LEGISLATIVE COUNCIL

Wednesday 31 March 1982

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

PAPER TABLED

The following paper was laid on the table:

By the Minister of Consumer Affairs (Hon. J. C. Burdett)—

Pursuant to Statute—

Commissioner for Consumer Affairs—Report, 1980-81.

QUESTIONS

POLICE COMMISSIONER

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before directing a question to the Leader of the Government on the subject of the appointment of the new Police Commissioner.

Leave granted.

The Hon. C. J. SUMNER: Honourable members will be aware that the Government is in the process of selecting a new Police Commissioner. It is true to say that this is one of the most important and senior positions in Government administration in this State. I understand from information received that a committee has been established to assess the applications for this position. The aspect of that selection committee that I find particularly disturbing, if the allegation is correct, is that a Mr Ross Story, the Executive Assistant to the Premier, the political appointee in the Premier's Department, is a member of that selection committee. Members will know Mr Story as a former Minister in a Liberal Government and a person who has been the Executive Assistant to the Premier for some time and, indeed, was in a similar position when the Premier was Leader of the Opposition. He is nothing less than a political appointee. He was placed in that position of Executive Assistant for the Premier's direct Party political purposes.

The Hon. K. T. Griffin: That's nonsense!

The Hon. C. J. SUMNER: The fact is that he is on the political staff of the Premier. He is not a public servant. He is on the Premier's staff as a political appointee to serve the political interests of the Premier. I further understand that a Mrs Tiddy, who is the Commissioner for Equal Opportunity, is also a member of the selection panel. While on the face of it that may not appear to be exceptional, it is interesting to note that Mr Ross Story was also on the panel which selected Mrs Tiddy for the position of Commissioner for Equal Opportunity. Again, the Commissioner for Equal Opportunity is a Public Service office and Mr Ross Story, the Premier's political offsider, was on that selection panel.

There have been other examples of the Premier's political staff participating in Public Service appointments. The use of political advisers participating in selection panels for Public Service appointments seems to be increasing. The fact is that there will be a fear in the community, if Mr Story continues to participate in this selection, that the appointee to the position of Police Commissioner will be a political appointment.

What is the composition of the committee established by the Government to recommend the selection of a new Police Commissioner? Is Mr Ross Story a member of that committee? Is Mrs Tiddy, the Commissioner for Equal Opportunity, a member of that committee? Why is the Government making this appointment a political appointment?

The Hon. K. T. GRIFFIN: First, the appointment of the Police Commissioner is not a political appointment. In our case, it will not actually be such an appointment, nor will it even be seen as such. The responsibility for the selection of the Police Commissioner will ultimately rest with the Government, but the process leading up to that appointment will be the responsibility of the Premier and the Chief Secretary. Accordingly, I will refer the question to the Premier for a reply. The Leader of the Opposition cast aspersions on the Hon. Ross Story.

The Hon. C. J. Sumner: Not at all. I said he was a political appointee.

The Hon. K. T. GRIFFIN: You did; you said that he was a political appointee, and you said it in such a manner that it was a criticism.

The Hon. C. J. Sumner: Good luck to him. My Party has political appointees, too. The question is whether he should be a member of the panel for the Police Commissioner—that is the question.

The PRESIDENT: Order! I think all members understand the question.

The Hon. K. T. GRIFFIN: There are a number of contract appointments within Government, as well as in the Opposition.

The Hon. B. A. Chatterton: He's not a contract appointment under the Public Service Act.

The Hon. K. T. GRIFFIN: One can make a variety of contract appointments within the Government. The honourable member's Government was the one that started contract appointments.

Members interjecting:

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: The Hon. Ross Story, as with other appointments, is a contract appointment. He was appointed as Executive Assistant to the Premier. It is quite common in all Governments for Ministers to have personal staff attached to them on a contract basis, but that does not detract from the impartiality of the service that they render.

The Hon. C. J. SUMNER: Does the Attorney-General know whether or not Mr Ross Story is a member of the selection committee for the new Police Commissioner and what is the composition of that committee? If the Attorney does know, will he tell the Council of the composition of the committee?

The Hon. K. T. GRIFFIN: I am not aware that any committee has yet been established; nor am I aware of any proposed membership of such a committee.

SCHOOL CHILDREN

The Hon. R. J. RITSON: I seek leave to make a statement before asking the Minister of Local Government, representing the Minister of Education, a question regarding the politicisation of schoolchildren.

Leave granted.

The Hon. R. J. RITSON: My question concerns a certain political organisation which has been formed recently in Adelaide for the purpose of promoting unilateral disarmament of the West in the interests of Soviet world domination. The principal international agency which claims credit for the pseudo peace movement is the World Peace Council, which is funded directly by the Kremlin. In Australia, its affiliate, the Australian Peace Committee, is managed from Trades Hall in Sydney, and in South Australia a branch was convened, the inaugural meeting being held at 234

Sturt Street, Adelaide (the South Australian headquarters of the A.M.W.S.U.), at 2.30 p.m. on 6 July 1980.

The convening committee consisted of the Hon. Peter Duncan, M.P., Ruby Hammond (Aboriginal land rights campaigner), Paul Antrobus (organiser, Building Workers Industrial Union and Liaison Officer, Australian Peace Committee), and Ron Barclay, Secretary, Seamen's Union of Australia, and Vice-President, Australian Peace Committee.

In the newspaper of the Socialist Party of Australia, *The Socialist* dated 18 November 1981, in an article entitled 'A growing movement for peace', we find the following passage:

We communists of the S.P.A. consider the Soviet Union and the other socialist countries the main forces in the struggle for world peace.

Again, further on, referring to a visit to Australia by a delegate from the World Peace Council, we find:

. . . The Australian Peace Committee had a profound influence on the general peace movement in all States.

On Saturday next, in all capital cities (except, I think Melbourne), we are going to see some quite large public demonstrations which I believe will involve many well-meaning peace loving people who will be marching to a very attractive drum without knowing who is beating that drum or why.

In the interests of disguising the identity of the political organisations promoting this demonstration, a loose coalition of the left was formed and gave itself the name 'Australians for Nuclear Disarmament' (A.N.D.). Unfortunately, some disagreement appears to have arisen because the Socialist Workers Party, in a recent edition of its newspaper *Direct Action,* complained that the communist members of Australians for Nuclear Disarmament had watered down their anti-United States doctrine for the purposes of Saturday's rally in order to capture popular support, including the support of the Australian Labor Party.

Perhaps as a result of that sort of conflict or perhaps for reasons best known to themselves, a group of people in Adelaide, some with common membership of political bodies already mentioned, have formed an organisation known as People for Peace. Several meetings of this group have been held at St Stephens Church, Wakefield Street, in recent weeks and I have copies of the minutes of those meetings before me now. The political nature of People for Peace is obvious from its membership.

I note that at one meeting apologies were received from the Hon. B. Wiese, (Labor M.L.C.), E. Broad (A.M.W.S.U. Branch Secretary), and G. McArthur (correspondent to the communist newspaper *The Tribune*). Other names that crop up in these minutes include John Scott, Labor M.H.R. I notice that a resolution was moved by the Hon. Peter Duncan at one of these meetings. A former member of the daily press, Denis Atkins, made some media suggestions. Letters of support were received from the Hons. F. Blevins, and Barbara Wiese, both Labor M.L.C.'s, and Dr Don Hopgood, Labor M.H.A.

The big surprise was the blatant political abuse of the educational connections of this group. One of the people present was a Miss C. McCarty. Miss McCarty was elected to the executive of the South Australian Institute of Teachers on a unity ticket described by the *Tribune* as a centre-left ticket known as the T.A.S. Group. Miss McCarty has been present at 'people for peace meetings'. At the meeting on 8 March 1982 one of the paragraphs in the minutes states:

It was decided to put together a kit on peace and disarmament for use in schools. A. Billinghurst to organise a group working on this kit. South Australian Institute of Teachers *Journal* and High School Teachers Association have been approached for help.

Does the Minister of Education consider it to be either appropriate or professional for the South Australian Institute of Teachers to accept (and approve of distribution to schools) a kit prepared by such a blatantly political group, particularly in view of the institute's President, Ms Ebert, having been so recently outspoken against political material receiving the imprimatur of the institute?

The Hon. C. M. HILL: I will refer that question to my colleague in another place and bring back a reply.

VIRGINIA MARKET GARDENERS

The Hon. B. A. CHATTERTON: I seek leave to make a short statement before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about loans to Virginia market gardeners.

Leave granted.

The Hon. B. A. CHATTERTON: Last night there was a meeting of market gardeners in the Virginia area arranged by the Minister of Agriculture to discuss payments due on loans made to those growers to help them overcome the problems of damage to glasshouses two years ago. The Minister of Agriculture attended that meeting in spite of an assurance he gave to the Labor Party in terms of obtaining a pair. In obtaining that pair from the Labor Party the Minister did not mention that he was going to attend a political meeting.

At that meeting he told growers in the Virginia area that it was not possible for him in any way to remit the interest or capital repayments now due. He said that that was the law and that he could not do anything about it. The Act under which the money was lent to the growers in the Virginia area is the Primary Producers Emergency Assistance Act. Section 5 (2) *(d)* states:

With the concurrence of the Treasurer and after due inquiry the Minister of Lands [it is now under the administration of the Minister of Agriculture] may remit part or the whole of any interest on or part or the whole of any advance made under this Act:

Why did the Minister mislead growers at the meeting held at Virginia last night when he informed them that it was not within his power to remit the interest or capital of advances that were made. The Act clearly states that it is within his power to do so. Will the Minister correct that information and inform growers in the area that it is possible for him to remit either the interest or capital on the loans that have been made to those growers?

The Hon. J. C. BURDETT: I will refer that question to my colleague in another place and bring back a reply.

MEDICAL ETHICS

The Hon. J. R. CORNWALL: Has the Minister of Community Welfare a reply to my question of 1 December 1981 about medical ethics?

The Hon. J. C. BURDETT: The Minister of Health has provided the following reply:

I have studied the material detailed by the honourable member most carefully. In general terms, it is surprising that a trained veterinary surgeon should imply so strongly that complications following surgery are the result of incompetence, negligence or unscrupulousness on the part of some surgeons. Assuming they exclude themselves from this category, this is tantamount to claiming that neither he, nor his adviser, Dr Crompton, has ever had to deal with complications following surgical procedures.

No responsible or reputable surgeon whatever his sphere of activity, would ever make such a claim. Every surgeon has had to deal with complications. It is an accepted if unfortunate fact that complications follow a small proportion of all surgical procedures despite the best efforts and endeavours of the most highly skilled surgeons. It is wrong and irresponsible of the honourable member and Dr Crompton to suggest otherwise, just as it would be wrong

and irresponsible of anyone to describe them as 'incompetent, negligent or unscrupulous' just because it is certain each has had to deal with his share of complications following surgical procedures. I am advised that Dr Crompton has previously sought (and been given) media prominence by claiming or suggesting negligence, malpractice or collusion on the part of his colleagues.

The Hon. J. R. Cornwall interjecting:

The PRESIDENT: Order!

The Hon. J. C. BURDETT: Does the Hon. Dr Cornwall want the reply? The Minister of Health continues:

During the Annual Scientific Meeting of the Royal Australian College of Ophthalmologists (formerly the Ophthalmological Society of Australia) held in Adelaide in April 1974, Dr Crompton, as the current President, claimed that five eyes had been recently lost at Daws Road, because of infection. He implied negligence on the part of surgeons and staff.

The furore which followed the publication of these allegations in the press settled rapidly when investigations revealed no factual basis for them, and when, three days later, Dr Crompton made a public apology for the exaggerations and inaccuracies made in his earlier speech. He had, he said, been misinformed, and had overstated the case. In fact, investigations showed no evidence of ocular infection or breakdown of asepsis as he alleged, and no eyes were lost. Indeed, although the ultimate vision was poor in two of the five cases he quoted the other three had virtually normal vision with correction after operation. The honourable member is presumably not aware of this eposide, and would be well advised to treat such claims and allegations from Dr Crompton with some caution.

In the particular case he has cited most recently, he should be aware that the law already provides a remedy. Should the patient claim incompetence, or negligence, she has a right to have that claim tested at law. It is for her to initiate action. By the same token, should the surgeon involved believe that Dr Crompton has acted improperly by defaming his reputation with the patient's husband in suggesting incompetence or negligence, he also has a remedy at law, and Dr Crompton must be prepared to face the possible consequences of such action, if initiated.

As for the Medical Board, proposed amendments will make it possible for complaints against practitioners to be considered more efficiently than is presently the case. However, this will not remove or reduce the existing right of persons aggrieved in any way to seek any remedy which is provided by the common law. The specific questions asked by the honourable member have been referred to the Medical Board for consideration.

