HOUSE OF ASSEMBLY

Tuesday 7 February 1995

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

PHYLLOXERA AND GRAPE INDUSTRY BILL

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

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following Bills:

Conveyancers,
Electricity Corporations,
Environment, Resources and Development Court (Native Title) Amendment,
Land Acquisition (Native Title) Amendment,
Land Agents,
Land and Business (Sale and Conveyancing),
Land Valuers,
Local Government (1995 Elections) Amendment,
Motor Vehicles (Conditional Registration) Amendment,
Native Title (South Australia),
Parliamentary Remuneration (Salary Rates Freeze) Amendment,
Public Finance and Audit (Local Government Controlling Authorities) Amendment,
Road Traffic (Miscellaneous) Amendment,
Shop Trading Hours (Meat) Amendment,
South Australian Water Corporation,
Stamp Duties (Miscellaneous) Amendment,
State Disaster (Major Emergencies and Recovery) Amendment,
State Lotteries (Scratch Tickets) Amendment,
Statutes Amendment (Oil Refineries),
Vocational Education, Employment and Training,
Wheat Marketing (Barley and Oats) Amendment.

BRUCE, HON. G.L., DEATH

The Hon. DEAN BROWN (Premier): I move:

That this House expresses its regret at the recent death of the Hon. Gordon Bruce, former member and President of the Legislative Council and places on record its appreciation of his meritorious service; and as a mark of respect to his memory the sitting of the House be suspended until the ringing of the bells.

I am sure that all members of the House have the very fondest memories and the highest respect for the Hon. Gordon Bruce. He was an outstanding President of the Legislative Council and he was an outstanding person in wanting particularly to represent the workforce in the South Australian Parliament. I always had the highest regard for Gordon Bruce who was frank, open and who had the respect of all members. He was always willing to sit down and discuss with other members and with me as Leader issues that he thought were important to the people of South Australia.

I draw to the House's attention that Gordon Bruce retired from the Parliament in 1993 after 14 years of service. He was elected originally in 1979 and made his maiden speech to the Legislative Council in October 1979. He was Chairperson of the Subordinate Legislation Committee from 1982 to 1990 and Government Whip in the Legislative Council before taking on the presidency. Of course, I know that Gordon retired with the specific objective of being able to travel with his wife Olive around Australia in his caravan and enjoy retirement. I can recall a rather lengthy discussion I had with him on Kangaroo Island one day about how much he had enjoyed Kangaroo Island and how he was sure that were similar spots around Australia that he would like to enjoy in his retirement.

Then, of course, Gordon found that he had motor neurone disease, which very quickly started to affect him. I admire his courage in then deciding that he would not be silent about this. He was willing to talk to the media and to highlight the problems caused by a disease that is not generally known out in the community. He wanted to help the cause of other people who might also suffer from motor neurone disease. I think that highlights Gordon's courage, his openness—which I talked about earlier—and his determination to get out and help other people in the community. I particularly draw attention to the fact that he was a long serving member of the Liquor Trades Union; he worked hard for that union and on a whole range of issues. Gordon worked hard for the working people whom he wanted to represent. With other members of the House I would pay a tribute to the way he dedicated his life to doing that.

Gordon originally came from Victoria, moving to South Australia in 1952 and working at the champagne cellars of Wynns Magill winery. He therefore worked in the liquor trades industry for virtually his whole life, except for his time in Parliament and his very short retirement. On behalf of all members of Parliament in both the Legislative Council and the House of Assembly and also on behalf of the thousands of South Australians who appreciated what Gordon did for them and his dedication and contribution to South Australia, I say, 'Thank you for those efforts; thank you for what you have left,' and I particularly offer our condolences to his wife, Olive, daughter and two sons.

The Hon. M.D. RANN (Leader of the Opposition): In seconding the Premier's motion, I want to express the condolences and sympathy of all members of Parliament on this and, indeed, all sides of Parliament. That was demonstrated most clearly at Gordon's funeral, which was conducted by Father Joe Grealy and which was attended by many members of Parliament from all sides of politics, both past and present, who formed an honour guard at the funeral. It was also attended by Her Excellency the Governor and the former Governor, Sir Donald Dunstan. The Premier has already outlined some aspects of Gordon's career. That career was dominated by his enthusiasm for working in the labour movement and in the unions, representing workers. Indeed, Gordon said in a newspaper interview in 1985 that he considered himself the average Joe Blow but that through his union activities he had become interested in 'what was happening to the other bloke,' and he said:

The injustices I saw as a union organiser needed to be righted. Unions are needed today as much as they ever were.

Gordon nominated industrial relations as one of the key interests in his life. In his maiden speech to Parliament in 1979 he spoke at length of the need for unions, the need to protect workers from exploitation, the need for retrenchment packages, which in those days were not paid, and the need for a proper superannuation scheme. He said in that maiden speech:

I will be doing all in my power to see that legislation is introduced into this Parliament which protects trade unionists and does not destroy or weaken such a vital section of the work force and community.

Gordon also had a great passion about and was a great defender of the Legislative Council. He believed it served a useful purpose and also that Legislative Council members should have proper facilities and staff. He toured the premises during the current reconstruction on the top floor, and no doubt he would be pleased to see the new rooms at Parliament House.

Gordon was above all someone who loved life; he loved the parliamentary bowls, sport, music and to travel, both overseas and around Australia. Gordon was proud to be an Australian; he loved his country and was aware of its faults, but he was also aware of the great potential of Australia and Australians. One of the things about Gordon was that he was forthright, but he could also be friendly. He was plain speaking, but he was never really blunt without a sense of humour. He had a great sense of humour, and that will be missed by all members of Parliament. He was a great mate and was a mate to many tens of thousands of workers in this State.

As the Premier mentioned, Gordon was looking forward to an active retirement with his wife, Olive, and his children and grandchildren. It was an enormous tragedy that, shortly after retiring, he was diagnosed as having motor neurone disease, but he maintained his courage and sense of humour. He battled the disease, which angered and frustrated him, and the helplessness in later months was particularly difficult for him, his family and friends. I pay tribute to Olive and the family for their sterling support of Gordon during this very difficult time. Certainly all members of this Parliament will miss Gordon Bruce.

Mr LEWIS (Ridley): Some members may think it quaint that I, too, wish to contribute to these remarks. I first came across Gordon in the time before I entered Parliament during his work as a member of the Liquor and Allied Trades Industries Union in the liquor industry. After seeing him in the Parliament, we had common interests, shared common values and became close friends. I do not do these sorts of things easily.

I went to many parliamentary bowls carnivals with him and I was in the same party of people who managed, by means that I will not discuss or disclose at this point, to get to Russia and Armenia in May 1989, in company with the Hon. Roy Abbott and the late Hon. John Burdett, where we were able to do quite a deal which does not warrant recounting here.

Like others, I enjoyed Gordon's company, his frankness, his willingness to be constructive in the comments that he made, the good humour that he displayed even in adversity, and the courage that he displayed in those last months of adversity when struck down by motor neurone disease, which most of us imagine happens to someone else, never to us. It saddened me to see him denied what he had looked forward to and justly deserved, in my opinion, in retirement. I join the Premier, the Leader of the Opposition and other members in expressing my condolences to the family. I know that they will miss him. I do.

Mr CLARKE (Deputy Leader of the Opposition): I certainly wish to join the Premier, the Leader of the Opposition and the member for Ridley in expressing my condolences to the family of the late Gordon Bruce. I first got to know Gordon in 1976 when he was Assistant Secretary of the Liquor Trades Employees' Union. I was an organiser with the Federated Clerks Union and I was handing out how-to-vote tickets against him for the position of Assistant Secretary of the Trades and Labour Council at that time. Gordon never held a grudge. The first time I met the man was at the Shannon Room where I was handing out how-to-vote tickets for his opponent. As it turned out, Gordon did not win that position, but he went on to a better and brighter future in the Legislative Council.

I got to know Gordon very well indeed, and in particular Olive, with respect to the Federal seat of Adelaide when Chris Hurford was the member for that seat and Gordon was his campaign director and I was at various times President and Secretary of the Federal Electorate Council. The meetings that we held at the Bruces' home were lively and very entertaining, and Gordon was well known as an extremely generous host. The official business would finish at nine, but I would rarely leave before 12 o'clock. I was appreciative that at that time there were not too many RBT units on the road before I learnt my lesson on that. Gordon was a wonderful man, a loving father, a devoted husband and an all round very good person. For those of us who had the pleasure of knowing him personally, our lives were very much enriched.

In conclusion, I make one point, because I am sure that all of us in this Parliament would like to have his foresight. On a number of occasions I would come to the Parliament to listen to various debates on industrial matters and, as we know, the result was often tied to one or two votes in another place. I must say that, in predicting exactly how the numbers would line-up on the various pieces of industrial legislation put forward, Gordon never got it wrong. I only wish I had his foresight and, no doubt, so does the Government.

Mr QUIRKE (Playford): I wish to be associated with these remarks. When talking of Gordon Bruce two images come immediately to my mind: the first dates back to 1985 and the Royal Adelaide Show. I was given the job of attending the ALP stand at the royal show with Gordon. I do not remember what day of the week it was but it was one of the great experiences of my life. I sat and watched Gordon Bruce absolutely transfix every young child who came along. Chris Schacht had given us a machine for making badges and, in 1985, ALP badges were popular with about 55 or 56 per cent of the population. However, by the time Gordon had finished those badges were popular with all the kids who were there.

It was absolutely amazing to watch Gordon dealing with young people. He never tired of it; it went on all day, with kids coming from every direction. He could be described as a grandfatherly type who had a simple and common touch. The next image, unfortunately, is not as pleasant. Like the Premier and others in this place, I also recall that Gordon looked forward to his retirement. It would be fair to say that from 1991 to 1993 he definitely looked forward to that time and to the trip around Australia with Olive. A cruel twist of fate robbed him of the one thing that really meant something to him in his retirement.

When members in this place now and into the future debate various pieces of legislation, such as the palliative care Bill, I am sure the courage of Gordon Bruce in those last months of his life will not be too far from their thoughts—it certainly will not be too far from mine. I must say that, if I have to face an affliction such as motor neurone disease, I do it with as much courage as Gordon Bruce.

Mr De LAINE (Price): I would also like to say a few words about my former colleague and very close and dear friend, Gordon Bruce. Gordon, as has been mentioned, was born in Victoria. He and his wife Olive came to live in Adelaide back in the early 1950s because their oldest son, Douglas, was born with a hearing disability and needed treatment in Adelaide. It is probably not widely known that Gordon was a pastry-cook by trade. Because of limited opportunities in this field, he was unable to secure work and obtained a job in the wine industry, which led him ultimately to becoming involved in the Liquor Trades Union as a full-time official and then later as president of that union.

This led him towards ALP activities, and eventually he was elected to the Legislative Council in 1979. As has been stated, Gordon later became Whip and then, in 1989, he was elected to the very prestigious position of President of the Legislative Council. As I said, Gordon was a good and loyal friend. He had a very easy-going nature and when dealing with people always put them at ease. He was a very reliable person who never let you down when you needed his support. Like many members on both sides of the House over the years, I enjoyed Gordon's company on the bowling greens when playing parliamentary bowls. I thoroughly enjoyed that rapport with Gordon. I also extend my sincere condolences to Olive, Douglas, Cheryl, Nigel and their families.

The Hon. FRANK BLEVINS (Giles): I, too, wish to be associated with this motion. I first met Gordon Bruce during an industrial dispute in Whyalla concerning the use of non-union labour serving liquor in the clubs. It was a very difficult dispute because it was not all black and white. Of course, most things in life are not always black and white. Nevertheless, Gordon took what I thought was the principled decision. It was a very difficult decision: he was on the hard side of the argument. Nonetheless, I supported him strongly on that. I was very pleased to be able to suggest a possible way out of the dispute, and Gordon was very happy to find it. But Gordon was always, in my view, on the right side of any argument. He was always on the principled side of the argument, no matter how difficult it was or how unpopular.

He was proud of his job as a trade union official. He did not hide it. He was proud to be a member of Parliament, and he did not hide that. I wonder how many of us here have said we are public servants when somebody has asked us what we do if they do not know us. My suspicion is there would be more than a few, but not Gordon. Gordon would say, 'I am a member of Parliament, and proud of it. If you want to have a go, I will take you on.' And he did it, and I think we are all the better for his doing that. It did not matter whether it was publicly or privately. The position of the Parliament and of the members was in all instances worthy of defence and promotion by Gordon. That was the type of person he was.

It was a lousy way to die. I do not know whether there is a good way to die, but I think some are worse than others. It just struck me as grossly unfair that somebody who had worked all his life in by and large difficult circumstances—perhaps not so difficult in the past 10 years or so—should die in the way he did. I think it only reinforces the old saying: 'There is no justice in this world: there is only life' because, had there been any justice, I do not think Gordon would have died the way he did. Olive knows how sorry everybody here is that Gordon died so early after he retired and in the way he did, but I think it is perfectly appropriate that that be put on the record. I know that the comments made here today will be forwarded to Olive and the family, and I just want to say how really sorry I am for the way it all finished up. But, knowing Olive, she will soldier on with her own private thoughts.

Motion carried by members standing in their places in silence.

The SPEAKER: I will ensure that the comments made during the moving and seconding of this motion are forwarded to the family.

[Sitting suspended from 2.24 to 2.35 p.m.]

WILLISS DRIVE, NORMANVILLE

A petition signed by 116 residents of South Australia requesting that the House urge the Government to reduce the speed limit and provide better pedestrian access on Williss Drive, Normanville, was presented by the Hon. D.C. Brown.

Petition received.

EDUCATION AND CHILDREN'S SERVICES

Petitions signed by 148 residents of South Australia requesting that the House urge the Government not to cut the education and children's services budget were presented by Messrs Allison, D.S. Baker, Brown, and Buckby.

Petitions received.

QUEEN VICTORIA HOSPITAL

A petition signed by 2 911 residents of South Australia requesting that the House urge the Government to upgrade car parking facilities to the Queen Victoria Hospital site was presented by the Hon. M.H. Armitage.

Petition received.

MODBURY HOSPITAL

A petition signed by 448 residents of South Australia requesting that the House urge the Government not to allow the privatisation of health services at Modbury Hospital was presented by the Hon. M.H. Armitage.

Petition received.

A petition signed by 15 residents of South Australia requesting that the House urge the Government to cease negotiations with Healthscope and ensure a viable public Modbury Hospital was presented by Mr Bass.

Petition received.

CADELL TRAINING CENTRE

A petition signed by 1 370 residents of South Australia requesting that the House urge the Government to maintain and upgrade facilities at the Cadell Training Centre was presented by Mr Andrew.

Petition received.

WATER RATES

A petition signed by 380 residents of South Australia requesting that the House urge the Government to reject all Audit Commission recommendations in relation to water charging was presented by the Hon. Frank Blevins.

Petition received.

BLACKWOOD POLICE

A petition signed by 66 residents of South Australia requesting that the House urge the Government to provide a shop front community police station within the Blackwood shopping centre and increase the number of police within the Blackwood area was presented by Mr Evans.

Petition received.

TAPLEYS HILL ROAD

A petition signed by 559 residents of South Australia requesting that the House urge the Government to maintain the current alignment of Tapleys Hill Road in any extension of the Adelaide Airport runway was presented by Mr Leggett.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 49, 84, 115, 128, 133, 137, 138, 142 to 144, 146 to 151, 153, 154, 156 and 162.

MEAT CONTAMINATION

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

Leave granted.

The Hon. DEAN BROWN: Since 23 January, South Australians have faced a public health epidemic caused by the contamination of certain smallgoods. This has been a situation in which one tragedy has compounded other tragedies. First, a very young girl has died. On behalf of the Government and the Parliament, I express my deep sympathy to the parents of Nikki Robinson, her twin sister Kelly-Ann, her other family and friends. This is a personal tragedy which has deeply touched all South Australians. Our thoughts are also with those other victims of the HUS and their families who have suffered or who continue to suffer.

Regrettably there have been other victims in this most unfortunate chain of events. I am sure that the thoughts of all members are also with the employees of the Garibaldi company at this time. The fact that more than 100 employees have been left without work is another tragedy in itself.

Conscious of the impact this outbreak is having on the wider smallgoods industry in South Australia—an industry directly employing more than 1 500 people, with annual production exceeding $100 million—the Government has moved to rebuild confidence in the industry by fast tracking the introduction of new quality assurance programs. At the same time, it must be emphasised continually that this outbreak of HUS has been linked to fermented smallgoods of one producer, and the willingness of the industry to participate in introducing new quality assurance programs was demonstrated long before this outbreak. The work to identify conclusively the cause of the outbreak will continue.

That this epidemic has taken one life, and not more, at this stage is in part the result of the outstanding efforts of a number of people. Bearing in mind that there has been little previous international experience in dealing with epidemics of HUS resulting from eating uncooked fermented meat products, I ask the House to recognise the dedicated work of the doctors and staff of the Adelaide Women's and Children's Hospital, the IMVS, the Public and Environmental Health Service of the Health Commission and the State Meat Hygiene Unit, all of whom have worked very long hours to deal with this outbreak.

It was the combination of their expert and profound understanding of the public health and epidemiological issues involved, the fast thinking and detective work, as well as some leading-edge scientific test procedures, which enabled the sources of the epidemic to be so quickly and so clearly linked to one manufacturer of uncooked fermented meat products, enabling also the public to be warned at the earliest possible moment. After working around the clock to establish the source, these scientists and specialists quickly put into effect the tests, procedures, protocols and networking which enabled this epidemic to be contained.

At the Women's and Children's Hospital doctors and staff have worked selflessly for many long hours over more than three weeks. I have been told stories of hospital staff returning during periods of off duty to continue to help sick children. This has not been due to lack of resources. Rather, it reflects the finest traditions of nursing and medical care and the continuing commitment of staff to those who have suffered. At the same time, I wish it to be known that the Minister for Health has indicated to the hospital that sufficient resources will be provided to the hospital to ensure that it does not incur additional budgetary pressures through having to divert resources to deal with this epidemic.

In relation to longer term meat hygiene issues associated with this outbreak, the Government's Meat Hygiene Unit has worked closely and quickly with the smallgoods industry to fast track the introduction of new quality assurance programs and to introduce surveillance and product random testing, while the unit also continues to cooperate with other authorities in tracing the source of the infection. In pursuing this work to identify conclusively the source of this infection, the Health Commission has been in continuing contact with the staff of the National Food Authority and the Communicable Diseases Network.

The Minister for Health has also written to the Chairman of the National Food Standards Council to highlight the national importance of ensuring that food processing standards take account of new and developing risks in establishing a consistent set of national standards for special smallgoods production, particularly for fermented meat products.

In summary, the South Australian Government has no doubt about the adequacies of the response of its public health and meat hygiene authorities to this epidemic. Every Government agency has done everything possible to identify the source of the infection, contain its spread, warn the public and treat the victims. All officers have acted in an exemplary manner. I commend them for their excellent work in isolating the source of the epidemic and in acting so quickly to ensure as much as humanly possible that the epidemic is contained. South Australia's response has also received the endorsement of the Parliamentary Secretary to the Federal Minister for Health. In a letter to the South Australian Minister for Health on 5 February, Dr Theophanous states:

> This situation reinforces the importance of a national detection alert and surveillance system like the Communicable Diseases Network and the food recall procedures, and I wish to express my appreciation for the commitment and cooperation of all jurisdictions to the arrangements currently in place.

This endorsement reflects the fact that, as soon as South Australia established evidence sufficient to define the disease,

its public health officers advised Federal authorities, and they have kept them advised of further developments. The House and the South Australian public can be assured that the Government is continuing to work with the National Food Standards Council and other Federal and State authorities to ensure as far as is possible that an outbreak of this type never again occurs anywhere in Australia.

PAPERS TABLED

The following papers were laid on the table:

By the Deputy Premier (Hon. S.J. Baker)—

- Commissioner for Equal Opportunity—Report, 1993-94.
- Juvenile Justice Advisory Committee—Report, 1993-94.
- State Business and Corporate Affairs Office—Report, 1993-94 .
- Liquor Licensing Act—Regulations—Dry Areas.
  - Adelaide—Victor Harbor—Beachport—New Year's Eve.
  - Normanville—New Year's Eve.
  - Port Elliot/Goolwa—Renmark—New Year's Eve.
  - Murray Bridge.
  - Port Adelaide Mall and Waterfront—Semaphore Esplanade—Port Augusta.
- Summary Offences Act—Regulations—
  - New Expiation Fees.
  - Traffic Infringement Notice—Learner's Permit.
- Supreme Court Act 1935—Rules of Court—Caseflow Management Procedures—Amendment.
- District Court Act 1991—Rules of Court—Uniformity of Rules with Supreme Court.
- Environment, Resources and Development Court Act 1993—Rules of Court—Appeals and Applications under the Irrigation Act.

By the Treasurer (Hon. S.J. Baker)—

- Electricity Trust of South Australia Contributory and Non Contributory Superannuation Schemes—Report, 1993-94.

By the Minister for Tourism (Hon. G.A. Ingerson)—

- Economic and Finance Committee response to Tenth Report by the Minister for Tourism.
- Public Works Committee response to Report on Flinders Medical Centre Accident and Emergency Department Upgrade by the Minister for Tourism.
- Public Works Committee response to Report on City West Campus Project, University of SA Report by the Minister for Tourism.

By the Minister for Industrial Affairs (Hon. G.A. Ingerson)—

- Mining and Quarrying Occupational Health and Safety Committee—Report, 1993-94.
- South Australian Occupational Health and Safety Commission—Report, 1993-94.
- WorkCover Corporation—Report, 1993-94.

By the Minister for Industry, Manufacturing, Small Business and Regional Development (Hon. J.W. Olsen)—

- Regulations under the following Acts—
  - Harbors and Navigation—Vesting of Lands in Ports Corporation.
  - Motor Vehicles—Traffic Infringement Notice—Probational Licence.
  - Passenger Transport—Taxi Industry—Various.
- Road Traffic—
  - Exempt Vehicles.
  - Buses Right Hook Turns.
- South Australian Ports Corporation—Removing Speed Restrictions.
- Waterworks—Scale of Charges—Pipes.

By the Minister for Infrastructure (Hon. J.W. Olsen)—

- Sewerage Act—Regulations—Scale of Charges—Pipes.

By the Minister for Health (Hon. M.H. Armitage)—

- Radiation Protection and Control Act—Report, 1993-94.
- Regulations under the following Acts—
- South Australian Health Commission—Southern Districts War Memorial Hospital.
- Health—Revocation—Licensing of Nursing Homes.
- Supported Residential Facilities—Licensing of Nursing Homes/Psychiatric Rehabilitation Hostels.
- Optometrists—Advertising—Mutual Recognition Qualifications.

By the Minister for Aboriginal Affairs (Hon. M.H. Armitage)—

- Department of State Aboriginal Affairs—Report, 1993-94.

By the Minister for Housing, Urban Development and Local Government Relations (Hon. J.K.G. Oswald)

- Local Government Grants Commission South Australia—Report, 1993-94.
- Local Government Act—Rules of Local Government Superannuation Scheme.
- Development Act—
  - District Council—
    - Angaston—Cook Street Concept Plan—Plan Amendment.
    - Kapunda—Kapunda Township Plan Amendment Report.
    - Tatiara—Bordertown Industrial Estate Plan Amendment Report .
  - Mount Barker—Rural Living Review Plan Amendment.
  - Willunga-McLaren Vale Schedule of Local Heritage Places Plan Amendment.
  - Willunga—Interim Structure Plan Amendment.
- Development Act—Regulations—
  - Regional Centre Zones—Fences.
  - Building Code of Australia—Amendment.
- Architects Act 1939—By-laws—Fees.
- Corporation By-laws—
  - Wallaroo—
    - No. 2—Council Land.
    - No. 3—Fire Prevention.
    - No. 4—Dogs.
    - No. 5—Animals and Birds.
    - No. 6—Bees.
- District Council By-laws—
  - Willunga—No. 21—Sted Schemes.
  - Yankalilla—No.34—Moveable Signs

By the Minister for Recreation, Sport and Racing (Hon. J.K.G. Oswald)—

- Bookmakers Licensing Board—Report, 1993-94.
- Racing Act—Regulations—Sports Betting—
  - Japanese/Australian Grand Prix .
- Racing Act—Rules—
  - Bookmakers Licensing Board—Various.
  - Harness Racing Board—
    - Interpretation—Plasma.
    - Mudguards.
    - Ease Out.
    - Breeding Season.
    - Register of Horse Lease.
    - Sports Betting—Adelaide Oval.

By the Minister for Primary Industries (Hon. D.S. Baker)—

- Advisory Board of Agriculture—Report, 1993-94.
- Regulations under the following Acts—
  - Fisheries—Northern Zone Rock Lobster.
  - Forestry—Recreational Use of Reserves.
  - Meat Hygiene—Slaughtering Procedures.

By the Minister for the Environment and Natural Resources (Hon. D.C. Wotton)—

- Regulations under the following Acts—
- Environment Protection—
  - Fees and Levy .
  - Former Corporate Body.
- National Parks and Wildlife—Entrance Fees—
  - Lincoln/Coffin Bay National Parks
- Native Vegetation—Firebreaks.

TRAINING FUNDING

The Hon. R.B. SUCH (Minister for Employment, Training and Further Education): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.B. SUCH: I wish to provide the House with information about Commonwealth funding for State training initiatives. Since 1992, when the Australian National Training Authority was set up, Commonwealth growth funds for training in each State have been distributed through ANTA. This growth funding was in addition to the money being spent by the States. In a move which is not in the spirit of the ANTA agreement, the Federal Government has recently moved to freeze $5.2 million in funding it had previously agreed to distribute to South Australia this year. It has notified Western Australia and Victoria of similar action. My department had already committed these funds within South Australia after the granting of the funds was jointly announced at a ministerial council meeting in November.

This action has been taken without reference to the States. The South Australian Government is liaising with the governments of Western Australia and Victoria about the move by the Federal Minister for Schools, Vocational Education and Training, Ross Free. At least one of the other affected States has obtained legal advice on this matter, and we need to resolve questions about whether Mr Free's actions are within the spirit of the ANTA agreement. It must be remembered that, under the agreement, the States agreed to maintain their effort on training provision.

Figures on student hours for the 1994 calendar year are not yet available, yet this year's growth funds have been withheld. In financial terms—an acceptable measure of effort—South Australia has maintained training effort in 1994, and the figures are now being finalised. By withholding a substantial sum of money for 1995, the Federal Government could jeopardise South Australia's commitment to training by eroding our capacity to be as responsive as possible to the requirements of our clients, that is, students and industry. It also places this State in a difficult position when renegotiating the ANTA agreement later this year.

The Government has been placed in this position because of a poor performance by the previous Government. South Australia is being required by ANTA to make up growth hours, which were paid for in advance by the Commonwealth but not produced by the Labor Government in 1993. Making up this shortfall in one year will place considerable pressure on the State system. We must ensure adequate training in growth areas such as information technology, the wine industry and tourism and hospitality. We know that our work force must receive the right training so that we can become more competitive both nationally and internationally. Despite this precipitous action by the Federal Minister, my department is committed to the State training sector's effort in responding to the needs of industry.

SOCIAL DEVELOPMENT COMMITTEE

The SPEAKER laid on the table the fifth report of the committee on family leave provisions for emergency care of dependants.

PUBLIC WORKS COMMITTEE

The SPEAKER laid on the table the report of the committee on the Seaford 6-12 school project.

QUESTION TIME

MEAT CONTAMINATION

The Hon. M.D. RANN (Leader of the Opposition): Is the Premier personally satisfied that everything possible was done—and that it was done quickly enough—after the recognition of the HUS epidemic to alert the public and retailers to the dangers associated with the sale and consumption of Garibaldi mettwurst? Will the Government establish an independent inquiry into the HUS epidemic to consider: legislative change; the need for better management and policing of food as well as meat hygiene laws; national standards; the need for improved coordination between Federal, State and local government authorities; and the need for a more effective and speedy public warning and recall system?

The Hon. DEAN BROWN: First, the prime responsibility for the administration of this whole process has been with the Minister for Health. I have received—and I know the media have received—a very detailed briefing from the Minister for Health of the day-to-day events that occurred. I say from the outset that I still recall the very first day that the Health Commission suspected that there was a contaminated mettwurst sample and then notified the then Acting Minister for Health. The Acting Minister for Health came to my office literally within minutes and discussed the matter with me. The rest of the leadership group were there as well.

Members interjecting:

The Hon. DEAN BROWN: It was just prior to Cabinet, and—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: Both the Deputy Premier and I were there, and the Leader and the Deputy Leader of the Upper House were also there. We discussed immediately what action should be taken and, literately within minutes, the Minister notified the Health Commission that a full alert should go out through the Health Commission and to the Federal agencies as well. I know the extent to which every effort has been made since that date by the Health Commission, the IMVS, the staff of the Women and Children's Hospital and the Meat Hygiene Unit of the Department of Primary Industries. In fact, to further satisfy myself on that I called all the relevant authorities together last Saturday morning. We had a three hour meeting, again sifting through all the evidence from last week. Later in the day we called in representatives of the company itself—Garibaldi—and went through their evidence. We systematically wanted to ensure that everything that could be done was being done—

Members interjecting:

The Hon. DEAN BROWN: I will come to that in a moment. We wanted to ensure that the relevant Federal authorities had been alerted, and we wanted to determine what further action we could take here in South Australia significantly to improve hygiene standards. In fact, as the honourable member would be aware, yesterday I announced that the Government would bring forward from 1 March the

new meat hygiene standards that will apply in South Australia; that they will apply immediately for smallgoods manufacturers; and that what was proposed to be introduced over a three year period in terms of training, setting down procedures and the adoption of quality assurance programs within the smallgoods manufacturers would be compacted right down to a six month period—

Members interjecting:

The Hon. DEAN BROWN: I will come to that in a moment. I also announced that the State Government would put in an extra $150 000 to ensure that there are adequate resources to carry out that quality assurance program. I now come specifically to the inquiry issue, because the pertinent body now is not the South Australian Government but the National Food Authority. The pertinent issue is what new standards should be adopted nationally as a result of this outbreak that has occurred. In recent days, it was reported that, just prior to and after Christmas, a similar outbreak involving salami came to light in the United States of America.

In fact, the first authoritative article on this appeared in the *New York Times* at the end of January, and it highlights the extent of two strains of E. coli, one being 0-111 which, although it has been around for some time, has not been identified as a strain of E. coli which has caused the sort of problems that are now being experienced. The people involved in the IMVS, the Health Commission and the hospital have identified that the one characteristic common to most of the children involved is the bacterium which they have now identified and have been able to colonise—E. coli 0-111—from the small and large intestines of the children involved.

Members interjecting:

The Hon. DEAN BROWN: I am coming to that. The important point is that the National Food Authority now needs to look at what standards should apply to the processing of fermented meat products and whether at the very minimum those meat products should be pasteurised. I stress the fact that we need to be careful not to confuse the issues. We are not talking about cooked smallgoods products: there has been no suggestion that there is a problem with those. Frankly, most smallgoods products are cooked. However, a smaller number, particularly mettwurst and salami and some other lesser known ones, are fermented. Some of those fermented products are pasteurised in the process and others are not. The real question is the standards that should apply in respect of the production of fermented meat products and whether the processors should be obliged to pasteurise their products. That is the crucial issue that needs to be followed through.

The Hon. M.D. Rann interjecting:

The Hon. DEAN BROWN: I will come to that. That is the crucial step that now needs to be taken to make sure that there is not the potential for a similar outbreak to occur or that the chance of it occurring again is minimised. That is another issue that we discussed in some detail on Saturday morning, and the Minister for Health has referred the matter to the Federal Minister of Health, and he has asked that the National Food Authority investigate it as a matter of urgency.

In terms of the other matters raised by the honourable member regarding recall and so on, two steps can be taken. We can have the cooperation of the company involved, because it knows where it has provided the product and everything else, and it can do the recall under the supervision of the health authorities, or the health authorities can step in, effectively push aside the company officials, and try to track down the location of the product. The Health Commission officials had the cooperation of the company and worked with the company through the potential areas. It must be appreciated that initially it looked as though only one batch was involved. I stress the fact that they got on to this after only two cases, I think I am right in saying, and they have done some incredibly astute detective work in identifying that there may be a common cause and what that might be.

An honourable member interjecting:

The Hon. DEAN BROWN: The Minister tells me that it was after three cases. Initially, the suspicion was fritz. They systematically worked through with the families of the three victims involved what the diet of the children had been. It must be remembered that this went back several days or a week or so prior to the children coming into the hospital. They systematically identified a batch of mettwurst and then, as a precaution, they recalled all mettwurst from this particular manufacturer. I think the letter from the Parliamentary Secretary assisting the Federal Minister of Health highlights—and I draw attention to what I put in my ministerial statement—

The Hon. M.D. Rann interjecting:

The Hon. DEAN BROWN: I do not see the need for a specific inquiry here. I believe there is a need for a national inquiry, that that national inquiry should be carried out by the National Food Authority, that it should look specifically at the processes for fermented meat products—smallgoods—and at what hygiene standards, if necessary, should be applied. I believe we need to look at this on a national basis, because products transmit across State borders so quickly. The fact that there has been a similar outbreak in the United States of America highlights that a national standard should apply throughout the whole of Australia. I also point out that the recall of products is a national standard. Again, that is picked up in the letter by the Parliamentary Secretary to the Federal Minister of Health, because he highlights the fact that they are satisfied with the process and the manner in which it was carried out. If there is any argument with that process, I believe it should be considered at national rather than State level, because its implementation must be at national level.

ECONOMIC DEVELOPMENT

Mr BUCKBY (Light): My question is directed to the Premier. Do the latest economic indicators support claims that South Australia is lagging behind other States in economic growth?

The Hon. DEAN BROWN: I thank the honourable member for that question, because during the Christmas-New Year break I heard the Leader of the Opposition, when he came back from overseas, trying to whip up concern about the state of the South Australian economy.

