposite, I have spent quite a lot of time visiting workplaces in this State. Some of the conditions are deplorable. Much can be done at workplaces to improve safety.

I mention one scheme that has only recently been introduced. It is an attempt to address this issue. It should be considered only as one element of what should be a major effort. I refer to the Safety Achiever Bonus Scheme introduced last year for medium to large businesses with a levy in excess of $100 000. This scheme provides for a 10 to 20 per cent reduction in the employer's levy, if that employer is able to achieve a 15 per cent reduction in injury numbers and injury costs over a 12 month period. So we are talking about a scheme that will reduce 15 per cent of an employer's WorkCover levy. That is the way you bring down the cost of the WorkCover system. You do not simply attack the benefits. You address the issue at the work site. I would argue that more effort be put into that.

I refer briefly to the issue of authorised breaks. I will have some questions on this during the Committee stage. Let us look closely at the issue of authorised breaks. What the Government is saying in the Bill is that a worker cannot leave his or her workplace and be covered. What we have is a situation where workers may be fortunate enough to work in a large factory, such as Kelvinator, with a canteen facility. During the lunch break, if a worker visits the canteen and slips over on a wet floor and breaks his leg, he is covered. However, 500 metres down the road a neighbouring company might not have a canteen facility, requiring employees to walk 200 metres to the local deli to buy their lunch. If they trip over the gutter and break their leg, it is at their own cost. That is unfair and unjust, and it is winding back the clock. Surely we are a mature and civilised community and we can provide the work force with a basic level of protection. I am not asking for a lot—just a basic level of protection for the work force.

What about the ludicrous situation where we might have, for example, a major engineering company at Woodville North or Finsbury with not one factory but two or 3 factories on two or three different blocks, with a canteen facility in plant A. The workers in plant B must cross the road to go to the canteen. The workers lucky enough to work in plant A do not have to leave the building, and they are safe in the knowledge that, if they are hit by a car in the car park, they are protected. A worker assigned to a press or production line across the road in plant B has to venture across the road and, if they are hit by a car, they are not covered. That is a ludicrous situation and one that simply should not be allowed to pass into law.

Whilst the member for Florey is present, let us look at the situation with respect to police officers. My colleagues have talked much about stress and trauma. I do not think I can add much more to what has been said except to echo their views. What about a country police officer whose police station and accommodation are all within the one boundary? That police officer can commute from where he lives to the police station safe in the knowledge that, if they get hit by a car or trip over the gutter, they are protected, unlike a police officer in the city or a large country centre who may have to drive many miles to the police station. The whole system is full of anomalies. For the sake of less than $1 million, probably only a matter of a few hundred thousand dollars, to deny workers a basic protection is surely winding back the clock on industrial democracy in this State and basic rights that should be afforded to all workers.

I return to the issue of journey claims. As a city like Adelaide grows and spreads out very significantly north and south, workers have enormous distances to cover to get to work. As I said last night to the member for Reynell, her workers may have to travel some 45 minutes on some of the busiest roads in this State, whereas people who live in the electorate of Bragg or the electorate of Norwood may have only five minutes to travel. Why is it that the workers who live in the southern part of this State, or in my electorate, have to commute long distances to the city, to Elizabeth or Lonsdale, jeopardising their safety for the sake of a saving that in the totality of the WorkCover scheme is minuscule by any assessment? Those levels of savings surely can be made if they are deemed to be necessary—and I am not convinced that they are. However, if they are deemed to be necessary, why not address the root cause of the problem, that is, safety in the workplace?

As I said earlier, in my previous employment I travelled to many engineering companies throughout this State, and the conditions that some workers had to work under and in were quite disgraceful. The jeopardy that those workers put themselves in daily was really abhorrent. Work needs to be done in this area, and much can and should be done by the WorkCover Corporation and by the Government. The Government is fooling no-one; members opposite are beating their chest as though they are taking on some major reform and challenging the foundations of this State's economy, but they are not. What the Government is doing and what it has always been about is picking off the easy targets, abusing its majority and its so-called mandate and picking on the workers.

There was nothing in the Government's election policies referring to this—nothing! There was nothing about the average worker having to lose the basic protection that has been afforded to workers for 100 years. This is the Liberal Party, the Minister and the Government that went to the last State election promising utopia, promising everything. If voters wanted it then they could have it. There would be no pain; the Government would give them everything. There would be no drastic cuts. The voters could trust them.

What has the Government done? It has gone for the easy hit. I would have thought that a Government that has a significant majority would use that majority on the big things, on the constructive things, but not pick on those least able to defend themselves in this community. I ask the Government to rethink this Bill. It should not be passed in the Upper House; it should be returned to this House.

I do not know what members opposite have against workers. I suspect there would be many members here tonight who will regret comments they have made, because *Hansard* is easily photocopied. Quotes can be taken out of *Hansard* very easily.

The Hon. G.A. Ingerson: It's a long, long haul before you have to worry about taking quotes—

Mr FOLEY: Four years will go quickly.

The Hon. G.A. Ingerson interjecting:

Mr FOLEY: Well, Mr Minister, you may well be right, but many of your colleagues around now are in this place for only four years. As I said last night, some of those members, much to our regret and disappointment, have won what have been considered somewhat traditional Labor seats. There are many workers in those electorates, many unionists and many people who have benefited from the provisions that the Government is trying to rip away from them.

I hope that when the honourable member is defending the margin of 1 or 2 per cent in Reynell and when the member for Lee, in his somewhat Labor seat, is defending .5 per cent or whatever it may be, that they regret the day when they see those leaflets going out into the community quoting exactly what they said to the workers.

Members interjecting:

Mr FOLEY: The member for Reynell may smirk, but a lot of her electors have to travel for 45 minutes a day. I warn members opposite that they will regret the comments they have made. Some members, such as the member for Bragg, do not have to worry. His majority is such that he can—

The Hon. G.A. Ingerson: It is almost as big as yours.

Mr FOLEY: I wish it were. You have the biggest in the State, I think. Members opposite do not have to worry. That is why the Government can get away with it. That is why Ministers are quite happy coming in here. All the Ministers have margins of 7, 8, 9 or 10 per cent. They are not worrying about the marginal members who have won Labor seats from Labor members and who have to defend those seats in four years' time.

The Hon. G.A. Ingerson interjecting:

Mr FOLEY: They never let me get behind a typewriter. I hope those members regret what they have put forward as a contribution tonight. Next time they come into this place for a debate they should be a bit more constructive rather than simply giving us a bit of anecdotal evidence. How about not bashing the worker? How about coming in here and putting forward a constructive argument and not one that simply plucks out some fictitious case of a person who has rorted the system?