HOSPITAL CORPORATION OF AMERICA

The Hon. J. R. CORNWALL: Has the Minister of Community Welfare a reply to my question of 17 February 1982 about the Hospital Corporation of America?

The Hon. J. C. BURDETT: The Minister of Health has provided the following reply. The honourable member has asked three specific questions, and the replies are as follows:

1. The Minister of Health has not held talks within the last 12 months with Executives of the Hospital Corporation of Australia. Executives of Hospital Corporation of Australia called on the Chairman of the S.A. Health Commission on 4 December 1981, and again on 2 March 1982. These were essentially courtesy calls to introduce new senior executive personnel of the Hospital Corporation of Australia to the Chairman.

2. During these meetings, the Hospital Corporation of Australia indicated interest in establishing further hospital facilities in Adelaide, including the possibility that the corporation might acquire an existing private hospital. The S.A. Health Commission has no powers in relation to development of private hospitals. Neither the chairman of the commission nor the Minister have indicated either support of or opposition to any plans of the Hospital Corporation of Australia.

3. There has been no discussion with the Hospital Corporation of Australia about hospital services in the Wallaroo/Kadina area.

MEDICAL ETHICS

The Hon. J. R. CORNWALL: Has the Minister of Community Welfare an answer to my question of 9 December in relation to medical ethics?

The Hon. J. C. BURDETT: My colleague the Minister of Health advises that the information provided by the honourable member has not been sufficient to accurately identify the incident to which he refers. For the matter to be investigated the honourable member will need to advise the date of the incident and the name of the patient involved.

MEDICAL APPOINTMENTS

The Hon. J. R. CORNWALL: Has the Minister of Community Welfare an answer to my question of 10 February on medical appointments?

The Hon. J. C. BURDETT: My colleague, the Minister of Health, has provided the following reply: the honourable member has asked two specific questions, the answers to which are as follows:

No. In relation to recent medical appointments, there were no irregularities in the appointment process. The appointment process was similar to that recently recommended by the South Australian Health Commission, the South Australian Hospitals Association, the Australian Medical Association (S.A. Branch), the Royal Australian College of General Practitioners (S.A. Faculty), and the Australian Hospitals Association (South Australian Branch), in the joint document 'Guidelines for the granting of admitting privileges to medical practitioners'.

All positions were advertised and referee reports were called for all applicants. Applicants were then considered by the Hospital's Medical Appointment Advisory Committee which consisted of two representatives from the A.M.A., a hospital medical staff representative, a representative of the Hospital Board, and a representative of the appropriate Clinical College. Appointments were recommended by this committee on the basis of clinical competence and professional standing.

Once appointments were recommended, unsuccessful applicants had the right of appeal and appeals were heard by the Hospital's Medical Appointments Appeals Committee. This independent three-man committee consisted of a representative from the A.M.A., a Hospital Board representative, and a representative from the appropriate Clinical College. To suggest that there was corruption and irregularities in the appointments is a slur, both on the individual members of the committees and the organisations that they represent. In addition, the honourable member's statement 'that more than a dozen appeals were heard and summarily dismissed by the appeal board in one session is untrue. The maximum number of appeals the committee heard in one session was 10, of which two appeals were upheld.

WALLAROO HOSPITAL

The Hon. J. R. CORNWALL: Has the Minister of Community Welfare a reply to my question of 17 February regarding Wallaroo Hospital?

The Hon. J. C. BURDETT: My colleague, the Minister of Health, has provided the following reply:

1. The proposed new hospital for the Northern Yorke Peninsula has not been given unusual priority over other building programmes. Following Cabinet agreement in principle to begin planning for the new hospital, approval has been given for the appointment of architects to undertake a site investigation and preliminary planning up to the schematic design stage.

2. Architects have only been selected and their appointment approved in the last few weeks. A firm programme for investigation and design has not yet been submitted by the appointed architects. However, a site is expected to be selected in the course of the next few months.

3. It is anticipated that construction of the hospital will be financed from loan appropriation.

4. Planning is still at a very early stage, and no firm date for commencement of construction has been determined. If planning and design proceed normally, construction might be expected to begin in 1984-85 depending on the availability of funds and relative priorities with other building schemes.

5. No. The Government will not reconsider its decision on this matter.

6. No. The scheme will of course be submitted for review by the Parliamentary Standing Committee on Public Works when sketch plans and estimates have been prepared.

Mrs LENE NESTLER

The Hon. J. R. CORNWALL: Has the Minister of Community Welfare, representing the Minister of Health, a reply to my question of 16 February regarding Mrs Lene Nestler?

The Hon. J. C. BURDETT: The answers to the three specific questions asked by the honourable member are as follows:

1. Copies of Mrs Nestler's medical records at the Queen Elizabeth Hospital were despatched from the hospital on 10 February 1982 and delivered to the Nestler's family solicitor on 16 February 1982. It is understood that prior to 16 February the Nestler's family solicitor was fully aware that the records would be forthcoming.

2. No. Mrs Nestler's family has every right to make a request of the Attorney-General for an inquest into the circumstances of their mother's death, if they so desire. However, it is not the prerogative of the Minister of Health to make any such request or to intervene in the circumstances.

3. No. There is no evidence of any tragic negligence and mistreatment in the emergency and outpatient departments of our public hospitals. The Minister of Health wishes to clarify certain incorrect and misleading statements made by the honourable member on this matter. First, reference is made to the member's statement that the C. T. Scanner at the Queen Elizabeth Hospital is used for only one hour a day. Although over the Christmas period there was not a great deal of routine work being done, the scanner is available 24 hours a day if necessary.

The second inaccurate statement made was that there had been an indication that no autopsy was necessary. However, it was stated that without an autopsy there could be no certainty as to the cause of death and, in particular, the diagnosis of food poisoning originally made in the Emergency Department could be neither proved nor disproved. The cause of death as shown on Mrs Nestler's death certificate was based on clinical observation and without an autopsy, it is only presumptive. The Nestler family were asked whether they would consider an autopsy on their mother, and declined.

ABORIGINAL HEALTH ORGANISATION

The Hon. J. R. CORNWALL: Has the Minister of Community Welfare, representing the Minister of Aboriginal Affairs, a reply to my question of 2 March about the Aboriginal Health Organisation?

The Hon. J. C. BURDETT: The honourable member has made several incorrect statements in relation to the sector administration of the South Australian Health Commission and has cast unfounded aspersions on the autonomy and functions of the Aboriginal Health Organisation of South Australia Incorporated. My colleague the Minister of Health therefore considers it is important to outline the circumstances associated with the making of the $10 000 grant to the Pitjantjatjara Council.

In late November 1981 the Executive Director, Western Sector, of the S.A. Health Commission received a letter from the Pitjantjatjara Council seeking a meeting to discuss health services in the eastern Pitjantjatjara homelands—that is, that part of the Pitjantjatjara tribal homelands located in South Australia. The Executive Director at once notified the then interim Director of the Aboriginal Health Organisation, and suggested that both he and the newly elected chairperson of the newly constituted board of the Aboriginal Health Organisation attend the meeting.

The meeting was subsequently held on 10 December 1981 and was attended by the Executive Director, Western Sector, S.A. Health Commission, a member of and a legal adviser to the Pitjantjatjara Council, two members of the Aboriginal Health Organisation and the then trainee director of that organisation. At this meeting the Pitjantjatjara Council sought funding assistance for a study to be carried out in the eastern Pitjantjatjara homelands, which includes the communities of Amata, Fregon, Ernabella, Mimili and Indulkana.

The study was to ascertain and articulate the health needs of the Pitjantjatjara people in the eastern homelands from the perspective of the communities and the people themselves. As such it also presented an ideal opportunity to gain some insight into the attitude of those remote tribal people to the services they were presently receiving. Both Aboriginal Health Organisation board members present supported the request. The Executive Director of the western sector of the commission then discussed the issue by telephone with the Chairman of the Board of Management, Aboriginal Health Organisation and she, in turn, sounded out other Aboriginal board members of the organisation who were readily contactable by telephone. All board members with whom the proposal was discussed expressed support.

A grant of up to $10 000 was subsequently made available for the project, taking into account the following factors:

(a) It was a project clearly worthwhile in itself.

(b) It was within the delegated authority of the Executive Director, Western Sector, of the S.A. Health Commission, to approve.

(c) Funds could be provided from within the Western Sector planning budget, therefore ensuring that the budget for the Aboriginal Health Organisation need not be drawn upon for this purpose.

(d) All Aboriginal Health Organisation board members spoken to had advised that the project proceed.

Subsequently, the Pitjantjatjara Council was advised of approval for the project and the Executive Director of the western sector was informed by the council that Mr John Tregenza and Dr Trevor Cutter had been appointed to carry out the study. While it is true that neither Mr Tregenza nor Dr Cutter is associated with the Aboriginal Health Organisation or the S.A. Health Commission, they clearly have the confidence of the Pitjantjatjara Council which, of course, is most important.

In responding to the honourable member's allegations it is necessary to point out that the Aboriginal Health Organisation comprises the following: two Aboriginal persons resident in Adelaide; two white persons resident in Adelaide; two Aboriginal persons resident in Port Augusta; one Aboriginal person resident in Ceduna; one Aboriginal person resident in Port Lincoln; one Aboriginal person resident in Indulkana; and one Aboriginal person resident in Ernabella. For geographical reasons, there is some difficulty in bringing all of these people together, and the board, therefore, had decided to hold two-day meetings every two months. This is a decision of the board and if they have a desire to meet

more frequently then quite clearly they can so resolve. Since incorporation in September 1981 the board has met on three occasions—September 1981, November 1981 and February 1982.

The answers to the two specific questions asked by the honourable member are as follows:

1. No. Although the Executive Director, Western Sector of the S.A. Health Commission advised the Chairman of the commission of the grant, there is no real reason why either he or the Minister of Health should be informed. Indeed, if there were a requirement to refer matters of this nature, there may be some justification for a charge that the Aboriginal Health Organisation is not an autonomous body.

2. No. The facts of the situation already outlined to the honourable member show that there is no substance whatsoever to his allegations.

TELEPHONE DIRECTORIES

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of you, Mr President, regarding telephone directories.

Leave granted.

The Hon. M. B. DAWKINS: Honourable members have had current metropolitan telephone directories made available to them. However, to the best of my knowledge, country directories available in this Parliament are still 1981 vintage and are more than 12 months old. I understand that current directories have been available in country areas for a considerable time. I ask you, Sir, to use your good offices to see that members are provided with copies of the current country directories.

The PRESIDENT: I was unaware that members had not been supplied with current country telephone directories. I will have the matter attended to immediately.

ETSA RATES

The Hon. ANNE LEVY: Has the Attorney-General an answer to my question of 16 February about ETSA rates?

The Hon. K. T. GRIFFIN: The Electricity Trust of South Australia's Domestic Tariff M is specifically designed for the level and pattern of consumption of an average family in a private domestic dwelling and is confined to that class of consumer. It is not an appropriate tariff for consumption by institutions, boarding houses, hostels and other organisations such as womens shelters where a large number of people live. The standard tariff applicable to these is General Purpose Tariff S which applies to all similar organisations.

With regard to the South Australian Gas Company, I am advised that six shelters are currently being supplied at the residential tariff. There are no plans to alter current tariff charges to these organisations.

TRAFFIC LIGHTS

The Hon. ANNE LEVY: Has the Attorney-General a reply to my question of 3 March about traffic lights?

The Hon. K. T. GRIFFIN: As traffic signals within the city are the responsibility of the Corporation of the City of Adelaide, the following comments have been provided by council:

The progression speeds along King William Street at the various times of the day are:

8.00 a.m.-9.15 a.m.	28 kph
4.15 p.m.-6.00 p.m.	
6.30 a.m.-8.00 a.m.	
9.15 a.m.-4.15 p.m.	34 kph
6.00 p.m.-6.15 p.m.	
6.15 p.m.-6.30 a.m.	37 kph

Speed settings in King William Street are limited by physical constraints, namely, the close spacing of the intersections, the width of King William Street and the large volume of vehicular traffic in the east/west direction, particularly at the northern end of the city. Signal settings must also take account of the need to maintain convenient and safe movement of pedestrians in both directions.

While every endeavour is made to minimise delays to traffic by establishing a progression, the City of Adelaide Plan does not envisage that King William Street be used for travelling from one side of the city boundary to another, or even from one side of the city proper to the other. Diagram 6 in the plan indicates the metropolitan arterial roads in order to by-pass the city altogether and also the city arterial and distributor roads to distribute intra-city traffic. King William Street is in neither of these categories.

The Town Clerk would be pleased to discuss any aspect of this matter if the honourable member so desires.