An honourable member interjecting:

The Hon. DEAN BROWN: He seems to delight in trying to knock our economy. It is worth drawing the attention of the House to the figures in terms of our economy. First, from January to December 1994, the trend figures show that about 11 200 jobs had been created in South Australia. The latest ANZ Bank job advertisements show that there has been an 8 per cent rise in South Australia compared to a national rise of 4.6 per cent in the month of January. Over the year, from January to January, there has been a 62 per cent rise in South Australia compared to a 45 per cent national rise.

In terms of overtime worked—and the figures for November last year are available—there was a 12 per cent rise in South Australia on weekly overtime compared to a national average of 4.6 per cent, so we were three times the national average. In investment, the latest quarterly survey shows a 34 per cent rise in private new capital expenditure in South Australia compared to a national fall of 2 per cent. As regards consumer confidence, retail turnover in South Australia recorded a real growth of 2.7 per cent for the December quarter compared to 1.1 per cent nationally.

In motor vehicle sales, new registrations in South Australia rose by 1.4 per cent in December following a 3.3 per cent rise in November, and these rises were again above the national average. I could go on. Our industrial disputes record shows that we had the lowest number of days lost per thousand employees in October than any State in Australia. Interestingly, they were only a third of the days lost per thousand employees compared to the previous October under the former Labor Government.

One of the most interesting survey figures is the recent one from the Australian Chamber of Commerce. That shows that in terms of production for the manufacturing industry for the last quarter we had the biggest increase in Australia. The outlook for the last quarter and for the next quarter has been the best outlook of any State in Australia. Looking at all the figures that have been collected from around Australia, consistently South Australia is either at the top or the second to top State in terms of a positive outlook. Finally, I acknowledge that there has been a sharp drop in housing in South Australia, and it concerns me greatly. There was a 23 per cent fall in dwelling approvals in December, and a fall of 11 per cent in the latest figures in terms of housing loans.

An honourable member interjecting:

The Hon. DEAN BROWN: It has dropped off like that right across Australia. We know the reason for that decline in housing: it relates directly back to Paul Keating and the Federal Government's increasing interest rates and the enormous uncertainty that they have created, particularly in the housing and construction industry. Why? Because a rise in interest rates of the magnitude that they have imposed on Australia affects every Australian home and people suffer from a rise in interest rates. If the Labor Party could start to understand what economic management is about, we would have the sort of situation that we have in South Australia, which is a much more optimistic outlook.

MEAT CONTAMINATION

The Hon. M.D. RANN (Leader of the Opposition): After the excellent work by the IMVS and the Women's and Children's Hospital in identifying the source of the HUS epidemic on 23 January, why did the Minister for Health or the acting Minister for Health fail to issue an order under section 25 of the Food Act to all relevant retailers prohibiting the sale of all stocks of mettwurst suspected of being contaminated? Surveys of retail outlets showed that Garibaldi mettwurst was still available at retail outlets on 1 February, and some did not receive a pamphlet concerning the withdrawal of the product from the Health Commission until late last week. Yesterday, recall notices were still being issued for foods containing Garibaldi products.

The Hon. M.H. ARMITAGE: I am pleased that the Leader of the Opposition has the good grace to identify that the staff of the IMVS and of the Public and Environmental Health Branch did a sensational job. I should identify to the House that in fact action, as the Premier indicated before, was being taken after the third of these cases had presented: it is really quite an epidemiologically wonderful fact that the trigger of suspicion had been tripped. Indeed, on 18 January—which is a long time before the actual final aetiology of this infection became known—the Health Commission, Public and Environmental Health Branch had identified nationally to other health departments and what is known as the communicable diseases network that there was something unusual about this episode.

As the Premier identified, following large amounts of detective work, the final pieces of the jigsaw were put together and, within two hours of the final result being known, within two hours of the Garibaldi product having been identified as the causative agent, a media conference was called to identify first to the public that there was this concern and that a prohibition of sale had already been identified to Garibaldi by the Health Commission. In other words, Garibaldi was allowed to make no further sales. Indeed, the company immediately stopped making the product itself and an immediate recall was put into action.

As the Premier identified, there are two ways in which this recall can be effected: one is if there is no cooperation from the company involved, in which case the commission has the obvious way of stepping in and doing that; the other is if there is cooperation of the company involved, which is identifying that to all its customers. We are informed that that was occurring. There were a number of specific inquiries in relation to that and, indeed, there were staff from the Public and Environmental Health Branch of the Health Commission at Garibaldi's on a regular basis during that time. If the customers of Garibaldi failed to remove the products, or local government, which has an involvement through its local health inspectors, and so on, that is something over which we have no control.

I commend everybody involved in this episode, and I draw the attention of the House to some facts and figures that identify exactly how well this was done. A number of people, particularly in the media, have been quoting this as one of Australia's worst food epidemics. Clearly, as the Premier identified, there are enormous human tragedies in this, but I would point out that only 18 cases of children and two of adults have the disease. We are talking in the context of other public health epidemics, for instance the Sydney oyster epidemic, when 2 500 people were infected, and the orange juice episode involving an airline when 4 000 people were affected. The fact that we have this contained to such a small number when it could have been so dramatic is a credit to everybody involved.

WOMEN'S AGRICULTURAL BUREAU

Mrs PENFOLD (Flinders): My question is directed to the Minister for Primary Industries. What changes are planned for the Women's Agricultural Bureau and what ongoing support will be provided by the Department of Primary Industries?

The Hon. D.S. BAKER: I thank the honourable member for her question and her interest in this subject. On coming to office some 14 months ago, we found that in primary industries alone we had more than 20 advisory committees. It seemed to me that, every time the previous Administration had some complaints from at least two or three people, it said, 'Why don't you form a committee and come in and see us more often.' We looked at those committees that had serviced

the rural industry very well for a long time. The committees included the Advisory Board of Agriculture, the Agricultural Bureau, the Women's Agricultural Bureau, the South Australian Rural Advisory Council, and, of course, Rural Youth, about which I will speak in a moment.

I called a meeting of those organisations in May of last year and said, 'Why don't we form a peak advisory body that has grass root support from rural South Australia to advise not only the Minister for Primary Industries regarding what should be going on within his department but also the Chief Executive Officer?' The same applied to the South Australian Research and Development Institute. It is terribly important that we do not go on with our extension services in primary industry and research from SARDI without having a feel for what rural South Australia needs. At that meeting it was decided that it would be left in the hands of the Advisory Board of Agriculture to come up with some ideas about how extension would alter to the year 2000.

I compliment the Advisory Board of Agriculture and the agricultural bureaus that have come forward with a strategic business plan that looks at how the services provided by SARDI and Primary Industries will be provided up to the year 2000. The Advisory Board of Agriculture has put a tremendous amount of work into its document and it will become, if you like, the business plan for those services.

There has been some concern also as to what will happen with Rural Youth. Many of us have grown up through the Rural Youth movement. Last Sunday, a Rural Youth forum was attended by quite a few members of this Parliament, including the Minister for Youth Affairs. There was a day long sit down conference to find out what Rural Youth wanted to do and to ascertain the department's involvement to make Rural Youth an ongoing youth organisation leading up to the year 2000 and revitalising it within South Australia.

I would have to say that we were quite surprised at some of the things that came out of that forum. Rural Youth said, 'We do not want as much help from the department as we have been getting. We want to be an autonomous body. Instead of being under the wing of the department, we want to go out and push very hard to be of service to the youth of South Australia.' The Minister for Youth Affairs is taking on those matters and there will be some statements in the future.

We will organise a similar forum with the Women's Agricultural Bureau, which has been operating in South Australia for a long period of time, to find out where it wants to fit into the niche in South Australia in providing services to rural women in this State. Similar organisations exist, such as the CWA and the Agricultural Bureau, which is the men's organisation. Agricultural bureaus are having discussions behind the scenes with the two groups to see whether there can be some amalgamation. The Government will not force anything upon these rural groups. The future direction of those groups will come from within the organisations. I have organised today with the President, Mrs Judd, to help plan this forum and to get the views of all the people within WAB, so that that organisation can be revitalised, as the Rural Youth movement seeks to be.

MEAT CONTAMINATION

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health. When did the child, diagnosed on 3 February as a confirmed case of HUS, consume the contaminated food, and does this case demonstrate the failure of the Government to act decisively to warn the public of the danger of this epidemic—

The SPEAKER: I warn the honourable member that she is now commenting.

Ms STEVENS: The *Advertiser* of 1 February, nine days after the cause of the HUS epidemic was identified, reported that parents of children suffering from HUS were asking why more children were coming in for treatment. One of the parents was quoted as asking, 'What sort of controls are in place that could let this happen to children?'

The Hon. M.H. ARMITAGE: First, welcome back to the shadow Minister. I wondered where the shadow Minister had been for sometime, because the Leader of the Opposition was making all the running, and I thought that might have been due to the fact that he had—

Members interjecting:

The SPEAKER: Order!

The Hon. M.H. ARMITAGE: —an approval rating of less than 10 per cent.

The SPEAKER: Order! The Minister will resume his seat. I take it that the Deputy Leader of the Opposition has a point of order.

Mr CLARKE: I do. My point of order refers to Standing Order 98 which states, 'In answering such a question, a Minister or other member replies to the substance of the question and may not debate the matter to which the question refers.'

The SPEAKER: Order! I suggest to the Deputy Leader that, if he had been in this House for sometime, he would have been aware that Ministers have given lengthy answers to questions ever since this House has been established. I cannot uphold the point of order because I believe it to be frivolous. The honourable Minister.

The Hon. M.H. ARMITAGE: I shall obtain the exact detail which the member for Elizabeth is seeking and report back to her. What I would like to point out is that there are a number of factors in any public health epidemic or outbreak which are simply uncontrollable. I reiterate that every television station, most radio stations and most print media, including the daily paper in Adelaide, were present at the first media conference, so there was saturation coverage on the twenty-third. At every single press conference since then there has been enormous publicity. There have been public recalls in the papers and so on.

I would suggest that the only other thing the Government could have done was to have made a house to house door-knock of every person in South Australia, because there is saturation coverage in relation to this matter. As I have said on a number of occasions, I think this is an example of all of the best things of epidemiological control of a public health epidemic.

ENTERPRISE AGREEMENTS

Mr CUMMINS (Norwood): Will the Minister for Industrial Affairs inform the House of the latest progress in implementing the Government's enterprise agreement law and, in particular, how many employees have used this new industrial relations initiative? The Government's industrial relations reforms came into operation six months ago, on 8 August 1994. A central feature of those changes was the right of employees and employers to make enterprise agreements without trade union veto.

The Hon. G.A. INGERSON: I thank the member for Norwood for his question. The results that we have had with

enterprise bargaining in South Australia are quite fantastic. When that is compared with the noise that is often made by the Federal Minister, you will see the absolute opposite direction that we are going in South Australia. Some 20 agreements were put down during the same period in the national arena. A total of 50 such enterprise agreements have now been before the commission, with 40 of them having been approved. Involved in those 50 agreements are 2 800 employees. So, in a very short period of just over four months, 2 800 employees have decided with their employer to shift into a new regime.

There are some very interesting statistics: 11 of the agreements, or 27.5 per cent, are non-union agreements; and 37, or 92.5 per cent, have involved the Employee Ombudsman. That is very interesting, since the position of Employee Ombudsman was created because there was a feeling that not a lot of people in the community were using the union movement. Here again the statistics clearly prove that, in the enterprise agreement area, the unions are falling down on their job. Some 34 of the agreements were related to small and medium size business and 5 of them have completely replaced the award system. So not only have we had a movement to enterprise agreements but also we have had agreements which have totally replaced the old award system. This sort of change is an excellent change—

Mr Clarke interjecting:

The Hon. G.A. INGERSON: I am quite prepared to answer the question as to how many thousands have gone. Approximately 8 000 have gone of a work force in South Australia of close to 200 000. I might point out that the majority of those who have gone have been in the public sector. When we sit down and look at the result that we will get in the next few weeks in the public sector, I am quite sure that we will recognise all this nonsense about going into the Federal arena: it will be quite surprising and will be excellent for South Australia.

MEAT CONTAMINATION

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health. Following identification of Garibaldi mettwurst as the source of the HUS epidemic on 23 January, why did it take three days before a product recall notice was published in the *Advertiser* on 26 January? The recall consisted of a small newspaper advertisement inserted by Garibaldi on page 4 of the *Advertiser* on 26 and 27 January. The Health Commission did not publish any warnings, and consumers or retailers who did not read the *Advertiser* on those days, or who do not read English, had no warning of the seriousness of this matter.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I will use particular sections in the Standing Orders in a minute.

The Hon. M.H. ARMITAGE: The Opposition seems to be wishing to politicise this human tragedy, and I would draw the attention of the Opposition to the ringing endorsement from three people of all the mechanisms that were undertaken by the Government, and I will name those three people. One is Dr Andrew Theophanous, the Parliamentary Secretary of the Federal Minister for Health. The Premier, in his ministerial statement today, quoted that he was completely satisfied that all the processes had been undertaken.

The second person I cite is Dr Brian Fotheringham, the Medical Director of the Women's and Children's Hospital. If the Opposition would like to have a transcript of any of his comments praising the Health Commission, the IMVS and the Public and Environmental Health Branch of the Health Commission for their actions, I would be more than happy to provide it. On a visit I made to the Women's and Children's Hospital to see the nurses, doctors and parents and to offer my personal support to them, Dr Ken Juridini, the specialist who has been at the most rigorous sharp end of this epidemic, was expressing to me his anger at the continual carping of people that the Public and Environmental Health Branch of the Health Commission and the IMVS had done anything other than a fantastic job. That is not the Government saying that: that is three completely independent and impartial people, and I am prepared to say that, on an epidemiological basis, this particular epidemic will be written up in the textbooks as a magnificent example of what should have been done.

ADELAIDE AIRPORT

Mr LEGGETT (Hanson): Will the Minister for Industry, Manufacturing, Small Business and Regional Development advise the House what support or commitment was given at a meeting he attended in Canberra last week with Federal Ministers to discuss the future of the Adelaide Airport?

The Hon. J.W. OLSEN: The reason the Minister for Transport and I met with the Federal Minister for Finance (Kim Beazley) and the Federal Minister for Transport (Laurie Brereton) was to establish and reaffirm the Federal Government's commitment to the policy of upgrading Adelaide International Airport. Our concern in relation to that matter was born of the fact that Federal bureaucrats involved in the Scoping Study Task Force had had discussions with South Australian public servants and had indicated that, in the priority of things, South Australia's upgrading would be perhaps near last—a set of circumstances that certainly was not satisfactory from South Australia's point of view. Given the deterioration in the Federal budget situation in the course of the past six months, our concern was that, whilst there was a commitment there, no dollars were available to implement that commitment.

So the purpose of the meeting was to reaffirm the policy commitment of the Federal Government, and we obtained that commitment from the Federal Finance Minister, Mr Beazley, with whom the Premier had spoken several times during December and January in order to reinforce the State Government's view that this infrastructure project was of vital importance to South Australia and that it should be done sooner rather than later.

Secondly, the Federal Finance Minister indicated to us that no funds were to be allocated in this year's Federal budget for that project, and that he could not give a guarantee about next year. That meant that we might be looking at three years down the track before South Australia would get the funds to implement that policy commitment. In any event, the funds that would be allocated to Adelaide International Airport would have to come from the sale of Eastern State airports, such as the one at Sydney—and the Federal Government is having a little difficulty in handling that issue at the moment—Tullamarine and, perhaps, Brisbane, and once they were sold with a cash flow to the Federal Government there would be some disbursement out of that towards upgrading Adelaide International Airport.

Members interjecting:

The Hon. J.W. OLSEN: It was certainly not in South Australia's interests to wait another three years to have the upgrading of the airport.

The Hon. S.J. Baker interjecting:

The Hon. J.W. OLSEN: That was the policy commitment that came out of the convention. Whilst the commitment from the Federal Government is welcomed, we want the dollars to match that. If the financial circumstances of the Commonwealth are as dire as certainly they appear to be, one of the alternatives explored by some of the Federal officials in the Scoping Study discussion in South Australia was that the airport should be transferred to South Australia at no cost; that South Australia should undertake the upgrading of Adelaide International Airport; that, in any subsequent sale in line with the conditions of the resolution for the sale of airports around Australia, South Australia would recoup that investment; and that any one-off profits as a result of that would be shared equally between South Australia and the Commonwealth. That would be a solution to getting the upgrading of Adelaide International Airport done sooner rather than later, and certainly within the next 12 months.

To that extent the Federal Transport Minister and Finance Minister have instructed the officers in the Scoping Study to undertake detailed discussions with South Australian representatives—the Economic Development Authority, with support from the AIDC, who have been consultants acting for the South Australian Government; and the task force that the Premier has put together of a number of agencies, being the Economic Development Authority, the Transport Department and the Department of Premier and Cabinet—for the purposes of ensuring that this project is completed.

That task force will take on board the detailed information supplied by the Scoping Study; it will be presented subsequently to Cabinet, which will be looking at the proposal. There are many implications of Adelaide International Airport being transferred to us at no cost, with our having to raise the funds and undertake the infrastructure at the airport, but it will be a valuable asset if we can do that, because it means that South Australia will have one of the first airports to be upgraded and one of the first airports to go into the leasing details rather than being one of the last airports, where the last cab off the rank does not get a good deal.

So, we are preserving South Australia's position *vis-a-vis* the other States of Australia. It is very important for us to get the right sort of deal for South Australia and to have the capacity at the end of the day to recoup our investment and to share any profits on the sale of that airport under the arrangements as per the resolution adopted and committed to by the Federal Government. It seems to me that that is the best option available for South Australia. The Federal Government has indicated that in April it will be giving consideration to the Scoping Study on Airports throughout Australia, and it would be the objective of the State Government to have the matter considered in some detail and a submission go back to Canberra on the course that we adopt prior to the assessment of the Commonwealth Government in April.

MEAT CONTAMINATION

Ms STEVENS (Elizabeth): After the identification of Garibaldi mettwurst as the source of the HUS epidemic on 23 January, why did the Minister for Health fail to act under section 27 of the Food Act and publish advertisements in English and ethnic language newspapers, on radio and on television warning that some Garibaldi products were unfit for human consumption and advising the public on symptoms? Although the Garibaldi company inserted recall notices on 26 and 27 January, no advertisements were placed by the Minister.

The Hon. M.H. ARMITAGE: In the first instance, as I indicated, from 23 January onwards there has been virtual saturation publicity in relation to this matter in every medium that is possible. It has been—

Members interjecting:

The Hon. M.H. ARMITAGE: As the Premier says, it has been the No.1 news item on every television station; it has been the first page item in the Adelaide papers; and, indeed, many of the people who have contacted me from around Australia have indicated that that is the case also in other States. The media advice in relation to the media conference—the first media conference in particular—went to ethnic media, and I have checked in particular in relation to the cases at the Women's and Children's Hospital, and I am informed that in no case of this illness do either parents or child not speak English.

HIGHBURY DUMP

Mrs KOTZ (Newland): Will the Minister for Housing, Urban Development and Local Government Relations outline to the House why he has called for an EIS on the proposed waste dump at Highbury rather than give an early 'No' to the proposal? Can the Minister also explain what opportunities the community will have now for an input into the EIS? Since the application was made for a putrescible general waste land fill at Highbury in my electorate of Newland in November last year, there has been widespread opposition to the proposal, and the community has called for an early 'No' to be given to this proposal.

The Hon. J.K.G. OSWALD: I thank the honourable member for her question. There is no doubt about it: I am well briefed on this subject, and I say that because no member has contacted my office more than the member for Newland. She has telephoned me, contacted my staff and actually had meetings with my staff to ensure we understand the concern of locals. Also, she arranged a meeting on site at which I attended with my senior staff so that we could actually see the dumps concerned and try to get some understanding of the impact of the proposal on surrounding housing—the impact socially, environmentally and also economically.

It must be understood that this is a very complex issue, particularly when you start assessing environmental, social and economic implications for a proposal such as this and, whilst during the campaign probably in excess of 500 letters have reached my office alone as well as the representations from the local member, to assess it I have to consider also the fact that the council and many of those representations have said, 'Look at this subject very carefully.' Whilst the proponent has produced its own EIS, it has to be borne in mind that that is not an official EIS and is not a document into which the Government has had any input concerning the terms of reference. I think that anyone who demands an EIS at least should have some input into the terms of reference, so that they can guide it.

The Government believes that it is only fair that the EIS be called for so that we can make an accurate assessment of the environmental, social and economic aspects of this proposal. Once the EIS has been completed and lodged, there

should be adequate time for public consultation. I believe the public will be better off having an EIS, because those interested can have input, and every comment within that EIS has to be assessed. That is one of the most important and valuable things about an EIS: once it has been assessed the Government is then in possession of all the facts and can make a decision. Those people who are objecting to the EIS need have no concern; if they genuinely believe that their case is correct they need not fear an EIS, because that evidence will come out in the EIS process.

MEAT CONTAMINATION

Ms STEVENS (Elizabeth): After the cessation of the production of mettwurst by Garibaldi on 23 January, why did the Minister for Health accept Garibaldi's advice on the same day that no product was left? Why did it take four days before health officials inspected Garibaldi's premises? The Minister's chronology of events dated 2 February reported that Garibaldi ceased production of all mettwurst on 23 January. It also reported that on the same day Garibaldi's inspection of premises indicated 'No product left and prohibition not required'. The chronology also reveals that health officials did not inspect the premises until four days later.

The Hon. M.H. ARMITAGE: The exact detail I will provide for the member for Elizabeth. The information I have is that on 23 January there was no further product to sell.

STATE FLEET

Mr BECKER (Peake): My question is directed to the Treasurer. What progress is the Government making towards cutting the Government's light motor vehicle fleet by 25 per cent? What action is being taken to ensure that the Government continues to support Australian manufacturers?

The Hon. S.J. BAKER: I like to keep the House up to date on what is happening with the motor vehicle fleet, which seems to create some interest. Indeed, it is an issue of accountability and responsibility of Government and, whilst it may not dominate the headlines like other issues (although it did have some currency for a while), it is certainly an important one. I wish to report to the House that, by the withdrawal process of bringing the fleets back under the control of State Fleet, we have already reduced the fleet size by some 300 vehicles, and agreement has been reached to reduce further on the call-back process by another 400 vehicles. Without going into some of the more fundamental issues, such as fuel savings and accident management, I indicate that by that process alone at least 10 per cent of vehicles will be removed. On the question of accident management, as I reported to the House, 50 per cent of a batch of vehicles that had been brought back had suffered some damage, and that is unacceptable.

We have instituted new initiatives such as driver training, and for the first time we will have records on vehicle driver behaviour in the public sector so that we can be more proactive to ensure that vehicles can be sold at the end of the period without any structural changes having occurred through accidents. We are also looking at asset management of the fleet and at the potential for its financing and managing, which will give the public sector a better return than it has had in the past.

I noted some publicity about the State Government's buying overseas vehicles. Of the 7 000 passenger vehicles purchased, only 104 (1.5 per cent) were actually imported. Members would recognise that in the very small class of car there are no Australian manufactured vehicles. Together with Hyundai, Daihatsu, Suzuki and Mitsubishi vehicles in the imported small car range, we have the rebadged Holden Barina and the Ford Festiva. The Government has a strong commitment to Australian produced vehicles, and that is reflected in those figures. Where there is a need for much smaller vehicles, because it is cost effective for us to buy them, the Government is left with imported cars in that range. The issues of resale, getting the best price at auction, etc., are currently being addressed, and the budgets of all departments and the total Government budget for vehicles will be much the better for this experience. At the end of the two year period (June 1996) all vehicles will be under central control.

MEAT CONTAMINATION

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health. When Garibaldi refused to supply information on 27 January concerning meat sources, quality assurance and production procedures and ingredients, why did the Minister not direct authorised officers to use their powers under section 24 of the Food Act to obtain immediately the vital information being sought? A chronology of events published by the Minister on 2 February confirms that, although the Minister knew on 23 January that Garibaldi was the source of the HUS epidemic, no action was taken to compel Garibaldi to provide vital information until 31 January—eight days later. Section 24 of the Food Act empowers authorised officers to obtain information, and persons refusing may be prosecuted.

The SPEAKER: I point out to the member for Elizabeth that she has continued to comment when explaining her questions. The honourable Minister for Health.

The Hon. M.H. ARMITAGE: I have made public statements about this matter, and I will reiterate them. The information was sought from 23 January onwards and, indeed, Garibaldi was slow in producing that. The Government was quite categorical that that was inappropriate. That is exactly why an order under the Food Act was issued for the information in relation to Garibaldi's quality control mechanisms.

I remind the honourable member that at this stage there was no product left to sell and Garibaldi had voluntarily stopped producing. In essence, it is a particularly important—but from a public health perspective to stop further infection—exercise in attempting to stop it in the future rather than looking back into the past. I ask that the member for Elizabeth carefully look at the chronology of events that was put up, because in a previous question she clearly indicated that the first inspection of Garibaldi's products was undertaken on 27 January. The honourable member was obviously attempting to make a political point out of this human tragedy by implying that the Government was slow to act. The member for Elizabeth chose not to quote from exactly the same document dated 23 January, which was the day it became knowledge that Garibaldi was the causative agent, namely:

> Garibaldi inspection of premises indicates no product left.

I am informed that that was an inspection of Garibaldi's factory and there was no product left.

The Hon. M.D. Rann: By whom?

The Hon. M.H. ARMITAGE: I am informed by the Health Commission.

The Hon. M.D. Rann: Who made the decision?

The SPEAKER: Order! One question at a time.

The Hon. M.H. ARMITAGE: I am more than prepared to provide the information. The fact remains that all of the detail about the quality control procedures, given that production had already ceased on 23 January, indicated no risk whatsoever to public health. It is important that we determine exactly whether the quality control procedures were inadequate so that it can be prevented in the future, but for the point of any continuing risk to public health it is simply not a fact.

STORMWATER MANAGEMENT

Mr CONDOUS (Colton): What is the Minister for the Environment and Natural Resources doing to advance the Government's commitment to improve stormwater management in South Australia, particularly in light of the public comments over the weekend by Ian Kiernan of Cleanup Australia about the condition of Adelaide's waterways?

The Hon. D.C. WOTTON: Ian Kiernan OAM was in Adelaide last week as part of the campaign for the Cleanup Australia Day which this year will be on 5 March. I hope that all members of the House will participate in some way as part of that cleanup. While he was here, Ian Kiernan did comment about our waterways. He was particularly pleased with the progress of work on the Patawalonga and the Torrens River. A major election commitment of the Government was to implement a strategy for the mitigation and utilisation of stormwater runoff, to improve stormwater management and to improve the quality of water in our waterways, particularly in the metropolitan area. Late last year the Premier and the President of the Local Government Association announced that we would be introducing legislation for the establishment of catchment management boards, with each to be responsible for the management of one of the major catchments.

My department is currently preparing a catchment management Bill for presentation to Parliament shortly and, under the Bill, the Government will establish catchment management boards in both the Patawalonga and Torrens catchments by 1 July 1995. The legislation will also provide the opportunity to reconstitute the Drainage Subsidy Scheme Advisory Committee as the Catchment Management Scheme Advisory Committee by 30 April this year. The committee will assist the boards in the development of catchment management plans.

The benefits of this catchment management initiative are many and varied and are very important. They include improved quality of urban stormwater in the urban environment and of that discharged to the marine environment in particular, substantially increased utilisation of stormwater, improved access and recreational opportunities associated with urban water courses, better integration of management leading to greater cost effectiveness, the achievement of multiple objectives covering surface and ground water, water quality and water management and the formulation of permanent solutions to our catchment problems which I am sure all people, particularly those in the metropolitan area, would support.

The ongoing success of the initiative will require effective cooperation between the State Government, local government and the community. It is important that past differences in respect of stormwater management do not overshadow the pressing need for both levels of government to work collectively towards integrated catchment management, thereby ensuring a better environment for all South Australians. It was an important commitment made at the time of the election; it is an important policy of this Government, and it will be carried out.

MEAT CONTAMINATION

Ms STEVENS (Elizabeth): Mr Speaker—

The SPEAKER: Order! I point out to the member for Elizabeth that she is entitled to ask her question but not to make comment.

Ms STEVENS: Thank you, Sir. My question is directed to the Minister for Health. What action has been taken to investigate claims by former Garibaldi employees that meat returned to the factory after the use by date was reissued and that other unhygienic practices were allowed? Have any former Garibaldi staff been interviewed by health officials?

The Hon. M.H. ARMITAGE: We are dealing with a problem that Garibaldi would indicate was unlucky—

The Hon. S.J. Baker interjecting:

The Hon. M.H. ARMITAGE: Indeed. There is no question that it is an offence under the Food Act to alter the use by date on a product. The allegation has been made that product was returned, the use by date was changed and the product was sent back into the community. That is an offence under the Food Act, and it is appalling if that has occurred. However, in circumstances like this, as I am sure everyone in South Australia would acknowledge, there are opportunities for disgruntled former employees to take out some grudges. I am not saying that is what has happened, but it is a possibility. We are looking at every one of the Garibaldi batch and quality control records and so on in an attempt to determine whether that has happened. If it has occurred, clearly they have committed an offence and action will be taken.

TRANSITIONS OPTICAL INCORPORATED

Ms GREIG (Reynell): My question is directed to the Premier. What further benefits are there to South Australia from Transitions Optical Incorporated's several million dollar investment announcement last week? On 31 January Transitions Optical Incorporated announced a several million dollar investment in a new lens manufacturing plant in Adelaide and, better still, it will be located in my electorate at Lonsdale.

The Hon. DEAN BROWN: I am delighted to say that Transitions Optical Incorporated is an American company which has developed some fantastic new technology whereby a polymer plastic lens like the one I wear can be impregnated with a substance so that when people go out into UV light it changes shade from being clear to 60 per cent and up to 100 per cent darkness. This new technology is taking the world market, and they expect to gain 20 per cent of the world market fairly quickly.

It is important that they have linked in a new manufacturing operation in South Australia with Solar International. Of course, Solar International is a South Australian based operation which originally developed the technology to use polymer for glasses. It is now in world production, and the company is the second biggest producer in the world. We now have this new company, Transitions Optical

Incorporated, establishing in South Australia in conjunction with Solar International.

The important thing that comes out of this development is that it will further strengthen the position of Solar International. Not only does the development create 20 new jobs in the southern metropolitan area, an area which was neglected by the previous Labor Government, but it also creates 20 new jobs in Transitions Optical Incorporated and 20 new jobs in Solar International. In total it creates about 40 new jobs and, in addition, there is the possibility that the number of jobs at Transitions Optical will be increased eventually to at least 50. The Government is delighted with this new technology that has been based here in Adelaide. The pertinent point is that the company was about to establish in Singapore and it came to Adelaide. It found that, first, Adelaide has an international focus and, secondly, it is internationally competitive. That is good news for South Australia.

MEAT CONTAMINATION

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health.

Members interjecting:

The SPEAKER: Order! The member for Elizabeth has the call—not the Minister.

Ms STEVENS: What action, if any, has the Minister taken to determine whether prosecutions should be launched against Garibaldi for substituting mutton for pork and beef in its mettwurst? What steps has he taken to ensure that this meat substitution does not occur elsewhere in the smallgoods industry? On 4 February the Minister identified boneless mutton as the suspected source of contamination in Garibaldi mettwurst. Mutton is not amongst the listed ingredients of that mettwurst.

The Hon. M.H. ARMITAGE: It is important to indicate that there are two possibilities in relation to the facts that the member for Elizabeth puts in indicating that mutton was substituted for other meat. It is possible that there may have been an offence under the labelling of this food, and we are certainly investigating that. First, we have to determine whether there is mutton in the mettwurst. The substance of the member's question relates to what action is being taken. I assure her that we are performing a species specific test to find out exactly which meats are in the mettwurst. Once we know factually what proportion and what meats are in there we can take appropriate action. If there is an offence in respect of food labelling, action will be taken.

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health. Why were queries from local health inspectors, the meat industry and the media in relation to the HUS epidemic all directed to the Minister's office rather than to specialists in the Health Commission, and will he meet with local government authorities to address their concerns about poor information flow from the Government? This week's city *Messenger* reports that some local government officials have complained about poor information flow, contrary to the Minister's claim that the handling of the nation's worst food epidemic was exemplary.

The Hon. M.H. ARMITAGE: In relation to the comment with which the member for Elizabeth ended her last question, this is not the nation's worst food epidemic; I quoted examples of that before. That is exactly the sort of misinformation which the member unfortunately chooses to spread frequently. There is no question that the Government wishes procedures in public health to be as open and working as well as they possibly can. I would respond to an interjection during an earlier question from, I believe, the Leader of the Opposition, who asked whether we are interviewing former disgruntled employees. No-one has identified themselves to us; if anyone has any allegations about malpractice, I urge them to come to us. We would be only too happy to interview anyone who has any allegations whatsoever about any form of malpractice.

Likewise, I indicate to the member for Elizabeth that, if any local government health inspector has any particular concern or anxiety about the way in which information was provided to them (and I do not believe that is a valid concern, because I am informed that appropriate actions were taken under the Act), we will certainly act on them, because the Government has no desire to be anything other than an efficient provider of public health.

CARBON TAX

Mr ANDREW (Chaffey): My question is directed to the Treasurer. What impact would the introduction of a carbon tax, which is apparently being considered by the Federal Government, have on South Australia? Last month there was considerable speculation in the media that the Federal Government was considering a carbon tax as a measure to meet its commitment to control the production of greenhouse gases.

The Hon. S.J. BAKER: It is the silly season in Canberra, and they are playing the loony tunes. We have another example of crisis creation by various instrumentalities of Government. In this case it was the Environmental Agency from which a document was so-called 'leaked' on what budget strategy should be pursued, not only to repair some of the deficit of the budget but also to put the environment at the top of the agenda. It is not that we do not want it on top of the agenda, but the way it is being done would wipe out significant amounts of employment in Australia and make us uncompetitive with the rest of the world and particularly Asia. The proposition came forward, and I tried to plough through the figures to get some sense out of them, so the figures I am going to give as indicative for South Australia very much rely on the information that was put out.