As I said last night, people have rorted WorkCover; it is unfortunate and regrettable. The numbers are small and they rorted the previous insurance system. That is also regrettable, but it is a fact. I suspect that in 50 years there will be cases where a system will be rorted. However, that does not mean that every worker rorts the system; that does not mean that the majority of workers rort it; and it does not mean that the system is such that it should be thrown out.

It is a very shallow argument that because a handful of people have misused the system that gives us an excuse to throw out the system. It is a crass and uncouth argument, which should be totally and utterly rejected. I am disappointed that so many members have taken the easy option of trying to present the case that way tonight.

Mr BUCKBY (Light): I rise in support of this Bill as the Minister has outlined it, and I believe it is fair. A fundamental philosophy is at play here, and that is the philosophy of responsibility. I would say that, in the past 10 to 20 years, the pendulum (and we all talk about pendulums in this place) of responsibility has fallen on the side of the employer and not on the side of the employee. The amendments to this Bill go part of the way towards putting some of the responsibility back onto the employee. Anybody who debates against that is not seeing it in a fair context. The current scheme provides that journeys to work and deviations by employees are fully covered, and many cases have been mentioned. I could quote a few more cases, including the worker who drove his car out of his residence and stopped to shut the gate. While doing so, his dog escaped; he chased it down the road, tripped over, sprained his ankle and ended up making a claim. We could have saved $100. The point is that this is another case, admittedly small, where the system is not working efficiently. It can work much better for both the workers and the employers.

Why should employers have to cover somebody who is driving to and from work and who may deviate from his or her normal path or direction for reasons which may have nothing whatsoever to do with work? Why should the employer bear the cost of an accident incurred by that worker? I do not think that is a fair system at all, and I do not think it is one that we should tolerate. This journey to work position has been backed up by the Federal Government's Industry Commission, which agreed that it was not fair that employers should fund injuries that did not occur in the workplace. Again, the pendulum has swung back onto the employer, who now has to look after just about everything for the employee, including the responsibility of getting him or her to work safely, which is out of their control.

The employees who will remain covered while travelling to work will include courier drivers, for instance, who start work immediately they leave their residence. Their employer may give them instructions over the telephone to make a delivery before calling into the central workplace. The member for Ross Smith brought up the position of a stock agent. I challenge him to acknowledge the fact that a stock agent, who operates out of his home as a second office and who is called by a client overnight (which happens on many occasions) to come out and either draft stock or enable the farmer to get stock ready for market, will not travel 20 kilometres from his home to his main office when it is out of his way and when he can go straight to the farm. There is no sense in that: he would be covered, because the journey is directly related to his work.

He does not need to go into the Elders office or the Dalgety office in Burra or wherever it is and then say,'I am home here in my office; now I can go.' He starts work from the time that he commences that job. The electors of South Australia were well aware of this package when the election was held on 11 December. I believe that the voting public recognised the problems with WorkCover, recognised the responsibilities that sit currently on the employers and recognised the fact that workers themselves should take some responsibility for getting to and from work. Employers are not in control of workers when they are driving to and from work and, after all, what do we have a third party insurance scheme for?

Accidents in free time are in a similar situation in that the employer does not have control of the employee in the employee's free time. As has already been stated, where sporting facilities, for instance, are already supplied by the employer, the employee is covered. For example, if an employer such as a district council has an oval where employees might be working, and the employees play football or something like that during their break, they are still covered; it is on an employer's property.

Stress is somewhat of a grey area, and I am sure that all members here will agree with that. It is a very difficult area to consider. As the amendments to this Bill state, where stress is directly related to the workplace, workers will be covered. Again, in relation to alcohol and drug related injuries, where

the injury is caused by the voluntary consumption by the employee of drugs and alcohol and it leads to an accident, and it is not under the direction of the employer, those workers must take responsibility for their own actions.

Mr Clarke: Why take it out on widows?

Mr BUCKBY: We are not taking it out on the widows. In conclusion, the amendments to this Bill are aimed at removing compensation for certain injuries that are outside the control of the employer and do not occur at work. The amendments introduce greater equity between employers and employees, reduce the capacity for abuse and exploitation of the WorkCover scheme and will improve the financial viability of the scheme. They do not leave the worker unprotected, in most cases, as third party insurance will provide that protection on journeys.

Finally, members should ask any small business what are the main costs that cripple it and restrict it from employing more people, and one of the first three reasons will be WorkCover costs, which are a major inhibitor of the expansion of industry and the attraction of industry to this State. What good is it to have a system that covers just about every possible injury or occurrence in the workplace when industry is leaving this State because the cost of the scheme is far too great?

South Australia used to be a low cost State in which to conduct business: it is now a high cost State. These amendments remove part of the impediment to attracting business into South Australia by shifting some responsibility onto the worker and thereby reducing the cost of employment. I support the amendments to this Bill.

Mr BASS (Florey): Much has been said over the past two days about what this Government is trying to do to workers. The member for Giles's pet interjection, 'Why do Liberals hate workers?' is indeed a strange comment, coming from one who was Deputy Premier of a Government that left over 10 per cent of workers unemployed and, what was even worse, 40 per cent of our young unemployed with no prospects of a job in the future under the former Government.

This Government has the courage to change the system for the better. We have an Opposition screaming 'Foul'. It is the Government's duty and obligation to eliminate as far as possible rorts in the system and, wherever possible, to stop the abuses—rorts and abuses that are hurting the worker who is genuinely injured and the employer who is trying to run a business.

WorkCover is about three parties: the employer, the employee and WorkCover itself. WorkCover will be charged with supplying a fair and equitable cover for all workers at a reasonable rate that gives the employer the opportunity to operate a business with such cover and rates to make South Australia both nationally and internationally competitive. Under this Liberal Government the objects of the Workers Rehabilitation and Compensation Act will be to establish a workers rehabilitation and compensation scheme that, among other things, achieves a reasonable balance between the interests of employers and of workers.

It will provide for the effective rehabilitation of disabled workers and their early return to work. It will provide fair compensation for employment related disabilities and it will reduce the overall social and economic costs to the community of employment related disabilities. It will ensure that employer costs are contained within a reasonable limit so that the impact of employment related disabilities on South Australian businesses is minimal. To achieve these aims, besides the restructuring of the unwieldy 14 member board to one of seven members, there will be some other changes.

For journey and free time accidents WorkCover will, and always should, cover employees for injuries at work and not injuries occurring outside the work place where an employer has no control over an employee. How can an employer be responsible for a person in those circumstances? The elimination of journey accidents, those over which an employer has no control, will save the scheme at least $13 million.

The law as it stands is not only unfair but also has helped to make South Australia uncompetitive. The Federal Government's Industry Commission report did not even think it was fair that employers should fund injuries that did not occur in the work place.

Mr Clarke interjecting:

The SPEAKER: Order! I suggest that the member for Ross Smith read Standing Order 137, because it will be applied, and if he continues to interject I will name him.