PENSIONER CONCESSIONS

The Hon. ANNE LEVY: Has the Attorney-General a reply to my question of 24 February about pensioner concessions?

The Hon. K. T. GRIFFIN: The Government is aware of the problems faced by supporting parents and regularly reviews the level of concessions available to them and to pensioner groups. The Government is not able to extend further public transport concessions at this time. However, the matter of concessions will be considered in the review of the existing fare structure which will be carried out when the present structure has been in operation for approximately 12 months.

ROAD ACCIDENTS

The Hon. G. L. BRUCE: I seek leave to make a short explanation before asking the Attorney-General, representing the Minister of Transport, a question about road accidents.

Leave granted.

The Hon. G. L. BRUCE: I have been monitoring this situation quite closely and I heard on the news today that there have been 69 road deaths so far this year, compared with 58 road deaths for the same time last year. I am concerned about this state of affairs, particularly in view of the initiatives taken by the Government to keep the road toll down. However, despite those initiatives the number of road deaths this year is ahead of the number for the same period last year. Will the Attorney supply details of the cause of these deaths, for example, inattention, drink driving, speed or whatever. Will he also advise me of the blood alcohol content of those persons killed between 1 January and 31 March this year?

The Hon. K. T. GRIFFIN: The road toll is a matter of considerable concern, not only to the Government but to every member of the community. I will refer the honourable member's question to the Minister and bring down a reply.

EMPLOYMENT OPPORTUNITIES

The Hon. J. E. DUNFORD: I seek leave to make a short statement before asking the Attorney-General a question about employment opportunities.

Leave granted.

The Hon. J. E. DUNFORD: There is a great deal of concern in the community about the economic down-turn being experienced throughout Australia, but more particularly in South Australia, in relation to employment opportunities today and in the future. Everyone is looking ahead with gloom.

The Hon. D. H. Laidlaw: I don't know about that.

The Hon. J. E. DUNFORD: The Hon. Mr Laidlaw is not, because he is a millionaire. He does not pay tax, because he uses all the capers in the world. I am referring to the real people outside; that is who I am concerned about. I think it is about time that the South Australian Government came clean to the people of South Australia and let us all know something about our future. The Government's patchwork attitude towards our economy is not good enough. People are insecure; our children are insecure; and I am starting to feel a bit insecure.

The Hon. R. C. DeGaris: What number are you on the A.L.P. ticket?

The Hon. J. E. DUNFORD: I am higher up than the Hon. Mr DeGaris is on his ticket and I have a better future than he does. The Hon. Mr DeGaris is in here to stay, but I am only here for a short time—I am on my way up.

The Hon. K. T. Griffin: Many a true word spoken in jest.

The Hon. J. E. DUNFORD: That is correct.

The PRESIDENT: Order!

The Hon. J. E. DUNFORD: The Hon. Mr Griffin obviously knows style when he sees it. I am being nice to the Hon. Mr Griffin because I want him to come clean to this Council for once. Is the Attorney-General aware of a report entitled 'The Commonwealth-State Study Group into the Iron Triangle'? Does that report deal with possible employment opportunities in the North of our State, if all systems go, such as Roxby Downs, Stony Point, oil and gas production and exploration, and so on? Does that report reveal and project an estimated job potential of a maximum of 18 000 jobs by 1991, if all systems go? Is the Attorney aware that, between now and 1991, 70 000 people will enter the work force? Does the report reveal that 1 200 jobs could be lost in Port Pirie by 1991 as a result of lost production at Broken Hill? Will the Attorney-General advise whether the report is to be made available to the South Australian Parliament? When was the report completed?

The Hon. K. T. GRIFFIN: If the honourable member is worried about South Australia's future, he is one of a minority, because the Government is delighted with the prospects for progress in this State. With the developments in the North of this State, on one of which members of this Council will be able to vote in June of this year, we expect, if that Bill is passed, that there will be even better job prospects for South Australians.

The Hon. B. A. Chatterton: Are you going to put the casino at Roxby Downs?

The Hon. K. T. GRIFFIN: I am referring to the Roxby Downs indenture. As I understand it, the projections indicate that, when it is in operation, it will have an employment potential for 3 000 to 4 000 direct jobs. Because of the multiplying factor, an additional 16 000 indirect jobs will result from that development. Therefore, that development is particularly important for South Australia's progress during the 1980s.

The Hon. J. E. Dunford: Will you answer my question and cut out the political crap?

The Hon. K. T. GRIFFIN: The Stony Point Scheme in the Cooper Basin will also provide employment prospects for northern towns. The Hon. Mr Dunford seems to be somewhat concerned about these exciting prospects for the future development of South Australia.

The Hon. J. E. Dunford: You're not answering my question.

The Hon. K. T. GRIFFIN: I am. The Hon. Mr Dunford made some comments before asking his question, and they reflected upon South Australia's progress.

The Hon. J. E. Dunford: What comments?

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: If the Hon. Mr Dunford wants to make those statements before asking a question he must expect to get some back. I am referring to the prospects for new jobs in South Australia that will be created by the Stony Point development in the Cooper Basin and the Roxby Downs scheme, if Parliament supports the indenture in June. The prospects for South Australia are exciting, and significant progress has already been made. If the Government has an opportunity to put its proposed developments into practice South Australia's prospects will be even more exciting.

The Hon. J. E. Dunford: Forget about the excitement and answer the question.

The Hon. K. T. GRIFFIN: I am aware that a study relating to the Iron Triangle was financed jointly by the Commonwealth and the State Governments. I am not aware of any outcome of that study, but I will refer those questions to the Premier and bring back a reply.

SEDAN-MANNUM COAL

The Hon. N. K. FOSTER: Will the Attorney-General, representing the Minister of Mines and Energy (if there is any such person with that sort of pursuit in this Parliament), consider the absolute necessity of acquiring the Sedan-Mannum coal deposits on behalf of the Electricity Trust of South Australia, instead of requiring the trust to be given the lowest grade ore from Port Wakefield? That Sedan deposit has been known to members in this Council since 1927, although the Premier said that it was discovered only last year.

The Hon. K. T. GRIFFIN: The honourable member seems to be suggesting expropriation, and certainly that is not something to which this Government subscribes. As ETSA's prospects in relation to power generation are a matter for the Minister of Mines and Energy, I will refer the question to him.

CONSUMER FORUMS

The Hon. BARBARA WIESE: Has the Minister of Community Welfare called on his department to hold any community welfare consumer forums, as provided for in the Community Welfare Act Amendment Bill passed by Parliament last year? If so, where and on which topics were they held, how many people attended, and what were the results thereof?

The Hon. J. C. BURDETT: The Community Welfare Act Amendment Bill, which was indeed passed last year, has not yet been proclaimed. There are various factors involved in its proclamation. The Bill dealt with a great number of disparate issues, some involving the expenditure of money and some not doing so.

There has been some consideration regarding when the Bill is likely to be proclaimed. We are looking to proclaiming it as soon as we can. The Bill does not have to be proclaimed in one peice; indeed, the Bill provides for its being proclaimed, if necessary, in separate parts. I hope that it may be proclaimed at the one time and that that will be on about 1 July this year. Of course, because the legislation has not yet been proclaimed no forums have been held. When it is proclaimed, the holding of such forums will be

one of the first priorities. I think that it could be done at an early stage.

WHYALLA EMPLOYMENT

The Hon. FRANK BLEVINS: Has the Attorney-General a reply to the question that I asked on 10 February regarding employment in Whyalla?

The Hon. K. T. GRIFFIN: The Government's attention had not been drawn to the report until the Hon. Mr Blevins quoted figures in this place, as the report was an internal working paper only. The figures in this exercise are not company plans but an exercise to determine the effect of using natural wastage as a method of coping with a severe decline in orders if that occurs in subsequent years. If this occurs, it would certainly have an adverse effect on employment conditions in Whyalla. In 1982, at least there will be a positive contribution to Whyalla's employment totals made by the Stony Point construction stage.

The question of whether the Government has taken action in attempting to persuade B.H.P. not to go ahead with this large reduction in employment refers to a hypothetical not a definite situation. B.H.P.'s actual employment policies over the four-year period quoted will depend greatly on the condition of the local and export markets for its steel products, and in such a volatile market it would be foolish to be dogmatic on any forecast.

AGRICULTURE

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about agriculture.

Leave granted.

The Hon. N. K. FOSTER: My question relates to the market gardeners in the Virginia area, about whom I know a number of questions have been asked in the Council previously this afternoon and last week. The Government, when the hail damage occurred over a year ago, made great play of the assistance that it was giving to those people who were unfortunate enough to lose all their glasshouses as a result of the damage that they sustained. Some public servants were sent out there to scrape up glass from the cucumbers, and so on, that were formerly being grown under glass. Indeed, there were television cameras out there on the Friday and Saturday, if not on the preceding Thursday. Also, Parliamentary delegations involving members of both political complexions visited the area, although they missed the marijuana.

Great things were said about what the Government was going to do and about its responsibility to those people. It was stated that it was terrible that a surcharge was being placed on the glass, thereby doubling its price, and that steps would be taken to ensure that proper assistance was given to these people. Finally, under the powers contained in the Primary Producers Emergency Assistance Act, the Government started to dole out money, which, of course, the growers were required to repay. As the Hon. Mr Chatterton has told the Council (indeed other persons have said this), the tomato growers in that region have been operating in a depressed market for some time, the market having been depressed by Queensland production and, indeed, other production. It also involves marketing methods that disadvantage South Australian growers.

The Department of Agriculture recently moved out of its caravan into a building adjacent to the Virginia Institute, and I spoke to its officers a few weeks ago regarding a pilot project that had been under way, with suggestions of a different type of tomato to be grown, different fertilisers to be used, the fumigation of soils to be encouraged, and so on. The fact is that many growers have not had very good seasons at all lately. The crop is a water-conserving one, because it uses less water than do bunch and salad vegetables, particularly onions. With the use of the drip feed method and with the produce being grown under glass, very little water is used.

There was an imposition by the Minister last night in relation to a demand that the growers pay a surcharge not of 5 per cent or 10 per cent but as high as 15 per cent. As the Minister once again will take himself out of this country within a few hours of the rising of Parliament, I suggest that he should consult with the Leader of this Council to ensure that the Minister goes to another meeting, as he did univited last evening, and tell the unfortunate growers involved that he will not impose the surcharge on them. These growers are not getting sufficient income at the moment even to feed their families properly. They are not entitled to welfare payments. Yesterday, the Hon. Mr Hill went on in this Council about ethnic communities.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I ask the Minister to ensure that the Minister of Agriculture visits this area and advises the people that his department will not, as it has done in many other cases, insist on a prompt payment on the loans made to these people 12 or 18 months ago.

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring back a reply.

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

The Hon. C. J. SUMNER (on notice) asked the Attorney-General:

1. In what respects do the laws and practices of South Australia fall short of the standards set by the 1966 International Covenant on Civil and Political Rights which Australia signed in December 1972 and ratified in August 1980?
2. What views has the State Government expressed to the Federal Government on the provisions of this convention since it entered into force in March 1976?
3. On what occasions, in what circumstances, at what level and with what results have discussions or consultations taken place between the State and Federal Governments concerning this convention?

The Hon. K. T. GRIFFIN: The replies are as follows:

1. I am satisfied that the laws and practices of South Australia conform with the provisions of the 1966 International Covenant of Civil and Political Rights as ratified by Australia in August 1980.
2. I am unable to state what views the State Government may have expressed to the Federal Government on the provisions of the convention before September 1979. Since September 1979 the State Government has expressed its views on the covenant in the meeting of Ministers on human rights.
3. The meetings of Ministers on human rights first discussed the matter of the ratification of the International Covenant on Civil and Political Rights in Sydney on 4 May 1979, and subsequent discussions were held in Brisbane on 13 October 1979 and Hobart on 14 February 1980. The Ministers at these meetings identified the areas where Australian law did not conform with the covenant and determined what reservations and interpretive declarations should be lodged by Australia at the time of ratification.

Following ratification of the covenant the Ministers have had the oversight of the preparation of the report required to be presented to the United Nations under article 40 of the covenant on the measures adopted to comply with the covenant. The Ministerial Council held discussions on the article 40 report in November 1980, April 1981 and August 1981.

SEARCH WARRANTS

The Hon. C. J. SUMNER (on notice) asked the Attorney-General: Can the Attorney-General list the South Australian Acts, regulations and statutory instruments which permit the issue of warrants to enter and search premises as the Federal Attorney-General has done with respect to Federal Acts and Australian Capital Territory Ordinances (House of Representatives *Hansard,* 8 June 1978, p.3351 and 14 October 1981, p.1231)?

The Hon. K. T. GRIFFIN: No. No list has ever been prepared.