The proposition is that there should be an impost of 10¢ per litre on petrol. Our best estimate on that would be about another $190 million to be paid by South Australians and South Australian businesses. The environmental levy of 1.25¢ per tonne on CO_2 we estimate vaguely at about $25 million, and the carbon tax of $20 per tonne on CO_2 we estimate at about $330 million. Again, we were guided by the Federal Government's figures. We estimate that that little item would cost South Australia $545 million per annum. Given the population base, that translates to about $360 for each man, woman and child in this State or, for each household, about $1 000 a year. I ask the honourable member, 'What happened to the family impact statement?' My great distress with the people in Canberra is that they keep floating these kites when the economy heads into a huge downturn. I hope that this is the end of the silly season, but I reckon there are a few more loonies left in Canberra.

Mr LEWIS: I rise on a point of order, Mr Speaker, relevant to the convention of the conduct of business in the House during Question Time. I note that in recent times new members, particularly from the Government and the member

for Elizabeth, do not with due humility seek leave of the House to explain their question. I put all such members on notice that in due course if they do not seek leave of the House as well as your leave, Sir, to explain their questions I will call 'question' on them.

The SPEAKER: Order! I point out to the honourable member that the Chair listens carefully and has been concerned that some members take it as an automatic right that leave will be granted.

GRIEVANCE DEBATE

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

The Hon. M.D. RANN (Leader of the Opposition): The Minister for Health should be condemned for his failure to act decisively to use section 25 of the Food Act to issue an order to all relevant retailers prohibiting the sale of their already purchased stocks of mettwurst suspected of being contaminated during the recent health crisis. The Minister must be condemned for his failure to order the Health Commission immediately to contact retailers and for his failure on behalf of the Government to place radio, television and newspaper advertisements warning the public of the danger and the symptoms to watch out for and to warn retailers. No advertisements were placed by the Health Commission; it was left to the Garibaldi company to place a couple of small advertisements. Those small advertisements clearly did not penetrate, because the products were still being sold last week. It was left to the Garibaldi company to place those advertisements. It was left to the Garibaldi company to contact the retailers and to supervise the recall.

The Minister failed to use his powers to protect the public health. That was his clear duty. The public warning system was inadequate. The recall system was hopelessly unsatisfactory; it was too little, too late. The coordination of public health, local government and company action was extremely poor. Garibaldi mettwurst was still being sold last week, and some retailers say they got their first warning pamphlet from the Health Commission late last week. When the going got tough in a health crisis, the Minister chose to blame others and to pass the buck. First it was the company, then it was the Victorians, and now, today, it is the Federal Government. No-one was fully in charge at the political level. No wonder the Premier and his Minister are frightened of an inquiry. These are State laws, and State authorities are involved.

Mr BRINDAL: I rise on a point of order, Mr Speaker. I believe the Chair has ruled that it is possible to criticise the Government only by way of substantive motion. The Leader of the Opposition seems quite deliberately to be criticising the Government in a way that should merit a reply.

The SPEAKER: Order! I cannot uphold the point of order. The Standing Order to which the honourable member refers is in relation to the Chair.

The Hon. S.J. BAKER: I rise on a point of order, Mr Speaker. It concerns the matter of reading speeches. This honourable member is old enough to be able to stand on his own two feet.

The SPEAKER: Order! On this occasion the Chair's ruling is that the honourable member is using copious notes. If the House wishes the Chair to enforce that Standing Order it will do it with a great deal of pleasure, but vigorously.

The Hon. M.D. RANN: We will be demanding that during the budget speech. I also want to talk about men's health issues. It is clear that men are grossly over represented as victims of a range of illnesses: heart disease, respiratory ailments, alcohol-related illnesses, accident injuries, lung cancer and suicide. Recently, with the shadow Minister for Health, I issued a discussion paper about some strategies for addressing specific health problems relating to men.

First, we need a national public health program that addresses the more serious illnesses that afflict men; we need to emulate the successful programs that have been addressed by women's health issues; and, above all, we need to change men's attitudes towards their own health. As a first step, we have asked the Commonwealth Government to convene a national conference on men's health. From this conference, State and Federal Governments should proceed to develop a focused and coordinated response to men's health problems and issues.

Governments should provide a focus for men's health problems in the same way as women's health issues have been identified, publicised and targeted over the past 20 years. Certainly, a strategy for prostate cancer must be central to any successful policy on men's health issues. It is about to overtake lung cancer as the main killer of men from cancer, and it is four times the death rate of cervical cancer in women. Higher priority should be given by Commonwealth and State Governments to research into the causes and treatment of prostate cancer. We also need effective screening programs and an effective publicly funded education campaign and television advertising. The implementation of a major screening program for prostate cancer should be examined urgently.

Mr CAUDELL (Mitchell): It is a pleasure to speak about good news in a grievance debate instead of criticising. I should like to compliment the City of Marion on today's release of the concept plans for the development of the northern part of the Marion triangle. The concept plans, which were approved by the council yesterday evening, are in two parts, and they are available for public consultation.

The Marion council has shown a commitment to development of the south-western areas of Adelaide which had for so long been ignored by the previous Government. The plans for public release include advertising in the *Advertiser* and Messenger newspapers, as well as a public display in the Westfield Shopping Centre at Marion. It is hoped that as a result of that public display the development plan will be prepared and forwarded to the Minister for Housing, Urban Development and Local Government Relations for approval in June and July of this year.

Associated with the development is a conjunction of details or advice given by Westfield in its annual report of the development of the Marion Shopping Centre in this area. In conjunction with Westfield and the City of Marion, this will lead to a $200 million investment in 18 months to two years. With that $200 million investment we are looking at up to 2 000 jobs in the south-western area associated only with the construction phase of the total development.

The concept plans which have been put out by the City of Marion include the setting up of a bus interchange on the northern side of the Westfield Shopping Centre. As a member of the back-bench committee on transport, I thank the City of Marion and Westfield for the development of this inter-

change. I shall be only too happy to have discussions with Westfield and the City of Marion with regard to what we would like them to build in relation to the bus interchange.

The concept plans and the development associated with the northern part of the Marion triangle will improve the character of the area and the architectural designs of the buildings. It will not be long before we see the end of the housing blocks and the change to the commercial development in that triangle.

Environmentally, the development will be aware of the trends for the future. That has been acknowledged by those who have prepared the concept plans in their discussions with the Real Estate Institute, and they have also been advised by the Federal Government that, as South Australia is a leader in information technology, it will be looking for this centre to take that into account with regard to its development and that the centre will be a leader into the year 2000. The landscaping associated with the development will protect people who live in the areas by the arterial roads surrounding the northern area of the Marion regional centre.

The people who prepared the concept plans for the Marion council have flagged the issue of trading hours in that area in relation to the development and the fact that it will lead to extended trading hours for some of the facilities. I refer to the development of a tavern in the area, the cinemas and also the libraries. As well as that, the shopping centre development may involve discussions with the Department for Industrial Affairs in relation to shopping hours for that facility, because we must remember the need for developers to utilise their assets. On completion of the development, we will be looking at the third largest shopping centre in Australia. I have expressed—

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

Mr ATKINSON (Spence): Last Sunday, public transport fares in Adelaide rose sharply. The Liberal Government decided to put up those public transport fares and claimed that the increase was in line with the consumer price index in the period since the last fare increase in 1993. Indeed, the Government claimed that the average increase in fares was about 3.27 per cent. Looking at the schedule that the Minister for Transport released with her announcement of the increase in fares, one will see that the adult single trip ticket purchased off board has increased by 8 per cent and an adult two-section ticket purchased off board has increased by 7.7 per cent.

Mr Ashenden: You are being very selective, aren't you?

Mr ATKINSON: The member for Wright says that I am being very selective, but I have chosen the two most commonly purchased tickets, and I have not finished yet. A concessional inter-peak multi-trip ticket, which even the member for Wright would concede is a commonly bought ticket, increased by 33 per cent. A concessional inter-peak single trip purchased off board by many of the seniors in the member for Wright's electorate increased by 33 per cent. A day trip ticket purchased off board increased by 9 per cent and a concessional day trip ticket purchased off board increased by 22 per cent. That is a crippling blow for people who buy concessional tickets and they include Adelaide's seniors—people over 55—who overwhelmingly voted for the Liberal Party at the State election, and the Liberal Government rewards them with a 33 per cent increase in fares.

Mr Meier interjecting:

Mr ATKINSON: I heard the member for Goyder interject that some of the figures I have quoted for single trip tickets were off board purchases. That is right: I am referring to off board purchases. The Minister addressed his point on that before he made it when she said that this change, referring to her increases, recognised that the vast majority of passengers now purchase their tickets before they travel. Therefore, the vast majority of tickets are purchased off board. They are not my words; they are the Minister's words. They are the words of the Minister in the Government that the honourable member supports.

In effect, we have had an increase in public transport fares well ahead of the consumer price index for the same period. It is clear to me that the Liberal Party does not value public transport as much as Labor values public transport, and the reason for that is that it affects our people far more than it affects theirs.

Members interjecting:

Mr ATKINSON: While I am criticising the Minister, I also ought to add a compliment—if the member for Wright will cease interjecting and allow me to compliment the Minister. The Minister for Transport has made a very good decision in putting employees back on Adelaide trains. The introduction of passenger service assistants towards the end of last year has, I think, improved the atmosphere and the safety on Adelaide's trains.

Those employees are doing a particularly good job. I only wish the Minister would give them power to issue transit infringement notices which, as currently advised, she will not. Those passenger service assistants welcome people onto the train; they give the elderly a feeling of security. Some of them—not all of them—are checking the tickets of passengers because, as we know, there has been a great deal of fare evasion on the trains. I would put fare evasion at 20 per cent. The passenger service assistants can ask nicely for passengers to show their tickets. That process has encouraged more passengers to validate their tickets, but I would like those assistants to be given power to issue transit infringements notices in cases where the passenger has no lawful excuse for not having a ticket.

Mr ASHENDEN (Wright): It is with a great deal of pleasure that I commend all involved at Golden Grove High School for the excellent results achieved in the public examinations held at the end of 1994. As members would well know—

Mr Atkinson interjecting:

Mr ASHENDEN: I note the interjection from across the floor, and the honourable member is referring to when the South Australian Institute of Teachers tried to destroy that school's reputation last year. I am referring to the students, the Principal and the teachers of Golden Grove High School who did such a magnificent job even under the very difficult circumstances forced on them externally by SAIT. I do not want to be pushed aside by the members opposite who are embarrassed about their union mates, but I certainly will address the excellent results achieved at the school.

Obviously, the students of the school have shown that they have accepted that community; they have worked well within that community, dedicating themselves to their studies, and those studies have been rewarded. At the same time, no matter how good a student is, a student cannot perform to the optimum unless he or she is being well led by the professional teaching staff within a school. Golden Grove High School has a very dedicated work force. I have close contact with the school and the teachers and I know just how dedicated and

how hard they have worked to assist the students under their care.

Last year at Golden Grove High School 588 subjects were attempted by students in the public examinations. Over 80 per cent of the students sitting for those subjects obtained a C or better. There were 472 subject passes: 66 As, 202 Bs and 204 Cs. Within the A scores achieved there were six perfect scores of 20 out of 20 in six different subjects. I will now name some of the students who did so well: Claire Maddison, who achieved three perfect scores; and Jessica Knapp, Kate Simon and Sheree Durbridge scored a 20 each. The top university entry score was achieved by Claire Maddison, who received an adjusted score of 66.5 out of 70. She achieved five As—what an incredible performance.

Alethea Grobler, Judith Odam, Shelda Alcock and Jessica Knapp were very close behind Claire; Judith Odam also scored five As. I know that two of those students wanted to undertake and will be undertaking medicine. That is an absolute commendation to them when you look at the score required to enable a student to be accepted into medicine. Nineteen students achieved university entrance scores of 50 plus, and many others have sufficient entrance points to be given studies of their choice. I congratulate heartily the students, the teachers and everybody involved at Golden Grove High School for the excellent work they are doing.

I am sure that the community will recognise only too well the excellent work that is being done at that school. I also wish to commend the staff for the way in which they have come back to the new school year. As members would know, there was an attempt last year to stir up trouble but the professionalism of the staff has shown through. They have come back and are extremely positive. They have set up a program of studies within the school that will result in virtually no disadvantage to the students. That program has already commenced and will continue at that school.

I know that the Principal is very proud of his staff. I must commend the school and the staff because, like virtually every high school in the State, the number of students returning, particularly in years 11 and 12, is well down on what was anticipated. Even under the old formula—and that is important to understand—there would have been a loss of staff because of the reduced numbers coming back this year. That will occur, but the Principal and staff have sat down and said, 'This has occurred. Let us now look positively at the way in which we can ensure that those losses will cause the least disruption to our students.'

I stress: those losses would have occurred under the old formula as well as the new. I know that this year Golden Grove High School and its staff will be making sure that their students are provided with just as good an educational background as has occurred in previous years.

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

Ms STEVENS (Elizabeth): I want to spend just five minutes reflecting on the HUS epidemic and some of the issues that arose during Question Time. First, how serious is the epidemic? We know that there have been 20 victims and that one child has died. We also know that many others will have serious and perhaps long-term damage to their kidneys. The Minister's press release, issued on 1 February, was headed, 'Epidemic signals new public health problem'. The Minister said:

> This is an extremely tragic result of a situation which appears to be almost unique in the world.

Further, he said:

> There is no previous international experience in dealing with epidemics of HUS resulting from eating uncooked fermented meat products.

It was no ordinary epidemic. It was not like measles, it was not like chicken pox, but it was a deadly illness, the dimensions of which we still do not know. This was the situation faced by the Minister in the weeks leading up to 23 January. In dealing with a situation such as this, there are two halves to the equation: the action required to determine what is causing the epidemic and where it comes from; and the action required after discovery to inform the community and to put into play processes that will halt the supply of the contaminated product. The first half of this procedure was done brilliantly, and it was done brilliantly by research scientists, doctors and health workers at the Adelaide Women's and Children's Hospital and the Institute of Medical and Veterinary Science, as well as officials from the Health Commission. I have nothing but praise for their efforts, skill, knowledge and experience, which enabled them to get to the bottom of this problem so quickly. They played their part very well indeed.

The next stage is that, once you have all this information (and this was 23 January, when they had come up with what the problem and its source were), it is the Minister's responsibility to ensure that everybody in the community knows about it—knows what product is causing it and what should be done if there are any symptoms. We should bear in mind that this occurred during January when people have been on holidays and many of their routines of watching television news, reading newspapers and listening to the radio have been disrupted. So, it has to be done in a very systematic way.

It also means that action needs to be taken in relation to preventing the sale of the mettwurst and ensuring that it comes off shop shelves. We know that this is where, in this epidemic, the Minister fell down badly. We know from his answers and evasion in Question Time today that he did not consider it serious enough, that he was not willing to take the action that he as Minister for Health has the power to take under the Food Act, to ensure the safety of our community.

I believe that he stands condemned in our community for this inaction, because we need to ensure that, above all, the Minister for Health has the health needs of our community as his prime focus. What we have had is too little too late; a litany of indecision, inaction and lack of coordination. With all this talk about core business, the Minister forgot what his was. So, when the chips were down and when the crisis was really upon us, he failed to act. Even worse, today in Question Time, he attempted to underplay it by again resorting to numbers. 'Only 18', he said. Ask the parents and their families about that.

The DEPUTY SPEAKER: Order! The member for Elizabeth's time has expired. The member for Flinders.

Mrs PENFOLD (Flinders): It is with the greatest pleasure that I report that a start has been made on the preparation for building Flinders University's marine science station at Port Lincoln. I congratulate the many people, organisations and businesses involved in supporting this concept. The Port Lincoln marine science centre would not have come about without that support.

Port Lincoln is Australia's premier fishing port, so it is fitting that this facility should be located there. The range and depth of marine ecosystems accessible in this area allow all forms of fishing and research applicable to South Australia.

That in itself is a basis for efficient and economic use of funds.

It was in the 1950s that the Haldane family came to Port Lincoln from Port Fairy in Victoria, a move that eventually saw the town's fishing industry drawn into an era of modern development. The Haldanes came to South Australia because Premier Tom Playford was the only one who would give the family assistance to complete the building of their boat, thus enabling them to catch pelagic fish in the oceans south of the Australian coast. The loan that Sir Thomas extended from the South Australian Government has brought untold wealth and employment to this State.

It is appropriate that Ross Haldane, a son of one of the three Haldane brothers who moved to Port Lincoln in the 1950s, is actively involved with the marine science station. His initiative in the field of fundraising for the new facility is a reflection of the initiative shown by his late father, Bill Haldane.

Sir Thomas Playford's vision and the initiative of brothers Bill, Alan and Hugh Haldane, have been picked up by the Flinders University and Premier Dean Brown's Liberal Government in bringing in a new era of research. This comes at a time when research is urgently needed in so many areas associated with the sea. Fishermen have long recognised the need for research and have lobbied to obtain the necessary facilities. In fact, going on from tuna, local fishermen researched and developed the Spencer Gulf prawn industry, often held out as one of the best managed fisheries in the world. But fishermen and our State as a whole need more than just a little bit of research here and there if we are to progress and gain advantage from the exciting developments already in the pipeline.

It is many years ago now that Donny Morrison and the abalone fishermen of Port Lincoln began researching abalone. Donny Morrison was told that he would never get abalone to spawn in captivity and that, if he did, the young would not survive. It has been a long hard fight to come to this challenging decade when we are on the brink of reaping the rewards of the efforts of people such as Donny Morrison. Perhaps we would have been at this point 10 years ago if some help had been forthcoming, but we have heard at length of the incompetence and ineptitude of the previous Government, so we should not be surprised to hear of its neglect for research in an industry which is so important to the future of South Australia and, in particular, to my electorate of Flinders.

We are poised on the threshold of an exciting era of development. Our shellfish and other fish are sought eagerly by overseas markets because of the pristine waters where they are farmed and fished. There are many questions to which aquaculture farmers and fishermen do not yet have the answers. We need the marine science station to support these industries which have the potential to earn huge export income for our State and so improve the standard of living for all South Australians.

The environment around Port Lincoln—from sheltered inland waterways to deep sea oceans, a variety of coastal geography, sheltered islands and islands open to the elements—presents unique opportunities for marine biology, biotechnology and related sciences. It gives Flinders University an ideal setting in which to achieve the university's aims: to achieve excellence in research and teaching, which will contribute to the economic, cultural and social development of Australia.

Flinders University has carved an indelible place for itself in the coupled areas of research and education. Thus, it is fitting that the university break new ground once again with the founding of an inaugural Chair of Marine Biology in South Australia. The university has already established links with the South Australian Research and Development Institute and the Spencer Institute of Technical and Further Education at Port Lincoln. In fact, Flinders University is developing a Bachelor of Technology Degree in Aquaculture.

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

WORKERS REHABILITATION AND COMPENSATION (BENEFITS AND REVIEW) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 December. Page 1388.)

The DEPUTY SPEAKER: I call the Leader of the Opposition and advise members of the House that the Leader is not the lead speaker.

The Hon. M.D. RANN (Leader of the Opposition): Anyone who doubts that there is a difference between the Labor Party and the Liberal Party should take a close look at the Brown Government's legislation on WorkCover. It represents an assault on the rights, dignity and lives of workers and their families. If this legislation is passed by this Parliament, South Australia will have the worst and most draconian workers' compensation laws of any State in the nation, and that must not be allowed to happen.

The Liberal Party talks about WorkCover reforms, but this is no reform; this is no fine tuning of the system. The Premier of course claims that he has a mandate for this Bill, but how can he claim a mandate when he promised during the campaign not to reduce WorkCover benefits to injured workers? His mandate on workers' rights is exhausted. This legislation has one fundamental purpose: it is designed to destroy a fair workers' compensation system in this State, and basic concepts of fairness are regarded as alien in this legislation. It does not just turn the clock back: if this Bill becomes law, the Liberals will have delivered a workers' compensation system in South Australia much worse than the one that existed prior to WorkCover when employers came to a Labor Government and begged for a State-run workers' compensation scheme that avoided the legal lottery of the courts where the money went to lawyers, not to injured workers.

This Bill offers much worse than the past. At the weekend, two injured workers came forward publicly to explain how work injuries had shattered their lives and how this legislation would add to their pain. Of course, the Liberals are not interested in the human side of WorkCover. So, I want to tell this House a story about Christine, a single mother who worked as a child-care worker. In August 1993, in an effort to save a child from being crushed by a heavy door, she had her hand crushed and she severely damaged her back. Christine has had three operations on her back and one on her spine that included a spinal fusion. She faces more operations and may lose part of her hand, and at present she walks with a bad limp and wears a neck brace. But she is indefatigable; she has a positive attitude; she is determined to one day return

to work; and she thankfully laughs that at least she has one good leg. As with all injured workers, Christine did not want to be injured; she does not want to remain injured; she wants to be whole and working again. It was not her fault that she was injured, but she told me and she told the media at the weekend that she would lose her house if this Bill becomes law. That is not right; it is unjust; it is unfair; and it is unnecessary. That is why the Labor Party has pledged to fight this Bill.

The greater tragedy is that Christine is not alone. Hundreds—if not thousands—of injured workers and their families will be hurt. Thousands upon thousands will be affected adversely by this legislation. It is not enough that they are racked with pain; it is not enough that their injuries put their marriages and their family lives under intolerable strain, but now the Brown Liberal Government wants to take their homes and a decent income away from them. In our electoral offices all MPs—Liberal and Labor—meet injured workers such as Christine who are on WorkCover and who will be further hurt if this legislation is passed by the Parliament. Quite simply, this legislation is designed to force injured workers onto social security benefits. It seeks to enshrine in legislation a system that blames workers for their injuries and punishes them if those injuries do not heal.

WorkCover benefits will be so low that injured workers will be shunted onto Commonwealth benefits, where they will at least receive some Government concessions unavailable to people under the Liberals' new WorkCover provisions. Let us remember that the Liberals' WorkCover Bill aims to cut income maintenance to social security levels after 12 months. Presently under WorkCover injured workers receive 100 per cent of their average wage for 12 months, and then it drops down to 80 per cent. This Bill will cut that to 85 per cent after six months and then to the social security rate at 12 months. It will also cut income maintenance payments by removing allowances, by removing most overtime and shift penalties from the calculation of the average wage, and this will particularly hit blue collar workers, who often rely on these payments to top up a low base of pay and keep them and their families from financial ruin.

This Bill provides that income maintenance will be capped at 1.5 times the State average weekly earnings. Under this Bill, workers suffering from stress related injuries would become second-class citizens. Their benefits will fall to the social security level after six months—six months earlier than with other injuries. If this Bill becomes law, the responsibility on employers to maintain an injured worker's job or to provide a worker with alternative duties will be abolished. Under this Bill, the review system will be destroyed; workers will lose the right to be represented at review, with workers who lose appeals being forced to pay costs. Benefits can be reduced or removed without prior notice to the injured worker, and at present WorkCover has to give 21 days notice in writing.

Every single amendment and every single clause is a blow to injured workers. But that should not come as a surprise to any member of this Parliament. The Liberal Government holds workers in contempt, and that was demonstrated repeatedly in speeches to this Parliament made by Liberal members on last year's WorkCover and industrial relations law. One just has to read through those contributions to see the sneering, patronising, offensive attitude towards injured workers. Of course, we have to look clearly at the Brown Government's motive and intent with this Bill. We have to look at not just what the Minister says but what this Bill will actually do.

The Brown Government says that it wants to protect the viability of our workers' rehabilitation and compensation scheme; it says that it wants to preserve the benefits of a fair and equitable State-based rehabilitation and compensation scheme, but this legislation does not do that at all. Behind the rhetoric and behind the weasel words lies a proposal to cut significantly the income of most injured workers. The Government claims that this will provide a greater incentive for workers to return to work; it says that this is a worthy social objective because it will protect workers from being 'pensioned for life on the WorkCover scheme' according to the Minister in his second reading explanation. If this logic were not so diabolical it would be laughable. Why and how does the Government think that injured workers, whose benefits are cut, will be better able to get a job out there in the private or public sectors? What will really happen is that these workers and their families will have to manage on a social security level of pension, and they will live in poverty as a result. So much for the Liberals' so-called commitment to a no-fault workers' compensation scheme!

Before this Bill was unveiled, there were various rumours around town about what it would contain. People in business told me that there would be, according to their inside sources, some reduction in benefits for workers with less than 10 per cent impairment. I was also tipped off last year that the Bill would exclude lump sum payments for non-economic loss for those people with so-called smaller disabilities of 5 per cent or less. It was not until the Bill came out that the true nature of the Government's contempt for injured workers was revealed. However, there was a bit of a PR trick and a bit of a con job in the middle of the selling of this WorkCover Bill; the Government said it offered an apparent sweetener among its proposals, to actually increase slightly the level of benefits for seriously injured workers after 12 months of incapacity. But, again, you have to look at the fine print. What is the definition? Where is the cut-off point? It was not 10 per cent as was rumoured: the Government puts it at more than 40 per cent incapacity, with an assessment of impairment to be made by doctors according to strict guidelines.

So what does constitute a more than 40 per cent impairment? Under the guidelines, which form part of this Bill, a worker who has effectively lost the ability to speak owing to an industrial accident is considered to have only a 35 per cent incapacity—below the line. A 35 per cent incapacity if they cannot speak as a result of an industrial injury! A worker who has been so injured that he or she can stand and walk only with difficulty on a level surface is deemed as 35 per cent incapacitated. Such a worker could not even enter this House to listen to this debate without great assistance, but they will be on less than social security benefits under the Liberal Government's Bill. Does the Government really think employers in South Australia will actually give jobs to these people who are injured to this extent? The experience of every injured worker in this State under the current system clearly indicates that it is extraordinarily difficult to get a job; everyone knows that. Of course, injured workers are not told that the reason they do not get a job is a previous workers' compensation claim, but they know very well that that is the reason. They are regarded as suspect; the Premier knows that, and the Minister for Industrial Affairs knows that this injustice prevails.

In addition, the Government proposes to ease the responsibility on employers of injured workers to offer those workers

jobs suitable to their injury. After 12 months, injured workers get a double whammy: they have to find work which may not be there or which many employers will not give them because they are injured, and yet their existing employer will no longer be responsible for them. Where, for goodness sake, is the fairness and equity in that? The Government is effectively proposing to consign all of those workers, who, on the Government's own figures, are the vast majority of claimants, to the level of social security recipients. That is what this Bill is really about. The Government claims that it had regard to the Industry Commission report of 1994 in designing its proposed benefits structure. That report says that full compensation for lost income until retiring age provides little incentive for employees to undertake rehabilitation programs and return to work.

Let us look at our current system. Benefits do reduce to 80 per cent after 12 months; workers have to participate in rehabilitation programs designed for them. Under the present system they can lose their benefits if they do not. If they are fit to return to work they lose their benefits even if they do not return to work. So, the safeguards are there; the incentives are there. I guess there is a fundamental point about fairness and justice. Let us not be ashamed that our benefit levels are amongst the best in the country. Let us be proud that in South Australia we do not settle for the lowest common denominator when it comes to the care of injured workers.

The Government says that the current benefit levels are 'unaffordable'. It says that it's so-called 'restructured benefits' will save $80 million a year. Yet it also claims when criticised that the cuts it proposes will affect only a small proportion of claimants. The Government's rhetoric simply does not add up. The Government has neglected to tell the people of South Australia that, even before its last program of cuts to WorkCover, total labour costs in South Australia were amongst the lowest in this nation. To be competitive it is essential to look at total labour costs, not just one component which makes up only about 2 per cent of the major labour costs. The justification is just not there.

Let us return to those notions of justice. The Government proposes that payments may be stopped without notice when it is decided that a worker is fit to return to work. Too bad if that decision is wrong, because such workers will be without income while pursuing their rights of appeal. If they lose that appeal perhaps because the judge prefers the employer's doctor's opinion over that of the worker's doctor, they will have to pay not only their own legal costs but those of the other parties involved. The Government's proposals for the dispute resolution system will also discourage workers from pursuing their rights by introducing restrictive time limits and not allowing workers to be represented at the outset. All these proposals fly in the face of the principles of access to justice outlined in the Sackville report which no doubt this Minister has not even bothered to read.

The Government also proposes to discriminate against those workers who suffer a psychiatric condition brought about by stress at work by reducing their benefit to pension level after six months instead of the 12 months proposed for other disabilities. Yet again we see the Government's pandering to outmoded notions. This time it is that stress is a minor and transitory problem in the workplace and that psychological disabilities are somehow less serious than physical ones. This Government's Bill is not about preserving the integrity of our workers' compensation system, and it is not about fairness and equity. It is about forcing injured workers into a situation where they cannot afford to live as their job previously enabled them to live, and expects them and their families to cope not only with the injury and financial hardship but the notion perpetuated by this Government and through this Bill that it is somehow their fault that they are injured, and somehow their fault that they do not have a job. It is a backward step that we cannot afford to take.

This Bill tells only half the story. There is also a political pay-off to insurance companies who had a big investment in a Liberal win in December 1993. Labor will move to block this Government's plans to hand the management of WorkCover claims to private insurance companies. We will move in the Legislative Council to disallow the regulations that authorise that proposed hand over. If the Democrats support our move, the privatisation will not and cannot go ahead. On 20 January the tenders closed. This process involved those tendering, those insurance companies, putting up a $20 000 non-returnable deposit. This has been done even though independent consultants commissioned by WorkCover cannot substantiate any savings from privatising claims management except on the basis of an ideological assumption that private insurers will get injured workers back on the job quicker. Accurate comparisons of WorkCover's claims handling costs show that it is as cost-effective as any other scheme in Australia if not better, yet WorkCover itself has been forbidden from bidding for any claims management work.

The Minister for Industrial Affairs continually talks about the need for competition, yet in this case WorkCover is not allowed to compete with private insurers for its own work. This decision, like this legislation, is driven by ideology and not economic reality. This Bill is an attack on families. It will condemn people who want to work and their families to a lifetime of poverty and dependence on the Commonwealth social security system. I have been accused of being too emotive on this issue because I spelt out the reality of what this Bill means to real people with real families. I have clearly laid out, and the Opposition will clearly lay out, that this Bill is fundamentally flawed. If we in the Labor Party are accused of being passionate about injustice, of being passionate about the rights of injured workers, of being passionate about the need for a fair go, about the needs of those least able to defend themselves, then we plead guilty. We will not apologise for caring about people or injured workers, and we will not apologise for opposing this Bill in total.

Mr CLARKE (Deputy Leader of the Opposition): As the Leader has already stated, in another form this legislation is a watershed in South Australian Party politics. The Government's legislation for the first time since its election in December 1993 clearly delineates the line between the two major political Parties. The Government is intent on punishing injured workers and transferring the costs of those injured workers from their employer to the general PAYE taxpayer, and even more importantly at the expense of the injured workers and their families—a return to the 1890s. Notwithstanding all the debates surrounding WorkCover and its unfunded liabilities, and the issue as to whether or not the average levy rate will rise from 2.86 per cent to 3.3 per cent, or some other figure that the Minister may cook up, the facts are very clear. Unless the number of injuries at work are substantially reduced, the cost to the community will be the same as today, except that the burden will fall considerably harder on the injured workers and their families because they will be reduced to penury on Commonwealth social security

benefits and on the taxpaying public of Australia who will have to pick up the cost rather than the employer of the injured worker where the injury occurred in the first place. The only way workers' compensation costs can be effectively reduced is through a reduction in injuries.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: By way of interjection the Minister refers to New South Wales, Victoria, Queensland and Western Australia. I am glad the Minister can count the number of States and Territories in Australia. He cannot count when it comes to this WorkCover legislation because he does not know. The pity of it is that he does not understand his own legislation. The fact of the matter is that in every other State to which the Minister refers employees are able to sue negligent employers at common law. They do not have that right here in South Australia. In Queensland there is unlimited access to common law. Certainly, I regard the Queensland level of payments to injured workers as a disgrace, a legacy of 32 years of National Party rule in that State.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: As to the Queensland Labor Government, there has not been enough activity on its part and I am critical of it in that respect for not improving the level of benefits. As a matter of fact, soon after its election to office the Queensland Labor Government improved the level of benefits from six months to nine months of income maintenance. That Government should do more, and I hope that all States do more so that, rather than South Australia having to try to reduce itself to the lowest common denominator, where each State tries to use the workers' compensation system as a Dutch auction with each competing to terrorise injured workers the most, we can put into place national legislation that has decent standards and brings every worker in Australia up to the South Australian standard.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I certainly did read the Industry Commission report and the Federal Government's response to it. Interestingly, the Federal Government has already picked up the fact that the other States are going about a massive transference of costs on to the Commonwealth taxpayer and has had a guts full of it. The South Australian Government has simply joined the ruck. It seeks to go down to the lowest common denominator. Even though I do not agree with its recommendations, the Industry Commission's report is superior to the Bill that the Minister has introduced.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: The reality is that the whole exercise by this Government is a cynical cost transference from those most able to afford it and those who are morally and legally responsible for the health and safety of their employees, that is, the employer, on to the broken backs of injured workers and their families. The reality is as simple as that, and no amount of clouding the issue by the Minister or his minions on the back bench, when they get up to speak, will hide that. I hope many of them do speak because we will then have the advantage of pointing out to the electorate how uncaring their elected representatives are.

In the Minister's second reading explanation he stated that it was the Government's objective to reduce the average levy rate to 1.8 per cent. If this Bill were passed in full and the Minister's cost savings of $80 million were made, the average levy rate would go well below even the 1.8 per cent and probably below 1 per cent. In other words, from having the best workers' compensation scheme in Australia we would have the worst.

Again, I have absolutely no need to apologise on behalf of the Labor Party for stating that in 1986 we introduced the best workers' compensation scheme in Australia. At the time of the debate on workers' compensation last year I said there was no need for us to be ashamed about that but to be proud of it. We had all the Tories get up in this House last year and take great pride in South Australia being the first Western democracy to introduce votes for women and for their right to stand for elected office, of being a trail blazer and pathfinder for people's rights. However, members opposite are so mean spirited that they will not recognise that the South Australian scheme—before it was adulterated by the Minister in July 1994—was the best scheme in Australia. It is nothing to be ashamed of; in fact, it is something we should urge every other State to accept.