Mr BASS: Thank you, Mr Speaker. The present law is open to rorts and abuse and must be changed. Indeed, it will be changed by this Government so that it will be fair and equitable to all parties. The position of an employee being covered by WorkCover during a journey or a free time accident is akin to a member of the public travelling from home to watch a Crows match at Football Park and, while en route, having an accident and then claiming on the public liability insurance held by the Football Park administration. That situation is ridiculous, as is a journey and free time accident being covered by WorkCover.

The second area covered relates to stress and trauma claims. This proposal in no way excludes stress claims from the system: it merely tightens up an area that has been a great cost and open to potential abuse. As with journey and free time accidents, why should an employer be responsible for claims of stress caused by unrelated factors other than a person's employment? Yesterday, the member for Unley alluded to a person who was on compensation for 18 months from his employment and who openly admitted that 90 per cent of his stress was related to marital problems. This is an obvious case of stress not being related to employment, yet it would not show up as a rort or abuse of the system.

Notwithstanding the comments by the Deputy Leader of the Opposition yesterday that the rorts discovered and mentioned by Government members in debate would make little difference to the levy paid by employers, I beg to differ. The new definition of 'stress' is not intended to exclude, and will not exclude, genuine cases of stress at work such as trauma incidents in which the police are involved. Members opposite have continually tried to use scare tactics in attacking the Bill—tactics which did not work during the last election and which will not work now.

I have received one letter at my office about the new legislation, and that is two fewer than the number who have written expressing concern about the cat legislation. The last major change in the Bill will not compensate employees who are injured as a result of voluntary consumption of drugs or alcohol. This will make the employee more responsible in relation to his employment—a situation that occurs in most cases. I have heard complaints that those who smoke marijuana are worried because it remains in the system long after the last smoke. My advice to them is: do not smoke what is illegal. These new changes do not mean that the mere presence of drugs or alcohol will result in the rejection of a claim, but in line with the fairness of this Bill the employer

or WorkCover will have to establish that the injury was caused by the use of drugs or alcohol.

The member for Giles is continually asking why the Liberals hate workers; last night he was so concerned about the previous Bill that, in closing his remarks, he said:

> I oppose this Bill. I will be opposing the two subsequent Bills. I will be going into more detail in the Committee stage. I oppose the second reading.

Where was the member for Giles during the Committee stage: was he in the toilet, was he in the bar, was he in his office? The only time the member for Giles turned up in this House was when the bells rang in relation to a division. What happened immediately after that? He disappeared out of the House: he had such great concern for the workers that he did not even bother to be here. I also note that, in his speech, he made the good comment, 'I am retiring.' I suggest that maybe it is time that the honourable member did retire. I compliment the Minister on this Bill, which will make the scheme fair and equitable for all involved. I support the Bill.

Ms GREIG (Reynell): I also support the Bill, the second in the trilogy, and in doing so I believe that I am helping local workers and industry, particularly in my own electorate. I do not need to repeat everything we have heard over the last two days, but I want to—

Members interjecting:

The SPEAKER: Order! The next transgression of the honourable member will result in his being named.

Ms GREIG: I want to impress upon members the importance of getting South Australia moving. WorkCover as we have known it is a joke. There has been no continuity in decision making and no flexibility, and nothing has been done to reduce the overall social and economic cost to the community of employment related disabilities. I welcome a Bill which can achieve a reasonable balance between the interests of employers and the interests of workers, which can provide fair compensation for employment related disabilities, and which can provide for the effective rehabilitation of disabled workers and their early return to work.

Last night the member for Hart referred to the people of Reynell and the implications on my constituents in their travelling to and from work. After all these years, I must thank the member for Hart for acknowledging an area so long ignored by the previous Government. Yes; the south does exist. I emphasise two issues. First, people who are fortunate enough to have a job can claim third party insurance if injured during their journey and, as you know, you have made it very difficult for people in the south to find employment. Secondly, if local industry can have one of those knots in the WorkCover noose undone, giving it room to breathe, maybe industry could look at possible employment creation in the south. The member for Hart should remember that it was the former Government, when left to play with industry, which sabotaged opportunities in the south and screwed small business to the wall. The member for Hart should visit Reynell. We would welcome him into our industrial area where he could meet our local employers who not only work in the area but also live in the area.

Abuse is the notion that is constantly being thrown around when WorkCover is discussed, not only in relation to employers but also in relation to employees. WorkCover recipients become known as the victims of circumstance, being caught up in bureaucratic red tape. What do WorkCover constituents tell us of their employment prospects? They tell us that WorkCover is a dirty word. After being a recipient of WorkCover, how easy is it to get another job? The answer is that it is not easy. WorkCover has become a black mark on an employment application.

In relation to the prevention of injury, claim numbers continue to grow at rates which exceed the rate of employment growth. Most members of the House know that I have strong interests in community based injury prevention programs and I commend the Minister on his initiative in increasing the funding of practical workplace prevention programs in high risk industries and small businesses by $2 million. This must be seen as a practical, innovative philosophy towards understanding injury in the workplace. With Government and community working together, not only are we looking after our workers but we are educating both employees and employers in safe work practices. We have to provide for an efficient and effective administration of the WorkCover scheme. We have to establish incentives to encourage efficiency, to discourage abuses and to ensure that the scheme is fully funded on a fair basis.

This Government has made it clear that its priority is to prevent workplace injuries to the greatest extent possible by using vision instead of bandaid measures after the fact. We will be working towards responsible workplace practices, the good health of our workers and a safe working environment—something compensation cannot buy. At the same time, we are easing the pressures on the business community which has, for so long, been the victim of a system open to abuse, misuse and exploitation. I support the Bill.

Mr ANDREW (Chaffey): Last night in the House I spoke at length in support of the WorkCover Corporation Bill indicating how I saw that Bill, in conjunction with this one in particular and with the Occupational Health, Safety and Welfare (Administration) Amendment Bill, as being fundamental election reforms to assist our State. I believe they will assist this State's businesses to be more competitive, to improve their profitability and to create more jobs; they will get our State more quickly down the road to economic recovery and prosperity.

Initially, I did not intend to make a further contribution to the debates on these associated Bills, believing that the WorkCover Bill provided a broad opportunity to support the general thrust of these WorkCover reforms. However, I am compelled to make a further brief contribution tonight, first because my conscience dictates that these changes are fundamental and constitute some of the reasons why I wanted to be in this place after the 11 December election—to contribute to creating an efficient and fairer Government for South Australia and, in this case, to create a fairer balance between the employer and the employee—and, secondly, because like other employers, I have been frustrated as an employer over the past 15 years having to be responsible and ultimately paying for the actions of employees at times, in places or in circumstances over which I, as an employer, had no control or direct influence.