BILINGUAL CLASSES

The Hon. C. J. SUMNER (on notice) asked the Minister of Local Government: In 1979, 1980, 1981 and as available for 1982, what bilingual classes were conducted in South Australian schools and in particular—

(1) what schools offered such courses;

(2) what languages were used; and

(3) how many students and teachers were involved?

The Hon. C. M. HILL: The replies are as follows:

(1) Two schools offer bilingual classes in South Australia, Newton Primary School and Trinity Gardens Primary School.

(2) The languages used in the two schools are English and Italian.

(3) The number of students and teachers involved are as follows:

Year	No. of Students	Classes	No. of Teachers
Newton Primary School—			
1979	34	Years 1 & 2	2
1980	34	Years 1 & 2	2
1981	44	Years 1 & 2	2
1982	57	Years 1 to 5 (equiv.)	3
Trinity Gardens Primary School—			
1979	33	Years 1 & 2	2
1980	37	Years 1 & 2	2
1981	34	Years 1 & 2	2
1982	27	Years 1 & 2	2

ETHNIC INFORMATION SERVICES

The Hon. C. J. SUMNER (on notice) asked the Minister of Local Government: What ethnic information services are currently funded by the State Government and specify the amount of funding for each such service in 1979, 1980 and 1981?

The Hon. C. M. HILL: The ethnic information services currently funded by the State Government are:

(1) The ethnic information service of the South Australian Ethnic Affairs Commission with offices at 25 Peel Street, Adelaide, 497 Lower North East Road, Felixstow, Wilson Street, Berri and 85 McDouall Stuart Avenue, Whyalla Stuart.

(2) The Woodville Council Ethnic Information Service.

(3) The Thebarton Council Ethnic Information Service.

The State Government also funds the Ethnic Communities Council, ANFE and FILEF through the Department for Community Welfare for welfare services which include an information component. The Ethnic Information Service of the South Australian Ethnic Affairs Commission is jointly funded by the Commonwealth on the following basis:

Year	Salaries plus Pay-roll tax 5%	Commonwealth Subsidy	Sharing Arrangement (per cent)
1979-80	46 143	60 000	100
1980-81	116 216	43 370.50	50
1 July-31 Dec. (81)	77 482		
1981-82	162 000 (est.)	76 000 (est.)	50

In addition in the financial years 1979-80 and 1980-81, an equal opportunities interpreter training scheme initiated by the Public Service Board placed six officers in the then Ethnic Affairs Branch at a cost of $38 656.81, two-thirds of which is estimated to have gone in on-the-job training of the six officers for ethnic information duties. In 1981-82 two information services received grants from the Local Government Assistance Fund:

	$
Woodville Information Service c/o Woodville Council	38 830
Thebarton Information Service c/o Thebarton Council	12 000

The Woodville service resulted from the amalgamation of two other services, the Kilkenny Migrant Action Committee and the Italian Catholic Federation of Seaton, through an arrangement by which the Woodville council provides supervisory and administrative support and accommodation for the service.

The information service of the Thebarton council was previously run by the Thebarton Residents Association. Funding for these services from the Local Government Assistance Fund is as follows:

Year	Service	Amount
1979-80	Kilkenny Migrant Action Committee (Jan.-June 1980 only)	21 200
	Italian Catholic Federation	14 300
	Thebarton Residents Assoc.	7 800
1980-81	Kilkenny Migrant Action Committee	20 000
	Italian Catholic Federation	15 300
	Woodville council	10 000
1981-82	Woodville council	38 830
	Thebarton council	12 000

ETHNIC AFFAIRS COMMISSION

The Hon. C. J. SUMNER (on notice) asked the Minister of Local Government:

1. How many interpreters and translators are employed for the current year and were employed for the years 1979, 1980 and 1981 by the Ethnic Affairs Commission, where are the personnel located and what languages are covered?

2. How are such services funded?

The Hon. C. M. HILL: The replies are as follows:

1. The number of interpreters and translators employed by the Ethnic Affairs Commission are as follows:

1979	6
1980	8
1981	10
1982	11

They are located at 23 Peel Street, Adelaide and at the Royal Adelaide Hospital and Queen Elizabeth Hospital. Languages covered are: Greek, Italian, Polish, Vietnamese, Mandarin, Cantonese, Chiu Chau, Lithuanian, Russian, Ukrainian, Serbo/Croatian, Spanish, French.

2. Services in the courts are State Government funded. However, the services in the health area are jointly funded between the Commonwealth and State Government.

RADIATION PROTECTION AND CONTROL BILL

Received from the House of Assembly and read a first time.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

As the explanation of the Bill is lengthy, I seek leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The purpose of this Bill is to provide for the public of South Australia to be protected from the potentially harmful effects of ionising and non-ionising radiation-related activities, while allowing those activities which provide positive net benefits to the community to continue.

The Bill is designed to ensure that high standards of radiation protection are adopted in all radiation-related activities, and that these activities are carried out in such a manner that exposure of persons to ionising radiation is kept as low as reasonably achievable.

Ionising radiation is a fact of life—it emanates from natural sources, and can be produced artificially. Radiation from natural sources pervades the environment—it reaches the earth from outer space, and is present in many natural substances, e.g. rocks, soil, food, water and air. Everybody is exposed to natural radiation to a greater or lesser extent, and for the majority of people radiation of natural origin is the major source of exposure.

Ionising radiation of artificial origin has been used since the beginning of the century. It is important in the development of medicine, other sciences and industry. Probably, the X-ray units used in hospitals and clinics are the most widely known artificial sources of radiation. They are employed for a wide variety of diagnostic procedures, from simple chest radiography to complicated, dynamic studies of the heart. Radionuclides are also administered to patients for investigative purposes, such as brain and bone scans. In addition, radiation is used therapeutically, for example, by irradiation of malignant tissue in treatment of cancer. Radiation in medicine can thus offer enormous direct benefit to patients.

In the industrial area, radiation of artificial origin is widely used, primarily for process and quality control. For example, in the manufacture of automotive components, such as brake calipers, where driver and other road-user safety is dependent upon the integrity of the casting, the use of X-rays is the best means of detecting flaws to ensure product safety. Another example of industrial application is the use of radiation to measure moisture and density in road foundations during road construction and in sealed road surfaces.

This procedure, which was introduced into South Australia in the early 1960s by the Highways Department, enables measurements which previously took two days and involved destruction of road surfaces to be carried out in a matter of minutes using this non-invasive technique. The economic, operational and safety benefits flowing from the use of radiation are, thus, particularly evident in this area. In the scientific area, radiation of artificial origin is often an essential research or analytical tool, and again the community stands to benefit from the results of such research.

In summary, then, the use of radiation contributes to human well-being. Ionising radiation is, however, inherently harmful to humans, and persons must be protected from unnecessary or excessive exposure. The controls imposed and their stringency are matters for judgment by society. As the National Radiological Protection Board of the United Kingdom puts it, in its publication *Living with Radiation*:

> The radiation effects of greatest concern are malignant diseases in exposed persons and inherited defects in their descendants. The risk of such effects is related to the dose of radiation that persons receive. Risk factors can be estimated: these measure the probability of human costs, which should be balanced against the benefits of practices that cause exposure.
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> Where the balance lies is a matter for representative institutions, since society must bear the costs. Radiological organisations may make recommendations, but it is for Governments to decide on the acceptability of a practice and the degree of protection to be enforced.

Approaches to radiation protection are, in fact, remarkably consistent throughout the world. This is largely due to the International Commission on Radiological Protection (ICRP), an autonomous scientific organisation which has published recommendations for protection against ionising radiation for over half a century.

The present scheme of radiological protection is based on a system of dose limitation recommended by the ICRP, the three central requirements of which are as follows:

1. No practice shall be adopted unless its introduction produces a positive net benefit.
2. All exposures shall be kept as low as reasonably achievable, economic and social factors being taken into account.
3. The dose to individuals shall not exceed the limits recommended for the appropriate circumstances.

In Australia, the ICRP recommendations have been adopted by the National Health and Medical Research Council. The Government endorses the ICRP recommended system of dose limitation. It proposes through the legislation before you today to introduce a comprehensive set of controls which embody the ICRP principles. The second principle (the ALARA principle) is of such importance in achieving the best possible protection and control that the legislation seeks to ensure that both those administering it and the users of radiation abide by it. The dose limits will be prescribed by regulation. The Bill has been framed taking account of the foundations of the past, recognising the requirements of the present and providing the flexibility to adapt to the needs of the future.

As honourable members would be aware, the State's present radiation controls are embodied in Part IXB of the Health Act, 1935-1981 and the Radioactive Substances and Irradiating Apparatus Regulations made pursuant to the Act. That legislation was introduced in 1956, following agreement by all States to pass similar legislation, which was aimed at protecting users, workers and others from the potentially harmful effects of ionising radiation.

The legislation was appropriate at the time and served well in the circumstances. However, it could not have been

expected to deal with advances in technology and other developments which have occurred in almost three decades since its introduction.

A number of the other States have also recognised the need for review of the legislation of the 1950s and have moved to update their statutes. The approaches taken vary across the States—there are statutes dealing with standards and procedures in relation to medical, industrial and scientific uses of radiation; separate statutes in some instances dealing specifically with the practice of radiography; and separate Statutes again dealing with radiation standards and procedures in relation to uranium mining and milling.

The Government recognised the need for this State's legislation to be updated. It considered that the matter of protection of the public from the potentially harmful effects of radiation-related activities was so important as to warrant its being covered by a specific piece of legislation, rather than being dealt with through general public health laws.

Furthermore, the Government considered that the legislation should reflect the fact that when it comes to radiation protection and control, the same standards have to be applied and observed across all areas involved with radiation, whether they be medical, research, scientific, industrial, mining, or milling.

The Bill before you today thus provides a comprehensive approach to radiation protection and control. It will replace the existing Health Act controls. It will enable updated controls on human diagnostic radiography to be implemented. Controls on other medical uses, on scientific, industrial and research uses will come within its ambit. Controls on non-ionising radiation may be implemented through this Bill. It will be the vehicle for adoption of Commonwealth Codes of Practice on Radiation Protection in relation to uranium mining and related activities. I shall elaborate further on these aspects in due course, when explaining the provisions of the Bill.

I should point out that one area which the legislation specifically excludes is the conversion and enrichment of uranium. Such operations are prohibited until proper controls are in place. I should stress at the outset that this Bill is essentially enabling legislation. Radiation protection is a highly complex and specialised field. Any legislation which seeks to ensure that a high standard of protection is adopted in all uses of radiation will not only reflect that complexity but will also need to provide flexibility so that it is capable of embodying the most up-to-date standards and principles. This need was, in fact, recognised recently in the Report of the Select Committee of the Legislative Council on Uranium Resources. The legislation therefore provides for the detailed controls to be implemented by regulation. In other words, the Bill provides the framework, the foundation upon which a detailed system of controls can be constructed.

Turning to the main features of the legislation, honourable members will note that the South Australian Health Commission is to have general administration of the measure. (The commission, of course, has the administration of the existing radiation controls under the Health Act). The Government believes that the commission should be in a position to draw on outside expertise to assist in the formulation of regulations, the granting of licences and the imposition of conditions on various activities under the legislation. The legislation therefore provides for the establishment of an expert, technical committee called the Radiation Protection Committee.

The committee will be a nine-member body, whose Chairman will be a member, officer or employee of the commission. The other eight members are to possess expertise in the various sciences and fields relevant to radiation protection. It is intended that members will possess not only technical expertise but also practical experience in their particular fields. The Government intends that the controls imposed by the legislation be strict, but realistic, and believes that the practical experience of committee members will assist in achieving this aim.

The commission is required, before granting a licence, to refer the application to the committee for its advice and to give due consideration to that advice. The same procedure is to apply in relation to determination of the conditions that should be included in a prescribed mining tenement. I shall elaborate on licences and prescribed mining tenements in due course.

Taking into account, on the one hand, the diversity and volume of matters which will come before the committee, and, on the other hand, the need for the committee to remain a workable size, the legislation provides for the establishment of expert subcommittees to which the principal committee may refer various matters. The legislation requires that subcommittees be established in four defined areas; others may be established if the need arises.

The four mandatory commitees will be established in the following areas—diagnostic and therapeutic uses of radiation; industrial and scientific uses of radiation; management and disposal of radioactive waste; and the mining and milling of radioactive ores. These committees will include 'core' membership of relevant members of the principal committee, and may include other persons with appropriate expertise.

Turning to other major provisions in the Bill, honourable members will note clause 23 in relation to prescribed mining tenements, that is, licences or leases under the Mining Act where the operations carried on are for the purpose of mining for radioactive ores, being ores or minerals containing prescribed concentrations of uranium or thorium. Under this clause, the Minister responsible for the administration of the Mining Act is required to ensure that the Minister under this measure, i.e., the Minister of Health, is advised of every prescribed mining tenement and every application for such a tenement. The Minister of Health, after obtaining and considering a report from the Health Commission, may determine in consultation with the Minister of Mines what conditions should be included in the prescribed mining tenement.