In his second reading explanation the Minister also said that this Bill does not dismantle the framework of the 1986 Act. I look forward to the member for Mitchell's contribution. I am sure it will be edifying for his electorate, because there is none more loathsome a species that crawled from under a rock than the member for Mitchell with respect to his attitude to workers. In his second reading explanation the Minister said that it was not the Government's intention to dismantle the 1986 Act. That is simply a bald faced lie. It does not stand up to even the minutest scrutiny. This Bill removes the comprehensive safety net based on injured workers receiving income maintenance in return for their surrendering their common law right to sue negligent employers.

When this legislation was first introduced in 1986 it had support, yet no one opposite wants to understand or remember that. It had the unanimous support of employer organisations, employers generally, the Liberal Party, the trade union movement and a range of social organisations. That was because the Bill was the culmination of several years of detailed study and negotiation between all the social partners who came up with a workers' compensation scheme that was fair to workers and reduced the cost burden to employers.

How short is the memory of employers in South Australia who now urge Parliament to accept this Bill? This morning, like most members, I received about 50 faxes from employers. Miraculously, they all read exactly the same. Each one has the same full stops and the same spelling errors, and one fax was signed and sent to me with the word 'draft' still imprinted at the top. Whether that person is living or dead, I have no idea, but this was the overwhelming knee jerk reaction from employers out there.

When those 50 faxes came through this morning, that was the first time that I heard from the employers. I heard from the employer organisations and I saw a couple of individual employers who wanted to speak to me. They wanted to see my separately because they were embarrassed by the Minister. They came to me and said, 'The Minister is a lunatic. We are going far overboard and he really just wants to introduce this idea of an ambit claim.' I thought only trade unions did that. Last year in Question Time the Minister brought out a Federal award ambit log of claim that had been served on employers, including the State Government, saying how horrendous it was that unions should claim $10 000 a week for a junior clerk or the like. The employers came to see me because they were embarrassed by the Minister and the fact that he does not understand the legislation. He has no idea. It would be preferable if the rules of debate in this place allowed me to debate the Bill with its real architect, namely, the Minister's adviser because at least he knows what he is

talking about. Unfortunately, the House will not have the benefit of his direct advice but will have to go through the puppet on a string, namely, the Minister—

The Hon. M.D. Rann: A political muppet!

Mr CLARKE: Yes, as the Leader points out, a political muppet.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I want to know whether the Minister is feeling comfortable in this debate. In 1986 almost every employer was dead keen on the WorkCover system that the Government now wants to pull apart. I understand why the member for Mitchell, who has the retentive power of a sparrow, is embarrassed. Before 1986 metal manufacturing companies in this State were paying premium rates averaging between 16 and 22 per cent of payroll.

Electrical contractors were working for our own statutory authority, ETSA, dealing with high voltage powerlines and paying 36 per cent of premium—if they could get private insurance. There was the timber industry in this State, with saw milling and the like at Mount Gambier—in your own electorate, Sir. Go and talk to those saw millers down there in your own electorate, Sir, who were paying 25 and 30 per cent of payroll. With the introduction of cross-subsidisation with WorkCover in this State, premium levels are now reduced in those industries between 4.5 and 7 per cent and, regarding the various bonus schemes or penalties that may apply, they may be greater or lower, depending on their claims records. That is a huge and significant difference in the level of the premiums they are paying today compared with the premiums they were paying in 1986. This Government does not give any credit to that, and neither do the employers.

A compact was entered into in 1986 (and the Minister was a member of this House at that time) when the workers of this State said that, as one of the few such groups of society, they would forgo their right to sue negligent employers at common law. If you tripped over a bucket of water left on the floor in David Jones and broke your ankle or hurt your back, you could sue David Jones for its negligence at common law. It happens all the time in a whole range of areas. If a doctor should have removed your appendix and took off your leg instead, you can sue him or her for negligence. But workers at a work site, often working with dangerous machinery and the like and often with little training or supervision, went without their rights at common law to bring about an income maintenance scheme, which was designed to protect them and their families in the event of their being injured.

I quote from a very instructive statement made by Mr Lew Owens, the Chief Executive Officer of WorkCover, in WorkCover's most recent annual report, as follows:

> When the scheme was established in 1987, a 3 per cent average rate was seen by all parties to be acceptable, but that appears to be no longer the case. The 1987 agreement of employers and unions on what represented an acceptable outcome is now under challenge. The goal posts have been moved.

The truth of the matter is not that WorkCover in South Australia is too expensive: it is in fact on track with what employers, unions, Governments and Oppositions in 1986 believed the scheme would cost—about the 3 per cent average. It is that other conservative State Governments have shifted the goal posts with their election; they have brought in draconian legislation similar to this—although this State Government's legislation is worse in many instances—and shoved the costs in their States onto PAYE taxpayers, injured workers and their families. WorkCover and the workers of this State have lived up to their end of the bargain. The level is around the 3 per cent mark, which was the expectation of industry. Other conservative Governments have intervened, particularly in their desire to Dutch auction on the backs of injured workers to try to attract and retain industry in their States. In many instances, employers will reap a windfall benefit out of this, and undeservedly so, because it is at the expense of those least able to afford it.

If we want to enter into a Dutch auction system, as the other States have entered into, woe betide this nation as a whole, because there are many nations just to our north that can outbid us in any Dutch auction, with their lax labour laws, lax health and safety laws, repression of human rights and denial of basic democratic rights. There are all sorts of countries just to our north that could outbid us, and that is not a particularly savoury point of view, nor one that we in Australia should adopt. If that is the case, we might as well abolish workers' compensation, occupational health and safety, child-care allowances and all sorts of safety nets—the whole gamut of our social security system in Australia. We in the Labor Party do not believe that that is the road we should go down. That is why we formed the Labor Party in 1891. We are proud to have done so and to ensure that we do not go back to those days.

The Labor Party has a number of fundamental differences with the Government on its Bill, and I have outlined some of them. I will go into a little more detail (although we will be more explicit in the Committee stage of the legislation) on some of the fundamental flaws that we see in this legislation. They are not necessarily in order of importance. First is the reduction of the levels of income maintenance. The Bill allows for the reduction of the level of income maintenance from 80 per cent of average weekly earnings after 12 months to levels commensurate with the social security disability pension, without the benefits. I might add that, when we are dealing with the regulations that the Government will use to set the level of pension benefits (it is asserted that it will be 'around the level of social security benefits'), nowhere do I find within the Bill an indication as to whether it will be based on a family or whether it will be based on a single person's benefit of $140 a week, even if that person may have a wife and several children as dependants.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: If the Minister says, 'Let's be patient and we'll find out', the interesting point about that is that it should be in the legislation. I do not want to trust that very important issue of how much money is going into the pocket of injured workers and their families to some regulation that he might concoct late one night. I want to see it in the legislation so that it can be withdrawn only by legislation and not subject to the regulation's being disallowed.

The Hon. G.A. Ingerson: That's the same thing.

Mr CLARKE: The Minister says it is the same thing. That is a nonsense, because, as the Minister ought to be aware, a motion of disallowance cannot amend the regulation. It is either thrown out or there is nothing. If it is thrown out, there is nothing upon which the workers can be paid. We cannot amend it. Therefore, regulation is totally inappropriate. For a person who is deemed partially totally incapacitated, and that is the majority of long-term injured workers, after the first 26 weeks, instead of 100 per cent income maintenance, it is reduced to 85 per cent and thereafter social security.

The Minister is really tough on stress victims. He cannot wait to beat up on people who put in stress claims, because

to this Minister and Government stress is a figment of the imagination: it has nothing to do with work; it has nothing to do with the impact that a stress situation can have on a worker. The Minister ignores road traffic police officers and the fact that they are required to go out on a daily basis and scrape up bodies off the roads as a result of the carnage that is left on many occasions.

The Minister does not take into account in this legislation the bank teller who has a shotgun shoved under her nose or has a hypodermic syringe pointed at her and is told that it is filled with AIDS-infected blood and the impact that might have on other workers standing next to that person who is being assaulted in a bank, TAB agency or credit union. According to the Minister, there is no such thing as stress at work because it is all a figment of the imagination. The firefighters who recently were required to remove the charred bodies of children from their homes are not capable of feeling stress, according to the Minister. It is even worse for stress victims than the treatment of workers who suffer from physical injuries because, after the first 26 weeks of income maintenance, they are on social security thereafter.

I should like to read a letter that I have received, a copy of which the Minister has also received, from the Royal Australian and New Zealand College of Psychiatrists. No doubt he has not had an opportunity to read this correspondence as it is slightly more than a page long. In the second paragraph, the Royal Australian and New Zealand College of Psychiatrists states:

> Our major concern is the way in which people suffering from a psychological disorder are singled out in this proposed Bill and discriminated against. It is proposed under this Bill that people who suffer from a psychological disorder will receive benefits for only half the time that people with a physical disorder will. This is unjust and inequitable. In light of the Burdekin report and the national mental health policy, this proposed change is totally unacceptable. In recent years we have seen mental illness destigmatised. However, these proposed changes will lead to an increase in stigma and are discriminating. We would urge you to change this aspect of the proposed Bill so that no distinction is made between physical and psychological disorder.

On the last page it states:

> There are other aspects of the proposed Bill which concern some Fellows of the Royal Australian and New Zealand College of Psychiatrists. However, the major change which concerns all Fellows is the one regarding the singling out of people with a psychological disorder and treating this group of people in a different manner to those suffering from a physical disorder. This discriminating aspect of the Bill must be changed. Mr Brian Martin, QC, in his review recommended to this Government to include mental illness under the equal opportunity legislation. The change proposed under this Workers' Rehabilitation and Compensation Amendment Bill to treat people with a mental illness differently from those with a physical illness could be seen as being unacceptable under the changes proposed to the equal opportunity legislation.

I also draw the attention of the House to the Law Society of South Australia's submission dated 3 February 1995. On page 6 of the summary, under the heading 'Stress', the Law Society of South Australia—a well known hot bed of radicalism and pro-Labor thought, with absolutely rabid Labor supporters amongst all those lawyers who overwhelmingly live in the Minister's leafy suburb of Burnside and who have kind things to say about their local member, not least being that they look forward to his early retirement—states:

> The use of the word 'stress' is yet again brought to the attention of members of both Houses. There is no psychiatric diagnosis of 'stress'. It is unfortunate that this word has now taken on such a pejorative connotation that it is difficult to get any reasoned debate on the significant issues of psychiatric/psychological disabilities. The effect of the legislation may well be to discriminate against those persons with psychiatric/psychological disabilities as against those who suffer physical injuries. Such a situation should be rejected having regard to advancements in the knowledge of these issues in the psychiatric and medical profession, especially over the last 20 years.

When I referred to the Law Society of South Australia, the Minister made a pejorative comment about lawyers, in essence, wanting only to line their own pockets. Unlike the Minister, I do not have a problem with lawyers. From time to time, other Ministers of Labour, in particular, those who operate in this field, have not thought kindly of lawyers, but I do not share that view for a very simple reason. Every day, lawyers are called upon to assist workers, trade unions and employers to try to make something understandable out of legislation that is passed in Parliament and to represent the interests of their clients. If they make a few bucks out of it on the way through, so be it, but every Government from time to time has sought to exclude lawyers from one process or another. This has always failed, because where litigation arises and interpretation of the law and the like and where you end up at the Supreme Court on numerous occasions to try to interpret the will of Parliament and the laws that it enacts, lawyers are necessary. They should not be treated with disdain but, in fact, worked with for the common good.

The definition of 'suitable employment' is another area of concern, and we will deal with that in more detail in Committee. Essentially, it assumes that work is available. If you are breathing and can stand, it is assumed that you can do some sort of work. No matter how illogical that might be, because there is no work around—

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: The Minister keeps waving papers. He has his minions ready to trot out all sorts of files relating to all sorts of alleged rorts in WorkCover. Rorting and fraud go on, and that is not condoned by the Labor Party: it should be rooted out and people should be prosecuted—we have never had any argument with that whatsoever. However, to try to label everyone who has a workers' compensation claim as a rorter or someone who wants to defraud the system is an absolute disgrace. The Minister and his minions will lay a trail of red herrings because, during the past week, he has had WorkCover working overtime trying to pull out files that will add colour to the debate during the course of tonight.

I refer to the Comcare guidelines to impairment which the Government proposes to introduce. The Minister has made great play of the fact that the severely injured will be treated far more generously under the Government's Bill. If you are classified as more than 40 per cent impaired under this legislation—and I emphasise the words 'more than'; it must be 40 per cent plus—

The Hon. G.A. Ingerson: It is 41 per cent.

Mr CLARKE: The Minister has answered the question for me: it is 41 per cent under the Comcare guidelines. Let us look at the Comcare guidelines to see how people will fare and whether they will fall into this group of people who will benefit from an increase of 5 per cent in terms of income maintenance. I will not give all the details, just enough to inform the House adequately of how inappropriate the Comcare guidelines are. If a worker suffers an amputation below the knee or of the fingers, it is a 30 per cent impairment. If there is an injury to the legs, it results in a 30 per cent impairment if the worker is able to stand and walk with difficulty on a level surface.

To get over the 40 per cent threshold the worker would have to be able to stand but not walk. In the case of back

injuries—the most common form of injuries—a complete loss of movement in the lower back is equal to only a 30 per cent impairment. No loss of function and use of cervical spine could ever result in an impairment of more than 40 per cent under the Comcare guidelines.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I will tell the truth.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I am telling it as it is, Minister. I think you had better read your own legislation. Head injuries affecting hearing and comprehension will equal 40 per cent impairment if the worker can understand no more than single words. A complete inability to read will never amount to more than 35 per cent under the Comcare guidelines.

The Hon. G.A. Ingerson: You know that's not right.

Mr CLARKE: That is right.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: Minister, I will be delighted—

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I will not be misleading the Parliament, and I am not misleading the Parliament. Minister, you will have your chance in Committee to answer a whole series of questions about the Comcare guidelines, so I hope you are well and truly boned up on it, and I do not mean between the ears. A worker who is left with no useful speech is deemed to be no more than 35 per cent impaired. A worker who cannot write at all—and I would have thought, since the Minister's Government is allegedly leading us into the information super highway, that this will be an absolute necessity for rehabilitation—involves no more than a 25 per cent impairment. Do not take my word about Comcare guidelines. Let me read to the House what the Registered Employers Association of South Australia says about the use of the Comcare guidelines. I quote from page 11 of its submission, which the Minister also has:

> The reference to the formula specified in the proposed section 43(3) is bewildering and undoubtedly will lead to great uncertainty in the system of all parties.

The proposed new system is unlikely to achieve any immediate advantage to the scheme and is likely to become an administrative nightmare. The Law Society, at page 2 of its summary, under the heading 'Simplification of provisions relating to determination of entitlement', states:

> The Bill proposes changes in the method of assessing a threshold to benefits by using a Comcare Guide. This will result in another difficult assessment system such as that imposed in December 1992 when the Australian Medical Association Guides were incorporated into the Third Schedule. The best solution is to return to the tested method of assessment which existed under the 'old Act' (1971-1987) and under the WorkCover Act between 1987 and late 1992. If it is necessary to ensure that there be a 40 per cent impairment before income maintenance can continue after 12 months (six months in the case of 'stress') the result will be unnecessary administrative procedures with inordinate numbers of assessments being undertaken.

In stark terms, a worker with a 10 per cent impairment under the Government's Bill is treated the same as one with a 40 per cent impairment—an absolute nonsense. A worker with a 9 per cent impairment—an arbitrary judgment—gets nothing, whereas a worker with 11 per cent impairment has a claim for nearly $11 000.

We then come to the medical review panels to be established under this legislation. The medical review panel seeks to determine the levels of impairment of injured workers and is a gross affront to natural justice. The panel is to be appointed by the corporation, whilst the choice as to the members of the panel has to be made after consultation with the Australian Medical Association. There is no fetter on the corporation's final choice: it can appoint anyone it wishes. The worker is able to nominate their doctor to the panel and the chances of agreement between the two will be rare. There are always well-known doctors who are regarded as bosses' doctors and workers' doctors. If no agreement is reached, the matter goes before an adjudicator.

I am sure that you, Mr Deputy Speaker, coming from England, the fount of natural justice and rule of law which have been handed down to Australians through our British heritage, would agree that WorkCover has to agree as to who is the adjudicator. If there is no agreement, the chief review officer nominates one. The chief review officer is notionally independent, but he or she has no security of tenure. That officer is appointed for a five-year term of office, subject to ministerial reappointment. The Minister would say, 'Trust me': I do not trust the Minister, because we have all witnessed how he elbowed out the former President of the Industrial Court and Commission of South Australia. We saw how he tried to manipulate and have Mr Brian Noakes appointed as President of the Industrial Commission of South Australia, and he says, 'Trust me.'

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I have said it on a number of occasions in press releases and, indeed, at a meeting of the Law Society at which the Minister attended but gave no answers and just kept saying, 'Ask me in six years time.' The decision of the adjudicator is not reviewable. That is an attack on the basic rights of a worker to receive a fair and open trial. Do not just take my word on this. What do employers say about it? I quote again from the submission of the registered employers group here in South Australia, as follows:

> The association has serious concerns as to the manner of appointment of such experts and the proposal that such experts will determine not only the level of impairment but also the worker's entitlement to non-economic loss, which is not necessarily a medical question. The association also has concerns that, where no agreement is reached with the worker as to the appointment of an adjudicator, the chief review officer makes the appointment. Whilst this association has urged all review officers to be constrained to accept the findings of the medical review panel where a referral has arisen, the association—

and I emphasis these words—

> has not and does not support any process which is non-reviewable. The Government's proposal is an absolute attack on the rule of law. It is a star chamber adjudication, where a worker has effectively no real rights.

The Law Society also makes the point on page 2 of its summary, as follows:

> The concept of a panel of medical experts to determine the levels of impairment is strongly opposed. Such issues have always been satisfactorily resolved by trained and experienced judicial and quasijudicial officers who are in the best possible position to assess all of the evidence. By prescribing which doctors will be used, there will be a limitation on the ability of parties to present their cases. Also there will be the real prospect of suspicion and ill feeling.

In a letter to the Australian Plaintive Lawyers Association, WorkCover admitted that 75 per cent of its determinations in respect of section 43 claims were appealed or reviewed, and that the vast majority of those appeals were successful. As the adjudicator to be appointed under the Government legislation will not be subject to review, and the scrutiny that such a right brings to the whole process, all workers have a great deal to worry about with the Government's legislation on that point.

Another area of concern in the legislation is its retrospective nature. This from a Liberal Party that has taken always the high moral ground that there should be no retrospectivity in any legislation ever enacted, even if it is to catch tax cheats and rorters—that is, unless it affects workers. They are very keen on retrospective legislation in that area. The Bill, if enacted into law, will be retrospective. It comes into effect six months after the Act comes into force. That is particularly obnoxious. It fundamentally changes workers' rights and makes redeterminable decisions which were never previously capable of being redetermined under existing legislation. It changes their rights retrospectively, and this from a Party which vigorously fights any legislation with any element of retrospectivity.

Mr Atkinson: Not since they have been in Government.

Mr CLARKE: Exactly, as the member for Spence points out, not since they have been in Government, and not if it means attacking workers. If any Labor Government was to pass laws retrospectively affecting the rights of employers, that would be the end of the world as we know it, but if it cuts off at the knees the rights of injured workers, then it is okay by this Government.

We come to another obnoxious set of principles in this legislation, and that is costs. One of the most oppressive parts in the legislation is that the Workers' Compensation Appeal Tribunal has the discretion of awarding costs but, and I quote from the Bill 'costs are to follow the event unless there are specified reasons' for doing otherwise. Any system which provides for workers to have to pay the other side's costs where there has been no act of bad faith on the part of the worker is abhorrent. There is no comparison in the financial strength of WorkCover and an individual worker facing possible legal costs of well in excess of $10 000, if they appealed a decision, or where WorkCover, using its financial strength, even on weak merit grounds, seeks to bankrupt a worker first to frighten them off by saying, 'If you lose the case, you not only have to meet your own costs but ours as well.' It will be used to dissuade those workers from either contesting an appeal lodged by WorkCover or in initiating one of their own, even if they and their legal advisers believe there are strong grounds for either opposing an appeal or in launching one.

The Law Society, again at page 3 of its summary, under the heading 'Costs Recovery', states:

> The provision that costs would effectively 'follow the event', that is, that the loser would pay in an appeal, will create great hardship. It has always been recognised that workers' compensation issues involve different considerations from those in other litigation as they almost invariably involve the livelihood and well-being of workers and families. The system whereby a worker would recover costs unless there were 'special reasons', which operated under the 'old Act' and has to date operated under the WorkCover Act, should not be rejected.

That principle has been in our workers' compensation legislation for decades. I have not had the time to trace back how long that principle has been enshrined in our legislation, but it goes back many years, decades, and for very good reasons. It recognises that with injured workers you are dealing with their livelihood and that of their family and that they should not be intimidated into not launching an appeal, no matter how good their case may be, or defending a case on appeal against a private insurance company or by WorkCover—a statutory corporation—because they are too scared of bankrupting themselves or of losing their home because of the possibility of their having costs from the other side visited upon them.

It is a particularly mean, nasty piece of legislation. It is vile in the extreme. I cannot imagine the mind of the person who gave birth to this idea. I cannot imagine the twisted form of logic and regard for fellow human beings that would allow any person to bring that type of legislation forward in this House to be debated. Unfortunately, it says something about the state of mind of this Minister and that of his advisers.

With respect to the employer responsibility, this Bill allows all employers to dump injured workers from employment after more than 12 months off work. Even if the employer has been wholly negligent and caused the injury to the worker in the first place there is no responsibility on the employer to maintain that employment. Where is the fairness in a workers' compensation system that says that you cannot sue the employer at common law because of your negligence no matter how much you have destroyed their life and that of their family? This Bill does not reinstate common law for a worker to sue a negligent employer, and this Bill goes even further, saying that after 12 months the employer automatically has no further responsibility to that employee, despite that employer's being wholly accountable for the injuries that that worker has sustained.

It is a monstrous piece of legislation. It takes away any incentive for employers to try to find injured workers other suitable employment or to attempt to rehabilitate them. I come back to the point that I made earlier: the only way to reduce the costs to this community, including employers, with respect to workers' compensation is to reduce the incidence and level of injuries to workers. All this Bill does is to rearrange cost-sharing so that it falls most on those least able to afford it.

The most important point that we as parliamentarians have to consider in this debate is the effect that this and any other legislation has on people—fellow human beings and their families, in many instances young families. It is all very well for the Government to say that unless these changes go through the average levy rate will increase from 2.86 per cent to 3.3 per cent. I did a rough calculation in relation to an employer with 10 staff, which would represent a reasonable sized employer—not a small employer—with workers earning an average income of $25 000 per annum, or a total payroll of $250 000 per annum, with on-costs of, say, 20 per cent, which is extremely generous, giving a total wage bill of $300 000.

If the levy rates were increased to the extent to which the Minister has referred, it would cost an employer of 10 staff an additional $1 320 per annum, which is an extra $132 per worker, per year or approximately $2.50 per worker, per week, gross. As workers' compensation insurance is quite legitimately a fully tax deductible expense, it comes out at about $1.70 per worker, per week, or it may be less depending on bonus schemes, penalties, and so on.

Mr Caudell interjecting:

Mr CLARKE: I understand from the interjection by the member for Mitchell that he has some difficulty following those calculations, but the average levy rate has been cyclical in nature. In 1991-92—

Mr Rossi interjecting:

Mr CLARKE: The member for Lee interjects. There is a prize example of why the member for Lee should oppose this legislation: he will not be protected by this Parliament in three years because he will be out on his rear end looking for a job. There are not too many jobs out there for the member for Lee because he is not capable of a great deal, except trying to sterilise single mums with more than three kids, and

there is not a huge demand in the employment market for that particular vocation. It is more than likely that our legislation will have to help the member for Lee because when he does not have a job as a member of Parliament he might be in a job where he is injured. I hope that he is not injured, but if he is he will want himself and his family to be protected, and he ought to think about that before he casts his vote or makes stupid comments from the back bench.

The average levy rate has gone up and down over the years. In 1991-92 it was 3.67 per cent; in 1992-93 it was 3.2 per cent; in 1993-94 it was 2.86 per cent; in 1994-95, on the Minister's reckoning, it is 3.3 per cent; and we do not know the figure for 1995-96.

The Hon. G.A. Ingerson: It will be 1.8 per cent.

Mr CLARKE: The Minister says, '1.8 per cent' but I have news for him; the numbers might be 36 to 11 in this Chamber, but that is not the case in the Legislative Council, and we will see about that.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I know. To give the Minister due credit, he did well in 1994 with some of his legislation. God knows how but, of all the Ministers, he did it; he achieved in that area. However, if I were the Minister, I would not bet my last dollar in relation to this matter.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: We shall see. I am not advocating high average levy rates; I am trying to put these costs into perspective. Of course, the Minister quotes blithely this 1.8 per cent levy rate that he wants to achieve, but he has not mentioned that logs of claims are already being put on employers in this State for top-up pay. If this legislation is passed and WorkCover ceases, after 12 months the award system, which he has done so much to try to batter down, will ultimately provide for make-up pay, so employers will have to meet some costs. Above all, in his speeches on this issue the Minister has not factored in the human cost. It is trifling to the Minister that injured workers will lose their homes because they will be on social security and will not be able to afford to keep them. He has not factored in the cost of marital breakdowns, of potential suicides—

Mr Atkinson: What does the family impact statement have to say?

Mr CLARKE: That is very good point. The member for Spence has raised the question, which we will put—

The Hon. G.A. Ingerson: What's your answer?

Mr CLARKE: I will come to that; be patient. I still have several pages of notes to go. I will come to those points shortly. The member for Spence has made a very good point. During the much lauded Year of the Family last year the Government announced that every Cabinet decision from November onwards—and the Minister's Bill falls into that time frame—would have a submission on family impact. I will ask the Minister about that family impact statement. I will ask the Minister to read it to the House, and I will be interested to hear it word for word. The cost to individuals and their families has not been factored in. Under the current legislation, an injured worker who had been earning $500 a week receives a payment of $400 a week or 80 per cent of his salary. However in this Bill the Government proposes that an injured worker will go down to the social security level of $140 a week. The legislation does not say that that will increase if the injured worker has dependants.

For less than $2 a week for the employer in the example I used the Government wants to commit this type of violence on injured workers and their families. It still does not save the community money, because those people will be forced onto Commonwealth social security payments so that they can get their concessions. PAYE taxpayers will pay for that as they have done in other States. The social dislocation and problems that that causes families will still have to be met by the general community as a whole, and that needs to be factored in. It is not 1.8 per cent when you take into account the figures that I have quoted. In this debate we have all been inundated with cold statistics: the unfunded liability of so many millions of dollars, and the potential increases to levy rates. Let us see how it all affects real people.

Mr Brindal interjecting:

Mr CLARKE: You will soon know. I will be providing the names of real people and, with their permission, I am quite happy to give you their full names. However, because I am a bit selective, I do not know that I would release their addresses to the member for Unley. I have noticed that an injured worker whose name is mentioned in the media immediately has their file pulled by WorkCover and they are given the once over; I will not subject people to that. The Government's minions on the back bench have all been given anecdotes by the Minister's office. I have a copy of a memo put out by the Minister to his cannon fodder where he offers to write their speeches for them, speeches which will be used in this debate to try to discredit injured workers by trying to portray them as bludgers and rorters. I would like to detail the stories of just a few of the hundreds of long-term injured workers I have met since this legislation was introduced.

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

Mr CLARKE: I indicated before the dinner adjournment that it was necessary for us as parliamentarians to consider the type of legislation that we are enacting and how it relates to real people. I want to give a few brief examples of the type of people who would be seriously affected by the Government's legislation if it actually got through the Parliament.

I refer to a former bus driver named Mal who severely injured his back and destroyed seven discs and vertebrae. Members could ask how this was done. He did this by stacking mail under the bus that he drove. The employer did not adjust the bin doors on the bus to a height sufficient to avoid the need for him to twist and turn in the process of loading 160 bags of mail three days a week. Further, 11 other bus drivers have suffered the same fate. In regard to costs, because of the damage to his back, Mal needs air-cushioned shoes—the sort of runners that are popular these days with cushioned soles. Such shoes ordinarily cost about $189 a pair. Mal has to wear those shoes as his normal shoes in order to prevent shock to his back when he walks. On three of the past four occasions he has bought such shoes he has first had to have them recommended by a specialist, a doctor and a physiotherapist.

WorkCover wants a report from the physiotherapist as well as from a foot specialist, and the WorkCover case manager then has to do another report on what has happened. That all takes several hours of work by the time Mal is seen by the specialists and for them to write reports and send them to WorkCover and for WorkCover to handle and assess the reports. So, the cost to WorkCover of the $189 pair of shoes is now about $1 000, taking into account specialists' costs.

There is no doubting Mal's injury; there is no doubting that he needs these shoes as a permanent feature for the rest of his life; but, because of these administrative arrangements imposed by WorkCover, the $189 a pair shoes now cost about

$1 000. This is insane, and could be part and parcel of the reform of WorkCover without in any event—

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: Exactly. As the Minister quite rightly points out, it does not require legislation.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: The Minister says that outsourcing is the answer: we will see about that. What is more important even than WorkCover's stupidity in insisting on that type of arrangement, whereby a $189 pair of shoes costs $1 000, is why the bus company did not adjust the height of the doors in the first place. Why did it not look at the ergonomics, so that this man (together with 11 other drivers) who is now on the WorkCover system for the rest of his working life did not have his back destroyed? Under the Minister's proposal in this legislation, he is not more than 40 per cent disabled under the Comcare guidelines but, through no fault of his own, he will be forced to live on a pension equivalent to social security. He did nothing wrong: his employer did not look at the ergonomics of the bus doors. It is not his fault that WorkCover wants him to spend the equivalent of $1 000 for a pair of shoes each time he needs them, but he and his family are the ones who will pay the price through a significantly reduced standard of living.

Then there is Joanna, a 26-year-old married mother who works in the retail industry for one of the largest department stores in Rundle Mall. Her immediate superior subjected her to sexual harassment and one day lost his temper and smashed a coffee cup near her, one of the fragments of which severely cut one of her arms. She is off on stress leave. Despite her reporting the incident, the employer has stated only that the perpetrator would no longer be working near her if she returned to work. She fears this man and what he might do to her. He may be located in another department but they will still meet in the lunch room, at staff meetings and the like. Joanna has already taken five drug overdoses as a result of this stress and, under this Bill, if it is enacted into law, because of the reduction in her income to that of social security level, her husband's income is not sufficient to maintain the mortgage payments.

She will be compelled to sell her house: a young mother with young children. What is the cost to that family unit and what cost is it to our society to destroy that family unit simply to pursue a lower average levy rate which competes with other States on the surface but which does not take into account the human factor?

Another example is Matt. He is married with two young children, was previously unemployed and was based in Murray Bridge. He could not get employment in Murray Bridge, although he was perfectly healthy. He moved to Adelaide to find employment, got a job with a furniture removalist and, after six weeks in his job, injured his back as a result of inadequate training. This is one of the other great features. When I say 'great', I do not mean in the sense of 'extolling the virtue of'. However, one of the very real features in employment, particularly in areas such as furniture removal, and so on, is that many of the workers are at their most vulnerable when they first commence work.

Their training is often inadequate. They are simply told 'This is your job: lift that piece of furniture; put it this way, put it that way.' They often do not receive sufficient training with respect to the type of positions one should adopt or the right equipment to ensure that their backs are not strained. He cannot find another job. We all know that it is not a question of being a bludger or a rorter: it is simply that in a situation where there is a surplus of labour compared with demand in this State, if an employer has a choice between choosing an employee who is young and fit and without any claims with respect to WorkCover and a person who has a back injury and has been on workers' compensation for any period of time for that injury, the employer almost invariably will choose the person without any workers' compensation history. It is a question not of the worker trying to bludge on the system but of an employer by dint of human nature not hiring them. It is not Matt's fault but, under this Bill, when the legislation is enacted, with a huge reduction in income he will have to sell his house.

David, a labourer working on the Australis site, was required to erect formwork and scaffolding. The scaffolding had to be moved physically; it was manually handled over three floors. There was no crane. As I understand it, the company had two cranes. One crane was required at another building site and the crane which was on the building site was being used for other purposes. It has been calculated that each of the eight riggers who carried out this task lifted 7 981 875 kilograms over the time that they were working on that site.

He has destroyed his wrist in the process because of the constant heavy work that he was involved in. Again, in the building industry, if you do not have a wrist there is very little you can do. His education level is very poor. He has been a builder's labourer all of his life. He is 38 years of age. The fact is that the likelihood of his being able to obtain a clerical position, or some other position, is extremely remote. His education level is such that he is not trained in a wide variety of other tasks. We all know that in the real world there are very many well-qualified people in our society who cannot get jobs. What chance is there for David?

None of these people wanted to be on WorkCover. They hate it. They feel stigmatised by it and the debate in the media over WorkCover and the anecdotes that will come out from members on the other side trying to point out how people allegedly rort the system will stigmatise them further. Most of them have never been unemployed before and find the whole exercise humiliating and degrading. This Liberal Government wants to strip them of their right to live as human beings with a reasonable standard of living.

Much has been made of the costs of WorkCover as a burden to employers. Very few have counted the human and social cost of this legislation if it is passed. The Liberal Government has the same ideological bent as the Reagan presidency in the United States and Margaret Thatcher in the United Kingdom. Ronald Reagan and Margaret Thatcher believed in self-help and an end to welfare dependency. They reduced costs to industry, but what do we see today? Where are the accountants today in the United States? They are totalling up the cost to society of the increased number of homeless people, those who cannot have their health attended to and those who have to steal because they are now no longer able to claim welfare benefits; they are totalling the increased cost to society of employing more police officers, family counsellors and prison officers to handle the legacy of the Reagan and Thatcher years of government.