That is not to say that I do not support fair and reasonable compensation for all genuinely injured employees. I certainly do, and I support the Government's thrust to make sure that that is what is delivered. Specifically, I will not go through another range of case studies exampling the history of rorts and frustration—and the frustration of many employees as well—under the present system. Last night a number of my colleagues and I gave a thorough and apt description of a number of amazing examples.

As a matter of principle, I offer my support for some of the main issues addressed under this Bill, and I refer briefly to three main aspects. New section 30 deals with journey and free time accidents. There is no logical or even social reason why employers should wear the risk and the cost for employees unless they are at the workplace. The system must be fairer, as employers have no control over safety matters or employees' conduct outside the workplace. It is unreasonable that employers should be required to fund road accidents. That is why, as all members in this House should be aware, we have a compulsory third party insurance scheme.

In addition, the current option of permitting journey accidents to be claimed is open to abuse and rorts, as has been well illustrated by the examples put to this House. It is facilitated, I believe, by the current legal system which it can be argued often maximises benefits to a point greater than was originally intended by Parliament when the initial Act was endorsed. The policy is fair because, if employees are required to work from home or if their journey is a direction from their employer, they will be covered. To be consistent and fair, accidents that occur outside the workplace in an employee's free time naturally will not be covered.

The second aspect regards alcohol and drug related injuries (section 56). The Government's decision not to cover such injuries is consistent with other WorkCover type schemes in this country, including the Federal Government's scheme which contains such a provision. It is consistent with current established and accepted community standards regarding alcohol and drug consumption. No personal rights will be infringed upon. There will be no requirement for compulsory blood testing. All that is envisaged is that no compensation will be applicable if the injury is wholly or predominantly caused by the voluntary consumption of alcohol or drugs by the employee.

The third aspect concerns stress claims (section 30). Stress—and I say this personally without being medically qualified—no doubt has some specific clinical bounds in its definition. However, as a layman I suggest that the symptoms of stress are much more discernible than its causes. In that context it is reasonable that there be a clearer definition of accountability to verify the relationship between the causes and the symptoms of stress. On that basis, valid stress claims, where they are wholly or predominantly caused by work, can and will be compensated. The cause and effect of domestic influences by a third party should not have to be borne by employers. I have no doubt that this aspect will continue to generate some controversy partly because of expectations by individual claimants of the interpretation of this definition by medical practitioners. I believe that the medical profession will continue to hold a huge responsibility in this area, one which I trust they will continue to be particularly conscious of.

In summary, these changes will fundamentally introduce fairer equity in balancing the interests of employers and employees and restrict the ability to abuse and exploit the real intention and value of the WorkCover system. This will be done by removing compensation where the cause of the injury is genuinely beyond the control of the employer. These aspects which I have mentioned tonight, together with the other major aspects of this Bill, were clearly put into the open during our pre-election campaign. They were not hidden and, as such, they received a clear mandate, which we are now delivering. We are not turning the clock back, as I recall the member for Ross Smith said today, to about 1931, to the dim days of worker oppression; in fact, what we are doing is merely setting the standards of fairness, equity and sound management. I support the Bill.

Mr VENNING (Custance): I rise very briefly tonight to make my contribution because I feel this package of three Bills is one of the most important raised in this House in the whole time that I have been in Parliament. This package of Bills puts the onus back on the employee because, as we all know, safety in the workplace is a shared responsibility, and the system has not been working very efficiently at all. Costs are being incurred by business that are outside their control. Blatantly that is not fair, and any fair-minded person would have to agree. This Bill introduces statutory objects which balance the interests of employers and employees in applying the WorkCover legislation. We all have responsibilities, and I reject the insinuation by members of the Opposition that members of the Government, particularly me, are worker haters. I object to that as forcefully as I can, because I am certainly not a worker hater.

As you know, Mr Speaker, I have always relied on workers to assist me with my work. On the farm I worked alongside workers under my father, and the workers taught me all I know. I have spent all my life working with them. We need each other to make the whole thing go around. I object genuinely to this insinuation that I am a worker basher. I will not wear that, never. I want businesses to have the ability to employ more people, particularly farmers; that is what the core of this matter is all about. The cost to farmers is prohibitive, and I know it is even worse for many other industries in South Australia. I know that in some ways farmers have been getting a reasonable go at WorkCover premiums but even so they are high enough.

When I was studying a schedule of compensation cost benefits across Australia, I came across some very interesting comparisons: for example, the premium rate for farmers cost 4.2 per cent of the gross wage; in Victoria, it is 3.26 per cent; and in Queensland, you guessed it, 2.45 per cent—almost half what it cost in South Australia. So, this is where the costs are. This is the impediment to business. We can understand why warehouses in South Australia are closing down and reopening in Queensland, and it is happening. For example, John Deere has closed down here and in Melbourne and has gone to Queensland. That is the reason why. When you look at the premium per $10 000 of wages, you see it is $420 in South Australia, $326 in Victoria and $295 in Queensland. There it is again.

So there is proof positive of what it is costing industry, and this is in an independent journal. The facts are there for anybody to read them. These are the costs, and this is why we are fighting to bring ourselves back on an even keel. I do not care if we do not quite get down to Queensland's level but we should at least get level with Victoria or between them so we can attract business back here to South Australia. Not only are we non-competitive in Australia but we are even worse in the international sphere.

So many people have telephoned my office and complained about WorkCover in my nearly 4½ years in Parliament. It also annoys me—and this principle is probably ongoing with WorkCover—that people over the age of 65 years who have been paying WorkCover premiums all their life have to continue paying. Once they get to 65 their benefits are much less, but they still have to pay the same premiums. Why? Because they are told that they get funeral benefits. They ought to get those, anyway. It is wrong. When people get to 65 years of age they come on to the pension

level, so why do people have to pay the same premiums? I agree they should still be covered, but should not their premiums be less for a lower cover? Is that not commonsense? Is that not fair? Apparently not. But that is not the subject of this debate; it may be a debate for another day.

I know of many genuine cases where workers compensation came to the aid of a genuinely injured worker. I play this game fair and straight, and farms can be dangerous workplaces. I want to cite one case that comes to mind very readily. An employer telephoned me and said that his employee of 20 years had had a serious injury eight years previously.

What happened was that a tandem hitch fell on him. I could really feel for him because it has happened to me. It is a bar that pulls the combine. When there is no combine on them they are unstable and they fall. This one fell on him. This chap had worked for eight years suffering all the time. The boss, to his great credit, said, 'This is patently not fair. This chap is genuinely injured. He should not be asked to continue because he is working under great sufferance.' He asked me to find out the benefits for him, and I did so because it was a genuine case.