Breaches of, or non-compliance with, conditions of a tenement will attract a penalty of up to $50 000 or imprisonment for five years, or both. In addition, continuing offences will attract an additional penalty. There is provision for the Minister of Mines, at the request of the Minister of Health, to suspend or cancel a prescribed mining tenement upon being satisfied that the holder of the tenement has contravened a condition of the tenement or has been convicted of an offence against the Act. There is a right of appeal to the Supreme Court against such suspension or cancellation.

The Government has consistently maintained that it will insist on maximum protection for the health and safety of workers and others in relation to uranium mining activities. This Bill demonstrates the Government's commitment. This Bill will be the mechanism by which the Government will implement the codes laid down under the Commonwealth's Environment Protection (Nuclear Codes) Act, 1978. As honourable members would be aware, the Commonwealth law was introduced following the Ranger Uranium Environmental Inquiry, and is designed to enable the formulation, in conjunction with the States, of codes of practice aimed at protecting the health and safety of the people of Australia and the environment from possible harmful effects associated with nuclear activities.

To date, a Code of Practice on Radiation Protection in the Mining and Milling of Radioactive Ores has been developed and approved by the Governor-General. A Transport Code to cover the transport of radioactive materials is

awaiting approval. A Waste Management Code to cover the management of radioactive wastes from mining and milling operations has been developed and has been available for public comment.

Following the passage of this legislation, the Mining and Milling Code will be adopted. The legislation will enable adoption of other codes, both Australian and International. Where these codes vary, the most stringent exposure limits can be adopted. However, the Bill makes it clear that the Government does not intend to introduce numerical limits of exposure which are more stringent that the most stringent of the limits set out in those recognised Australian and international codes.

The Health Commission will be the body responsible for ultimately ensuring that all standards for radiation protection are met. Mines inspectors will be authorised officers for the purpose of the Act, and will be involved in routine, day-to-day surveillance. However, the Health Commission will set the standards, advise on their implementation and monitor and assess their effectiveness. In other words, it will maintain an independent, auditing role, which the Government believes to be essential in operations of this nature.

Turning to other initiatives in the Bill, honourable members will note the requirement for operations for the milling of radioactive ores, other than those carried on in pursuance of a prescribed mining tenement, to be licensed. Again, penalties for non-compliance of up to $50 000 or imprisonment for five years, or both, will apply. Pilot plant operations will come within the ambit of this provision. There is power to exempt operations of a prescribed class—this is likely to apply to small, laboratory scale operations, which will be covered by the requirements of clauses 25 and 26. Milling operations carried on in pursuance of a prescribed mining tenement will be subject to controls imposed under clause 23.

A licence to use or handle radioactive substances is maintained in this legislation. Emphasis is placed on the applicant having knowledge of the principles and practices of radiation protection in relation to activities proposed to be carried out. There is provision for classes of persons or substances to be excluded by regulation from the licensing requirement. The exact definition of these classes will be complex. It will generally apply to substances of very low radioactivity and situations of low potential hazard (for example, smoke detectors).

A new requirement is the registration of premises in which unsealed radioactive substances are handled or kept. Examples of such substances are radionuclides used in scientific investigations and in nuclear medicine procedures.

The safe handling of unsealed radioactive substances is dependent upon the design, construction and maintenance of adequate facilities, and the registration provision will allow the commission to ensure that unsealed substances will only be handled in an environment which provides appropriate safety. This provision will apply mainly to hospitals, universities, and research institutions.

Another new initiative is the registration of sealed radioactive sources. Before registering such sources the Health Commission will need to be satisfied that the source is appropriately constructed, contained, shielded, and installed. This provision will also enable the commission to maintain a register of such sources and to schedule periodic inspections. The sources likely to be excluded are those of very low activity or short half-life, and possibly stock held for sale.

Examples of sealed radioactive sources are those used in bore hole logging, a process used in mineral exploration whereby a probe containing a radioactive source is lowered and raised in a drill hole and information is gained about the properties of the surrounding formation. Other examples of such sources are those used in bin level indicators, that is, devices placed on closed containers to indicate whether the contents have reached preset levels.

Division II of the Bill provides the mechanism for a major revision of the controls applying to human diagnostic radiography. The controls applying in this area have been recognised as being inadequate for some time. The previous Minister of Health, the Hon. Peter Duncan, M.P., recognised the need for review and established a small working party to conduct the review. The working party reported to my colleague, the Minister of Health, who paid a tribute to them for their work. The general tenor of the report has been accepted. It was decided that its implementation should be seen in the context of comprehensive radiation protection measures, and the Bill enables this to be done.

While the legislation does not establish the formal board recommended by the working party for licensing of those practising human diagnostic radiography, it achieves the objective of providing input through the committee and subcommittee structure, into the regulatory and licensing processes by those expert in and concerned with X-ray use and control. At the same time, it maintains consistency with the Health Commission's overall responsibility for the administration of the Act.

The working party's recommendations are aimed at tightening the area considerably. Upgraded controls are envisaged, including abolition of the exempt category of user and introduction of requirements for applicants for licences to demonstrate sufficient skills. A scheme for limiting the area of operation of licensed operators according to their training and competence is contemplated. Another of the working party's recommendations is that irradiating apparatus should be registered only if it conforms to standards of acceptability, in order to protect both the operator and the patient.

It was noted that the working party cast a wide net in seeking submissions. Appendix A of the report indicates that professional associations and colleges in radiography, chiropractic, dentistry, medicine, veterinary science, and radiology made submissions, together with individuals having an interest in the subject. The working party commented specifically on the lack of conflict in the submissions it received, and that the consensus in fact accorded in most respects with the working party's own views.

Notwithstanding the apparent agreement on the proposals, the Government recognises that it will be the first major revision in this area for some considerable time. Careful consideration will need to be given to the timing of introduction of the various new controls, to ensure that they are phased in in a practical and reasonable manner. The Government therefore proposes that there will be extensive consultation with interested parties before new regulations are enacted.

Following the passage of the legislation, it is intended that the Radiation Protection Committee and subcommittees will be appointed. A working draft of regulations based on the working party's report will be made available to the committee and its diagnostic and therapeutic subcommittee for their consideration and as a basis for consultation with interested parties.

It should be noted that this Division of the Bill also provides for controls on non-ionising radiation apparatus of a prescribed class. This is a new initiative, as there are at present no controls over non-ionising radiation available to the Health Commission. In general, the risks posed by sources of non-ionising radiation are much less than those posed by ionising radiation. The Health Commission's first priority will therefore be to develop adequate controls over ionising radiation. However, taking into account advances in technology, it was considered desirable for the commission

to have the legislative base upon which to develop appropriate controls over non-ionising radiation. Specific high risk situations, e.g., use of high powered lasers, are areas to which the legislation is likely to apply in time.

Another important provision in the Bill is that dealing with dangerous or potentially dangerous situations. Extensive powers are provided to deal with such situations, in order to avoid, remove or alleviate the danger or potential danger.

Clause 40 provides wide-ranging regulation-making powers. Implementation of the various controls by way of regulation provides the flexibility which the Government regards as being essential to ensure that the most up-to-date standards for radiation protection can be applied.

The Government presents this Bill to you as the framework, the foundation upon which a detailed system of controls can be constructed. It is not the endpoint but the beginning of a process which will result in the establishment of comprehensive legislation.

The Government believes that this Bill is evidence of its commitment to ensuring that the public of this State is protected from the potentially harmful effect of ionising and non-ionising radiation-related activities, while allowing those activities which provide positive net benefits to the community to occur.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Under subclause (2) specified provisions of the measure may be brought into operation on subsequent days. Clause 3 provides for the repeal of Part IXB of the Health Act which presently provides for the making of regulations with respect to radioactive substances and irradiating apparatus. Clause 4 sets out the arrangement of the measure.

Clause 5 sets out definitions of terms used in the measure. These will be explained as they appear in subsequent clauses. Clause 6 provides that the measure is to bind the Crown. Subclause (2) is designed to make it clear that the obligations imposed by this Act are in addition to and do not limit obligations imposed under any other Act. Subclause (3) is designed to make it clear that the provisions of the measure do not limit or derogate from any civil remedy at law or in equity. Clause 7 provides that the South Australian Health Commission is to have the administration of the measure but shall be subject to direction by the Minister.

Clause 8 enables the Health Commission to delegate powers under the measure to a member of the commission or an officer or employee of the commission or any public servant. Clause 9 provides for the establishment of a committee to be known as the 'Radiation Protection Committee'. This committee is to consist of nine members. The chairman of the committee is to be a member or officer or employee of the Health Commission. The remaining eight members are to possess expertise in the various sciences and fields relevant to radiation protection. They are to comprise a radiologist, a radiographer who is an expert in human diagnostic radiography, an expert in the industrial uses of radiation, an expert in the scientific uses of radiation, an expert in the field of health physics, a medical practitioner who is an expert in the field of nuclear medicine, an expert in the mining and milling of radioactive ores and, finally, an expert in the field of environmental sciences.

Clause 10 provides for the terms and conditions of office as a member of the Radiation Protection Committee. Members are to be appointed for a term of office not exceeding three years and to be eligible for re-appointment. Provision is made for deputies for members. The usual provision is made for termination of, or removal from, office. Clause 11 provides that the committee is to have a quorum of five and to be presided over by the Chairman, or, in his absence, his deputy, or, in the absence of both, a person selected by the committee from amongst the members present. Decisions are to be made by a majority vote with the Chairman or other person presiding having a casting vote. Proper minutes are to be kept. Subject to the provisions of the measure, the committee is to determine its own procedures.

Clause 12 sets out the functions of the committee. They are to advise the Minister in relation to the formulation of regulations, to advise the Health Commission in relation to the conditions that should attach to prescribed mining tenements, to advise the commission in relation to the granting of licences, including the conditions of licences, and to investigate and report upon any other relevant matter at the request of the Minister or the commission or of its own motion. Clause 13 provides that the Health Commission may appoint a secretary to the committee and provide it with administrative assistance and facilities.

Clause 14 provides for the establishment of expert subcommittees of the committee. The clause requires subcommittees to be established in relation to four areas, namely, the diagnostic and therapeutic uses of radiation, the industrial and scientific uses of radiation, the management and disposal of radioactive waste, and the mining and milling of radioactive ores. The clause also provides for the establishment of further subcommittees if the need arises. Under the clause, a subcommittee may include, in addition to appropriate members of the principal committee, persons who are not members of that committee but who have any needed expertise.

Clause 15 requires any member of the commission, the committee or a subcommittee to disclose any interest that the person has in any matter arising for decision by that body and to refrain from taking part in any such decision. Clause 16 provides that the commission may appoint any officer or employee of the commission or a public servant to be an authorised officer. Persons who are mines inspectors under the Mines and Works Inspection Act, 1920-1978, are to be authorised officers *ex officio*. Authorised officers are to be issued with certificates of identification and, if requested to do so, to produce them when exercising their inspectorial powers.

Clause 17 confers upon authorised officers appropriate powers of entry, inspection, questioning and seizure. The power of entry is to be exercised only upon the authority of a warrant unless it is being exercised in relation to the business, operation or activity of a person who holds a licence, certificate of registration, prescribed mining tenement or other lease or licence authorising uranium mining or unless urgent action is required in the circumstances.

Clause 18 makes it an offence for an authorised officer to have, without the consent of the Minister, any proprietary or pecuniary interest in a business, or a corporation or trust that has an interest in a business that engages in an activity regulated by the measure. Clause 19 makes it an offence for a person, otherwise than in the course of the administration of the measure, to divulge or communicate information obtained in the administration of the measure. Clause 20 makes it an offence for a person to falsely represent that he is engaged in or associated with the administration of the measure.

Clause 21 protects members of the commission, the committee or a subcommittee and authorised officers from personal liability for an act done or omission made in good faith in the exercise or purported exercise of a power or duty under the measure. Any such liability is, under subclause (2), to lie against the Crown. Clause 22 requires the commission to furnish the Minister with an annual report upon the administration of the measure and provides for the report to be tabled in Parliament.

Clause 23 provides that the Minister, the commission and the committee shall, in performing powers, functions or duties under this Act, and any other person shall, in

carrying on any activity related to radioactive substances or ionizing radiation apparatus, endeavour to ensure that exposure of persons to ionizing radiation is kept as low as reasonably achievable, social and economic factors being taken into account. This is not to apply to exposure of a person while the person is undergoing radiotherapy.