Let me repeat that this legislation does not simply make WorkCover's unfunded liability vanish into the ether: it transfers these costs onto others, in particular, the Joannas, the Mals, the Matts and the Davids and their families and, of course, the good old PAYE taxpayer. It places no additional onus on employers to tackle health and safety issues; it does not commit the State Government to do anything about the cost of workplace injuries except to say to that those who will

be affected by the slashed benefits, 'Well, that's your tough luck. That's the price you and your family pay so that we can pay back all the employers in this State who donated so generously to our campaign funds at the last election.'

Ironically, 1995 is the international year for tolerance, but no tolerance has been shown by this Government to those in our society who are most vulnerable. What the Government should do is immediately withdraw this Bill, allow the passions generated by this legislation to ease and sit down calmly with the trade union movement, employers and other practitioners in this field to work through the problems in WorkCover and to find a solution which is just and equitable to all.

Such an exercise need not be a waste of time, but it requires a Minister who first understands workers' compensation—and sadly this one does not—and who has a great deal of energy, tolerance and good faith to be able to negotiate a sensible resolution. This has been done before; it led to the establishment of the WorkCover legislation in 1986. It was not created overnight. It required compromises on all sides and, in the end, the legislation was welcomed by all parties—employers, unions, Government and opposition—but it required a lot of hard work.

I note that the member for Elder is nodding his head; I do not know whether it is because he does not know anything or because he is a noddy. I know that the member for Elder worked in the agricultural implement making industry, but the reality is that, with the introduction of WorkCover, the level of premiums paid in 1986 was considerably less than previously paid under the old system and that his employer rejoiced with WorkCover.

As I said at the commencement of my address, the fact of the matter is that the goal posts have been shifted with respect to workers' compensation in Australia. The overall costs in South Australia are not insupportably high. It is simply that the other States have brought in draconian legislation to slash benefits in their States and have engaged in a Dutch auction. That is why employers in this State are dissatisfied: they look at the other States and ask why we cannot do the same.

I am afraid that the Labor Party will never agree to any legislation which provides that, if it is good for society as a whole that there be certain subsidies or cross-subsidisation to assist industry for whatever reason, the cost of that has to be borne by just a few in our society—those less able to defend themselves—so that major corporations in this State can have cheaper workers' compensation insurance. That is not a fair or just society. If the Government of the day wants to introduce lower compensation premiums for employers, all sections of the community should bear that cost, not just those who are unfortunately injured during the normal course of their employment. It is also important that rather than have this debate today on this legislation—again, I doubt whether the Minister would agree to it—we should have a wholesale parliamentary inquiry into WorkCover.

The Hon. G.A. Ingerson: We had one two years ago.

Mr CLARKE: I understand what the Minister says about having had one two years ago. The reality is that legislation passed in haste or at midnight with deals cobbled together in another place is a nightmare for everyone who practises in this area, and in particular for workers, as we end up waiting for the Supreme Court to hand down a decision two or three years hence.

I draw the attention of the House to the Law Society's view on this matter. On page 5 of its summary, under the heading 'The need for a parliamentary inquiry,' it says:

> The Law Society consistently has called for a comprehensive parliamentary inquiry into the operation of WorkCover Corporation and the legislation. There have been numerous comments made concerning the piecemeal manner in which the Act has been amended over the past eight years. Indeed, many of these comments have emanated from the judges of the Supreme Court. Such persistent comments coming from the bench are almost unprecedented in this State. . . .
>
> There have been a number of cases in the Full Court in which comment has been made concerning the attempt to ascertain Parliament's intention in passing various sections of the Act. The problem appears to have arisen because explanatory memorandums used in second reading speeches over the past few years have failed to address many of the finer matters of interpretation which inevitably arise.
>
> The Government is urged to consider the need for the parliamentary inquiry as it monitors the changes incorporated into the eventual Act.

Earlier, by way of interjection, the Minister said that we had an inquiry two years ago, that as far as he was concerned it failed and, therefore, it should not be tried again. Basically, that it the message that he is getting at. The problem is that, unless some legislation goes through which is clearly comprehensible to everyone, we will always have the situation where last minute deals and compromises will be hammered out. Former Labor Governments have been guilty of that as well over the past eight years when legislation has been amended. As Governments of either complexion have not had the numbers, compromises have been made, in many instances giving rise to further confusion down the track and we have had to await the judgments of the Supreme Court. Workers' compensation is important not only for employers but, more importantly, for injured workers. It is not deserving of last minute deals conducted at three or four in the morning at the end of a parliamentary session. That is a recipe for disaster and bad law and it will be a nightmare for employers and employees.

The principal parties involved in workers' compensation, such as the trade union movement and employers, have on many occasions, whether in enterprise bargaining, discussing award matters, improvements in productivity, and so on, been able to hammer out compromises and agreements. They may not necessarily have been satisfactory—a total victory for one side or the other—but workable solutions have been found. A number of suggestions has been made by legal practitioners in this field. I note the Minister's view of legal practitioners, but some points raised by certain members of the legal profession, at first blush on my looking at them, seem to have some merit or at least the basis for worthwhile discussion and further exploration. That will require a Minister who has tolerance and an understanding of the workers' compensation system, the Act and the impact that the changes under this Bill would have on the ordinary workers of this State. It will not be easy; it will be a hard slog to bring people together. It has been done in the past and it can be done in the future, but, as I say, it will require a Minister with those sorts of attributes.

In conclusion, I urge the Government to think again. Its legislation has caused enormous alarm and distress in the community. If the Minister thought that, tactically, it would be far better to bring in a huge ambit claim in the hope that he could get his real agenda through, I suggest to him that it has backfired. It has aroused so much passion in the community that any attempt to try to look rationally at the legislation and to debate some of the points that have been made by the legal profession, employers and trade unions about the WorkCover system itself, its administration and the level of benefits cannot take place in a reasoned atmosphere

while the sword of Damocles is held over the head of so many people in our community.

By introducing such an ambit claim, the Minister has invited the type of response that he and the Government have received: one of absolute and total opposition to the Bill as it is currently drafted. We should endeavour more dispassionately to look at the level of benefits, whether there should be a return to common law or easier access to commutations, whether if there should be commutations what level of benefits should apply with respect to them or how we should handle the so-called 'tail', as the Minister refers to them, of people with 10 per cent or less disability. All those things need to be looked at and debated in a reasoned and calm atmosphere after a lot of hard work has been done to see whether there is any common ground.

As I said earlier, that has happened in the past and it can happen in the future, and I sincerely trust that this Government, whilst it will be able to ram this legislation through by sheer dint of numbers in this House, will come to the realisation that there is a better way of doing it: that is, by treating our people, our society, the workers in this State with the dignity they deserve and demand.

Mr BECKER (Peake): I support the Minister's introduction of this legislation in an attempt to find a solution to what is a very difficult and emotive problem. In my opinion, the average South Australian worker is a loyal, willing worker and very hard working. I will not countenance that the average worker in this country, particularly in this State, is prepared to bludge on any sort of a system. The tragedy is that our society, in the way in which it has developed with pressures and demands being placed on employers and right through the chain of command as far as workers are concerned, has created a situation where you cannot always guarantee a safe workplace.

That is a tragedy in itself, because no-one wants to see people hurt or injured in any way while carrying out their duties. I would have thought that, with modern techniques within industry and commerce, we would be doing all we can to avoid injuries in the workplace. I am quite disturbed that out of a work force of about 500 000 we see about 40 000 claims every year for work-related injuries. If that is continuing to occur there is a problem, and the problem is reflected in the amount of unfunded liability in WorkCover. WorkCover legislation was primarily put in place to assist the rehabilitation of workers unfortunately injured at work.

We are now chasing something like $153 million, if we accept the findings of the various independent actuaries. That is a huge deficiency within a system that was set up to protect the workers. I was quite surprised when I read in the Melbourne *Age* of 3 February the following article, headed 'Data shows peril of a country life':

> Farming is the most dangerous occupation in Australia, with one farmer killed every four days in a work accident. Country people are also more likely to die in road accidents or from pneumonia or cancer than those living in the city.

The article further states:

> These are a few of the findings to be presented to the third National Rural Health Conference starting [that day] in Mount Beauty that paint a bleak picture of the availability of medical services in rural and remote Australia. . . Professor Strasser [who attended the conference] said the increased health risk was caused in part by the chronic shortage of doctors and other health professionals in the country.

Whilst not talking about that particular area, Professor Strasser further said:

> . . . the main factors for rural health inequalities were the dangers inherent in farming, timber work and mining, and the macho bush culture that fosters 'too tough to care' attitudes. 'It's a country type of stoicism that's focused on not complaining and getting the job done.'

Of course, that is the crunch: not complaining but getting on and doing the job, and that is where the workers put themselves at risk. Another speaker at the conference, Miss Christine Simpson, said:

> . . . farming fatalities in Victoria were more than twice the average rate for all other occupations. It is estimated that for every farmer killed there are 500 injured. . . The Chairman of Farm Safe Australia, Mr John Dawson, said that of the 18 fatal accidents on Victorian farms last year 10 involved tractors, the most lethal of farm implements. In the past three months, fatal Victorian farm accidents have included: a farmer killed when his tractor tipped over a river embankment near Mossiface, pinning him in the water; a 39-year-old man killed when he was crushed by a log; a share farmer killed when his motor bike crashed into an irrigation channel; a Wycheproof farmer killed when he was crushed whilst starting his tractor; a farmer killed when he was trapped between his tractor and the implement attached. Mr Dawson said: 'There are lots of preventable injuries still happening just because people do not understand the risks or are not taking the necessary steps to prevent them.'

That article relates to the rural industry, and those statistics should be of grave concern to any member in this House. It highlights the problems facing us. As I have said, South Australia experiences 40 000 applications each year which is costing huge sums of money. A constituent came to see me a few days ago. Employed as a sales person, he was involved in an accident at the showroom where he worked. Somebody called out, 'Watch out.' He looked up and saw some scaffolding falling. He put his arm up to protect his head; he was hit on the arm and thrown to the ground. He was taken to a private clinic where his arm was X-rayed and he was told he had a very severely bruised arm and wrist. Three weeks later he had his forearm amputated. That accident happened 5½ years ago, and my constituent is annoyed at the cost of the treatment and attention and the constant going backwards and forwards and lodging of certificates.

He believes that something should be done, but it is not helping him get back to work. He has good days and bad days. When he had the forearm amputated, he was in hospital for three days. The hospital bill was $3 800—about $1 000 per day above the average charge for a single room. The doctor charged over $4 000 for the operation. This person receives $250 a week (he is on 80 per cent of what he was earning five years ago; he has had no CPI rise or pay rise at all, whereas in the organisation concerned there have been some rises, although not amounting to much). It is tough when you live on $250 per week and have to pay $143 a month for medication (and some of the tablets cost as much as $40) and then have to go to WorkCover and wait six to seven weeks before being reimbursed for the outlay on that medication.

I strictly follow the line of the Leader of the Opposition, because I believe this measure is a Committee Bill, and it is in Committee that we can do the work, seeking the information from the Minister and from WorkCover as to what is going on. Why is WorkCover committed for such huge expenses? Why are people being put under such stress, let alone experiencing the fear at present that they will be worse off (although I do not think they will be to such a degree)? Last year WorkCover paid out $10.8 million in hospital bills, and about $1 million is being withheld from various hospitals at the moment because accounts are being disputed. Why are private hospitals charging three times the ordinary fee for

WorkCover patients? That does not seem to be right at all. WorkCover medical costs were $32 million, which included doctors' fees and medication.

My constituent on $143 worth of medication per month has had the side effects of those tablets. They are painkillers, and he has to have them as he cannot survive without this medication. The dangerous side effects of these painkillers include internal bleeding and blood problems. He has to put up with that because they are effective for the pain. Despite the pain and suffering, he receives $250 a week. He has a prosthesis—

There being a disturbance in the gallery:

The ACTING SPEAKER (Mr Bass): Order! I remind the people in the gallery that they are there at the Speaker's wont. If the young lady continues to call out, she will be removed. The member for Peake.

Mr BECKER: The prosthesis for my constituent's arm and hand has cost about $45 000, and I have no argument with that. If he can return to reasonable movement within the hand, well and good. It is trial and error, but the surgeon's operation was not all that successful. My constituent has had the experience of visiting about 30 different doctors to help him with his problem. On one occasion WorkCover referred him to a gynaecologist. He cannot tell me why he went to a gynaecologist, and the gynaecologist cannot tell him, either. It illustrates the harassment of the worker, and something must be wrong with the administration of WorkCover when we are finding that workers are being put through these trials and tribulations.

This is a Committee Bill, because this is the information we need to ascertain in order to know what we should be doing about resolving the problems and reaching a satisfactory situation. You cannot have a fund. The Labor Party has not seemed to understand over the years. It set up a compulsory third party motor vehicle fund with which we got into a lot of trouble. We have had inquiries into compulsory third party motor vehicle property damage. We find that the biggest fear there is knock for knock. I wonder whether, when we set up a scheme like this, we are causing the same problem, because the WorkCover files reveal all sorts of injuries and incidents that have cost anything from $115 000 to $170 000 to $250 000.

One person had a badly strained toe that cost over $100 000, and that person cannot return to work. There are sprained ankles, injured ankles, where the costs run anything up to $200 000. For anyone who has participated in sport and has injured their knee or ankle and has had sprains and so forth, how can you justify $100 000 or $200 000 for that type of injury?

Then we have the situation of people who have come to me and are keen to get back to work because they cannot afford to be on WorkCover. They do not want to be on WorkCover, anyway; they want to work and earn a living and progress. This is a letter I received from Robert Underwood of West Croydon. He states:

> I would like to bring to your attention the need for a change regarding the treatment by a chiropractic specialist in relation to patient choice.

Most members have been lobbied by chiropractors who believe they can return workers to work quicker than going through the normal process of seeing a doctor, a specialist, an orthopaedic surgeon, physiotherapist and what have you. Inbuilt in that is a very nice little scheme by the medical profession that you must go via the medical profession to go to a chiropractor. It is not on, when we have the opportunity in the system to go straight to the people who can help and care. That is why I come back and say we need to look at this much more closely in Committee. This person further said:

> I was referred by a doctor to a physiotherapist. At this point in time I have had 23 consultations with the physiotherapist, a number of visits to doctors and also referred to an orthopaedic specialist. After all this I still have the original problem and no-one has directly informed me what the problem or the cure is. Also, with the aid of X-rays, no-one has fully diagnosed the problem. The physiotherapist used a trial and error type of treatment. The orthopaedic specialist examined for about two minutes and all he could do was run down the WorkCover system which was the majority of the consultation. During all this time I had no advice of my freedom of choice or recommendations for treatment.
>
> I took it upon myself on 21 November 1994 to contact the chiropractor with an 'O.K.' form from my doctor and WorkCover. The first treatment on 22 November gave me more relief than at any other time, diagnosed my problem and I was given a full run down of what was wrong and why. I feel that I am on the right track to recovery, but during all this time since my injury, what a waste of time and money and effort.

Here is a worker who is concerned at the cost of the scheme. He continues:

> Why hasn't someone given me advice—not my doctor, not my employer, not my physiotherapist, not WorkCover. If my employer had lifting equipment, this would not have happened. A large amount of equipment is way too heavy. I am looking for another job.

That is classic. By referring these poor people off to a specialist, it is not uncommon for specialists to charge $95 for a five minute consultation. A GP will try $60 if they can get away with it. So, it is those who are keen and conscientious who will say to a GP, 'You charge $28, the common fee.' In the system of WorkCover, there must be huge savings. So, we have to look at that and at the same time we must be careful and considerate of those who unfortunately have come by an accident at work, or who have experienced a trauma of some kind at their workplace. We should not be forcing people there to work under those types of conditions.

Yes, it is time to have a total review of the WorkCover system and by bringing in this legislation and doing what the Minister is attempting to do at the moment is the best way to achieve what we can for the workers. As I said, the vast majority of workers in this State are loyal, hard working, and willing to do a good job for a fair day's pay. I believe we have a responsibility to look after their welfare.

Ms HURLEY (Napier): I have been waiting for some time to get the chance to speak on this Bill because I am very keen to oppose it. I have had a steady stream of constituents coming to my office who are greatly alarmed and fearful about the provisions of this Bill. The Minister earlier, by way of interjection, urged us to wait for the answers to questions, and the member for Peake said that we will consider it all in Committee. However, they should know how much uncertainty, confusion and distress is being suffered by injured workers or by people who are aware that they may easily be injured. These people are left to hang while the Government floats this Bill before us. Whether or not it is an ambit Bill, I do not care. It has certainly caused many problems in my electorate and I think that the Government should be ashamed of the way in which it has introduced it.

WorkCover is basically an insurance policy. This Bill reduces the premiums and therefore the benefits. This is not a choice that the workers are making. We are aware that most injuries are caused by unsafe employer practices, so they bear the responsibility for that. However, it is the workers who are affected by having their benefits cut. It is an attack on families. It is anti-family to the benefit of employers. The

family impact statement was mentioned previously and we often hear much from the Liberal Party about its caring for families. However, when it comes to the crunch in terms of whether families are more important than employer profits, we quickly find out where the Liberal Party's real interests lie, and that is with the employers.

In introducing this legislation this Government is turning away from one of the most vulnerable groups in our society because it is the easy thing to do. Rather than addressing the real issues involved here—and we have heard the member for Peake very sensitively outlining some of those issues—the Government is going to throw out the baby with the bath water. It is just going to forget about it and turf everyone off benefits after a year. It is a mean spirited and narrow focus. Once again we are seeing this Government unable to come up with any solutions to problems; it is not working towards solutions, it just wants to end the problem in the quickest and cheapest way possible.

There has been very little consultation with workers and worker representatives. We must remember that the union movement has been instrumental in implementing a number of significant reforms in this country recently, such as the Federal Accord, and it has been actively involved in programs such as total quality management. Where the workers and unions have been enlisted to help they have had the ability to come up with creative solutions—compromises that solve problems.

This Government, rather than harnessing this ability, this energy and this knowledge has consulted with other conservative governments and other conservatives in society. It even seems to take some perverse satisfaction in taking it a bit further than other conservative governments. Workers and their representatives who are dealing with these issues every day, who have knowledge of the problems and probably have an insight into the solutions, are totally left out of the equation by this Liberal Government.

I also want to go through some examples that have come up in my electorate office, because I am sure that we will have a few more examples of rorting the system. We all know that these cases will be the exception and the Government knows that, too. I would like to run through a couple of the genuine cases that have come to my attention. There is the young women who injured her back and her employer did not want to pay WorkCover. The employer told her that she would simply tell WorkCover she had injured her back on the way to work in a motor vehicle accident. They both knew that that was not true, but that is the statement made to WorkCover. The Employee Advocacy Unit did not return her calls until she came to me and I was able to get it to represent her two days before the hearing.

That is the sort of attitude we are getting from employers. Two of my constituents have wives who are seriously ill, and their condition is being made worse by the stress and worry about their situation. Both workers have back injuries, which is a common injury; both worked in areas of manual work, one being a diesel mechanic and the other a worker on tug boats; and both are in their mid-fifties. Light duties are unavailable in their industry; there is no such thing as light duties on a tug boat, for example.

Mr Brindal: When was the last time you worked on a tug boat?

Ms HURLEY: My grandfather was a tug boat captain. These two men have been told to apply for office work. We all know that the reality of the world is that novices in office work are generally 17 or 18 year olds almost straight out of school, and often they are required to have experience. I can just imagine an employer looking at a man in his mid-fifties, who has no experience in the area, who has no education and who is a WorkCover claimant. The chances of these men getting a job in that industry are nil, and no retraining programs are offered at present or under the Government's proposal.

I cite the example of a young woman who worked in the banking industry. She experienced a great deal of stress because of sexual harassment as well as other stresses in her job. The person who was sexually harassing her has been promoted and moved out. This young woman, who is in her early 20s, is a psychological mess; she has tried to commit suicide several times; it has caused enormous disruption to her family and to her life; and her chances of getting employment in the future, even if she were to recover fully after such a long period out of the work force, are fairly minimal. In a related sort of case, I cite the example of a construction worker who has had four operations to his back and there are more to come. He is 31 years old and he has a wife who works part-time and a young child. It will be many years before he is fit to work again. He knows only the manual construction industry; he would have to be extensively retrained to get a job.

Most of these people have a house that they will lose if they lose their income maintenance and are reduced to social security benefits. These cases show up serious flaws in the current system. We need to improve the current situation; not make it worse, as does the Bill before us. It makes it considerably worse. Also, I want to spend a bit of time on the unjustness of the provisions regarding overtime and penalty rates, in that they are not included in the calculations of income. In a number of areas, such as truck drivers and the tug boat worker I mentioned, a considerable component of their income is in overtime and penalty rates. Most people in my electorate have incomes at the lower end of the scale and they are fully committed with mortgage payments and with living expenses. There is very little discretionary income in the families that I represent. Their income is totally taken up with just getting by and just living.

The reduction to 85 per cent of that base salary after six months will cause very serious financial problems among most of my constituents, not to mention the threat that after 12 months it will be reduced further to the level of social security payments. I cannot help thinking that members opposite do not have any sympathy or understanding of that situation. They probably do not encounter it all that often, and they seem to have no appreciation of the hardship and suffering they are going to cause. This sort of stress and worry about reduction in income comes at a time when these workers are supposed to be rehabilitating; when they are supposed to be recovering from their illness and trying to get back to work as soon as possible.

It is obvious that the Minister does not care and that he does not take this into account; he simply wants to get the workers off the books. The other party who will get the workers off the books is the employers. After 12 months an injured employee will no longer be their concern. Employers will be paying low premiums; there will be no incentive to improve working conditions and to reduce the incidence of accidents; and, no matter how many times the Minister appears on television commercials urging employers to improve their workplace, they will not do so without any incentives or without any penalties, and the penalties are largely removed by this Bill.

I have no doubt whatsoever about totally and adamantly opposing this Bill. I do not think any member who listens to their community and who has spoken to injured workers would likewise have any doubts about opposing this Bill. After seeing many constituents in my electorate office I have stopped to wonder occasionally what is happening in the offices of members opposite. If in fact they are not being inundated by complaints from their constituents they should have serious doubts about their accessibility and their Party's accessibility to the community because there are widespread problems with this legislation; there is a great deal of fear and anxiety. If members opposite are not getting complaints about it, there are problems. I have said that I will unreservedly oppose this Bill, and I wonder what members opposite will say to their distressed constituents. Perhaps they will say, 'This is all for the greater good of the State, and employers will have better profit margins.' I wonder how their constituents will respond to that.

Those members who are in the more marginal seats, in areas like mine but in the southern suburbs, need to think very long and hard about this. Those members obviously are not able to show any sympathy to their constituents because they have to support a Bill which is draconian and unfair to workers. I do not see what possible justification they can put forward to their constituents to explain why this Bill, with its strict provisions, needs to be brought in against workers who are not the problem. The employer is the problem. The employer is rewarded by lower WorkCover premiums, and the worker is punished.

Mr FOLEY (Hart): The Opposition unreservedly objects to the Bill, and we will oppose it in its entirety. I come into this debate with a background, as I have mentioned many times in this Parliament, that is somewhat not the norm for a Labor politician; that is, I have a business background, unlike most members opposite who profess to be of the business ilk but in most cases have spent little time in it. I also spent some time as a senior adviser to the former Government, an aspect of my career that this Government is very ready to throw back at me. The former Government had to deal with issues relating to WorkCover. It had to look at the way WorkCover was structured and at times it had to confront its own trade union constituency. I have been an MP for 12 months, and I am prepared to stand in this Chamber tonight and say that, after 12 months of seeing an extraordinarily large number of my constituents affected by workplace injuries, I have a different perspective on WorkCover than I ever had before.

It may well be that there are Ministers in this Government—and this Minister may well be in that category—who, due to the demands of office, do not spend as much time in their electorate as they once did. Seventy per cent of the constituents I have interviewed this year came to me with workplace injuries. I have had to assist them through the process, and that has certainly given me a different perspective in respect of workplace injuries. My colleague the Deputy Leader of the Opposition made a very important point: this is not an issue about the rate of WorkCover or the levies that employers pay—it is about the incidence of workplace injury.

The member for Peake, who will be leaving this Parliament after the next election, made an important point in his contribution, that is, that in this State and in this country we have far too much workplace injury. If we want to bring down the impost on business, we should reduce the amount of workplace injury. I for one speak with some degree of intimate knowledge of Government and WorkCover when I say that enough is not done to reduce the rate of workplace injury. This Minister, every Minister who has served in former Governments, every worker and every manager knows that the progressive companies are doing it but they are in the minority and they are few. If the majority of workplaces in this State could provide the resources, money and investment to bring about world's best practice and to reduce the incidence of WorkCover, who would complain about the levy because they would be at the lower end of the scale?

I also want to talk a little about the hypocrisy of this Government. This Government, this Premier, this Minister and all the economic Ministers, the Treasurer included, are always telling us how they are about getting this State going, how they are about reducing the impost on business. They bring into this place legislation such as that relating to WorkCover—the same matter they brought to this Chamber six months ago and said, 'This is it; this is our change to WorkCover.' The worst kept secret in living memory is that that was the only reform this Government was going to undertake. The Government did not have the guts to walk in here and do it in one hit; it had to do it in stages. What hypocrisy from this Government, which comes into this place and talks about the impost on business as though it has some divine right to decide what is and is not an impost on business. What about the increase in payroll tax? What about introducing superannuation into the payroll tax net?

In my electorate one company has had to lay off people because this Government increased its payroll tax rate by introducing superannuation into the net. It is about time that some of this Government's backbenchers scrutinised what this mob is doing. They come in here and say that they have not introduced new taxes or increased the rate of taxation, but they are sneakily finding ways to do it. The impost of including superannuation in the calculation for income tax has been calculated if it flows on to other Governments, and we all know that once one State Government discovers a tax they all discover a way—

Mr BRINDAL: I rise on a point of order, Mr Acting Speaker. I am of the belief that we are discussing the workers' compensation Bill, and I have just heard a lot about other matters. I question the relevance of the comments of the member for Hart.

The ACTING SPEAKER: Order! I do not accept the point of order, and I remind the member for Hart that we are debating the WorkCover Bill.

Mr FOLEY: Thank you, Sir. I know I am getting under their skin when the member for Unley has to rise on a point of order. The point I am making is very relevant, that is, that this Government, through a flow-on effect, will add to the taxation impost on business in this nation—not just in South Australia—in excess of $1 billion, because every other State will say, 'Hey, this is a clever way to get a little bit more taxation revenue.' This is the Government which is the friend of business; this is the Government that said, 'No new taxes;' this is the Government that said to us, 'We have to reduce the rate of WorkCover levies, because that is an impost which is unfairly impacting on economic development in this State.' But, on the other hand it said, 'Let's include superannuation in the tax net.' The Chamber of Commerce has been extremely silent on the issue, and it should be heavily criticised for that. I have made that point to the chamber, and I make it here

tonight: the Chamber of Commerce's silence on that issue does not bode well for good government in this State.

Let us look at what else this Government has done about placing imposts on business. It tries to tell us that this WorkCover legislation is about reducing the impost on business. What about land tax? The other day I had somebody in my electorate office who had a land tax bill three times that which it was previously; the threshold has been lowered. The Minister for Industrial Affairs knows all about small business; he has been and is a small business person, and I respect him for that. But he knows the impact of these small marginal taxes on a business. They have increased the rate of land tax on businesses. A whole raft of people who have never paid land tax before are now paying it. So here we have a Government that is all about delivering to the business sector.

I highlighted two significant tax imposts. What about the mayhem, disruption and the impost that this Government has imposed on the small retail sector? It is another Government that talks about being a friend of business, yet it has radically changed the way we do business in this State and it has radically imposed quite significant imposts on small business. So, I draw those three analogies just by way of identifying the hypocrisy of this Government which, at best, is extremely ordinary when it comes to delivering progressive economic policies for this State.

Mr Brindal interjecting:

Mr FOLEY: I find it the height of hypocrisy that the Government dares to say to the people in the community who have suffered legitimate workplace injury that they have to pay for the economic revival of this State when the Government is prepared to throw imposts on small business which goes against its rhetoric.

Mr Brindal: What are you drinking?

Mr Caudell interjecting:

Mr FOLEY: I am happy for the interjections. The member for Mitchell has at times shown degrees of independence at times from this Government, as has the member for Unley, and it is about time that some of this caucus started to throw a bit of weight around. I can tell the members for Hanson, Elder, Reynell and Kaurna that, if they want a career in Parliament beyond four years, they had better start making noises in their caucus. If they are fair dinkum representative members of Parliament, they should be standing in their caucus—

Members interjecting:

The ACTING SPEAKER: Order!

Mr FOLEY:—and thumping this Government for some of the most malicious legislation that any Government has introduced. As to the impost on business, I have had a bit of experience in dealing with business in this State, and I know the member for Unley acknowledges that.

Mr Wade: You advised on the State Bank.

Mr FOLEY: No, I did not advise on the State Bank. As I have said many times, had they listened to my advice we would not be where we are today, but that is another story.

Members interjecting:

The ACTING SPEAKER: Order! The member for Hart has the call and there have been enough interjections.

Mr FOLEY: Thank you for your protection, Sir; I welcome it. I do not want to be distracted by the inane comments of members opposite. I respect business; I am one in the Labor Party who is proud to say that I respect the role of the private economy. It is important, it is necessary for economic growth and all of us on this side acknowledge that. We cannot have redistribution of wealth unless we create it.

I have to tell the House one thing, and the member for Unley knows exactly what it is, because he sits with me on a committee of this Parliament. One thing business likes is putting its hand out. That has been one of the real problems with this State's development. We have a mentality in this State where business believes it can get a bit and it should pay less.

The corporate tax rate in this nation will be reduced from 39¢ in the dollar to 30¢, but business still wants more. At the end of the day business will always take and will always demand less taxation impost. However, if we dissect the wage structure of any enterprise in this State and determine the wages component, in a good productive world's best practice business it is marginal. If we dissect the WorkCover component, it is even more marginal.

Mr Brindal: How much tax does Murdoch pay?

Mr FOLEY: He is financial benefactor of the Liberal Party—you ask him. The honourable member has better contacts there. I have looked at the Liberal Party's donation list in the past week or so—

Members interjecting:

Mr FOLEY: I have been having a very close look at the list and who donated to the Liberal Party at the last State election. There are some interesting names of people who donated money to the Liberal Party at the last State election. Many of those are now enjoying the fruits of a Liberal Government in paid positions, but that is an issue for another day.

Members interjecting:

Mr FOLEY: It is just a fact. Would you like to challenge the fact?

The ACTING SPEAKER: Order!

Mr FOLEY: Does the honourable member want to challenge the fact?

The ACTING SPEAKER: Order! The member for Hart is not helping the cause by arguing across the Chamber, and the member for Unley is definitely not helping the cause.

Mr FOLEY: I suspect that I cannot cite my short time in the Parliament as an excuse for transgressing on that one. I simply say that I will not interplay with the member for Unley with his ridiculous comments.

The Hon. G.A. Ingerson interjecting:

Mr FOLEY: I am happy to debate any issue. The point I am making—

The Hon. G.A. Ingerson interjecting:

Mr FOLEY: No, I am not throwing anything: I am just making an observation that I had a very interesting read through a list of financial donors to the Liberal Party. I am not here tonight arguing that the cost of WorkCover is not an impost on business: of course it is. And I have to say—and I am prepared to say it in this place—that, although it may not be the view of some of my colleagues, I have some problems with the way in which the WorkCover Corporation looks after its clients. Many of the complaints of those who come to see me are about the way they are mistreated, mishandled or treated with absolute contempt by the WorkCover Corporation. So, I come in here no fan of the WorkCover Corporation *per se*. But if this Government is clever it will deal with the management of WorkCover, and it will deal with it under public ownership and public control.

I am prepared to stand in this Chamber and say that the WorkCover Corporation needs to improve its act in the way it deals at the coal face with its clients, because as members of Parliament—and we must all admit it, even if we do not do it publicly—we have all experienced those sorts of

complaints. You cannot convince me that by handing that out to SGIC or to whichever private insurer they will get a better service. They will not get a better service, and the real challenge to this Government is to fix up WorkCover but to keep it under public ownership. What we are seeing with WorkCover is not an isolated incident.

This Government has developed a pattern of saying, 'Government is too hard: there are areas of Government that we believe are too difficult, that we really do not want to have to be creative, lateral and imaginative in solving, so let us give them over to the private sector,' be it the EWS, hospitals, information technology, transport, insurance or WorkCover. This Government is about reshaping the face of Government in this State by handing it over to the private sector. I suspect that dear old Sir Thomas Playford would be turning in his grave if he could see the dismantling this Government is doing of the public sector.

Mr Brindal interjecting:

The ACTING SPEAKER: Order!

Mr FOLEY: Acknowledging your earlier ruling, Sir, I am not about to engage in debate across the Chamber. I am very tempted, but I will not do so. The reality is that, as I have said in this place, the public sector—public utilities and public organisations—need consistent reform, and I believe that reform must be ongoing. You do not do it for a couple of years, take a break for a few years and then come back to it; it is an ongoing exercise. But, at the end of the day, we on this side of the Chamber will acknowledge that the care, the financial security and the well-being of members of the work force who are injured are our paramount priority.

We, on this side, are defending the right of workers who are injured in the work place to have fair access to an income. I say to members opposite, 'It is about time you spent more time in your electorates. It is about time a few of you showed a bit of guts, took on this front bench and stood up for the people who voted for you. If nothing else, if you have no compassion, have some political brains.'