I object to the insinuations that come from the Opposition that we are worker bashers. I am about putting in a fair system that creates a reasonable atmosphere and encourages the employment of more South Australians, especially young South Australians. This Bill goes a long way towards doing that. I am sure that in many instances where a worker is going to work and is injured 300 or 400 yards down the road the employer would do the right thing and cover him. I am sure that 95 per cent of Australians, who are known the world over for being fair and giving a bloke a fair go, would cover someone in those circumstances. But for blatant abuses we need an Act with teeth to say, 'You are rorting the system and should not benefit.' I commend this Bill to the Parliament and again congratulate the Minister on his research and work on the Bill and for introducing it.

The Hon. G.A. INGERSON (Minister for Industrial Affairs): First, I congratulate those on this side who have made very positive and unbiased contributions to this debate. They were excellent contributions. The amount of work put into them in support of the Bill has been magnificent, and I congratulate those members on behalf of the Government.

The seven contributions by Opposition members staggered me. When one has been in this place a fair amount of time, one wonders how Opposition members, having recently been in Government, can make so many excuses about their own performance over such a long period of time. All the previous amendments over the past four years to the workers compensation scheme were the result of a select committee that was forced on the Government by the then Liberal Opposition. I recall the Minister being dragged screaming up to the barrier to make some changes to the scheme and setting up a select committee which he ignored almost entirely. Some of the problems that we have with the scheme today are the result of a couple of issues recommended by that committee not being taken up.

I see the member for Giles has come in. One of the major issues in that select committee was a second year review. Nothing happened about that because it was too hard. However, in 1986 the member for Giles said that if this system proved to be open ended he would make sure that amendments were made in this place as soon as possible. Today, eight years later, nothing has happened. That is the main reason for the long tail of the existing scheme.

I am staggered at the comments about stress. I would have thought that any previous Government would know that some of the biggest claims in Government and also in the private system relate to stress. It is absolute nonsense to say that such claims represent only 1.5 per cent of claims. The average claim for stress in Government is $18 000. It is a huge cost in terms of claims, and the percentage is irrelevant if the cost continues to increase. This is about cost and extreme overuse or abuse, whichever word one wants to use, in this area.

Some nonsense has been talked about journey accidents. Journey accidents cost the scheme about $5 million three years ago. This year they will cost about $15 million. It is the biggest single rise in the scheme in terms of dollar costs. It is starting to get out of control. So there is a need to bring it back under control. As members of the WorkCover Board would know, in a recent report to the board a simple explanation was given, which said, 'We believe that the actuarial report is in fact out to the order of $25 million.' That report to the board simply said, 'If you don't do something about it, we will have to consider increasing the average levy rate at this time to 3.15 per cent.' The board members from all sides would know that.

When we introduced these changes into the Parliament and mentioned them during the last election—and they were all mentioned during the last election—we did so believing that we were going to save costs. The reality is that, if these changes do not go through the Parliament, the existing board, if it is doing its job properly, will have to consider increasing the average levy rate. So we are no longer in a position where these changes will improve the long term funding of the scheme: they are absolutely essential in terms of the current situation. As board members would know, the situation told to the previous Parliament about claims holding the line is in fact not true. There was evidence prior to the election, as I requested on numerous occasions in this House, that the claims history of the scheme was starting to change some six to eight months ago. It was not a change that suddenly occurred in December. It was an increase in claims some six to eight months ago.

Those who have been on the board would know that the principal and only reason that the scheme became fully funded was a drop in claims. That was the only reason why it in fact turned around the unfunded liability, because the high peak was of the order of 50 000 claims a year and the low peak was around 35 000 claims a year. It was never possible for it to stay at that level of 35 000 claims. It was the recession that kept it down. It was not good management by the board: it was the sheer luck of the recession that kept it down, and a few of the changes made that were forced upon the previous Government by the Liberal Party through the select committee. The real issue that was identified to the man who wrote this savings scheme back in 1986 still has not been attacked—the second year review which creates the tail. That is the principal thing that has never been attacked by the previous Government.

I find it absolutely staggering that tonight we have had all this whimpering, whining and grizzling from members opposite who in fact had been sitting over on this side of the House ever since the scheme was set up and did absolutely nothing to try to keep it under control. As I have said, it was the intention of the Government to put some savings into the system. It is estimated that if all the changes go through—including those relating to commutation, stress and journey

accidents—it will amount to approximately $25 million or $30 million. That is not my estimate: it is an estimate from experts in the board area of WorkCover. That is where the estimates have come from. I note that the board estimates have never been questioned by anybody. No board member has stood up and said that these estimates are not right. I am darn sure that if they were wrong somebody would have said so. But the estimates of the savings of these changes are only going to hold the scheme now at its so-called, as the member for Giles said, actuarial funding level that no-one believes in any case. The so-called full funding will only hold its line if these changes go through.

I could make many other comments in closing the second reading debate, but I am quite sure that members would like to proceed to Committee and, so, I conclude by congratulating members on this side for their foresight in supporting what will be the beginning of some very important and significant changes to the WorkCover scheme.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Objects of Act.'

Mr CLARKE: My question to the Minister relates to new section 2(2), which provides:

> A person exercising judicial or quasi-judicial powers must interpret this Act in the light of its objects without bias towards the interests of employers on the one hand, or workers on the other.

I make two points: first, why is that included in the objects of the Act; and, secondly, is the Minister able to point to any decisions or actions of any members of the Workers Compensation Appeal Tribunal, members of the Supreme Court, or review officers who have acted in a biased or politically motivated manner?

The Hon. G.A. INGERSON: The provision will bring balance to the legislation.

Mr CLARKE: I will seek a division on that. The Opposition does not support any object in the legislation that casts a slur on every justice of the Supreme Court of South Australia who has handled a workers compensation matter, every review officer since 1986 who has dealt with a matter before WorkCover, and on members of the Workers Compensation Appeal Tribunal. Workers have lost as many if not more cases than employers before each of those respective bodies, but at no time have we called into question their integrity or their political objectivity in dealing with the matters before them.

The Committee divided on the clause:

AYES (27)

Andrew, K. A.	Ashenden, E. S.
Baker, S. J.	Bass, R. P.
Becker, H.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Evans, I. F.	Greig, J. M.
Ingerson, G. A. (teller)	Kerin, R. G.
Leggett, S. R.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Oswald, J. K. G.	Penfold, E. M.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Such, R. B.
Tiernan, P. J.	Venning, I. H.
Wade, D. E.	

NOES (6)

Arnold, L. M. F.	Blevins, F. T.
Clarke, R. D. (teller)	Foley, K. O.
Quirke, J. A.	Rann, M. D.

PAIRS

Armitage, M. H.	Atkinson, M. J.
Olsen, J. W.	De Laine, M. R.
Wotton, D. C.	Hurley, A. K.

Majority of 21 for the Ayes.

Clause thus passed.

Clause 4—'Interpretation.'