Clause 24 requires the Minister responsible for the administration of the Mining Act, 1971-1978, to ensure that the Minister under this measure is advised of every prescribed mining tenement and every application for a prescribed mining tenement. 'Prescribed mining tenement' is defined under clause 5 as an exploration licence, mining lease, retention lease or miscellaneous purposes licence under the Mining Act where the operations pursuant to the tenement are carried on, or proposed to be carried on, in relation to radioactive ores. 'Radioactive ore' is defined by clause 5 as being ore or mineral containing more than the prescribed concentrations of uranium or thorium. These concentration levels are to be set by regulation. Under subclause (2) of clause 23, the Minister under this measure may, after obtaining and considering a report of the commission, determine in consultation with the Minister of Mines what conditions should attach to a prescribed mining tenement.

Any such conditions determined by the Minister in consultation with the Minister of Mines are to attach to the mining tenement upon the Minister giving the holder of the tenement notice in writing of the conditions. The Minister is authorised under the clause to vary or revoke such conditions or to impose further conditions in consultation with the Minister of Mines. Under the clause, any holder of a prescribed mining tenement who breaches or fails to comply with a condition included in the tenement pursuant to this clause is to be guilty of a minor indictable offence.

Clause 25 requires a person who carries on an operation for the milling of radioactive ores to hold a licence under the clause. Subclause (2) excludes from that requirement any operation carried on in pursuance of a prescribed mining tenement, or any employees of a person who holds a licence under the clause or any operation prescribed by regulation. The commission is not to grant a licence under the clause unless it is satisfied that the operation proposed would comply with the regulations. A licence under the clause may be made subject to conditions determined by the commission. Any contravention of the clause is to be a minor indictable offence.

Clause 26 provides that no limits of exposure to ionizing radiation are to be fixed under the measure by regulations or conditions in relation to mining or milling operations that are more stingent than the most stringent such limits for the time being fixed in a code, standard or recommendation approved or published under the Environment Protection (Nuclear Codes) Act 1978 of the Commonwealth, or any other Act or law of the Commonwealth, or by the National Health and Medical Research Council, the International Commission on Radiological Protection, or the International Atomic Energy Agency.

Clause 27 provides that it shall be a minor indictable offence if a person carries on an operation for the conversion or enrichment of uranium. The clause provides that this provision is to expire on a date to be fixed by proclamation and that no such proclamation is to be made unless the Governor is satisfied that proper provision has been made for the control of operations for the conversion or enrichment of uranium.

Clause 28 requires every natural person who uses or handles a radioactive substance to hold a licence under the clause. A 'radioactive substance' is defined by clause 5 as being, in effect, any substance or article that contains a radioactive element. Subclause (2) provides that this licensing requirement is not to apply to persons who use or handle radioactive substances only in the course of an operation authorised by a prescribed mining tenement or a licence under clause 24 where the substances used or handled are those recovered or milled in the operation. The subclause also provides for classes of persons or substances to be excluded from the licensing requirement by regulation. The commission is required to grant a licence under the clause only if it is satisfied that the person is fit and proper and has appropriate knowledge of radiation protection principles and practices. Licences under the clause may be made subject to conditions determined by the commission. The clause makes provision for the granting of temporary licences which may operate for a period not exceeding three months.

Clause 29 requires that any premises in which an unsealed radioactive substance is kept or handled must be registered. An 'unsealed radioactive substance' is defined by clause 5 as being a radioactive substance that is not a sealed radioactive source. A 'sealed radioactive source' is defined as a radioactive substance that is bonded within metals or sealed in a capsule in such a way as to minimise the possibility of escape or dispersion of the substance and to allow the emission of ionizing radiation as required. This clause provides for the same exceptions as are provided for by clause 25. The commission must before registering any premises under this section be satisfied that the premises comply with the regulations. Registration may be granted subject to conditions determined by the commission.

Clause 30 provides for the registration of sealed radioactive sources. A sealed radioactive source is to be registered by its owner. Such registration is not to be granted by the commission unless the commission is satisfied that the source has been constructed, contained, shielded and installed in accordance with the regulations. Where the commission refuses to register a source, the source may be forfeited to the Crown by notice in writing issued by the commission. Registration may be granted subject to conditions determined by the commission.

Clause 31 provides for the licensing of persons who operate certain radiation apparatus. This licensing requirement is to apply to all ionizing radiation apparatus unless an exception is prescribed by regulation. The requirement is to apply to non-ionizing radiation apparatus of a class prescribed by regulation. 'Ionizing radiation apparatus' is defined by clause 5 as being apparatus capable of producing ionizing radiation by the acceleration of atomic particles, the most common example of such apparatus being an X-ray machine. 'Non-ionizing radiation apparatus' is defined as apparatus capable of producing non-ionizing radiation but not ionizing radiation. An example of such apparatus to which this licensing requirement may be applied is laser apparatus. The commission is, under this clause, to grant a licence to operate such apparatus only if the commission is satisfied that the applicant is fit and proper and has either appropriate qualifications prescribed by regulation or appropriate knowledge of the principles and practices of radiation protection. A licence under this clause may be made subject to conditions determined by the commission. The commission is empowered by this clause to grant a temporary licence for a period not exceeding three months.

Clause 32 provides for the registration of certain radiation apparatus. This requirement is to apply to any ionizing radiation apparatus unless it is excepted by regulation and to non-ionizing radiation apparatus of a class prescribed by regulation. The commission is not to grant registration unless the apparatus in question is constructed, shielded and installed in accordance with the regulations. Where the commission refuses to register apparatus, the apparatus may be forfeited to the Crown by notice in writing issued by

the commission. Registration under this section may be granted subject to conditions determined by the commission.

Clause 33 provides that it shall be an offence if the registered owner of any radiation apparatus causes, suffers or permits the apparatus to be operated by a person who is required to be but is not licensed under clause 28. Clause 34 empowers the commission, before determining an application for a licence or registration, to require the applicant to furnish further information.

Clause 35 requires the commission, before granting a licence (not being a temporary licence) to refer the application to the committee for its advice and give due consideration to the advice of the committee. The same procedure is to apply in the case of the determination of the conditions that should attach to a prescribed mining tenement other than an exploration licence. Clause 36 provides that conditions of licences or registration may be imposed by notice in writing to the holder of the licence or registration. The conditions may be varied or revoked, or further conditions may be imposed, in the same manner.

Clause 37 provides for the term of licences and registration and for their renewal. Clause 38 requires the commission to keep a register of licences and registrations and to make the register available for public inspection.

Clause 39 empowers the Minister of Mines, at the request of the Minister of Health, to suspend or cancel a prescribed mining tenement if the Minister of Mines is satisfied that the holder of the tenement has contravened a condition attaching to the tenement pursuant to the measure or has been convicted of an offence against the measure.

Clause 40 provides that a licence or registration may be surrendered. The clause empowers the commission to suspend or cancel a licence or registration if the commission is satisfied that the grant of the licence or registration was obtained improperly, that the holder has contravened a condition of the licence or registration or been convicted of an offence against this measure, or that the holder of a licence has ceased to hold a qualification upon the basis of which the commission granted the licence.

Clause 41 provides that the Supreme Court may review a decision of the Minister by virtue of which a condition is attached to a prescribed mining tenement, a decision of the Minister of Mines suspending or cancelling a prescribed mining tenement, or any decision of the commission in relation to a licence or registration.

Clause 42 authorises directions to be given and action to be taken to avoid, remove or alleviate any danger or potential danger involving exposure of persons to excessive radiation or contamination of any person or place by radioactive substances. The directions may be given, or action taken, by the commission, or with the prior approval of the commission, by an authorised officer, member of the Police Force or other person appointed for the purpose by the commission with the approval of the Minister. An authorised officer may exercise this power without prior approval in the circumstances of any imminent danger. Hindering a person in the exercise of such power or contravening a direction is to be a minor indictable offence. The clause also authorises the commission to recover costs and expenses incurred by it in taking action under the clause.

Clause 43 provides for the making of regulations. The regulations may, under subclause (4), incorporate standards and codes prescribed by other bodies, in particular, codes prescribed under the Commonwealth Environment Protection (Nuclear Codes) Act, 1978. Clause 44 empowers the commission to grant exemptions if it is satisfied that the activity authorised by the exemption would not endanger the health or safety of any person. Clause 45 provides that it shall be an offence to furnish information for the purposes of this measure which is false or misleading in a material particular.

Clause 46 provides that contravention of, or failure to comply with, a provision of the measure or the regulations is to constitute an offence. Offences are to be summary offences unless declared to be minor indictable offences. The penalty for a minor indictable offence is, under subclause (3), to be a fine not exceeding $50 000, or imprisonment for five years, or both. The penalty for a summary offence is, under subclause (4), to be a fine not exceeding $10 000.

Clause 47 provides that, where a body corporate is guilty of an offence against the measure, every member of the governing body of the body corporate shall be guilty of an offence unless he proves that he could not by reasonable diligence have prevented the commission of the offence. Clause 48 provides for an additional penalty for continuing offences. Clause 49 is an evidentiary provision. Clause 50 provides for the service of documents.

The Hon. J. R. CORNWALL secured the adjournment of the debate.

HENLEY AND GRANGE BY-LAW: VEHICLE MOVEMENT

Order of the Day, Private Business, No. 2: Hon. J. A. Carnie to move:

That Corporation of Henley and Grange by-law No. 7 in respect of vehicle movement, made on 19 November 1981 and laid on the table of this Council on 1 December 1981, be disallowed.

The Hon. J. A. CARNIE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

PETROL RATIONING

Adjourned debate on the motion of the Hon. G. L. Bruce:

1. That a Select Committee be appointed to inquire into and report on the following and related matters—
   (a) The system of petrol rationing implemented by the Government during periods of threatened petrol shortages with particular reference to—
      (i) the effectiveness of the system of allowing motorists with odd and even number motor vehicle registration to obtain petrol on alternate days;
      (ii) its effect on employment and loss of income by employees including casuals;
      (iii) the readiness and ability of Government departments to organise for the implementation of petrol rationing; and
      (iv) contingency plans for any future shortage of petrol supplies.
   (b) Allegations reported in the *Sunday Mail* of 27 September 1981 that the refusal of most oil companies to grant credit facilities to privately owned service stations means tha much of this State's petrol shortage facilities are being under utilised, thus requiring rationing to be imposed earlier than would otherwise be necessary.
2. That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairman of the Select Committee to have a deliberative vote only.
3. That this Council permit the Select Committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the council.

(Continued from 24 February. Page 3061.)

The Hon. M. B. DAWKINS: I rise to oppose this motion to establish a Select Committee.

Members interjecting:

The PRESIDENT: Order!

The Hon. M. B. DAWKINS: I am sorry to oppose the Hon. Mr Bruce's motion, since I have special regard for him as a fair, reasonable and moderate member of the Opposition. I hope that that is not a kiss of death for him.

Members interjecting:

The PRESIDENT: Order!

The Hon. M. B. DAWKINS: Nevertheless, I cannot see what possible use such a Select Committee would be or what it would achieve in a situation which in the past has been of limited duration. When fuel rationing occurs at present, it is essentially a temporary measure which is used as a holding operation for a brief period. If that brief period becomes extended, Parliament can meet and deal with the situation, and that has happened. It can deal with the situation which, in those circumstances, would obtain.

I would not wish to denigrate the seriousness of such an eventuality, but it can be dealt with by Parliament, and that has been proved in the past. Setting up a Select Committee to deal with this short-term matter is somewhat like using a sledge hammer to crack a nut. If my memory serves me correctly, the Labor Government in New South Wales and the former Labor Governemnt in this state, have had to deal with the problem and have never, to my knowledge, sought to use a Select committee for this purpose. No-one would deny that the present temporary measures used in this and other States do leave something to be desired, but the need for a committee to deal with what from time to time unfortunately becomes necessary on a short-term basis is contested, and I oppose the motion.

The Hon. N. K. FOSTER: I support the motion, which was well thought out. There is nothing involved in it in a Parliamentary or legislative sense. It is a measure that ought to be taken to simplify the matter on the basis of equity to all, and to provide an understanding of the position by any Government of whatever political persuasion, if it finds itself in a situation that is out of control. I refer to the carriage of legislation which we have seen in the past seeking to cut disputes and which is not much use when State Parliaments have no jurisdiction embracing matters settled within the Australian Arbitration system rather than a State arbitration system. The State Government is restricted to the type of legislationn that can apply in a real and proper sense, or in an area that can bear real influence.