Members interjecting:

Mr FOLEY: I do not want to give them any free lessons but, if you do not have compassion, have some brains, because a whole raft of that backbench are not coming back to join the member for Ross Smith, others on this side or that side, or me in the next Parliament, as they will be gone. I say, 'Stand up for once.' If the member for Unley, the member for Hanson, the member for Elder and my good friend the member for Mitchell are not prepared to stand up and show compassion and some decency for people who, unlike us, have no guaranteed income, they really do not deserve to sit in this Chamber. At the end of the day, we are elected to this Parliament to represent those in our community who cannot fight for themselves because nobody will listen. If you cannot listen you will not be coming back. On WorkCover, this Government has a challenge. Show some brains, show some creativity and do not handball it to the private sector because it is too hard for you to work it out. Do not simply say, 'Modbury Hospital—bang; EWS—bang': show a little bit of ability.

I say to the Minister for Industrial Affairs—who, I am prepared to say, is not rigid in his ideology: he is a Minister who is prepared to show a degree of willingness to look at constructive solutions—'Show it on this issue, Minister'. Do not simply say that it is all too hard for this Government because, at the end of the day, if we cannot deliver to injured workers in this State a fair and reasonable standard of living, what are we doing in this place?' When I go home tomorrow and I open up my electorate office, I will know that I stood up in this place for my electorate. Will you be able to say the same? No, you will not.

There being a disturbance in the Strangers' Gallery:

The SPEAKER: Order! Before I call upon the next speaker, I caution those people in the Strangers' Gallery that they are to sit there and make no comment and no display. If it happens again, they will be removed.

Mr WADE (Elder): I support the general thrust of the Bill. WorkCover is Australia's most generous workers' compensation scheme; in fact, it has been said that it is the world's most generous workers' compensation scheme. It is at a financial crossroad. WorkCover is in deep trouble. It has an unfunded liability of $153 million, which hovers over its head, and every week is added to that $153 million an extra $2 million. If this disastrous state of affairs continues, WorkCover will have to commit cash reserves to meet its unfunded liability. That $2 million every week will have to come out of Government cash. We will have to pull out $2 million every week from somewhere else—maybe from intellectually disabled services, maybe from autistic children's services, or maybe from the Women's and Children's Hospital. We will have to get the money from somewhere if this $2 million a week drip, drip, drip is not stopped now.

The workers' compensation scheme in this State has failed. It is in a debt spiral, which is so familiar given everything that the Labor lemons touched during their decade in power. If the scheme does not change, there will be no choice but to prop it up with cash from elsewhere, as I have said. Our average level of levy is the highest of all the States, at 2.86 per cent. The maximum is 7.5 per cent. If there is no reform it will have to go up to 3.3 per cent in 1995, and I will discuss the effect of that later. It will bring about an increased burden on our employers and that will bring about a loss in competitiveness, a lack of confidence and ultimately a loss of jobs.

South Australians have felt the yoke of recession for far too long. We will not push them back into it, which is more than we can say for those Labor larrikins over there who led the State to the brink of the black abyss and nearly threw us into economic ruin. Now these pathetic survivors of a once powerful Party are pushing and shoving from the rear in their instinctive lemming-like drive for self destruction, and they do not care who they take with them.

The WorkCover scheme must be amended; if not, every man, woman and child in this State will suffer the consequences, which will be catastrophic. Let us examine Labor's perfect compensation scheme. The claim payments have increased by 49 per cent since 1991-92. Since 1987, 250 000 employees suffered minor injuries where no time was lost from work, and that cost the scheme $83 million over seven years; 63 000 employees were off work for less than a year, and that cost the scheme $300 million; 8 000 employees have been off work for over a year, and that has cost the scheme—South Australians—$800 million for those 8 000 people. There's the rub.

Mr Clarke: So, give them nothing?

Mr WADE: No; I am not saying that. The member for Ross Smith is jumping to conclusions again. He should leave his conclusions where they should remain: in his mind. WorkCover states that over half these long term employees have an incapacity of less than 10 per cent. Over half of them—$400 million worth of them—have a very low

disability level. They can be re-employed. They can go back to the work force, and the question is why they are not going back to the work force. It is so easy for people to quote anecdotal stories about workers abusing the system. Perhaps some do. That is not the problem we are facing. The real problem we are facing is that the system is abusing the working person. It is the system that is at fault. We are dragging ourselves out of the most severe recession we have ever experienced in our lifetime. Jobs have been scarce.

The worker who has not totally and completely recovered from his or her injury and who has a 1 per cent residual incapacity is entitled to full income maintenance indefinitely if they cannot find suitable work. If they return to their workplace and perform a job at their full or near-full pre-injury wages and the firm goes out of business during the recession or they are laid off, the worker with a small residual incapacity goes back onto full income maintenance, supported by the WorkCover Corporation, which is supported by employers and the State.

If the worker's employer is an exempt employer, as one who is self insured, if times get tough the exempt employer has two choices: lay off the worker and pay full wages while the person stays at home; or keep that person employed in some kind of menial task and lay off a worker who is 100 per cent fit and to whom they do not have to pay full pay or nearly full pay indefinitely. They retrench them. So, what did they do in the late 1980s and early 1990s? The exempt employers tended to keep the people they had to pay anyway and get them to do menial work of a less skilled nature and remove the employees who were 100 per cent fit but where they did not have to pay them full wages forever and a day.

Unfortunately, that is business and survival, and that is what happened. In those firms efficiency takes a dive. The injured employees feel frustrated because they are not helping the firm and they know it. The healthy employees who are left feel angry at the firm and at the people who are injured because their friends are being retrenched, all the work is not being done and they have to work more. In those situations, in order to maintain business and compete interstate and overseas, the 100 per cent healthy workers do more overtime. We have proved again and again that inevitably the more overtime that is carried out the more incidents and accidents occur and the more employees are being injured. The cycle goes round and round and down and down. Finally, the exempt self-insured employer says, 'We have had enough. We will close our doors. We will give the injured employees whom we normally pay to somebody else to take over. We cannot keep going in business any more.' Where do those employees go? They go to the WorkCover Corporation, which takes on the liability. The new Bill will break this soul-destroying downward trend.

A worker who wants to work and who is under the WorkCover Corporation is in a position which means that the corporation must secure suitable work for immediate start before payments can be adjusted. It means that WorkCover has become a very expensive employment agency and the system has effectively recession-proofed workers with minor, under 10 per cent or only 1 per cent, injuries. It is a magnificent victory for the worker, but those Labor lemons over there, those who gave us the State Bank and SGIC and left us with an $8 billion debt, turn a blind eye as to who must pay the bill. In the end somebody has to pay the bill.

The Hon. Frank Blevins: Us.

Mr WADE: Us! Look at you; 11 people over there. You paid your price. In the end somebody has to pay the bill. The Commonwealth Government will not pay the bill. The employer, including State Government departments, will pay the bill. And who pays them? The people pay them, and the people have been paying and paying and paying. As we all know, the people can no longer afford to keep the lemon going. It has to be adjusted; it has to be reformed. The people know it and we know it. Injured workers do not want to be a liability on their neighbours; they want to work. The system has created an absurd situation that demeans the status of injured workers in our society, destroys an employer's competitiveness and drags us closer to that black economic abyss into which Labor members love to take us.

The scheme must face reality. We do not have the luxury of the time to do what Labor could not or would not do in its decade of power. The scheme is sliding us $2 million a week deeper and deeper into debt. Over those 10 years Labor could not properly plan effective preventive mechanisms to minimise workplace accidents. If it had, we would not be having accidents at work. Further, Labor could not ensure that rehabilitation processes were effective.

The new Bill will give us a direction, a new incentive to rehabilitate. Labor could not fix up the appalling claims administration failure of its own golden calf—the WorkCover Corporation. I get many complaints from people on WorkCover who say, 'I haven't seen my claims manager for nine months—or a year and a half—where's my rehabilitation?' They do not want to sit at home and watch Oprah Winfrey repeats; they want to get back to work. This new Bill will give them the opportunity to break that vicious cycle.

In 1994, eight years after WorkCover was formed, the Flinders Medical Centre published in its magazine its annual rating of its rehabilitation process. How effective was the Flinders Medical Centre in the rehabilitation of its staff? Was it top of the class? Sorry, no. Was it good? Not quite. Was it acceptable? Not really. The result it got for rehabilitation was 'zero'. The system has failed. It has even failed in our hospitals where we would expect it to succeed remarkably well. The system was set up by people with rose coloured glasses and high hopes. Once established, the South Australian people were left by the Labor Government to their own devices with minimal support in how to prevent, rehabilitate and manage claims.

The South Australian worker has suffered unnecessary pain, physically, emotionally and mentally, as a direct result of Labor's incompetence in government. A young injured worker who wants to opt out of the system and commute weekly payments is prevented by section 42 of the Act. People are tied to the system whether or not they like it. There is no escape for them except with a complete and total 100 per cent recovery, which we all hope they gain.

Mr Clarke interjecting:

The ACTING SPEAKER (Mr Bass): Order!

Mr WADE: The Bill offers an escape route for these people back to some kind of constructive work instead of being at home where they are forced to be by this stupid system. Lump sum payments under the present system have skyrocketed as lawyers have become better educated in exploiting the subjective nature of the assessment of lump sums. This has placed even greater strain on the system and the worker. The worker must decide whether to state correctly his or her symptoms or to exaggerate them and receive a much larger payment. The amended Bill seeks to redress this.

Who has really gained from this litigation? The House should be aware that legal expenses paid by the scheme have increased from $5.7 million in 1991-92 to $12.6 million in

1993-94, an increase in legal fees over three years of 120 per cent. It is no wonder that the Australian Plaintiff Lawyers' Association is fighting so hard to keep the *status quo*. Who would blame them for being paid that much? Is it genuine concern for the people or greater concern for their own pocket? Only they can answer that question in their heart of hearts. We want the workers' compensation scheme to survive, but it will not survive in its present form. The present scheme offers high levels of benefits—

Members interjecting:

The ACTING SPEAKER: Order! The member for Hart was given some protection; I will also give protection to the member for Elder.

Mr WADE: The present scheme offers high levels of benefits on an open-ended basis without any corresponding power for the WorkCover Corporation to encourage workers to make a genuine effort to return to work. That fact has been admitted by those who know the scheme best—the WorkCover Corporation. The amended Bill will address this issue and hopefully provide an escape route for the worker to go back to the work force and away from Oprah.

The amendment Bill has been introduced into this Parliament because the people can no longer afford to carry the burden of a scheme that destroys the souls of the employees caught within in it and the employers and those who must try to administer fairly a scheme which cannot intrinsically be administered in a fair and equitable manner. The scheme is faulty, and do not forget, members, it is a $2 million drip, drip, drip each and every week until something is done. The primary objective of the Bill is to return to suitable employment those who are capable of working, and to break them free from this soul destroying gravy train cycle.

By so doing the massive financial burden on South Australia, left to us by these Labor lemons, will be lessened. Remember the words of the Hon. John Bannon in March 1991 when he said:

> We will move to reduce costs associated with doing business in South Australia both at the private and public level. WorkCover has been of particular concern to industry. I recognise the need to shift levies to a level where they are nationally competitive. We will strive to achieve this by 1993-94.

And he did reduce them from 3.67 per cent average to 3.2 per cent average. He was still way behind the other States but he was getting there. The member for Ross Smith, of course, is much slower than Mr Bannon. He ignores the concerns of his old boss and says, 'Let's put the average up to 3.3 per cent. It's only a pittance.' To a firm with a $500 000 payroll that is a $75 000 increase overnight. Where will that $75 000 come from? How will the firm pay it? Will they rush out and make more do-dahs, or will they look at their staffing level and say, 'Who can we get rid of in order to pay the member for Ross Smith's increase?'

The member for Ross Smith's 15 per cent increase will cost jobs. If the levies are increased, workers can look at the member for Ross Smith and say, 'He cost me my job.' The member for Ross Smith shows a total lack of understanding about the impact such a drain has on business. Mr Bannon is not a voice crying out in the wilderness. In its election campaign of 1993, the Arnold Government said:

> We will further reduce average employer levy rates to 1.8 per cent.

It presently stands at 2.86 per cent. We have two options: one, that the Arnold Government was lying through its collective teeth; and, two, that it saw the writing on the wall with WorkCover and wanted to do something about it.

Mr Foley interjecting:

The SPEAKER: The honourable member will resume his seat. I take it the member for Hart has a point of order.

Mr FOLEY: I do, Sir. I ask for a ruling on incorrect and misleading information being introduced into this Chamber, of a—

The SPEAKER: Order!

Mr FOLEY:—statistical nature—

The SPEAKER: Order! There is no point of order.

Mr FOLEY:—because that is an absolute lie.

The SPEAKER: Order! I warn the honourable member.

Mr Wade interjecting:

The SPEAKER: I also warn the honourable member for Elder.

Mr Wade: Page 25.

The SPEAKER: Order! For the second time. If the matters raised by the member for Hart were to be ruled on by the Chair, the Chair would be ruling most members out of order most of the time. The member for Price.

Mr De LAINE (Price): This legislation is a blatant attack on injured workers and their families. If this legislation is passed we will see a return to a pre-WorkCover situation where doctors and, in particular, lawyers got rich at the expense of workers and employers. The aim of the Bill is to force injured workers off WorkCover benefits and onto the Federal social security system. At present WorkCover provides injured workers with 100 per cent of their average wage for 12 months and then drops to 80 per cent. This Bill will cut them back to 85 per cent after six months and then put them onto the social security rate after 12 months unless, of course, they have a permanent impairment of 40 per cent or more. The Bill will also remove allowances, most overtime and shift penalties, and productivity bonuses from the calculation of the average wage. This will mean a real cut to many injured workers' incomes and cause enormous pressures within families in trying to meet financial commitments in terms of mortgage payments, time payment responsibilities, adequate insurance cover, education expenses and expenses just for plain living.

This very draconian measure will hit injured women workers very hard as many of their injures take longer to heal because of the nature of many female injures and because they generally have much fewer employment options than do men. This is particularly true for women of non-English speaking backgrounds. It also hits youth workers. Income maintenance will be capped at 1.5 times the State average weekly earnings. This will hit particularly hard injured workers who have forgone wage rises in lieu of other benefits such as allowances, bonuses, overtime, and so on, over many years.

The responsibility on employers to maintain an injured worker's job or to provide them with alternative employment will be removed. This will shift the focus away from the main aim under the existing system of rehabilitation of injured workers back to the pre-1987 system where there was no real incentive for employers to seek rehabilitation of workers. The review system will be abolished. Injured workers will no longer have the right to be represented at reviews and, if they lose, could face substantial costs. Neither will the worker have the right to put their case in person or to present a written submission. WorkCover can invite submissions from all interested parties except the worker. This is an absolute disgrace and could be challenged in a court of law for the blatant discrimination that it is.

Benefits will be able to be removed from injured workers without notice. At present legislation allows for 21 days notice to be given for any cut in benefits. This will cause enormous hardship for injured workers and their families, giving them no chance whatsoever to make necessary adjustments to living expenses and their method of living. The Government is also about the semi-privatisation of WorkCover, which will allow the administration and management of WorkCover claims to be handled by private insurance companies. It is universally recognised that there are some problems in areas of WorkCover and the administration and management of some claims, but under the present system at least these problems can be addressed and should be addressed for the sake of the Government, the workers and employers. If the private sector takes over the administration and management of claims, that ability to be able to address those problems will not be there.

We hear Government members and some employers constantly complaining about what it costs to insure workers against injury. Prior to WorkCover, many employers were paying exorbitant premiums for workers' compensation cover. I do not know what they are on about because under the existing scheme the premium rates are quite low in comparison with pre-1987. With the current system, a major trade-off was given by workers to forgo their common law rights to achieve a certain system with known income maintenance. Sure, there has been some problems with WorkCover, unfunded liabilities and so on over the years, but with any new system there are teething problems. Bearing in mind that this is complex legislation and a very broad-based system, the fact that the WorkCover system has been in operation for just over eight years is a short time in the context of history and it should be borne in mind that teething problems will come up and they can be addressed with slight amendments to the legislation; but certainly not wholesale amendments like we have seen in this Bill.

I was amazed and disgusted to hear the speeches of most Government members last year when other amendments were debated in this place. I do not know why Government members hate workers and unions so much, but they obviously do. If it was not for the enormous contribution of unions over many years, no-one in South Australia would enjoy the health and standard of living that they do, which includes not only workers but employers and all people in the community. Tremendous gains have been won by unions and workers and many hazards and health risks have been identified and researched over many years, asbestos being one that comes to mind, which was the work of union persistence. That has benefited many thousands of workers and their families throughout the State.

This new system is cruel and unjust. Injured workers, like everyone else, need certainty and predictability in their lives, yet this system takes away all certainty and makes future planning impossible for injured workers and their families. The Bill will make it much harder to prove work injury. A worker will have to prove that an injury was caused solely or at least significantly by their employment instead of simply proving that the injury is work related. This will be an absolute bonanza for the courts and lawyers. Stress claims will be penalised. We saw that last year when we debated other parts of the legislation, and this will impact specifically and particularly on police officers and women.

Another draconian aspect of the legislation is its retrospective application. This is very unfair and again will cause a great deal of hardship to injured workers and their families. A further problem with the legislation is the provision to allow reassessment of cases at any time, thus making life very difficult and uncertain for injured workers and their families. During the 1993 State election campaign, the Minister, who was then the shadow Minister for Industrial Affairs, promised that there would be no cuts to injured workers' entitlements.

The Hon. G.A. Ingerson: What was the rate then?

Mr De LAINE: I cannot remember. It was not my area. This is just another example of a whole raft of broken promises, not only by this Minister but by the Brown Liberal Government in general. The Australian Labor Party and the unions tried to warn people about what would happen under a Brown Liberal Government, but they chose to ignore those warnings. Now, much to their ongoing regret, they can see what we were getting at.

The net effect of this legislation will be to greatly lessen incentives for employers to provide safe workplaces and working conditions. This aspect is very important and cannot be underestimated. The current legislation has been a great incentive for employers to spend money, upgrade their facilities and bring in training programs etc. to protect the lives and the well-being of workers. This legislation will greatly reduce that incentive. The cost of workplace accidents and injuries is transferred onto injured workers and their families and the general taxpayer. This legislation is ill conceived and is an attack on injured workers, their families and the whole community. I totally oppose the legislation.

Mrs GERAGHTY (Torrens): When I first entered Parliament, I made it quite clear that I intended to speak up for workers, so here I am today to tell this Government that in my opinion the proposed WorkCover legislation is shameful and blatant in the way it attacks innocent workers from a myriad of directions.

The Hon. G.A. Ingerson interjecting:

Mrs GERAGHTY: It was not my policy. The Premier continually said during the election which took his Party into Government that he was no Jeff Kennett. Well, for once I agree with him. If he supports this legislation, I think he is worse. The proposed WorkCover legislation viciously attacks injured workers. The Premier, the Minister for Industrial Affairs and indeed the Government quite rightly must be stopped dead in their tracks over this matter. It is rare that any Government could get it so wrong. This Government seems to take a degree of pride in doing that.

The proposed WorkCover legislation is draconian in its concept, unjust in its proposed practice and completely wrong for the workers of this State, both injured and uninjured. Let us look at what this piece of vicious legislation intends to do. It is quite clear to me that workers who are injured as a result of their employment should be entitled to weekly income maintenance and rehabilitation.

It is also quite clear to me that this is a fundamental human right. Every employer has a responsibility to ensure that the employee's workplace is a safe environment in which to work. Equally, there is a responsibility that, if a worker is injured, they are not just thrown on to a scrap heap for injured workers. I say to members in this place that to do that is unjust and simply wrong, and I might say that I am not the only one who believes that.

This legislation is directly intended as a retrograde step, and it removes the responsibility that employers have to their employees. It adopts the principle that employees can either sink or swim. The great injustice is that the vast majority of injured workers cannot swim and nor should they be expected

to. Injured workers have a right to expect what they would have been entitled to prior to their injury, if for no other reason than to have the right to determine their own financial future, which, under the proposed legislation, will be denied them because of their injury.

Many face the prospect of losing their home because on a reduced income they will not be able to meet the mortgage repayments, and that is as a direct consequence of work-related injury—not something they chose. For someone who works shift work, for example, the bonuses and allowances to which they were entitled before their injury will be denied them. Ultimately, after 12 months, injured workers will be thrown onto the equivalent of a social security pension without even a health card. How can anyone say that that is right, proper or fair?

Mr Brindal interjecting:

Mrs GERAGHTY: Well, you're not the injured worker and you will be lucky not to be. Who, might I ask, is the big winner? The answer is certainly not the injured worker. What chance will these people have in the labour market? None. That being the case, as it inevitably will be—

An honourable member interjecting:

Mrs GERAGHTY: There is no work out there at the moment, is there? So an injured worker is even more disadvantaged. That being the case, the situation will be inevitably worse as this proposed legislation will remove the focus from where it should be—on rehabilitation. Rehabilitation is the intent of the current legislation, and that must continue to be the case. The prime objective of any work injury legislation must be to get injured workers back into the work force. As is the case with monetary compensation, workers who are injured through no fault of their own should not be classed as second-class citizens. A big-stick approach to injured workers is simply not the right way to go. These injuries are real and we are dealing with real people.

It is simply outrageous that workers will be penalised because they are injured in the workplace or as a result of their employment. Even more outrageous is the fact that a Government elected to represent the people intends to carry out such a proposal. Furthermore, when they are injured, workers will be subjected to a massive invasion of their privacy simply because they are injured. They are the innocent victims of this legislation. Make no mistake about it: the legislation is designed, in my opinion and that of many others, to attack innocent victims of workplace injury.

It does not stop there. As a result of my own experience and evidence passed to me by injured workers, I cannot express strongly enough my total opposition to the concept of trial by doctors. The legislation provides for a panel of doctors to judge workers' compensation claims. That is incomprehensible and denies the right to a fair hearing. I note well the history of WorkCover doctors and their judgments in relation to injuries. I suggest that members go out and listen to evidence about what I and other injured workers have experienced. Let us not forget the enormous stress suffered by these people.

I know that WorkCover has its problems at the moment, but under this legislation it will be worse. Many of my constituents have approached me with stories about their experiences, and I will relate two of them. In fact, I have an affidavit from one man who was put through the mill trying to establish that, as a field operator working in the bush at all hours, a real component of his wage was overtime and penalties. He was caused a great deal of financial hardship attempting to prove this, and he was incredibly upset and stressed. Another case involved a very intelligent woman, who was so harassed and badgered that she suffered a series of strokes, and she has developed a clot on her lung. She cannot work; she stutters; and she has memory loss. And that is a disgrace.

Mr Wade interjecting:

Mrs GERAGHTY: Stress; this is the change that has occurred over the past 12 months. In essence, the proposed legislation puts in place a panel of WorkCover appointed doctors who are employed by WorkCover or insurance companies as the final arbiters. This is absolutely unacceptable for a number of well-founded reasons, not the least of which is that it is an infringement on the right of every individual in society to have a fair and impartial hearing. Together with the whole proposed appeals process, this smacks of discrimination and intimidation.

Under the proposed legislation, injured workers have no right to appear in person before a review officer or be represented by an adviser or advocate at review. What about the injured workers who speak little English or our youth? It seems perfectly clear to me that they simply will be left floundering.

There will be no opportunity for an injured worker to put forward a case which demonstrates that the decision was wrong. It appears that everyone except the injured worker, who would be most affected by the decision, may be offered the opportunity to submit information. Members opposite cannot tell me that that is a good way to go. And still it gets worse.

Income payments can be reduced or even terminated without notice and, should that be the case, would that extend to whether or not one is injured? Where will this go? I contend that we all know the answer to that question. Of course, the case may be heard before the Workers' Compensation Appeal Tribunal, but the costs can be awarded against the loser. This part of the legislation is a blatant discouragement for injured workers to pursue this avenue of justice. Indeed, how many workers who are injured have at their disposal the financial equality with WorkCover or employers to follow that course of action? It is indeed interesting to note that the whole legal profession and Governments Australia-wide are attempting to address the issue of access to the legal process for ordinary Australians; yet this Government is attempting to exclude a section of the community from the right to proper justice.

I reiterate that the changes proposed in this legislation are at odds with the basic issue of justice. All this, together with proposals to give WorkCover the power to reverse a previous decision on a whim, begs the question: whose interests are being served in this proposed legislation? I cannot believe in or support this legislation and, as I have said, I am not the only one; the majority of South Australians do not want it.

All workers have the potential to be affected by this vicious attack on injured workers. How dare this Government, in particular its Minister for Industrial Affairs, attempt to put this sort of draconian nineteenth century style legislation before this House? For that matter, how dare members opposite even think that it could be rushed through Parliament in the manner that has been attempted in this Chamber. I believe that it is purely to justify a set of manipulated figures that the Minister is using in his quest to privatise the corporation.

I urge all members to reject totally this proposed WorkCover legislation. The best interests of the public will be served by addressing the issues of injured workers and

what is best for them—their rehabilitation. That should be the basis for this legislation, and where reforms are deemed necessary they should be acted on in that light. That, together with proper consultation with all interested parties, will give us good legislation, not like the legislation this Government is giving us now. The Government is now taking away the rights of injured workers. Workers are not fodder. That is something that this Government needs to understand: they are not fodder to be fed through this vicious legislation. Workers are useful, productive members of society and they are injured not by their own choosing; nobody chooses to be injured. As I have already said, I do not and cannot support such vicious legislation.

There is a series of questions that need answering. Has anyone studied the impact that the proposed Bill will have on injured workers' families and, as a result, the estimated extra cost to the South Australian community (for example, domestic violence, marriage breakdowns, bankruptcies, increased suicides and nervous breakdowns)? Has the Minister spoken to the various community groups that will have to assist the injured workers and their families (for example, the Salvation Army, the Central Mission, medical practitioners, counsellors, mental health workers, churches, schools, etc.)?

Mr Brindal: Have you?

Mrs GERAGHTY: Yes, I have.

Mr Brindal: All of them?

Mrs GERAGHTY: No, not all of them, but quite a lot. How is the Minister able to make such drastic changes without allowing consultation with injured workers, medical practitioners, the social workers, the community organisations—all these people who will be dealing with this Bill? What will happen to the emergency service workers who put their lives at risk on a daily basis in a high risk environment—the police, the fire brigade and other members of the work force who are in high risk employment? They will be discouraged from performing their duties because of a real fear of injury. The crime rate could escalate. Is the Minister aware of the social implications that this proposed legislation will have?

An honourable member interjecting:

Mrs GERAGHTY: They are terrified of the legislation.

Mr Brindal interjecting:

Mrs GERAGHTY: I am not scaring anyone. Members opposite are the ones who scare workers.

Members interjecting:

Mrs GERAGHTY: Members opposite cannot justify it, and that is why. Is the Minister planning to compensate injured workers for losing not only their health but also their self-esteem, dignity and financial assets? Does the Minister realise the stress he is putting on innocent, injured workers and their families because of this draconian legislation? What does Minister Ingerson plan to do to help injured workers find employment? That is a good question. How will the Bill affect self-employed people?

In regard to the legislation being retrospective, why are injured workers who have had or are currently in the process of having their claim resolved being hit twice? Why are the people who live according to their income and who work hard to improve their living standards the ones who pay the price for their employer's unsafe work practices? Is the Minister aware that injuries occur within the workplace because of unsafe work practices such as poor training and unsafe machinery? If so, why are employers, instead of the injured workers, not held responsible? Why are the employers and the 6 per cent of workers who rort the system not held accountable for their action? Injured workers are. Why are employers not subjected to the same scrutiny to which injured workers are subjected in relation to fraudulent claims?

How many employers have been fined or persecuted for unsafe work practices under the current occupational health, safety and welfare legislation? Why are these prosecutions, if they actually occur, not made public in the same manner that the 6 per cent of injured workers who are found to be rorting the system are? How will the Minister enforce employers to have safe workplaces for their workers? Why is the emphasis not put on correct training procedures and work safety? This would reduce injuries in the workplace as well as the costs incurred. Why are the employers found to be acting fraudulently not heavily penalised? Workers are. Why are the injured workers' legal costs not paid by the employer if that employer is found to have acted fraudulently or the injury occurred as a result of the employer's negligence? How will the Minister deal with the unemployed people who are afraid to gain employment for fear of injuring themselves?

How did the Minister come to the decision that injured workers are not entitled to fair representation? Why do injured workers lose their legal rights under current human rights and civil liberties legislation simply because they have been injured in the workplace through no fault of their own? Does the Minister realise that discrimination is against the law in this country? Is the Minister aware of the Department of Labour and Industry's ruling that discrimination on the grounds of race, sex, religion, age and physical disability is illegal; if so, what makes injured workers different? Is the Minister planning to change current human rights civil liberties and occupational health and safety welfare legislation to accommodate this proposed Bill? Will the United Nations be notified that injured workers in South Australia will have their human and civil rights removed? That is a series of good questions, and they will take some answering. As I have said, I do not support this proposed legislation, and I do not believe the majority of South Australians do, either.

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.

Mr LEWIS (Ridley): Regrettably, what the Opposition cannot understand is that you cannot possibly get golden eggs from geese unless they are fed, unless they live. The golden egg for everyone in South Australia who wants a job is literally the capacity of the South Australian economy to provide that job. What we have before us now is the means by which we can secure the viability not only of employers but more particularly and immediately of the scheme which provides some protection to people who would take those jobs. Unlike the member for Torrens, who seeks to whip up fear in the community, the Government seeks to ensure that we do not live beyond our means in that respect, that we do not provide or attempt to provide, as the ALP did when it was in government during the last 10 to 12 years, the expectation that, just because a majority desire something, it can have it. Unless we provide the means by which the money we have in our pockets can buy things today and tomorrow, that money becomes worthless. That is the kind of lesson of banana republics such as South America, Italy and other

European countries after the Second World War: just because you want it to be so does not make it so.

If we do not make these reforms to WorkCover, there will not be any employers investing any capital in South Australia to provide those jobs. There will be a shrinking base for employment. So there will not be any risk of the unemployed getting work and getting injured in consequence of it; they will remain on unemployment benefits. To my mind, that is a very much inferior situation to the one which we propose, where they will have the prospect of a job and good cover across the board to secure any of them against the event that they are unfortunately injured.

I speak with some feeling about this topic, as on the last occasion that I spoke on it I drew attention to my own circumstances. I have a lame left wing. I am not like members opposite who have strong left wings and strong left feet. I have only four fingers on my left hand, and my left arm is much shorter than my right arm. I was injured in the course of my work. I know something of what it is like to go through that. I have been injured in other ways at other times. I make no bones about it. It is not a pleasant experience, but it is one from which everyone must pick themselves up and get on with their life, with whatever they have left as personal resources by which they can earn a living.

It ill behoves us, just because someone found it easy and convenient at the time of leaving school to choose a particular vocation, to reinforce the impression in their mind that that will be the vocation from which they can derive their living for the rest of their life. All members in this place who are in any way realistic recognise that jobs are changing, that technology for getting things done is changing. There is a necessity for continuing training and, more particularly, the jobs which people begin doing if they are labour intensive occupations, once people have left school, will not be there for more than 10 or 15 years in any numbers in the economy. People who occupy such jobs now ought to bear in mind and keep an eye on the future and undertake training to ensure that there are wider career options open to them, regardless of whether or not they are injured.

More particularly, if they are injured, they already have the means by which they can continue to get an income immediately to hand; they have done some training and developed additional skills and they are therefore job ready—as the expression goes—once they have recovered from their injuries and are back on their feet or mobile again, having recovered from that trauma and recovered the movement of the muscles that might have been injured. We will not continue to get a living in South Australia just because we want one. We have to do the work and produce the goods and services that we sell to each other, to other people in Australia and to people overseas, for which they will pay us as a State.

Sure, the payment will come to employers who, in turn, will pay the people they can afford to hire to do the work so long as the risk they take in doing it is rewarded by profit. That is the incentive to provide employment, to take risks and to invest capital to provide those jobs. If we do not make the necessary reforms, the viability of this scheme will be under threat.

Without letting another minute pass, let me say that it does not mean, just because we have WorkCover, that workers in this State and nation should not and ought not take out their own personal accident insurance cover. I wonder how many members opposite have ever contemplated that and given it as advice to people who have secure and reasonably well paid jobs. Personal accident insurance cover stands against the risk that they might be injured so that, in the event that they are injured, there will be an additional benefit available to them over and above what they would get from payments made under WorkCover.

I call that being responsible and sensible. It is the sort of thing I have done throughout my life and I am sure many other members in this place have done likewise, and we are nuts, absolutely stark raving mad, if we expect someone else to pay for everything else we get ourselves. Therefore, I am urging all members honestly and honourably to tell anyone they know in the work force that one of the options open to them is to save and secure their future by taking some personal accident insurance, setting aside a little money each month to pay for that premium to give them the benefit in the event that they fall on some misadventure. The same kind of insurance policy will secure them against hard times if they happen to lose their job if their industry becomes outmoded in its technology or whatever.

We must reform the WorkCover scheme otherwise the State will collapse. Certainly, in the first instance WorkCover itself will collapse. It will not be able to meet the cost, and employers will simply shut up shop and take their capital and invest it elsewhere. The jobs will not be here: they will go to other States and other countries, because much of the capital invested in Australia in its job creation capacity at this time does not come from savings in this country.

You only have to listen to what Ralph Willis is telling us, what I have been trying to tell people ever since I came into this place and what I knew well before I came here: for over 15 years we have not saved enough to capitalise the investments that provide us with the jobs we need, which is part of the reason why we have unemployment. It is not the whole reason: the rest is the real wage overhang. Much of our capital is overseas capital. If it is too expensive to invest here to produce the goods, for whatever reason—the WorkCover levy being part of it—to provide the kind of wish list of benefits that the people on the Opposition benches might put before us, that capital I speak about will simply go offshore. It will disappear from this State and probably from this country, and the jobs will disappear, so that those people who might have had jobs will then have only unemployment benefits to live on: much less than they would otherwise have had.

If we do not introduce these reforms, we have to raise levy rates on South Australian employers by some 15 per cent this year. Is that the kind of hike that anyone with a responsible understanding of these matters would advocate as sensible? I do not think so. In fact, Mr Speaker, you and I both know that kind of cost price hike on anything at all would mean that we would seriously think about whether we would stay in that line of business in that place when we could get away much more cheaply somewhere interstate or overseas. Under those circumstances, the industry in South Australia becomes uncompetitive, with jobs and confidence eroded. Now, let us turn to the legal abuses of the scheme which will continue unless we introduce these reforms. The problems we have today will reappear tomorrow. They will not go away just because we increase the cost of premiums by 15 per cent. That will not change the attitudes that are there, and the problems that those attitudes create.