Mr CLARKE: With respect to clause 4(d), what about those places of employment, for example, John Shearer, Simpson Pope, and the brewery, which actually straddle public roads? They would not seem to be covered within the definition of 'place of employment'.

The Hon. G.A. INGERSON: We do not see any difficulty with the existing definition.

Mr CLARKE: The Minister has not answered my question. My question was: how is it a place of employment, where that employment straddles public roads? I have given some examples, and there are others, where employees, if they were crossing from one part of a plant to another, across a public road, would not be in their place of employment if they were injured whilst crossing that road. There are many examples in manufacturing concerns in this State where that happens. What is the intention of the Government?

The Hon. FRANK BLEVINS: Just say 'Yes' or 'No'. It often happens—and there is nothing wrong with that—that the Minister, the Minister's adviser or those advising the Minister's adviser cannot answer a question at the time. There is nothing at all wrong with taking a question on notice. If it is a legitimate question it is legitimate not to know.

The Hon. S.J. Baker: He gave the answer.

The Hon. FRANK BLEVINS: No, he did not give the answer. The answer requires a simple 'Yes' or 'No'. Is the worker covered or not? If the Minister does not know he should at least pay the Committee the courtesy of getting a report. What is the problem with that? He should not just sit there and treat the Committee with contempt.

An honourable member interjecting:

The Hon. FRANK BLEVINS: I did not. If I did not know, I always said that I would get an answer. There is nothing wrong with that.

Mr BRINDAL: I rise on a point of order, Mr Chairman. I seek your clarification. I understood that the Standing Orders of this House allow a Minister to answer a question in any way he chooses. I believe that the precedent in the previous Parliament was clear. I remember certain instances where Ministers sat in their place ignoring the question and refusing to answer. I seek your guidance as to whether the Minister is entitled to answer the question in any way he chooses.

The CHAIRMAN: The honourable member has a relevant point of order. The Minister can answer a question or not as he chooses. In similar fashion, Opposition members are entitled to ask up to three questions. I suggest that members are challenging the Minister, who claims that he has already answered the question. The situation stands at that.

Mr LEWIS: In this instance I rise simply to seek the Minister's assurance that, wherever an employee is working, as long as he is at work under the terms of the arrangement that he has with his employer, he is covered. That is regardless of whether the place of employment is either side of a roadway, a railway or wherever. In the case of people who live in Pinnaroo, if the employer has his registered place of employment and his office in South Australia and pays the

WorkCover levy in South Australia, it is immaterial whether the employee happens to be working on the South Australian or the Victorian side of the border; they are still covered because they are at work and a premium has already been paid on their wages.

The Hon. G.A. INGERSON: As I said in answering the first question, I am satisfied with the definition as it relates to place of employment. Surely any person with average intelligence would understand that that means the Government is satisfied that the honourable member's particular example is covered.

An honourable member interjecting:

The Hon. G.A. INGERSON: I said that to start off with.

The Committee divided on the clause:

AYES (27)

Andrew, K. A.	Ashenden, E. S.
Baker, S. J.	Bass, R. P.
Becker, H.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Evans, I. F.	Greig, J. M.
Ingerson, G. A. (teller)	Kerin, R. G.
Leggett, S. R.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Oswald, J. K. G.	Penfold, E. M.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Such, R. B.
Tiernan, P. J.	Venning, I. H.
Wade, D. E.	

NOES (6)

Arnold, L. M. F.	Blevins, F. T.
Clarke, R. D. (teller)	Foley, K. O.
Quirke, J. A.	Rann, M. D.

PAIRS

Armitage, M. H.	Atkinson, M. J.
Olsen, J. W.	De Laine, M. R.
Wotton, D. C.	Hurley, A. K.

Majority of 21 for the Ayes.

Clause thus passed.

Clause 5 passed.

Clause 6—'Substitution of s.30.'

The Hon. G.A. INGERSON: I move:

Page 7, lines 5 to 10—Leave out paragraph (b) and insert the following paragraphs:

(b) the stress arising out of employment exceeds the level that would be normally and reasonably expected in employment of the relevant kind; and

(c) the stress is not, to a significant extent, attributable to—

(i) reasonable action to transfer, demote, discipline, counsel, retrench or dismiss the worker; or

(ii) a reasonable decision not to award or provide a promotion, transfer or benefit in connection with the worker's employment; or

(iii) a reasonable administrative action in connection with the worker's employment; or

(iv) a reasonable act, decision or requirement under this Act affecting the worker; or

(v) a reasonable act, decision or requirement that is incidental or ancillary to any of the above.

When we introduced this clause on stress it was the view of the Government on the advice we had received at that stage that it fully covered the issues about which we were concerned, for example, trauma in the Police Force and so forth. On further discussion with the draftspeople we were advised that we needed to make some changes, in particular to paragraph (b), and accordingly I have moved this amendment.

Mr CLARKE: Proposed new paragraph 30A(b) provides:

the stress arising out of employment exceeds the level that would be normally and reasonably expected in employment of the relevant kind;

Will the Minister give examples of the successful claims that could be made out for stress under that paragraph?

The Hon. G.A. INGERSON: I would have thought that it was pretty simple for the honourable member to work that out. A very simple example would be a bank teller having a gun pointed at him or her; a police officer coming across a road accident and finding a dead body; or a person being involved with the NCA bombing, which is the example that has been thrown around *ad nauseam* by the honourable member opposite. I would have thought all those examples, on the advice I have been given, were covered by this clause.

The Hon. Frank Blevins interjecting:

The CHAIRMAN: The member for Giles is entitled to ask a question, but not without going through the Chair. If the honourable member wishes to ask that question, I suggest that he follow the member for Ross Smith, whom I have already called. I call the member for Ross Smith.

Mr CLARKE: What cost savings will the amendment achieve in the WorkCover scheme, both in the private sector and in the public sector, and what will be the reduction in the number of claims?

The Hon. G.A. INGERSON: I have been advised that in relation to the WorkCover Corporation, which is the private sector, there would be a saving of the order of $6 million. The actual number of claims I cannot estimate, but that is the advice that I have been given. If you translate that into the Government sector, which currently has a claims level of the order of $20 million, I would anticipate somewhere between $10 million and $15 million.

The Hon. FRANK BLEVINS: What concerns me is that some specific examples have been given and the Minister has not yet said yea or nay to those specific examples. It is important for people who have to live with this Act that at least they know the intention of the Government. I do not think that is unreasonable, particularly for lay people.