The legislation seems to split hairs and seems to come down on the side of blaming a section of the work force which impinges on the ability of the Government to carry out an equitable distribution and rationing system as on the last occasion. For that reason I support the motion. The Government found itself in some awkward situations in respect of the last stoppage because the resellers were not happy about it at all. I recall prior to that when the resellers decided to jack up and the Minister of Community Welfare bent over backwards at the weekend to ensure that he had a solution when Cabinet met on Monday. The Select Committee could take evidence from a broad section of the transport and tanker sector of the community. The Government showed its stupidity in withholding a vital tanker for some time. The indiscretions of the Minister towards the union were uncalled for and provocative; they contributed to the hardship. People were stood down, wages suppressed and living standards affected as a result of that action. Surely we cannot expect a limited number of members of the community to carry the can.

In many cases there is more than one car per family; I believe the average is about three. Some families have odd and even number cars and can fill up on alternative days thereby building up their petrol supply. The Minister reduced the number of litres that could be stored by a normal family household. At that time I found I had no petrol and decided to look at the map. I found that I could get petrol at any hour of the day or night in the electorate of the Minister of Mines and Energy. I went out to Gumeracha, filled up and continued for another week. When the Minister draws a map around his own electorate to ensure that no-one in his area suffers or is embarrassed by the process, he ought to be responsible. I urge that such a committee be set up to ensure that in such cases a similar situation will be attended to on an equitable basis.

The Hon. G. L. BRUCE: I thank honourable members who have taken the time to study the motion and reply to it. I am very disappointed with the attitude of the Government to the proposal I had put up. As I understand it, it has not agreed to one Select Committee on contentious issues since I have been in Parliament;

The Hon. K. T. Griffin: What about uranium?

The Hon. G. L. BRUCE: The Government was forced into that. There has been no willing agreement by the Government to sit on a Select Committee on any contentious issue. I have sat on local government committees which are not contentious. I have been on the random breath testing committee which was of great benefit to the people of South Australia. I thought that that was what the Parliament was here for: to try to get the best legislation for the people in this State. I am concerned that the Select Committee system should work, as I believe it is the role of the Upper House to investigate such matters.

I have listened with great interest to the Leader of the Government. It amazes me that he says we are virtually to the stage of having marvellously organised petrol rationing implementation but no information was made available to the Parliament for the people at large until such a resolution as this was moved. The information was not forthcoming. The other matter of concern is that outside committees are giving advice to the Government but it does not seem to realise that such committees have a vested interest in this area. The layman potential in this Council can be utilised to look at all matters and arrive at a decision which reflects the views of the people of this State. We are ordinary laymen and we know what we want when petrol is rationed. We do not expect to line up in a queue for six hours. We do not expect to see the confusion that reigned when petrol rationing was on. We expect to see orderly marketing of the petrol supplies.

I asked questions on the odds and evens system. The review undertaken was on what happened last year. I believe that a greater volume of petrol was sold on the odds and evens days than before. The Government brought in petrol rationing but I know for a fact that in some classes of industry called 'essential services' the boss called employees together and asked them how much petrol they wanted. He was offering petrol to people who did not even use cars to come to work. It was available for anyone to get it.

The Hon. L. H. Davis: The Select Committee will not stop that.

The Hon. G. L. BRUCE: I know, but it should be looked at. We can never stop the person who is doing the wrong thing. The Attorney-General said that we are only duplicating what is already happening. However, I believe we can find loopholes which the professionals and experts in their own little world of empire building cannot see. A Select Committee would bring in recommendations for the benefit of the people of South Australia as a whole. The Attorney-General in his reply stated:

> I think it is important that he [being me] and other members of the Council recognise that some of these reports are inaccurate, some distorted and some exaggerated.

The only thing we have to go on is the press. I cannot believe other than what is printed. If I see reports of individuals saying they have had a six-hour wait or that they had to line up three or four blocks from the Motor Vehicles Department, I can only believe what I read. I raised the situation where somebody in the press said that there was ample for the facilities of service stations to be full.

That matter was skated over briefly by the Attorney-General in his reply. I believe that there should be some credit facilities provided so that all those service stations are topped up all the time. I raise the point that the rationing might last a week or fortnight but some people might still not sell all their petrol. However, it is said that they will get their money back after the petrol rationing ceases because it is some days before other stations get petrol into their bowsers. That is not true because those stations work for 24 hours a day and one day after rationing was lifted everybody was selling petrol again. The chap who could not sell his petrol when the freeze was on is then in trouble, because he had to pay the companies for the petrol supplied. I do not believe we are asking too much of the Government when we ask for a Select Committee into this matter. I believe it is the role of this Government to introduce better legislation and to implement it smoothly so that, when chaos and disruption of an industry occurs of the magnitude that petrol rationing caused, the matter can be dealt with.

The Hon. C. J. Sumner: The Government has not supported one Select Committee put forward by the Opposition since it came into power in September 1979.

The Hon. G. L. BRUCE: I would go further and say that it has not supported one contentious Select Committee. The only way we managed to elicit this information from the Attorney, and so flushed the rabbit from the burrow, was by introducing this Bill. This is a deplorable situation, that six months down the road from the last petrol rationing it takes a Bill like this to find that the Government has something in the pipeline—'No worries chaps, we will see it is all right.' I am firmly convinced that the chaotic situation that arose last time petrol rationing was on will be just as bad next time. I ask the Council to support the formation of a Select Committee into this matter. I believe that that is a role that this Council can fulfil rather than just being a rubber stamp for the other House. Let us show our role by putting legislation to the people of South Australia. I urge support for the Select Committee.

The Council divided on the motion:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce (teller), B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (11)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Motion thus negatived.

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

Adjourned debate on second reading.

(Continued from 24 February. Page 3062.)

The Hon. C. M. HILL (Minister of Local Government): I oppose this Bill, not because I oppose the concept of pecuniary interests legislation—

The Hon. C. J. Sumner: You want to bring in your own Bill.

The Hon. C. M. HILL: That is true, and I was about to say that, if the honourable member will hold his anxiety for a moment. The situation is, as honourable members know, that the Government has given notice in another place that it will be introducing a Bill dealing with pecuniary interests today, so this Chamber will ultimately have an opportunity, if it so desires, to support an alternative to that which is involved in the private member's Bill before us. There is a major difference between the two measures and I think it is proper that that difference should be explained.

The Hon. Mr Sumner's Bill seeks complete public disclosure of members' pecuniary interests. In other words, even a member of the public could come into the Parliament and take a list of all members' pecuniary interests, and not only the members' pecuniary interests but the pecuniary interests of their spouses and of members of their families living with them at home. Of course, that could be used for quite cheap and vindictive political purposes.

The Hon. J. E. Dunford: In the wrong hands it could affect a man's credit rating.

The Hon. C. M. HILL: It might well become involved with that kind of thing. We might well have every credit officer in this town coming into Parliament seeking the particular information for that very purpose.

The Hon. J. E. Dunford: Is that contained in this Bill?

The Hon. C. M. HILL: It is contained in Mr Sumner's Bill. Not only can a member of Parliament obtain information from the register, but a member of the public can, also.

The Hon. C. J. Sumner: What is wrong with that?

The Hon. C. M. HILL: Every credit officer in Adelaide could walk in and get that information. However, the Hon. Mr Sumner is not satisfied with that but insists also that the lists be laid on the table and printed at Government expense so that credit officers would not even have to come down and make pencil notes of the figures but could come down and get a Parliamentary paper showing the figures which had been printed at government expense. That is not the purpose of pecuniary interests legislation at all. The real purpose of—

The Hon. J. E. Dunford: What you are saying is correct. It even applies to what your children have in the bank.

The Hon. C. M. HILL: Provided that they live at home, a member would have to disclose the wealth in a child's bank account.

The Hon. C. J. Sumner: Wrong.

The Hon. C. M. HILL: Well, let us look at the Bill. I am referring to clause 5.

The Hon. C. J. Sumner: You are wrong. You only have to disclose the income sources. You do not have to disclose the amounts.

The Hon. C. M. HILL: A member must disclose interests in real property, interests in trusts, bodies and any other sources of income.

The Hon. C. J. Sumner: You do not have to disclose the number of shares or their value. The Bill refers to income sources.

The Hon. C. M. HILL: And interests.

The Hon. C. J. Sumner: It refers to shareholdings and that sort of thing, but it does not refer to monetary value.

The Hon. J. E. Dunford: I can understand why you are hostile—you have misinterpreted the Bill.

The Hon. C. M. HILL: I have not misinterpreted the Bill.

The Hon. C. J. Sumner: He might vote for the Bill now.

The Hon. C. M. HILL: No. It is all contained in clause 5. My argument still holds good. The Hon. Mr Sumner's

Bill provides that the information disclosed to the registrar will become public property for any purpose whatsoever. The real intention of pecuniary interests legislation is to provide information within Parliament to be used by Parliamentarians, so that members may examine the pecuniary interests of another member in relation to any debate before the Council. In my view it is quite proper that information on pecuniary interests of all members should be lodged with the Presiding Officers; that is the intention of the Government's Bill. If a member feels that another member has a pecuniary interest in a measure being debated before the Council, he can obtain that information from the Presiding Officer and ascertain the true position.

On the other hand, if any member makes a disclosure of a pecuniary interest relative to a matter before the Council, another member can check the list to see whether or not the figures placed on the list by the member making the disclosure tally with the figures disclosed during debate or in public. The Government's legislation achieves that purpose. However, that purpose is not achieved in the Hon. Mr Sumner's very wide approach; his Bill allows the list to be made available to all and sundry. It is not a question of anyone wanting to hide anything.

The Hon. C. J. Sumner: Not much!

The Hon. C. M. HILL: No, it is not. The Hon. Mr Sumner is on very shaky ground when he takes that attitude. During my time in Parliament I have been asked on two occasions to make my pecuniary interests totally public, and I have done it. When I was a shadow Minister the media approached all Ministers and shadow ministers of the day and asked them to release details of their pecuniary interests. The Labor Ministers refused to comply with that request.

The Hon. B. A. Chatterton: That's not true—I revealed mine.

The Hon. C. M. HILL: Some of the Labor Ministers did not. That night I watched the segment on television and I do not recall hearing anything about the Hon. Mr Chatterton's pecuniary interests.

The Hon. B. A. Chatterton: Three of us complied.

The Hon. C. M. HILL: But some did not. At least some members opposite are genuine in relation to this measure. To the best of my knowledge all members of the Liberal Party shadow Cabinet made full disclosures. Therefore, it is a waste of time for the Opposition to attempt to score cheap points in relation to this debate. We have a choice of voting for the Hon. Mr Sumner's Bill, which provides that a member's pecuniary interests be made public; or we can wait until the Government's Bill is introduced, which provides that the information is supplied to the Presiding Officers to be used for the proper purpose. I intend to vote against the Hon. Mr Sumner's Bill and, instead, support the Government legislation, which provides an alternative approach.

The Hon. C. J. SUMNER (Leader of the Opposition): The attitude displayed by honourable members opposite in relation to this Bill has been extremely disappointing. My Bill has been on the Notice Paper since October last year. However, it is only now, after 5 months, that Ministers in this Council have decided to respond to my Bill. Some Liberal back-benchers have made contributions—

The Hon. C. M. Hill: You've adjourned it.

The Hon. C. J. SUMNER: I am not concerned about who adjourned it.

The Hon. L. H. Davis: You did.

The Hon. C. J. SUMNER: I did not adjourn it at any stage—Liberal members adjourned it. I have not received any response to my Bill from members of the Government since it was introduced 5 months ago. I suppose it is coincidental that they have decided to respond on the same day that a similar Bill has been introduced in another place. The Government's response to my Bill virtually amounts to contempt for this Council. The Government did not take the issue seriously and, as I have said, did not bother to respond until today.

The response from Liberal back-benchers has been, to say the least, disappointing. They made no serious attempt to come to grips with the principal issues embodied in my Bill. The principal issue in my Bill is whether or not there ought to be public disclosures. Since 1978 Liberal members have consistently opposed and blocked legislation which would enable the public disclosure of financial interests held by members of Parliament. The Labor Party has maintained a clear position on this issue over many years. We believe in open and full public disclosure of pecuniary interests. Clearly, the battle lines are drawn.

The Liberal Party does not believe in open disclosure; it believes in a secret document. That document will be completely useless in terms of protecting the public. The Liberal Party opposed the Bill in 1978; it opposed another Bill introduced by the Labor Party in 1979; and it has opposed this private member's Bill which was introduced by the Labor Party in 1981. I find particularly disappointing the disjointed and backsliding reasons given by members opposite in their attempts to discredit this Bill in relation to its central question. They tried to dress up their criticism, but when I interjected and asked each one of them about their attitude towards public disclosure, I found that all Government members who contributed to the debate did not agree with public disclosure of financial interests—with the possible exception of the Hon. Mr Laidlaw, who was somewhat vague on the point.

As I pointed out by interjection many times during the debate, if Government members accepted the principle of public disclosure but were not happy with some aspects of the Bill they could move amendments in Committee. As everyone knows, that is a perfectly normal and proper procedure that is adopted.