The next point I want to make is that the levy rate increases will fall on employers whether they have good or bad claim records. With the current levy rate ceiling of the Act at 7.5 per cent, many small businesses with low claim records will suffer even more than the 15 per cent increases

necessary in this year, yet I find members of the Labor Opposition in this place and in the other place and, indeed, out in the public domain saying that that does not matter. They turn a blind eye to that and ignore it. Indeed, they state that by even attempting to address the problem we are being irresponsible and heartless. How idiotic can you be? They are the heartless ones, because they advocate a path that would bring about the demise of the scheme and, therefore, the benefits it could pay in the same way as they did when they went ahead and blindly took the State Bank debacle to the kinds of depths to which it was allowed to sink.

We warned them when they were in Government that that was happening, and they refused to do anything about it. The members of the Labor Opposition failed to reform WorkCover when they were in office, even when its unfunded liabilities were blowing out by millions of dollars every month. The fact that they failed to make those reforms has left us in South Australia with a scheme that cannot fund itself because of the what I will call the Rolls Royce payments structure and the nationally uncompetitive levy rates. We have no option but to reform the WorkCover scheme; no change is not an option, because external events will overtake the scheme and destroy it if we do not reform it. The State Government has both a management and a political responsibility to make the changes that it has proposed, and it is not as if we did not seek to get the public to understand that.

If we look closely, then, at the Labor Party's hypocrisy, we can see that its members know full well that the current scheme is more generous in the payments made to workers than was originally intended and that the intended review mechanisms have been rendered pretty useless by the Supreme Court interpretation in the James case back in 1992. The Opposition also knows that Labor Governments federally, and in Queensland, have designed workers' compensation systems which parallel many features of the reforms we are proposing in South Australia. They know that, but they are not telling the public that. To that extent, they are guilty of gross deceit. That is nothing new for the Labor Party. They are good at that. They are led by a fabricator. He had made an art form of it before he came into this place.

If we look at the Goss Labor Government in Queensland, it provides injured workers with a lower benefit level than would be proposed in South Australia under the reforms as we are proposing them. It tightened eligibility rules for its WorkCover scheme last year. It was almost in exactly the same manner now proposed by us in Government here in South Australia. When they made the changes last year a Minister, a Mr Foley by name—and I am not sure whether there is any connection there necessarily—said that the changes had to be made for the good of the scheme and had to be negotiated with employers and trade unions.

That is exactly what this Minister has set about doing. He will talk to anybody who wants to respect the truth, accept the facts and negotiate from a basis of understanding of both facts and truth. Any other approach is cloud-cuckoo-land nonsense. The Federal Labor Government established a Federal workers' compensation scheme called Comcare for its public servants. It was designed by Federal Labor in the late 1980s and negotiated with the white collar trade unions and supported by the ACTU. The scheme provides for lower benefits than the scheme we are proposing. Members opposite know that. If they do not they are ignorant fools; they ought to have done their research before they came into this debate.

Our reforms attempt to incorporate in South Australia the Federal Comcare disability guide—that is a fact. Our proposal has been met with quite hysterical reaction from members opposite, from the trade union movement outside and by some Labor lawyers who would have us all believe that we, on this side of the House, do not care, have no compassion, no insight, no experience and no understanding. None of that is true. The reaction is incredible, given that the Comcare guide is an integral part of the Federal Labor Government's system designed by that Government and supported by the ACTU.

Against that background, the claim by the member for Ross Smith that, on the one hand, Reagan and Thatcher ruined America and the United Kingdom and that now there are social costs coming out that they cannot possibly cope with is absolute drivel and nonsense. It is not even relevant to this debate, anyway. I would say to the member for Ross Smith that if that happened in those countries it was because they were living beyond their means, and, indeed, they were. Had it not been for the two leaders they had at the time they would be in more diabolical trouble now than they are and probably as badly off as South Australia could have been had the people not elected us to Government and certainly as badly off as the Mexicans are, along with a few other banana republics as well. They moved and they perhaps did not move quite far enough.

I invite the member for Ross Smith, if he thinks that is what has gone wrong, to consider the situation in Singapore, Korea and Germany. What about those economies where there is not an apparent social cost and there is not the same kind of scheme as we have in South Australia? This is the year of tolerance and I invite the member for Ross Smith to be a bit tolerant and to consider the implications for the numbers of people who will be thrown out of work if we do not make these reforms in South Australia. They will be thrown out of work in this State and they will have to sell their houses on falling markets because the jobs will not be here and there will be nobody interested in buying the houses.

The people will vote with their feet and migrate out of this State to other places in this country to try to find work. Now, that is the kind of thing that happens: you simply shrink your economic base and you get a ratchet effect going down, a constant spiral, where there are fewer people to pay the higher cost burdens to meet the kinds of payments you want to make from this type of scheme to the people who claim to be injured without attempting to sort out the difference between them and the genuinely injured and establish a realistic level of benefits.

If there is some immutable truth for all time in what members opposite are arguing, why is it that a WorkCover scheme was not packaged with the First Fleet when it came here? Why is it therefore unreasonable to contemplate cutting our cloth so that we can afford to pay for what we give these days? Why pluck any figures out of the air if they are not to be related to economic realities? That is not a question which any of them have attempted to address. They have simply sought to scare workers into thinking that we have no interest in or care for their welfare and to scare them all into believing that what we propose to do is callous and indifferent, when in fact it is more compassionate, reasonable and responsible than anything they proposed or did during their time in office. South Australia would be in a hell of a mess if we had not had a change of Government at the last election. That change of Government occurred on a platform incorporating a review and reform of WorkCover in this State—among other

things—to make it possible for the people who provide the jobs also to pay the premiums and provide the benefits.

Ms STEVENS (Elizabeth): I rise to oppose this Bill unreservedly, as have my colleagues on this side of the House.

The Hon. G.A. Ingerson interjecting:

Ms STEVENS: Thank you. I unreservedly oppose this Bill. I was interested to hear the comment from the member for Ridley that it was not as if the Government did not let people know what it intended to do. He also accused Labor of gross deceit. It is interesting to hear this coming from people who, in their election policy—the policy on which people went to the polls and voted them into Government—made the statement that there would be no cuts to injured workers' entitlements. So, let us not talk about gross deceit and letting people know what they were in for, because this Government certainly did not do that. I acknowledge that there are structural problems with WorkCover. I acknowledge that there are problems and that these problems need to be addressed. But the issue is: how? I was also interested to read in the Minister's second reading explanation the following comment:

> In designing this Bill the Government has balanced economic, social and industrial objectives.

That is very interesting because, in my view, the balance is so far out that it is hard to believe that this is a serious piece of legislation.

What we are seeing again is a particular style of operation from this Government; a Government that takes the easy way out from an ideologically driven perspective that, if there is a problem, it must be the workers, just as it does in the health sector: if there is a problem, it must be the public sector; it must be the workers; it must be the unions; it is too hard to really tackle the issue, so let us sell it off. In this case, let us blame the workers because, let us face it, they are probably using the system, anyway. So, what we are seeing here with this approach to WorkCover is a similar approach to what we are seeing right throughout the various departments of this Government. What will happen is that we will destroy the basic framework of workers' rehabilitation and compensation as it exists now. Massive cuts in compensation will have disastrous outcomes for injured workers, their families and the community. Members opposite would do well to think about people themselves and the effect on them. It is really easy to read a document and talk about dollars and cents, percentages and numbers without translating them into people and the effect it has on them.

The cuts are unjust and inequitable and the system is complicated. People least able to defend themselves—those from non-English-speaking backgrounds, women and young children—are particularly at risk. The problem is that we get a multiplier effect, a polarisation in the community, a disintegration in the community and a whole lot of other problems which cost much more to fix later.

Members on this side of the House have gone through many parts of the legislation in great detail. I want to concentrate on just two parts. First, I want to talk about stress disabilities. I find it interesting that in this legislation the Government wishes to treat stress differently. In the mental health sector, we seem to think that people with mental illnesses are not really sick because we cannot see what is wrong with them: they do not have a broken leg, heart trouble, or their arm in a sling. They just do not appear to be sick. That is how some people see stress: that those who have stress-related illnesses are shirking, making it up, and it is probably not real.

I came from the education sector and I know that there are many cases of stress in that area. Those who have never stood in front of a class of 30 or 35 year 9s, day in, day out, in difficult circumstances—classes where 10, 15 or 20 years ago students who would have been out in the work force are now back in schools and teachers are having to cope with that situation and the multiplier effect of problems that come with students in poverty—have no idea of the stress in classrooms. We also need to understand that, as Governments cut back and tighten and make it harder, it gets more difficult for those who stand before and try to work with those students.

Stress is a huge issue in the Education Department. Mark my words, it is a real issue for those who suffer from it. It does not deserve to be cut down and the benefits degraded, as in this legislation. People who are suffering from stress are given the clear message that it is not a real injury and they ought to pull themselves together and get back to work. It is not as easy as that. It is unfair and it discriminates against many workers.

The other issue to which I want to refer involves discrimination in the treatment of some work injuries and some sections of the community. The legislation will mean that injured workers who are 40 per cent, or less, permanently incapacitated will be placed on social security after 12 months. People might say that 40 per cent is not too bad, but let us translate that into what it really means in terms of people. For example, in the cardiovascular area an impediment of 30 per cent applies to any one of the following which needs continuous treatment, including periodic admission to hospital or confinement to residence: deep venous thrombosis; oedema, marked and only partly controlled by elastic support or medication; ulceration, persistent, widespread or deep. That is the 30 per cent disability.

In terms of neurological function, a 10 per cent disability can converse in simple sentences only and may have difficulty with word finding and expressing complex ideas; 15 per cent can write only short sentences and spelling errors may be evident; 20 per cent cannot write sentences but can write single words; 25 per cent are unable to write at all; 30 per cent are limited to single words and/or stereotyped phrases, that is, verbal phrases; and 35 per cent have no useful speech—and we have not even got up to the 41 per cent threshold. We need to think carefully about people who are injured in this way and about what we are intending to inflict upon them if we pass this legislation. A number of people in my electorate have come to me regarding this matter. A letter that I received from one of those people states:

> If the Bill is passed in its entirety I believe it will affect myself, of which I have a back injury, which has left me with a permanent 20 per cent disability and medical treatment indefinitely. You will find injured workers and our families will also suffer, plus it will have an adverse impact on the community as a whole in the long term.

He goes on to say:

> I believe before all these and other proposals are implemented a stronger and better focus should be administrated on medical education, rehabilitation, for example, employers, physios, chiropractors, etc. Health and safety courses in the workplace should be more prominent to all. These are just some of the items. Of course there are many more to be proposed in this Bill which should also be studied. I feel and believe if this Bill is not given considerable perusal it will not stop the pain of an injury but considerably add

more pain to us all. The effects of this Bill if it is passed will be devastating to all workers not just the present injured workers.

In respect to myself, through weekly rehabilitation and medical treatment with modified duties in my workplace I am able to carry out six to seven hours per day of my work requirements. I feel a part again of society and wantfulness. If this new Bill is passed I could be like many others in financial trouble with my house mortgage and every day happy living, not much of a future to look forward to. By the way, perhaps I should mention I wear permanently a large back brace and only remove it when retiring each night. I want to continue to work if possible until retirement age.

I ask yourself and your colleagues not to let this Bill proceed in the presented form that the Hon. Graham Ingerson, Minister for Industrial Affairs, Liberal Party, South Australia will propose for approval. . . but ask him to spend more time consulting with the industrial and social partners to come forward with solutions more acceptable to all South Australians in their work related injuries.

I return to where I started, and that is the issue of balance, because I think that what is definitely missing in the Government's approach to this matter is balance. The same issue is involved in relation to this Government's understanding of the balance between the private sector, the public sector and the non-profit sector. There is the same misunderstanding of the need for balance between workers and employers. Balance means a sharing of responsibilities between employers and employees, not racing for the easy solution and coming down really hard on one side of the equation in order to bolster the other. That throws the whole thing out and in the long term we will all suffer.

It is not easy, as the member for Ross Smith said. Getting the balance right is a hard slog, but that is what real leadership is about. It is about bringing people together; it is about thrashing out the issues and achieving a result that is fair to all. I say to the Minister that he needs to take back this Bill; he needs to do his homework again, and he must work with others to find a solution that gets the fairest balance for all the stake-holders.

The Hon. FRANK BLEVINS (Giles): We have another example (we seem to get one every two months) of pay back time for the employers. It is now pay back time for all the funds they poured into the Liberal Party over the past few years, not just at the last election. As I remember, the private insurance companies sometime ago financed a mid-term campaign when the Minister for Industry, Manufacturing, Small Business and Regional Development was the Leader of the Opposition. This Government, in all fairness, attempts to return the favours from their pay masters. I think we have to give them credit for that, but I do not think that in this case they should be taken very seriously.

I do not want to go back over the whole history of workers' compensation in this State other than very briefly. I was the Minister at the time when the WorkCover system was introduced. I can tell the House that the biggest proponent for it was not the trade union movement. In fact, I watch with some amusement some of the union officials I see now defending WorkCover to the death. They were my biggest opponents. I also smile when I see some of the lawyers on the TV saying, 'This is an absolute outrage, attacking WorkCover like this.' The legal profession *en masse* was bitterly opposed to the introduction of WorkCover.

I wonder about the integrity of some of these people—if not their integrity, I will be generous, at least their memories. One group was absolutely adamant that WorkCover must come in and that was the employers—not the Employees Federation, in all fairness. The Employees Federation was such a Mickey Mouse organisation that nobody took any notice of it, and properly so. Of course, once jobs were found for some of its operatives it no longer existed. It is a positive thing that the Employees Federation no longer disgraces the employers in this State. It was the employers who begged and pleaded to bring in WorkCover, and I will tell you why: because many of them were going broke attempting to service their workers' compensation.

In the more productive areas of our economy employers were going broke. They were paying fees as high as 20 per cent. Ask the farmers and ask the shearing contractors what they were paying. Ask the small business people: the plumbers, and so on. Ask the Engineering Employers Association what their members would pay. They were the people who wanted WorkCover brought in and they were the people who were silent afterwards. In all fairness, I have not heard them complain too much, either. What they have not done is to defend the system they demanded we introduce. Therefore, I do not have a great deal of respect for them any more.

The system introduced cross-subsidisation; that was stated at the time. The service and retail areas of the community paid more. It was always intended that they would pay more. The Government at the time said, 'You will pay more. You are a service industry. You are servicing the wealth creating sector of the community. We will reduce the burden as you prosper because the service industry will prosper, too.' It was all quite open and above board. The lawyers did not like it. They went mad. They said that it was a dire infringement. Many of the unions did not like it. Some unions were more forward thinking than others.

The previous system was expensive, and what annoyed me more than anything else was that it did not deliver—it was a lottery. Most people opposite would not know, but those of us who have been around for a while, had electorate offices for a long time and were in the trade union movement before that have seen the most pitiful cases. It took many years to get a case settled. It was four or five years before they found whether there was anything in it for them. The longer they were ill the greater their chance of receiving a pay-out. It was an absolute farce. The system was introduced early in the 1970s, and the people who introduced it had the best will in the world and it was good for its time, but it was not the modern worker's compensation system.

That brings us to what we have today. I concede that the Minister was right by way of interjection in one respect: the difficulty with the system has been that some judgments out of the Supreme Court have in some areas taken us away from what was intended. The trade unions and their lawyers were very short sighted in this area. Lawyers encouraged the trade unions to pursue cases which, although they were long shots, if they won them would give a benefit over and above what was intended, and that brought us to where we are today. I am not a lawyer, but some of the decisions defy commonsense. There is no way that a commonsense approach to the cases before them could have resulted in the decisions that they took, but that is the system we had and we have to live with it. All the lawyers who crowed and got paid for taking those cases did us no favours.

The question of cost has always concerned me. In the past when I had draft legislation I would take it to an actuary and say, 'Tell me what this will cost?' The actuary would say, 'Well, Minister, that depends'. I naively thought an actuary could give me this information and project with a degree of certainty what would happen based on a set of given fundamentals. I was dissuaded from that belief very quickly

because I found that every actuary had a completely different view, and I suspected in the end that it depended upon who paid them as to what view they gave you. That surprised me. I was an innocent at large. The Liberal Party engaged actuaries, and other people engaged actuaries—but they all seemed to come up with the answers that the person who employed them wanted. As a result, actuaries went down in my estimation.

Before the last election (and this had nothing to do with the election timing), the actuaries employed by the WorkCover Board explained the state of play to the Minister. I believe that it was in surplus by $5 million or it might have had an unfunded liability of that amount—I cannot remember. It was of that order. This was from the WorkCover Board—nothing to do with the Government. We are asked to believe that 18 months or two years later the scheme is suddenly losing millions of dollars a month. It does not add up to me.

The Hon. G.A. Ingerson: It was wrong 18 months ago.

The Hon. FRANK BLEVINS: I am looking forward to hearing it. To suggest that the Minister of the day would have said to the WorkCover Board, 'Give us some bodgie figures', is absolutely absurd. It does not work that way. After my brief experience with actuaries, I never believed them then and I do not believe them now. It may be that the Parliament itself ought to look at the way they behave in relation to WorkCover. I would have no objection—in fact, I think it has been suggested already, certainly privately if not publicly, by my colleague the member for Hart—if the Economic and Finance Committee looked at the funding of WorkCover and the advice that has been given to Government and what it costs employers. I think that is something that the member for Hart should pursue. He will have my support in doing so. If at the end of the day the unfunded liability is considered to be too large, what is the solution?

Mr Brindal: It's a good idea.

The Hon. FRANK BLEVINS: I think it is a good idea, and I congratulate the member for Hart on it.

Mr Brindal: Well, bring it up.

The Hon. FRANK BLEVINS: I understand that he is going to tomorrow morning. If it is determined by the Parliament that the unfunded liability is too large, what is the solution? You have two options: you cut your costs or you increase your premiums. I have no problem with increasing the premiums.

Mr Brindal: Your Party wanted to cut costs.

The Hon. FRANK BLEVINS: I will come to that in a moment. I am very happy to discuss that. The Minister seems to be all excited about that, and I will put him right in a moment. I have no problem with increasing premiums. The Minister has said, and I am sure he has not put the best possible gloss on it, that the increase could be as high as 15 per cent. If it is, so be it. If the WorkCover Board determines that that is the only way it can keep its head above water, so be it. Has anybody worked out the percentage increase in water rates that has just been imposed on every consumer in South Australia? It was a huge percentage increase.

Mr Clarke: They can't work it out!

The Hon. FRANK BLEVINS: People are gradually working it out as they receive their water bills. They are gradually working it out all right. There was also quite a significant increase in land tax. I guarantee that between 100 and 200 charges have been increased by at least 15 per cent. If there is a 15 per cent increase in worker's compensation costs in South Australia, so be it.

The Hon. G.A. Ingerson interjecting:

The Hon. FRANK BLEVINS: So what? What have you just taken out on water? What have you taken out on land tax? You want to take it out on the most vulnerable party in worker's compensation, and that is the sick and injured worker. That is where you want to save your money. However, I hope this Parliament will not let you do that. You will get something. The Democrats will give you something, but I hope they have the decency not to give you too much, because you do not deserve it. When we talk about a 15 per cent increase in worker's compensation, we should look at what workers do in this State.

According to the ABS, the lowest average weekly earnings in Australia are right here in South Australia. We have the lowest average weekly earnings. According to the A.D. Little report, State taxes here are amongst the lowest, if not the lowest in some areas, in Australia. There are virtually no strikes in this State. What do the employers want? They have a huge advantage with respect to the work force and the cost of employing labour in this State. At the same time as the Minister is attempting to put this legislation through he should have a look at the stock market and the dividends and profits that are being generated. Profits have never been higher. I would argue that in some areas the profits are obscene.

Mr Brindal interjecting:

The Hon. FRANK BLEVINS: I do not have any shares. All my money is in stock: four children and four grandchildren! Profits have never been higher. In some areas of our economy they are obscene. What do these employers want to do? They say, 'Give us a bit more. Get it out of the sick and injured workers.' We say 'No, we are not going to help you in that area.' We help employers in other areas. There are no strikes in this State, we have the lowest average weekly earnings and low taxes. What more do they want, for goodness sake?

There is an area that presents a genuine problem and that is competition with the other States. As has been described by the Deputy Leader, there is this obscene auction amongst the States to see who can, on the surface apparently, come up with the lowest workers' compensation charges to tempt employers. I believe that, to start with, some of those figures are phoney because in some of the States, most notably New South Wales, there are award provisions and agreements for make-up pay for workers' compensation so that the boss is paying not just the premium but also the make-up pay.

Is that something that we want to introduce here? The employers did not want to introduce that here. They wanted a scheme with lower rates than those in Victoria but not enough to warrant claims for make-up pay. That is what they wanted in the 1980s, and that is what we gave them. We did not give the Minister everything he wanted, but the Parliament certainly gave the employers pretty much what they wanted, and many unions were not happy about that. The Minister has made great play about the Labor Party's pre-election promise of a 1.8 per cent premium. That is true, and I see no reason why that would not have been achieved had the Labor Party been returned to office—none whatsoever.

The Hon. G.A. Ingerson interjecting:

The Hon. FRANK BLEVINS: Not at all, because we said what you said: that you would not take it out—and we would not take it out—on sick and injured workers. The whole thrust of our policy—and it was working—was to have strong occupational health and safety legislation, which this Government has torn apart, to ensure that the injuries did not

occur in the first place. However, if any injuries did occur then rehabilitation would be provided; that is, getting people back into the work force as quickly and humanely as possible but not forcing them back through economic circumstances.

There would also be the system involving bonuses for good employers with a good record and penalties for bad employers with a bad record. Again, that would have assisted in bringing the average premiums down to the figure stated. I think that a 1.8 per cent levy should still be our aim and that it should be achieved not at the expense of sick and injured workers but as a result of ensuring that employers provide a safe workplace.

Let us get back to where these injuries occur, that is, in the employers' workplaces. If the employers did the right thing and had safe workplaces these injuries would not occur. All that is required is for employers to do the right thing and to have safe workplaces and their workers' compensation premiums will be next to nothing. However, of course, employers will do what they can get away with.

When WorkCover was introduced with its system of penalties and when the occupational health and safety legislation was introduced many employers smartened themselves up. In fact, the overwhelming majority improved their record immeasurably. However, there are still those hard-core employers out there who do not care. Quite frankly, I could not care less whether they are paying a 3.5 per cent or 13.5 per cent workers' compensation levy.

If they cannot smarten themselves up and get their workplace safe they deserve to be out of business, never mind paying high workers' compensation premiums. So, members opposite should not ask me to cry because irresponsible employers are paying high workers' compensation premiums, because I would argue that they should be out of business; they should not be allowed to continue to injure people, and that is what they are doing. They should be grateful to them. I oppose this legislation as you, Mr Deputy Speaker, may have gathered, and I hope that the Parliament will do the same.

Mr CAUDELL (Mitchell): I would like to begin my contribution to this debate with the following quotation from *Hansard*:

> Once again this economically destabilising pattern is in danger of repeating itself, and it is patently clear that a further round of premium hikes lies just around the corner unless decisive action is taken to reform the system.

It further states:

> If we do not take similar action in this State, our competitive position will be severely eroded.

I will come back to that quote later on in my speech. When I listened to the member for Ross Smith earlier in the evening, I gave him a mark out of 10 for presentation and content. Obviously for presentation you would have to give the member for Ross Smith a mark close to 9 or 10, but then you would have to consider that he was speaking to a friendly audience in the Gallery, and when you are speaking to the converted you have a situation where you possibly could rate very highly.

However, in the area of content one would have to rate him as a zero, because after listening to what he had to say one would think that he had come straight from Disneyland. It was obvious that he had just finished a trip with the fairies in the bottom of the garden rather than looking at the content of the total debate. It was obvious that he was acting for his faithful delegates in the Gallery, as I said before.

When we looked at the people sitting in the Gallery, we saw that some of the faces were vaguely familiar. We had the Coalition for Fair Workers' Compensation, the Coalition to Save our Community Health, the Coalition to Save our Public Hospitals, the Coalition for the Modbury Hospital, and the Coalition Against the Third Arterial Road. They are the same people, but the subject is slightly different. Obviously, we have the remnants of the Opposition rather than the Opposition in this Parliament.

The intimidation and bully-boy tactics such as those coming from the member for Ross Smith, the local trade union movement and others will not succeed in this situation, where we are pushing forward for change for the better so that this State can get off its knees and start performing. Contrary to the ranting and raving of the member for Ross Smith, small business employers have no confidence in WorkCover.

Under the previous Government, small business employers had no say in the existing scheme, nor did they endorse it. Small employers were not given the chance to attend the gatherings that were organised by the Government to discuss the workers' compensation scheme, which is a legacy of the past and which was set up by the previous Government and the trade union movement. It is basically a bowl of candy into which they can dip their fingers, with a lack of justification for increasing and unviable premiums. As an employer in a small business prior to coming into politics, I did not and still do not have confidence in the WorkCover scheme. I would like to cite an example.

Mr Clarke interjecting:

Mr CAUDELL: I have had no claims. I would like to cite an example which has been brought to my attention by one of my constituents. I remind members of the statements made by the member for Napier, the member for Hart and the member for Giles, who gave the impression that every employer in this State has an unsafe workplace situation.

I assure members that the vast majority of employers in this State, as part of their focus, mission statements and goals for their business, and included in every job description in their workplace, hold the belief that any job that a person does in carrying out their employment must be done in a safe, work like manner. If, at any stage, they notice that any practice or piece of equipment is unsafe it should be reported immediately and not used or that practice stopped. Members will find that most employers address that as part of their job descriptions, because employers realise that the heart and soul of their businesses are the workers who work with and for them. It is important that employers look after their workers. Members will find that the majority of employers follow that method of operation.

I refer members to the situation of a retirement village in the electorate of Mitchell and a letter that was written to me. The former member for Hayward, now the member for Unley, would recognise this case. The letter states:

> I am writing to protest at the increase to the WorkCover levy . . . the levy is to increase from July of 1993 from its present rate of 2.239 per cent including occupational health and safety to the new rate of 3.229 per cent including occupational health and safety. This makes an increase of nearly 50 per cent over $1 000 per annum on my present wages bill. I was informed by. . . [WorkCover] that the increase was due to a claim which was made in July of 1991 for a total amount of $312.80 claimed by. . . [an employee] for a knee injury.

Because the employee had a claim for a knee injury of $312.80 in medical expenses, the employer was faced with a $1 000 increase in premiums for not only that year but the

next four years. That situation causes employers of small businesses to lose confidence in the system that is supposed to look after the health, welfare and safety of the employees and also provide insurance protection for the employers. The letter continues:

I wish to bring to your attention the following points:

1. This is the only claim made by my company in its four years and 11 months of operation.
2. The increase in my levy represents to WorkCover approximately 66⅔ per cent. Why am I paying my monthly dues? I would be far better off paying the $312.80 out of my own pocket.

The letter goes on in the same vein. The same situation applies to another business, which made representation to me, and I have written to the Minister accordingly: WorkCover paid out $93 in medical expenses, the account was for a pulled calf muscle and the bill went off to WorkCover, which paid it. That business is now looking at an increase of 100 per cent in its premiums for the next year. For a $93 bill, it is looking at a 100 per cent increase in its WorkCover premiums. The constituent suggested to me that there should be some changes to WorkCover. I agree with some of those changes and I have written to the Minister accordingly. The letter from that constituent states:

Small business employers have expressed concern over costs of GPs fees as well as their keenness to accept incidents as work related. What action has been taken or intended to have GPs, specialists, physiotherapists, chiropractors etc tender for the rights to handle work related injuries, ensuring (a) a fee more in line with Medicare rates, (b) reduction in over servicing, (c) practitioners more in tune with the valuation of incidents in relation to employees' duties?

Further, the letter states:

Section 31 of the Act requires the balance of probability to be proven. So as to overcome the 'by the way' claim, can a form be provided to employers for them to complete before their employees are assessed by a practitioner on work related injuries?

The concerns of those employers who are my constituents are the same concerns that have been expressed by a number of small businesses and employers throughout the State: they lack confidence in the WorkCover scheme. I refer the member for Ross Smith to the editorial in the *Advertiser*. I thought that the comments by the Editor of the *Advertiser* were spot on and they should be recorded in *Hansard*. On 6 February he said:

The opposition Parties in State Parliament, with the trade unions, are intent on creating as fierce a controversy as possible over the Brown Government's WorkCover changes. The Bill, deliberately left by the Government from last year's sitting to allow time for consideration, will be debated when Parliament resumes this week. Coinciding with this discussion will be a rally outside Parliament on Wednesday week by the measure's foes. The Opposition Leader, Mr Rann, yesterday issued an exceptionally emotional statement attacking the Bill. Not content with describing it as draconian, he cited individual injured workers that he said would be forced onto pensions—'a situation that would see them lose their homes'.

Mr Rann said the Premier, Mr Brown, wanted to cut premiums to attract business to South Australia, adding: 'there are better ways of attracting business than on the broken backs of workers, Mr Brown.' Mr Rann is given to flamboyant language—

correct, 100 per cent—

and he has a trade union gallery to play to, but Mr Brown should feel outraged as well as insulted by such disgraceful hyperbole. The Australian Democrats Leader, Mr Elliott, is more restrained but says he, too, wants changes to the published legislation and has put forward a shopping list of his own proposals. Meanwhile, the Industrial Affairs Minister, Mr Ingerson, has presented what seems to be a measured, persuasive argument for his changes. In essence, he argues that the State scheme is $111 million in debt—a level which is still rising—but that 95 per cent of benefits will not be lowered. Benefit reductions will affect people with less serious disabilities who have been on the scheme for more than a year.

Mr Ingerson adds, and it is central to his case, that it is this small group of claimants who are jeopardising the scheme, which already has Australia's highest levy rates, for all workers. The practical politics of the situation are such that it is the Democrats who, in the Legislative Council, may determine the fate of the Bill. Mr Elliott, in noting that he is talking to employers as well as trade unions and other interested parties, infers the Democrat votes are not a foregone conclusion. It is going to be another interesting test of Democrat reasonableness and recognition of the Government's mandate, the more so as Mr Rann, by his extravagant response—'The Opposition will do all it can to stop this Bill'—is clearly deaf to argument.

It is a very interesting editorial and one that should be read by the Opposition. I also refer to an article in the *Advertiser* of 2 February 1995, citing this comment by a magistrate:

It was a serious and continuing course of deception and should be viewed seriously because it represents a threat to the whole basis of the workers' compensation scheme.

That sums up the problems that have caused a blow out in the deficit in the workers' compensation scheme.

It is another reason why employers in small businesses do not have confidence in the workers' compensation scheme. At the beginning of my contribution I quoted from *Hansard* of February 1986 and the speech of the Hon. Frank Blevins, then Minister of Labour, in presenting the second reading. For the benefit of people in the upper and lower gallery I will read out his comments again.

The DEPUTY SPEAKER: Order! The honourable member will resume his seat. The member for Mitchell is quite out of order in making any reference to the upper or lower gallery, just as people in the galleries would be out of order if they contributed to the debate. That is against parliamentary practice and I ask the member for Mitchell to refrain from referring to any visitors in the gallery. The member for Ross-Smith.

Mr CLARKE: I rise on a point of order. I understand that it is contrary to Standing Orders to quote from *Hansard* and regurgitate a debate that has already taken place.

The DEPUTY SPEAKER: The honourable member has a point if it is a current edition of *Hansard* but not from a past edition, and the honourable member did say it was the 1986 *Hansard*. The member for Mitchell is in order.

Mr CLARKE: Then, Mr Deputy Speaker, I have been screwed by the previous speaker on this because on a number of occasions I have sought to quote—

The DEPUTY SPEAKER: Order! There is no point of order.

Mr CAUDELL: For your benefit, Sir, the former Minister of Labour stated:

Once again this economically destabilising pattern is in danger of repeating itself, and it is patently clear that a further round of premium hikes lies just around the corner unless decisive action is taken to reform the system.

The Hon. Frank Blevins, in February 1986, went on to say:

If we do not take similar action in this State our competitive position will be severely eroded.

With the support of the comments of the Hon. Frank Blevins I commend this Bill to the House.

Mr ATKINSON (Spence): In 1986 the Parliament changed our workers' compensation system in a historic compromise. WorkCover was born and the Liberal Party eventually joined the Labor Government in supporting the new system. Employees gave away most of their rights to negligence claims against their employers. Most workers' compensation insurance premiums fell.

During the last general election the Liberal Party, and indeed the Minister in charge of the Bill, told the voters the Liberal Party would not reduce benefits to injured workers and the Minister nods in agreement. What did this dishon-

oured promise achieve? Perhaps it achieved a parliamentary career for the members for Lee and Elder and a majority for the Government of 27 instead of 23. So, the Government has no mandate for the Bill.

The impulse to change the system is not because WorkCover failed in its objective but because the Brown Liberal Government is trying to undercut all other States and Territories on premiums and trying to compete with other countries, some of which do not have a workers' compensation system. This is the State Liberal Party's response to the global economy.

The Bill will force injured workers on to benefits provided by the Commonwealth Department of Social Security. It does this not because the authors of the Bill have thought deeply about how injured workers ought to be compensated and by whom, but because of a State budget in deep deficit and because of a word in the Premier's ear by a few business mates. The Bill will not reduce the costs of work injuries, much less reduce the number and magnitude of injuries. The Bill shifts the cost from people in their role as companies to people in their role as income tax payers. Does the Minister believe the Commonwealth Government will accept this impost indefinitely?

The Bill bears the marks of haste. Four Supreme Court judges have, when adjudicating WorkCover appeals, expressed their inability to understand sections of previous Workers Rehabilitation and Compensation Act amendments. In Pashalis's case Mr Justice Millhouse said:

> It is about time Parliament jerked itself into gear and took the time to decide what meaning it intends in these sections and amended them to make that meaning clear. Indeed, Parliament should scrutinise the entire Act with a view to making it simpler, clearer, more comprehensible.