The courts are supposed to look not at the debates but only at the legislation that is passed. When we tried to amend the Act so that the courts could look at the debates, members opposite when they sat on this side prevented that. It would have been a tremendous help if the courts had to take notice of what the Government's intention was. It is important for lay people to know what is in the Government's mind (or whatever laughingly passes for its mind). I can see no reason why, if a concrete example is given and an opinion is sought, a concrete answer ought not be given. It does not necessarily have to be given now, because I would have no objection, and I am sure the Committee would have no objection, if the Minister said that prior to the third reading or prior to the Bill's being dealt with in another place—assuming it goes through—an explanation would be given. There is no reason why the Minister cannot do what every Minister—Liberal or Labor—has done in my experience in this place and answer the question specifically.

The Hon. S.J. Baker interjecting:

The Hon. FRANK BLEVINS: Always. You may not have liked the answers—

The Hon. S.J. Baker: You never provided an answer in your life.

The Hon. FRANK BLEVINS: Always. There are two reasons for doing that. The first is common courtesy and the second is that the Bill is going to another place and there is no point in any Minister being cavalier about a Bill that will be dealt with in another place where the numbers are somewhat different. If I did not know the answer to a question in Committee, I always obtained an answer. If the Minister does not know the answer, and that is perfectly legitimate because he cannot be expected to know the ins and outs of every possible example thrown up, the Minister can get advice overnight and let the Committee know. That has been the practice of Liberal and Labor Ministers since I have been in this place, and I do not think it is an unreasonable request.

The Hon. G.A. INGERSON: What an amazing series of comments, because I can remember sitting here for hours in 1986 and having great difficulty getting answers from the former Minister who has just commented. Our situation is in terms of policy; as defined in this provision, stress that is wholly and predominantly created by work is covered under this provision. We have amended the provision to further clarify the situation as it relates to traumatic conditions. We have done that because the advice I had indicated that that was covered but subsequent advice was that we needed to amend it to ensure that any reasonable action of a person at work who developed stress because of some traumatic condition—a condition extraordinary relative to their normal work—would be covered.

Mr CONDOUS: Under this legislation will we be able to claim for stress in regard to fluffy penises?

The Hon. G.A. INGERSON: Public rorts have been identified in this area and one reason for changing the definition, as we did on the select committee, and we have been consistent in our argument in that regard, is that we believe the provision needs to be tightened up so that, if there are specific rorts identified by the public, they will be removed.

Mr BRINDAL: Mr Chairman, I think I understand fully what the Minister has said but I want to clarify the matter. Is the Minister informing this House that it is a normal expectation in the job of a police officer that he or she might attend a road accident and that if, as a result of attending a road accident he or she is subjected to trauma because there is a particularly bad physical injury that causes stress, that stress would be compensable? As I understand it, that is what the Minister has explained. It seems perfectly clear, but apparently not to the Opposition. Is that what the Minister has been saying?

The Hon. G.A. INGERSON: Yes.

Mr CLARKE: Dealing with clause 6(b), I put the following example to the Minister: if a policeman or policewoman had worked in the Road Traffic Branch for several years and had, as part of their duties, attended accident scenes and had been involved in the removal of bodies and the like, but on a particular occasion suffered stress as a result of a particular accident or accidents after those several years, would that person still be covered for stress under this amendment?

The Hon. G.A. INGERSON: Yes, that would be the case.

Mr LEWIS: My question does not so much relate to the problem which was well reported and to which attention has been drawn by the member for Colton of fluffy penises, or penises of any kind, but rather to other things in the workplace that are equally provocative of some distress, indeed more so probably, such as Sturt peas or other flowers that can cause asthma or allergy or other things of that order. Even though concern has been raised in the public domain by some members of union organisations that these will be eliminated under clause 30(a) we are in fact not disallowing—

Mr Condous interjecting:

Mr LEWIS: No, quite so. The worker so affected will indeed be able to seek medical treatment and will be given appropriate access to rehabilitation time to enable them to return to work and resume their normal duties. One of the things that worries me out of all that is that the cause of the distress in some circumstances may not be removed from the workplace. I am not just talking flowers—

Members interjecting:

Mr LEWIS: There are some crazy contemporary art forms that would cause me, and I am sure equally the member for Unley, distress that we would still have to suffer.

Members interjecting:

Mr LEWIS: That is a worry; but notwithstanding any of that, the disability caused by stress is compensable in the terms that are described in the legislation. Those terms cover the circumstances to which I have referred but do not cover the circumstances to which the member for Colton referred, which by virtue of what arose out of it—and I mean that in a metaphorical sense—

Members interjecting:

Mr LEWIS: It was not really; it was just related to the situation we were contemplating. They will be provided with compensation where they find themselves affected in a stressful way by what occurs whilst they are at work regardless of what it is that causes that stress, so long as it can be identified as a condition that is medically described as stress.

The Hon. G.A. INGERSON: I think the answer to the question is that if there is any genuine disability that is a result of work it is covered.

Mr CLARKE: I ask a question of the Minister with respect to paragraph (c) of the amendment which says, 'the stress is not, to a significant extent, attributable to—(i), (ii) etc.' Dealing with (i), 'reasonable action to transfer, demote, discipline, counsel, retrench or dismiss the worker', why did the Government remove from the current Act provision of reasonable action provided that it is done in a reasonable manner? Does the Minister also consider that particularly in matters such as discipline of an employee, if it is done in an unreasonable manner where an employer harangues, abuses a particular employee and harasses that person, that that can result in stress? Whilst the action of transferring or disciplining the employee might be reasonable it could also be done in an unreasonable manner such as to cause the worker stress.

The Hon. G.A. INGERSON: We believe this is a better definition.

The Hon. FRANK BLEVINS: On a simple reading of paragraph (c) I think there are some improvements to the present definitions. I will not lose a great deal of sleep over somebody who gets stress of a very serious nature outside the workplace if that is not covered by workers compensation. That will not give me a great deal of hassle at all. As in all these things they have to run the gamut of the law eventually and we know what the end result of that is. If anybody thinks that they can make improvements here all I can say is, 'Wait and see.' What does genuinely concern me is in (b) 'the stress arising out of the employment exceeds the level that would be normally and reasonably expected in employment of the relevant kind.' It is clear that the Minister, for some reason I cannot work out, will not give us definite answers—in this

place anyway—on specific examples. I think that the Minister is being unreasonable.

What concerns me is those people in stressful jobs; jobs that are inherently stressful and where you cannot remove the stress from the job. For example, police officers, prison officers, fire officers, and nurses working in certain situations all the time. If a police officer, as the member for Ross Smith said, works in traffic for ten years and on a weekly basis has to sort out bits of bodies from bad car accidents and deal with hysterical people etc., they are the normal duties of that police officer. It says 'the stress arising out of the employment exceeds the level that would be normally and reasonably expected in employment of the relevant kind.' For the police officer it would be normally and reasonably expected that on a weekly basis they would have to sort out car accidents and all the trauma and human drama that surrounds that. What about the situation where, over an accumulation of five or 10 years, that officer becomes totally stressed out, not because of any extra trauma but because he was genuinely diagnosed by a doctor to have stress arising out of employment, even though the level of stress would be normally and reasonably expected?