The Minister has rejected the judge's advice: this is the most opaque of the amendment Bills. Our aim in our workers' compensation law ought to be certainty. In my opinion, Parliament should amend the principal Act only after a select committee into the whole Act.

An honourable member interjecting:

Mr ATKINSON: We have done it before, but we have not done it properly. It seems to me that in the past we have only amended the Workers' compensation and Rehabilitation Act in a panic, and my Party in government was as guilty of that as the present Government is. We amended the Act pressed by the Independents who gave us our House of Assembly majority. We were in awful disarray when we did it, and I am not proud of the product of those deliberations. But this Government is in the same panic and haste with a majority of 25 in the House of Assembly. The Labor Opposition's criticism of the uncertainty of some of the amendments before the House will be pursued in Committee tomorrow.

As the shadow Attorney-General, I am concerned by those aspects of the Bill which undermine procedural fairness and which detract from the rule of law. The Bill before us undermines a fair hearing; it undermines the concept of an independent adjudicator; it undermines access to justice by its perverse heaping of costs on the employee; and, in particular, it undermines the concept of the right to representation by an independent bar. This point in particular will affect non-English speaking minorities. It tampers with the rules of evidence. The Bill detracts from the examination of individual circumstances. It is Procrustean in its effect.

Mr Brindal: What?

Mr ATKINSON: 'Procrustean' as in Procrustes. For the benefit of the member for Unley—

Mr Brindal: And everyone else.

Mr ATKINSON:—who is, I am sure, not familiar with this, Procrustes would arrange his victims in a bed and then he would saw off those parts that overhung the bed and stretch the shorter victims until they fitted the bed. It did not matter how long or short they were, they all suffered unless they fitted Procrustes' bed.

Mr Meier: Sounds like your Government.

Mr ATKINSON: I would say to the member for Goyder that this Bill does not distinguish between individual circumstances; it treats different cases the same. Workers' compensation is supposed to be about income maintenance, so if you are a tradesman on a high income and are injured at work you get more income maintenance than a person on a lower wage without skills. What this Bill does is compress everyone into the same income maintenance range, or a very diminished maintenance range, and then throws them on social security, irrespective of their qualifications. The Bill also has retroactive elements; that is, people who currently have rights under the Act will have those rights changed even though their injury occurred before our debate. That is not fair and I oppose it.

Further to my point about income maintenance, I think that the minimum income maintenance ought to be specified in the Act. It certainly ought not to be in the regulations and certainly ought not to be by reference to the variable rates paid by another Government, namely the Commonwealth Government, through social security. So, there is a great deal of uncertainty created by the Bill in income maintenance. Employees—

Mr Brindal: Why shouldn't it be in regulations?

Mr ATKINSON: It should not be in regulations, because minimum income maintenance is a fundamental part of workers' compensation and therefore it should be in the Act. The House should know what the minimum income maintenance will be, but the Bill is not telling us that.

Mr Brindal interjecting:

The DEPUTY SPEAKER: If the member for Unley wishes to be next on the speaking list he is more than welcome.

Mr ATKINSON: The member for Unley says that the House can disallow regulations. That is right: it can do that, but in the House presently there are 11 Opposition members and 36 Government members, and I do not think any of those 36 are going to disallow even the most disgraceful minimum income maintenance. South Australian employees in 1986, through their unions and through the Australian Labor Party, surrendered most of their common law rights; that is, they allowed employers to evade their duty of care under the negligence law in return for guaranteed long-term income maintenance for injured workers. This Bill rats on the deal. Trade unions will not take it lying down, and I do not believe that, in the longer term in industrial relations in this State, the governments can treat workers this way.

Mr BRINDAL (Unley): Having listened with interest to a number of contributions in the debate tonight, I am most disappointed with the attitude taken by Opposition members. They make light of the fact that at the last election they promised to reduce the level of the WorkCover levy to 1.8 per cent and they come in here and criticise this Government. It is their right to do that, because they are the Opposition: they have a right to be genuinely concerned if this Government is proposing measures which they do not find acceptable. But

what I find unacceptable and what I find to be hypocritical, to a degree, is for an Opposition to say, 'We were going to reduce the levy to 1.8 per cent and, because the Minister at the table seeks now to do that, there is something wrong, something draconian'.

I do not believe that those on the Opposition benches have a monopoly on care and concern for people. I do not believe that anybody on this side of the House wants to see a genuinely injured worker thrown on any sort of trash heap. Quite frankly, I object to the sort of rubbish from members opposite suggesting that anyone who sits over there has some sort of halo and anyone sitting on this side has some sort of tail.

The public debate is not served by the sort of hysteria whipped up by members of the Opposition benches. They may make some good points, they may make some valid points, but all truth and all light does not reside on the Opposition benches. We see there the gurus, the people who can get it right. They are the same people who put this State in the mess that it was in. I would ask the people of South Australia: who gave this scheme, who invented this scheme, who developed this scheme, who assured us that this scheme would never have an unfunded liability?

Mr Atkinson: It was a good scheme.

Mr BRINDAL: It is a wonderful scheme. It was going to be self-funding, Minister, was it not—self-funding within three years? It was always going to be self-funding and it blew out further and further. Is it the injured workers' fault that it blew out? No. Who developed the crazy management system? Who developed these bizarre cases that we can all trot out? Whose fault is it? Members opposite say it is all ours. I say it is not. I say that if members opposite do not accept some of the responsibility for this they are hypocrites—thorough, unprincipled, unbridled hypocrites.

You can scare people as much as you like, but tonight and tomorrow this House has to make some difficult decisions, and you are not part of the solution; you are part of the problem. You gave us this problem. We inherited this problem from you, and we have to try to sort out an unpalatable mess the best way we can. Let me tell you an anecdote about a genuinely injured worker—someone who was driving. It was not a work journey accident where the person had gone and played tennis and done 15 things on the way home from work. This person was driving from work site A to work site B. They were following a low loader and one of the cars came off the low loader and smashed through the driving compartment of my constituent's car, and he was very severely injured. He has one leg shorter than the other, his spine is irreparably damaged and he will suffer for the rest of his life. He—not the WorkCover Corporation—took the insurer, SGIC, to court and he won an award of over $700 000. What did WorkCover do? The WorkCover Corporation, according to the law, took all the money that he had previously been paid. He says that is right and proper. He says that he is most grateful to the corporation, because he and his family would have starved if it had not—

Mr Clarke interjecting:

Mr BRINDAL: If the member for Ross Smith wants to play the fool—

The Hon. G.A. Ingerson interjecting:

Mr BRINDAL: Yes. If the member for Ross Smith wants to play the fool, he is doing a very good job. I said it was not a journey accident but that he was travelling between places of work, and that has not been cut out. WorkCover took back about $200 000 of what had been paid out. He said that that was right and proper and that he was grateful to the corporation for the help it gave him to get through to that time. Then the corporation took out another $500 000 against future income earnings. As injured as he is, all this person wants to do is get on with his life. He does not want to be on WorkCover for the rest of his life. He wants the money that a court in this State awarded him, and he wants to get on with his life.

Mr Atkinson interjecting:

Mr BRINDAL: If the member for Spence would bother to listen to anybody except himself, the court awarded this money; it had nothing to do with WorkCover, except that WorkCover came along in its avaricious way and grabbed the money off him when he got it.

Mr Clarke: There are no transitional provisions that would protect that man from losing—

The DEPUTY SPEAKER: Order! There is no provision in Standing Orders for the member for Ross Smith to debate a second time. The member for Unley.

Mr Atkinson: He's giving way.

Mr BRINDAL: I am not giving way, Sir; I am somewhat amused by the drivel that can come from the mouth of the member for Ross Smith. It is just astounding. This person wants to get out from the grip of WorkCover and he finds that he cannot do so. I know that the Minister is looking at this case and I do not know whether he is trying to help, but the rules of the WorkCover Corporation say that this person is trapped for the rest of his life. He does not want to be; he just wants to get on with his life and make the best of it that he can. I believe he has that right. We can all tell stories like that; we can all tell the story of the genuinely injured worker who may or may not have been disadvantaged under the present scheme or under past schemes and who may perhaps be disadvantaged under future schemes. Nobody thinks that is funny, nobody enjoys that and nobody feels anything but concern for those people.

This Parliament has a job, which is to try to see that those people are looked after in the best way possible. That is not by scare tactics or by saying that everybody needs a Rolls Royce. It is not by demeaning people and saying that they have an absolute a right to a benefit forever and virtually encouraging them—as I am sure some rehabilitation workers do—never to work again, saying, 'You're better off coming to me every week, because I make an income out of your visits to me.'

This Government is not the only group that can be accused of exploiting injured workers: there are many people who make an industry out of them. I think I speak for many of my colleagues when I say that none of us wants to pass a Bill that deliberately disadvantages or hurts workers, but the Minister is here to do a job, and that is the best job that he can do for all the people of this State.

Despite the Opposition's rhetoric, hysteria and attempt to scare as many people as possible, I willingly concede that in this matter it is doing a rather good job. At the end of the day, when members opposite have frightened everybody to death and the tough decision is still made and they have made sure that people are feeling even more insecure by overlaying genuine concern with fear, I hope that they feel very comfortable about it. If it earns them a vote or two extra at the next election, good luck. If they feel that they have to buy votes by frightening people and destroying their quality of life, they are welcome to those sorts of votes because I do not want them and I do not think that anybody else on this side wants them.

We are trying to do the best we can and the Minister is trying to do the best he can. This might not be an ideal Bill, but this is not an ideal world. The non-ideal world that we have inherited has been inherited fairly and squarely from those opposite who gave us the biggest shemozzle of an economy that it is possible for a Government to inherit. If they are proud of that, let them chortle, play their little games and frighten people for all they are worth, but at the end of the night this Government will vote for the best deal for this State it can give with the money that is available. If they are not prepared to accept it, I suggest that they go out and take up some other line of employment, because they are not occupying themselves properly and exercising due diligence in the welfare of this State. I commend the Bill to the House.

Mr ANDREW (Chaffey): I support this Bill for two principal reasons. The first is that I represent an electorate with a large proportion of small businesses. If there is one issue that has been regularly put to me during the time since I have been elected to this place, it is the cost of WorkCover to those small businesses. Therefore, I take it upon myself as their representative to continue to push and represent their interests on this issue and to ensure that the Minister and the Government continue to implement this reform process.

Secondly, there is no doubt in my mind, as there is not in the mind of any Government supporter, that we were elected with a mandate to fix this State's economy and the inherited shemozzle of a mess, to quote the member for Unley, and the reform of WorkCover is mandatory in that process. I know that the hour is late, but I want to reiterate and put on the record some of the important facts as distinct from the insinuations and innuendoes that have come from members opposite this evening. One fact which is basic and fundamental is that we have inherited a $153 million unfunded liability for WorkCover.

I have listened to some of the presentations from the other side of the House and I have not heard a solution offered as to how the current Opposition would fix, remedy, control or turn around that unfunded liability. Our average levy rate is about 2.86 per cent compared with a national average of 1.8 per cent. We have a responsibility, a mandate to make sure that we implement this reform of WorkCover.

Mr Atkinson: You said during the election campaign that you would not cut benefits. That's what you said.

Mr ANDREW: What we said is that for the sake of this State we would turn around the economy so that we could create jobs. We do have a social conscience, we do have a heart, and that is why we are implementing these sorts of reforms tonight. We have a responsibility to ensure that the genuinely injured are fairly looked after, and this is what this amendment Bill does. Our aim is to link these benefits with the worker's capability to be employed, and that is our target all the time.

I want to put some of the issues into perspective. As we all know, the previous Government refused to acknowledge that this scheme had got out of control. When the previous Act was brought in in 1986 and amended by the Supreme Court ruling in the case of James with respect to section 35—

Mr Atkinson: The Supreme Court does not amend legislation.

Mr ANDREW: When the Supreme Court produced its ruling in respect of the James case, it resulted in the payment of lifelong weekly pensions without the need for a second year review. The effect of that is that more than 50 per cent of those people who receive pensions in the long term have disabilities of less than 10 per cent. The scheme has been operating for more than seven years and, as a result of its unfunded liability, the levy rates are now uncompetitive and businesses are uncompetitive: they cannot provide employment growth with this impediment to their profitability and there is no incentive to employ people and get the South Australian economy back on track. As we all know, in most cases this scheme is generous to injured workers in the sense that it still is and will remain the most generous scheme of all schemes in Australia because it reduces the incentive to return to work and workers have become dependent on pension payments.

I gather that claim payments have increased by about 49 per cent in the last three years with the largest proportion being based on income maintenance. With these reforms South Australian workers will, as I have indicated, still have access to one of the most generous compensation schemes where seriously injured workers will have their benefits increased from 80 per cent to 85 per cent after 12 months. The South Australian scheme is an open-ended pension based scheme for workers until retirement age with no workable mechanism to review workers' disabilities in order to get workers off the scheme. Coupled with the very high level of pension payments in comparative terms, this has led to major rorting and abuse of the scheme, which I will come to later if time permits.

No other scheme in Australia has this open-ended pension based system with such a high level of benefits as has the South Australian scheme. In other Australian States, long-term injured workers are either unilaterally moved off the WorkCover scheme after a period of time or once their income maintenance pensions have reached a prescribed limit their income maintenance is dropped to levels that are broadly equivalent to social security levels. The fundamental problem with this scheme is that it is an open-ended pension based scheme, which, in many cases, is easy to get onto and almost impossible to get off. It has the highest benefit levels in Australia with no proper or enforceable mechanism for review of long-term injured workers' entitlements.

There has been a lot of innuendo, and there has been a lot of public comment in the past month or two about this scheme, so I want to put the record straight on a couple of issues. Fundamentally, workers will not be denied appeal rights. The current system encourages an adversarial approach in terms of—

Mr Atkinson interjecting:

Mr ANDREW: Of course it does. It is costly, it has delays, and the amendments in the Bill seek to improve that process to produce a two-tiered system of review and conciliation. The vast majority of workers do not want to rort the system. We must provide a mechanism in the scheme to counter that. The guidelines used to assess disability have been identified by the Commonwealth Comcare system established by the Federal Labor Government in consultation with the public sector unions, and they are consistent with the recommendations. The claim that after 12 months workers will be dumped off income maintenance is simply not the case.

As has been said tonight by members on this side of the House, disabilities of greater than 40 per cent will receive increased benefits after one year from 80 to 85 per cent in recognition of the hardship that inevitably results from being in those circumstances. Under the Act in its present form, two factors will have a dramatic effect in terms of the current cost of claims: first, the opportunity for maintenance over long

periods. Of all claims—and I will come to this later—3.5 per cent currently consume something in the order of nearly 50 per cent of the current expenditure of the scheme, and greater than 50 per cent of workers on long-term benefits have less than a 10 per cent disability.

Secondly, the nature of the review and appeal system will obviously be overhauled under the proposed changes. The costs in the current legislation are ineffective in encouraging resumption of employment, and therefore the reforms proposed in the Bill are justified. The amendments will complement and assist the efforts by the WorkCover Corporation to introduce programs of re-employment and provide safety incentives in the workplace. I will focus on one of the main issues that I think is a fundamental cornerstone in terms of a problem that is being addressed by this Bill.

I turn to the issue of reduced benefits for seriously injured workers. Clause 8 amends section 35 of the Act whereby after 12 months weekly payments in effect will be reduced to the 85 per cent level for a disability of less than 40 per cent. There must be the desire, there must be incentives, and there must be the power to get injured workers back to work. Currently, one of the largest problems faced by the scheme is the effect of the James decision, about which I referred earlier, by the Supreme Court, which produced the operation of the scheme with respect to the degree of incapacity.

Effectively, any worker who cannot or will not find or undertake work and who can demonstrate any level of remaining incapacity, even in the order of 1 per cent, becomes entitled to full income maintenance indefinitely. This can lead to a situation where workers return to work for a period at or near full pre-injury wages and subsequently return to full income maintenance when through whatever circumstances, whether it be their own decision, retrenchment or the employer ceases to operate, their employment ceases.

This provision also impacts in wider areas in a situation where, with respect to income maintenance, for some time the worker may choose to change his personal lifestyle, locality, domestic situation or arrangements and, with their total reliance on benefit, they choose to restructure their finances or domestic arrangements and become totally dependent on the income maintenance factor. When the compensation authority tries to assist and get them back to work, often there is anger and resentment. Associated with this is the problem of breaches of mutuality, and in this area a worker can engage in a variety of activities to make continued employment impractical, whether it be failure to attend or refusal to carry out specific duties. Under the current Act the court finds it virtually impossible to either reduce the benefits or discontinue the weekly payments.

There is no question that the current legal barrier to section 35 with the WorkCover job placement unit, in trying to overcome this and make suitable work immediately available, allows exploitation and abuse of the system. Some claimants may have never held stable or permanent jobs but under work injury are receiving award wages without any job responsibility, so there is no incentive for them to get back to the workplace. In terms of interpretation of the review and appeal system, this also allows workers to alter their personal circumstances and make a forced return to work impossible without fear of penalty from WorkCover. They choose to find all sorts of excuses, and I accept that this is in a minority of cases, but there are examples where the unfunded liability has blown out. They choose to go to remote locations or use child-minding to suggest that the hours of employment are inappropriate. They cease to be communicative with WorkCover, work for cash on the side and generally try to be evasive with WorkCover when it tries to get them re-employed.

These current impediments include no requirement or attempt to seek work. A worker with capacity cannot be compelled to seek work or necessarily to produce evidence of their attempts to seek work and can effectively refuse any offer if their chosen work is not necessarily their first or only career choice. It is well known that legal advisers suggest some of these strategies to their clients to prolong their claim on the understanding that in the majority of cases WorkCover does not have the legal power to act. Naturally, not all workers fall into these categories and rort the system, but it is important that these examples are given to illustrate the fact that they contribute to the unfunded liability, and it is a major problem.

I will summarise what is important with respect to the compensation benefits of the scheme. There is no doubt that the plan, intent and target of this Government and the legislation is to maintain the benefits at current levels for something in the order of 95 per cent of existing employees. The aim is to increase benefits for the seriously long-term injured of the order of 1.5 per cent of current claims.

By this means, it will provide a fairer scheme and it will enable people in that category to commute and take lump sums or to transfer to Federal Social Security benefits. These reforms will reduce benefits for the low level, long term injured, and that is in this case about only 3.5 per cent of claims, but as I indicated earlier these 3.5 per cent comprise nearly 50 per cent, or approximately $150 million a year, of the cost of the scheme.

Importantly, two thirds of these 3.5 per cent whose benefits will be reduced have disabilities of less than 10 per cent. It is this group who are continuing in the scheme for longer than 12 months on lifelong benefits, with no obligation or incentive to return to work, that needs to be addressed. They have minor disability levels, and are receiving about 80 per cent of their pre-injury earnings. There is no current enforceability review mechanism to get these injured workers off the scheme, and they can readily abuse and exploit it.

This Bill will provide fair and affordable benefits that are designed to complement an effective rehabilitation scheme and an aim and a target to return to work as soon as possible. Benefit payments will be more logically aligned with a workers' capacity to their level of employment and ability to take on employment. Seriously injured workers will have greater access to a higher level of long term pensions. Less seriously injured workers will be able to access a high level of short and medium term pensions with longer term access to lump sum payments and pensions at least comparable to Commonwealth schemes and disability benefits. In doing so, it will restore the operation of WorkCover to a nationally competitive scheme. I commend this Bill to the Parliament and, in doing so, reiterate that this Government is being responsible and rising to the mandate given to it by the electorate to attend to the WorkCover scheme.

Ms GREIG (Reynell): I, too, rise to support the thrust of the Bill. In doing so, I have undertaken wide community consultation in my area. That is one thing I have always said is important.

Mr Clarke: I am delighted you are speaking on it.

The SPEAKER: Order! I am delighted that the honourable member will comply with Standing Orders.

Ms GREIG: On Tuesday 31 January I hosted a public meeting in my electorate to give people the opportunity to discuss the Government's proposed changes to the WorkCover laws. I called this meeting as a means of addressing the many queries I have been receiving and hopefully to enable me to address the many discrepancies that have been inflicted upon the community through groups opposing the changes in legislation. The Minister himself addressed my meeting of some 80 concerned WorkCover recipients and interested workers. He covered all areas of the proposal, including the new pension-based benefits structure, higher benefits for seriously injured workers—

Mr Clarke interjecting:

Ms GREIG: If you do not mind, I listened earlier to all the crap you were dishing out. Now, can you shut up for five minutes!

The SPEAKER: Order! The honourable member for Reynell has the call. She does not need the assistance of the Deputy Leader of the Opposition.

Ms GREIG: The Minister also referred to reduced benefits for the less seriously injured workers, increased access to lump sum payments rather than pensions, the fact that claims must be employment based, greater employer involvement in WorkCover claims management, flexibility to defer levy rates for businesses in financial difficulties, an improved review and appeal system, an increase in efficiency and conciliation and a reduction in costs.

This meeting was not just for the Minister to tell people what was happening but more importantly for the people to tell the Minister the impact of WorkCover on their lives and to question the future implications of the proposed reforms. One very important factor which came out of this meeting and which was reiterated a number of times was the fact that people who are part of the WorkCover system are frustrated by the current system. A lot felt humiliated by the treatment they have endured over the past three, four or five years. Some are now leading lives of poverty and severe depression because of the current financial restraints of the system. Over and over again people let their frustrations be known. They felt that they had been thrown on the scrap heap, forgotten or put on the Loss of Earning Capacity (LOEC) scheme, given their once a year payment and told to survive.

Too many of them were too young for commutations and others felt that they were too old to find another job. After all, who would want them? To many people WorkCover is a dirty word. It is sad and it is a disgrace that a system that was set up to help injured workers has over the years destroyed the very people whom it is supposed to protect. I, too, could give a number of anecdotal references about the effects of WorkCover in my electorate, but I am sure members have heard of similar cases involving bankruptcy, family breakdowns and suicide attempts. This is what the current system has done. This is what is happening.

One man with whom I have worked cannot read or write. He is living on next to nothing, his wife and family have left him and he has a serious back injury. He has accepted that he will never get another job. However, not once has anyone picked up on the fact that many of this man's problems stem from his disability. There has been no offer to teach him skills so that he can look after himself and perhaps find alternative employment. He cannot work in his former employment due to the extent of his physical disability, and currently he is unsuitable for an office position.

This man is good with his hands: he can draw and sculpt. He has never been able to get help from WorkCover to develop his talent. There is nothing to assist him with a new vacation. The system does not allow for this. This man is angry, he is frustrated with the system and he told me that I am the only person in four years who has taken the time to listen to him. What sort of system have we got? What sort of system do we want?

The Deputy Leader of the Opposition talked about fairness. Where is the fairness in the current system? Has the system ever respected the individuality and dignity of people in the system? Where in the current system are recipients fairly treated? Where are they treated equitably and how do they retain self respect? These are people whom we are dealing with, not numbers, not just invisible cases on a piece of paper: they are real people with real issues and an uncertain future. People recognise that we have problems with the current system. They recognise that WorkCover has an unfunded liability of $153 million and that that figure is currently rising at the rate of $7 million a month, or almost $2 million a week. Do we let WorkCover's debt spiral as it did in the 1980s?

Ignoring this unfunded liability will help no-one, particularly injured workers. It will render the entire WorkCover scheme unviable. If the unfunded liability continues to grow at current rates, WorkCover's cash reserves could soon be absorbed in meeting funding obligations. Then what do we do? Do we just say,'Sorry, there is no money left.' Or do we ensure that South Australians are protected from this kind of disaster? Labor ignored debt amongst its statutory authorities during the past 10 years. The State Bank is probably the best example and one that we will not forget. WorkCover will be much worse if we do not do something now.

As a Government we are not just addressing the legislative failures of the current WorkCover structure or attacking injured workers. There are three dimensions to the Government's reform agenda: prevention, management administration and the legislative aspect. The reform agenda needs to strike a balance between these three issues.

Members interjecting:

The SPEAKER: Order! The Chair has been most tolerant. The member for Reynell has the call and she does not need the assistance of members. The Chair will not tolerate continued interjections. It is late and I do not think we want a clash at this time of the evening.

Ms GREIG: Members opposite have highlighted workplace safety. I acknowledge the importance of this, and I spoke at length on that issue last year. Injury prevention is a factor that we as a Government have taken seriously. We have demonstrated a clear and practical commitment to improve workplace injury prevention.

The Occupational Health and Safety Commission's activities have been integrated into WorkCover to ensure a greater link and emphasis on prevention activities into occupational health, safety, welfare, rehabilitation and compensation. I am sure all members present are familiar with the major public awareness campaign in the print and electronic media: stop the pain of work injury. We have met our election promise to commit an extra $2 million to WorkCover funds per year on occupational safety, health and welfare training and programs.

The list goes on, but I believe I have highlighted some significant changes to injury prevention within the workplace introduced by this Government. The State Government's reforms do not dismantle the essential elements of the WorkCover scheme. The no-fault nature of the scheme continues, and this means that an employee will still receive

compensation without having to prove the employer was negligent; the WorkCover scheme remains entirely employer funded for the period that compensation is payable; and income maintenance pensions continue to be paid until retirement for those employees who choose to remain on the WorkCover system. The WorkCover system continues to pay all medical and hospital expenses and continues to establish and pay all rehabilitation expenses and programs.

In fact, many of the changes proposed bring the scheme back to what was intended by employer groups and the trade union movement in the mid-1980s. The State Government has carefully targeted its WorkCover changes. The reforms are part of an overall package of reforms which deals with occupational health and safety, prevention, improved management in the administration of claims and necessary legislative changes. Our reforms have been carefully targeted to deal with the core problems of the scheme that have led to the massive unfunded liability of $153 million. Most importantly, this targeting of reforms has been planned in a manner which considers the social principles and the human cost associated with injuries at work.

This targeting of reforms means that the reform package is not purely dealing with economic issues. As I have already indicated, our Government has clearly been concerned enough to ensure that injured workers receive fair and reasonable compensation and that they maintain their dignity whilst on the WorkCover scheme. It is for this reason that the State Government's reforms retain the no-fault system and the full payment of medical and hospital expenses; maintain full payment of rehabilitation expenses and programs; increase levy rates for seriously injured workers; and also provide greater opportunities for injured workers to leave the WorkCover scheme with lump sum payments—and believe me, that is very important to my electorate.

There has been a lot of criticism from members opposite, and I would like them to think back to their own Government's industrial relations, occupational health and safety and WorkCover policy that it took to the last State election. To jolt the memories of members opposite, page 25 of the policy stated that a Labor Government would further reduce average employer levy rates to 1.8 per cent and, on page 26, it stated that it would review the third schedule as regards lump sum payments to workers with permanent disability. The fact is that, when in government, the Labor Opposition knew that it had to reform the WorkCover system, but it failed to do that because the trade union movement would not let it do so. Now, in opposition, members opposite are endeavouring to defend the indefensible. They talk about the human element, communication and the long-term welfare of people on WorkCover; they have criticised everything put forward, but they have not given any solutions. Members opposite say that they are representing the community, so why are they not providing answers instead of making a lot of noise?

A number of my WorkCover constituents are receiving less than social security with no entitlements to any other benefits and are living below the poverty line. In fact, I believe that the current system has created a whole new class of poverty. We now have the opportunity to do something about it. The people in my electorate want to see change; they want fairness and equity; they want to retain their dignity; and, most importantly, they demand a clear direction for their future.

The Hon. G.A. INGERSON (Minister for Industrial Affairs): There has been a long debate tonight, and I want to make a few points before the conclusion of the second reading stage. The most important point I raise is that we have listened to a fair amount of comment from the other side and there have been some positive contributions, but most of it has been rhetoric, which has just been unbelievable. The Leader of the Opposition gave a very emotional speech, the Deputy Leader read for hours from his notes and all members opposite talked about how we must save this scheme and not change it at all. Yet, when you read the back page of a very interesting document entitled, 'South Australia's New Direction—Industrial Relations, Occupational Health and Safety WorkCover—Policies of the Arnold Government, Election 1993', you have to wonder what all the diatribe has been about.

The Government has been accused of wanting to take the levy rates down to 1.8 per cent as though it were the end of the world and as though nobody else could possibly do that, yet the Labor Party's policy at the last election reads:

> Further reduce the average employer levy rate to 1.8 per cent.

All this diatribe, all the misleading of this place, all the misleading of all the guests who have been here this evening by the Labor Party and the union movement is over the simple fact that it was going to do exactly the same thing in exactly the same manner as the Government has attempted to do with its Bill. The public of South Australia has been grossly misled by the new Leader and the new Deputy. I understand that, when you become the new Leader and the new Deputy, you throw aside all the previous Leader's promises and you do not worry about them any more. At least to the public of South Australia last night I stood up and said that we have to take a tough position. We are changing our position from the last election, because we were misled by the previous Government in terms of the actual funding position.

Mr Clarke interjecting:

The Hon. G.A. INGERSON: No, that is absolutely as it is. We have changed our position because at the last election we were misled. Members opposite are running around saying,' We are the little goody boys. We have never done any of this.' Look at the 1.8 per cent levy rate. I recall the member for Hart saying earlier that he was part of drafting the policy. In this case, he is saying that it will be competitive, not 1.8 per cent.

Mr Foley interjecting:

The Hon. G.A. INGERSON: Yes, the honourable member said he was out doorknocking when this was written. The very member who was advising the then Premier of South Australia was the person who was part of this. The Labor Party comprises the biggest mob of hypocrites that I have ever had to face in this place. The Deputy Leader of the Labor Party has come into this House with a policy document that he trundled around from the previous Minister. He said it was a great industrial relations policy and he cannot even remember what was in it. He did not even know earlier tonight that he had promised the people of South Australia that he would do exactly the same thing that this Government is attempting to do.

I will make a couple of points about the member for Giles's comments, because he is the only honourable member from the other side who has actually told it as it is and as it was. He is the only honourable member who knows what the previous Act was all about in 1986. He knows that in 1986 when he brought in the legislation I asked him a simple question: What will you do if the second year review does not work?' I have been assured it will work', he said, ' but, if it

does not work, as it is the most vital part of this whole Bill, I will make sure that we make it work.'

The Deputy Leader laughs. A select committee nearly three years ago stated that one of the fundamental problems with the scheme was the second year review. The Labor Government, even with the advice of the previous Deputy leader and now member for Giles, even with his very good and senior advice, ignored one of the most basic and fundamental problems of this scheme. It is because the Labor Government three years ago did absolutely nothing about this problem that we now have the chaos we have today. It is because of the Labor Government that we have this list of over 300 people who started on the scheme in 1987 with disability levels of less than 10 per cent and who are still on the scheme, costing $45 million.

People have toes off, people have sore arms, people have sore shoulders: people could and should be at work if we had a proper review system, but they are still on the scheme nearly seven years later, and that is the problem. That is where the abuse is, and the member for Giles knows that that is the problem with the scheme, but nobody in the Labor Party was prepared to front up to it.

Our legislation is not about the badly and severely injured but about sorting out this problem. The Deputy Leader and the union movement know this is the problem. What is happening is that all the good people in our community are being conned and being scared by the Labor Party and the union movement over this single issue, namely, people who have disability levels of less than 10 per cent. When you read some of these disability—

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON:—levels you would think you were in the warm-up room of a football club, with such injuries as sore toes, shoulders and arms, and flesh and soft wound injuries. People have received $260 000 for a toe coming off; $212 000 for a lower back strain; $120 000 for a pain in the right shoulder; and right arm forearm muscle, $117 000. These are people who have been on the scheme since 1987 and who have less than a 10 per cent disability. This is the problem with the scheme, and the Labor Party laughs about it. It is a joke, because what it is doing is forcing this Government to take draconian action on the rest of those who are employed.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: Of course I have said that. I have said that it is harsh, and I have said that it is very deliberately harsh. I have never gone away from that. It is because the previous Government mucked it up. The member for Giles knows what the problem is. He knows that if we fix this up we have a chance of turning it around. What does the Labor Party do? It ignores it. It just says that it is nice to sit down and see that we have someone who has an aggravation of a lower back sprain—a disability less than 10 per cent—with a partial deemed total payment from the scheme of $196 000. Another case involved a whiplash injury in a motor vehicle which happened while travelling to the office, $236 000. These are the sorts of figures that we have; we have a crazy set up, involving nearly 340 people in three years from 1987 to 1990. We have not even bothered to take out the balance after 1990. It is our estimate that another 1 000 people are on the scheme with disability levels of less than 10 per cent. The union movement and the Labor Party say, 'This is okay.' It is absolute nonsense.

We have problems in the scheme with doctors and lawyers. We all know that, and we are working on that. But this is a disgrace. It should never have been allowed to occur. These people should not be on the scheme. If the member for Giles' position of review of second year had been in, none of these would be on the scheme; they would all be back at work, because they are all capable of going back to work. They all have injury disability levels of less than 10 per cent; that is the sort of stuff we have to fix up. If the Labor Party is not prepared to sit down with us and recognise that this is a problem, it is a disgrace.

The very person who designed this scheme, the member for Giles, has publicly and privately said that this is what has to be fixed. It is a disgrace that the Deputy Leader and the Leader cannot see this and cannot see that, if we sort this out, we can sort out a whole lot of other problems in the scheme. The challenge I offer to them is to sit down and, instead of opposing every single thing we put down in making this change, all get together and genuinely sort out this problem so that we really can get a decent workers' compensation scheme for everybody in South Australia, and so that we can get down to the 1.8 per cent that you want, that your Government would have had. Let us get down to that sort of thing.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

CONSUMER AFFAIRS REPORT

The Hon. S.J. BAKER (Deputy Premier): I lay on the table a ministerial statement by the Minister for Consumer Affairs (Hon. K.T. Griffin) on the annual report of the Commissioner for Consumer Affairs.

ADJOURNMENT

At 11.50 p.m. the House adjourned until Wednesday 8 February at 2 p.m.