That will be the difficulty for a police officer. I am not talking about a CO3 clerk who does nothing more traumatic than filing. If that person gets stressed, it is a tough world, but a police officer's job involves walking into situations of domestic violence and doing 101 things between clocking on and clocking off. If a police officer breaks down after 10 years of doing that and is diagnosed as having stress, it seems to me that under paragraph (b) that will not be compensable, because they are the normal and reasonable duties of a police officer.

That is why I think we need specific answers to specific examples before the Bill finally passes the Parliament. In all fairness to everyone concerned, even though the Minister says, 'Yes, that officer is covered', I do not think that is what the Bill provides. I think the member for Ridley was on the right track. I believe that implicit in the member for Ridley's question was the perception that some jobs have a certain level of stress. If they cannot hack it that is tough, they will not be covered; that stress will not be compensable. I think that is what this clause provides; I think that is its intention. Police officers and others who are engaged in stressful occupations ought to realise that, unless there is an NCA bombing incident, if it is only the weekly scraping up of people off the floor, the twice nightly wrestling with a bunch of hoods in Hindley Street, or the domestic violence situations on a daily basis, if they crack up after 10 years, they will not be covered. That is what this paragraph provides. Will the Minister confirm my interpretation?

The Hon. G.A. INGERSON: I agree with the member for Giles that that is the intent.

The Hon. FRANK BLEVINS: I just want some clarification. There is no doubt about it; that is what it provides. However, I believe that there are people opposite who think differently, and I think the member for Unley is one. I do not think that the member for Unley has it right at all. I think he got an incorrect answer. Perhaps he did not frame his question clearly. If the Minister examines *Hansard* tomorrow, he will see that the answer he has given me and the answer he has given the member for Unley conflict. So, this matter ought to be clarified. If it is not clarified here, it will have to be clarified in the other place. I think it is perfectly clear, but I urge the Minister, as I did when there appeared to be some conflict and some clarification was required, to do that in the passage of the Bill between the two Houses—a perfectly normal everyday occurrence in this Parliament.

Mr BRINDAL: Will the Minister again confirm to this House that it is his intention under this Bill to protect people in emergency services, such as fire officers and police officers, who suffer genuine stress as a result of situations in the workplace in which they operate? Will the Minister further confirm that if the courts interpret the situation differently, he will be prepared to have his—

An honourable member interjecting:

Mr BRINDAL: I asked about his intent, and I also asked whether the Minister, if he finds that the courts interpret a situation differently, would be prepared to look again at that situation and bring it back to the Parliament.

The Hon. G.A. INGERSON: That is a different question from the one asked earlier. The question asked earlier related to trauma. The answer I gave to that question was, if there is a traumatic condition that is genuinely related to work, 'Yes'. If a job is stressful—and we all have them; this is one of them—this definition is clearly intended to say that that stress is over and above what are considered to be the normal conditions of work.

The CHAIRMAN: Order! As the member for Giles has already asked three questions on the amendment, his fourth question is out of order. It may well be that, if we put the amendment and pass it—and if he phrases his question carefully—the honourable member can still ask a similar question on the clause as amended.

The Committee divided on the amendment:

AYES (26)

Andrew, K. A.	Ashenden, E. S.
Baker, S. J.	Bass, R. P.
Becker, H.	Brindal, M. K.
Brokenshire, R. L.	Caudell, C. J.
Condous, S. G.	Evans, I. F.
Greig, J. M.	Gunn, G. M.
Ingerson, G. A. (teller)	Kerin, R. G.
Leggett, S. R.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Oswald, J. K. G.	Penfold, E. M.
Rosenberg, L. F.	Rossi, J. P.
Such, R. B.	Tiernan, P. J.
Venning, I. H.	Wade, D. E.

NOES (6)

Arnold, L. M. F.	Blevins, F. T.
Clarke, R. D. (teller)	Foley, K. O.
Quirke, J. A.	Rann, M. D.

PAIRS

Armitage, M. H.	De Laine, M. R.
Olsen, J. W.	Hurley, A. K.
Wotton, D. C.	Atkinson, M. J.

Majority of 20 for the Ayes.

Amendment thus carried.

Mr CLARKE: I draw the Minister's attention to subclause (3), which provides:

> A worker's employment includes—
> (a) attendance at the worker's place of employment on a working day but before the day's work begins in order to prepare, or be ready, for work;
> (b) attendance at the worker's place of employment during an authorised break from work; and
> (c) attendance at the worker's place of employment but after work ends for the day while the worker is preparing to leave, or in the process of leaving, the place.

I have some questions relating to each of those paragraphs. I can roll them into one, or it may be easier for the Minister's

convenience—I shall be guided by you, Mr Chairman—if I take them paragraph by paragraph.

The CHAIRMAN: The honourable member is aware that he has only three further questions on the clause as amended.

Mr CLARKE: My reading of the Standing Orders, Mr Chairman, is that I may not speak more than three times on any one question.

The CHAIRMAN: The question is that the clause stand as printed. The question is the Chairman's, not the honourable member's. The question before the Committee is that the clause stand as printed. I am simply explaining that the honourable member has three questions on the clause, not three questions on his own initiative. The honourable member obviously misunderstands Standing Orders. The question before the Committee is the question on which the honourable member is allowed to pose three questions of his own to the Minister.

Mr CLARKE: The difficulty that I have with that approach, Mr Chairman, is that if that interpretation is correct we could have this entire Bill with one clause covering 20 or 30 pages on different—

The CHAIRMAN: The honourable member's interpretation is absolutely correct: he would still have only three questions. I have called him for his first question.

Mr CLARKE: The points that I wish to raise on clause 30—

The Hon. Frank Blevins interjecting:

Mr CLARKE: It is a multi-faceted question. Would the Minister agree that, if we are looking at the definitions with respect to subclause (3), a worker who wanted to attend his place of employment early—for example, at 8.30 in the morning when the employer requires him to be at work only at 9 a.m.—would not be covered for workers compensation if injured whilst commencing work earlier than the appointed starting time? Also, a worker who voluntarily chose to stay behind after the normal knock off time of 5 o'clock and work until 5.30 p.m. or 5.45 p.m., which is not unusual in a number of industries, and was injured whilst at the employer's place of business, would not be covered for workers compensation. Would the Minister also agree that with respect to attendance at the worker's place of employment during an authorised break from work—

The CHAIRMAN: Order! I ask the honourable member to resume his seat. As it is now midnight, I am required to vacate the Chair and report progress.

Progress reported; Committee to sit again.

ADJOURNMENT

At 12.1 a.m. the House adjourned until Thursday 24 March at 10.30 a.m.