The Hon. L. H. Davis: Are all Labor members happy with public disclosure?

The Hon. C. J. SUMNER: Yes.

The Hon. L. H. Davis: Then why didn't they make public disclosure?

The Hon. C. J. SUMNER: There is no law requiring them to do so at present. As soon as there is a law, public disclosure will be made. Let us make no mistake about it: Labor members support public disclosure and the principle of this Bill. However, Government members paraded a whole number of phoney excuses for not voting for the Bill. They put up a smoke screen to try to hide the fact that they are opposed to public disclosure of pecuniary interests. Finally, they have come out in the open and the battle lines are drawn. Government members want a secret document that will be of no interest to anyone, but Labor members want an open register.

The Hon. Dr Ritson raised a number of objections and referred to the Victorian experience. I am pleased that he did so, because in Victoria there is full public disclosure of the financial interests of members of Parliament. The declaration is made by the member to a registrar or an officer of the Parliament. That officer prepares a Parliamentary Paper, which is then tabled and available to members of the public and which can be published in the press. I had a copy of the *Age* of about three years ago in which the full interests of members in Victoria were disclosed.

The only qualification is that any report of the register of pecuniary interests in the press or anywhere else should be a fair and accurate report. In other words, it is not possible under the Victorian legislation for someone selec-

tively to pick out bits of a member's interest and use them in a scurrilous or an unfair way. That position is protected in Victoria.

If honourable members will agree to the principle of public disclosure, I am prepared to consider an amendment to the Bill along those lines. However, that issue should not cause the Bill to fail. If Government members support the proposition of public disclosure, they will vote for the second reading, and we may then consider some amendments. However, we now have the position quite clear on the record: Government members do not support public disclosure. They have opted for the secret register, which will be useless and a joke. It is a sop to public opinion in this area and, indeed, is a farcical and pointless exercise. Why?

The present situation, as you, Sir, know, is that there are in the Constitution Acts provisions dealing with contracts which members of Parliament may have with the Crown and which place certain restrictions on the sort of contracts into which members can enter with the Crown. In the Council's Standing Orders there is a provision that a member may not vote on a Bill in which he has a direct pecuniary interest. That is all right as far as it goes, but clearly—

The Hon. C. M. Hill: That's not right. Standing Order 225 doesn't say that.

The Hon. C. J. SUMNER: The Minister says that that Standing Order does not say that. If he accuses me of misrepresenting the situation, I will read the Standing Order, as follows:

> No member shall be entitled to vote upon any question in which he has a direct pecuniary interest—

They are exactly the words that I used.

The Hon. C. M. Hill: Go on.

The Hon. C. J. SUMNER: I will read on. I am interpolating at this stage to say that I used the exact words. The Standing Order continues:

> . . . not held in common with the rest of the subjects of the Crown, and the vote of any member so interested may, on motion, be disallowed by the Council; but this order shall not apply to motions or public Bills which involve questions of State policy.

That is an exception, but the general rule—

The Hon. L. H. Davis: The proviso is important.

The Hon. C. J. SUMNER: Of course it is.

The Hon. C. M. Hill: It's 95 per cent of it.

The Hon. C. J. SUMNER: I am pleased to see that the honourable member is supporting my proposition that Standing Orders, insofar as they go, are fair enough, but that they do not go far enough. It seems that that is what the Hon. Mr Hill is now suggesting. I was explaining that there are at present those provisions, namely, the Constitution Act and the Standing Orders of the Legislative Council, covering members of the Council, and, of course, the Standing Orders of another place covering the members of that place. Those provisions are not completely adequate, and the Government's proposal does not take the matter very much further. Its proposition is that members will provide a list to the President and the Speaker. However, who is able to control that list? Who will have any knowledge of it? The only persons who will have any knowledge of the list will be the Speaker and the President, and normally they are members of the Government Party.

The Hon. C. M. Hill: What are you going to say next?

The Hon. C. J. SUMNER: That is true: the President and the Speaker are members of the Government Party, and there will always be the suspicion that they are covering up on behalf of their Party colleagues.

The Hon. C. M. Hill: Please!

The Hon. C. J. SUMNER: There can be no doubt about it. How can anyone check the list? What we have is a secret list that is available only to the Speaker and the President.

The Hon. C. M. Hill: It's confidential.

The Hon. C. J. SUMNER: Yes, it is confidential; it is a secret list. Let us not beat about the bush. The Government proposes a secret register, and the Labor Party proposes open declaration of interests. However, the Labor proposition is the only one that can be satisfactory. If the register is secret and is provided to the Speaker and the President, what control is there over the accuracy of that list? There is none whatsoever. No member of the public knows about the list and, if the list is wrong, there is no way in which that inaccuracy can be brought to the attention of a member of the public or of a member of Parliament, because no member would know what was on the list. What sort of disclosure is that?

The Hon. C. M. Hill: This is just cheap politics. You've given yourself away by your remarks.

The Hon. C. J. SUMNER: That is nonsensical. There is public disclosure in the United Kingdom and in Victoria, which move was introduced and supported by a Liberal Government. There will be public disclosure in New South Wales following a referendum that was passed in that State last year by a majority of six to one. So, in two States in this country there is or will be open disclosure of pecuniary interests. That is also the position in the United Kingdom. Yet this State Government is not prepared to go along with that. Honourable members opposite are not game to make their financial interests public. The only conclusion one can come to is that they have something to hide.

Let us look at the defects of a secret register. First, only the President and the Speaker will know what is in it, so there is no control of the situation. Even if the Speaker and the President act completely *bona fide* and in the best interests of the community, there is always the suspicion that justice may not be done in that situation, as the President and the Speaker are normally members of the Government Party.

The Hon. K. T. Griffin: Who'll have the suspicion?

The Hon. C. J. SUMNER: It is a suspicion that will exist. Unless there is openness in this area there will be a suspicion. The proposal put forward by the Liberal Party may not be administered in a fair and above-board manner. Justice must not only be done, it must be seen to be done. This one area where that principle is quite clear.

The second problem (and I note the second reading explanation given in another place today) is that some access to this register may be available if a member of Parliament or his family has an interest relating to any specific matter before the Parliament. Anyone who thinks about that will see the defects for that proposition. Members of Parliament are not only concerned with Bills that come before Parliament. Members of the Government are very much concerned with a whole range of administrative decisions that do not get near to Parliament. How are their interests in matters going to be disclosed under this proposition?

If Ministers are making administrative decisions within their departments, that does not get to the Parliament. What access, then, is there to this secret register? There is none whatever. Members of Parliament make decisions in Party rooms. Members of Parliament are on all sorts of committees participating in the public arena. They are involved in the Party room, in committees, and in Government administration. In all such cases their pecuniary interests may influence their decisions.

Yet the proposition from the Government is that the access to this register is very limited access and would apply only in the case of Bills. That proposition is a farce: as if members of Parliament only make decisions or participate in the public arena when there are debates on Bills. If there is no public disclosure, what happens in internal

Party meetings; what happens in committees on which members of Parliament participate; what protection is there for the public against members of the Government who are making administrative decisions every day of the week? It is clear that the secret register is completely unsatisfactory in terms of protecting the public.

The Hon. J. A. Carnie: Have we shown that they need protection?

The Hon. C. J. SUMNER: The public certainly needs protection. About three years ago a series of land scandals in Victoria in which Liberal politicians were involved led to that State introducing legislation for public disclosure. What does the Hon. Mr Carnie want to do? He wants there to be a scandal and then for legislation to be introduced. That is idiotic, to say the least.

I come back to the principle enshrined in this Bill. I am prepared to consider any amendments, provided the principle of public disclosure is accepted. I treat the debate on the Bill as a vote on that principle. Those who oppose this Bill will be opting for the secret register which will be available to the President and the Speaker, with hardly any other access. Members who support this Bill will be voting for an open disclosure along lines similar to those which exist in the Victorian Parliament.

The Council divided on the second reading:

Ayes (10)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Noes (11)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Second reading thus negatived.

CORPORATION OF ADELAIDE BY-LAW: SIGNS

Order of the Day, Private Business, No. 13: Hon. J. A. Carnie to move:

That Corporation of Adelaide by-law No. 13 in respect of signs, made on 21 May 1981, and laid on the table of this Council on 2 June 1981, be disallowed.

The Hon. J. A. CARNIE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Children's Protection and Young Offenders Act, 1979-1980. Read a first time.

The Hon. K. T. GRIFFIN: I move:

That this Bill be now read a second time.

It contains sundry amendments that have largely arisen as a result of the Children's Court Advisory Committee's continuing role as monitor of the administration and operation of the Act. The import and effect of each amendment will be explained in the detailed explanation of the clauses of the Bill. I seek to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 defines 'alternative offence'. This new definition is required in relation to a later clause in the Bill that makes it clear that an adult court dealing with a young offender has jurisdiction to hear not only the offence for which the child was committed for trial, but also any other offence which is an alternative to that first-mentioned offence. For an offence to be an alternative offence, it must arise out of the same facts as the first offence, and must bear a lesser penalty.

Clause 3 excludes parking offences from the provisions of the Act that require certain offences to go through the screening panel process. Such offences, like other traffic offences, will therefore be dealt with by the Children's Court as a matter of course, and will not be able to be dealt with by a children's aid panel. Alternative offences within the meanining of the new definition must be excluded from this process as they are dealt with directly by the court of trial. Clause 4 formalises an existing practice whereby screening panels recommend that a child not be dealt with at all for an offence, and recommend that instead he be given a police warning. Clause 5 effects an amendment consequential upon clause 4.

Clause 6 effects a consequential amendment and also makes it absolutely clear that the screening process in no way derogates from the discretion of the police not to proceed against a child even where a screening panel has decided whether the child should go to court or be dealt with by a children's aid panel. Clause 7 enables a child who is remanded in custody in a remote country area to be detained in a police prison, or a police station or lock-up. In some areas there is no other place in which a person may be safely held, although normally a child is not to be held in a place where adult offenders may be detained. Clause 8 amends the section dealing with applications by the Attorney-General for a child to be tried in an adult court because of the seriousness of the offence, or because the child has repeatedly offended. The amendment makes it clear that copies of prosecution witnesses' statements are only to be made available to the child and his guardian for the purposes of the proceedings on the application if the court so directs.

Clause 9 is a consequential amendment. Clause 10 states that an adult court in dealing with a child has full power to try him, upon information, for the offence for which he was committed for trial, or for any alternative offence to that offence. The adult court is empowered to deal with the child for any offence of which he is found guilty by that court, e.g. for the offence of manslaughter where he was indicted for murder (an information is not required in such a case).

Clause 11 re-states the sentencing powers of an adult court in dealing with a child for homicide (other than murder), or pursuant to an application by the Attorney-General. If the court finds the child guilty of an alternative offence to the offence for which he was committed for trial, the court is only empowered to deal with him as a child, and not as an adult. Clause 12 enables a senior member of the Police Force to lay complaints for breaches of bonds, instead of the Commissioner of Police. An evidentiary provision is inserted to facilitate proof in relation to the laying of complaints for breaches of bonds. A court, in dealing with a breach of bond, is given the same wider powers as courts now have under the Offenders Probation Act. where a child is subject to a suspended sentence of detention, the court may refrain from revoking the suspension if it is satisfied that the breach was trivial, and may, if it thinks fit, extend the bond for a further period of not more than one year. Where the court does revoke the suspension, it may reduce the term of the sentence of detention.

Clause 13 provides that the Training Centre review Board, in authorising unsupervised leave for a child who is serving

a sentence of detention, may impose conditions that are to be observed by the child during that leave. Clause 14 requires a court that has sentenced a child to a fine, or ordered him to pay any other sum of money, to give the child a written statement of the time and place at which he must pay the fine or other sum.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

WORKERS COMPENSATION ACT AMENDMENT BILL

Adjourned debated on second reading.

(Continued from 30 March. Page 3656.)

The Hon. K. L. MILNE: After studying it and talking to various interests connected with the Bill, I believe that it is a big step forward in the attitude of Parliament, that is, the Government, the Opposition and ourselves, towards workers compensation and what it ought to provide. I do not intend to speak for long, except to say that I wish, on the whole, to congratulate the Government on new initiatives and ideas.

Members interjecting:

The Hon. K. L. MILNE: There are new initiatives in it; the Opposition knows that. On the whole, it is a step forward. Of course, there are some concerns that need to be debated. One is the question of indexing lump-sum payments, and I intend to speak on that in Committee. We have to make up our mind whether we want this Bill to be reviewed regularly, and whether it pays to do so, as on this occasion. We must decide where South Australia will come out in regard to lump-sum payments on death. Should we index some other figure in the hope that it will keep us level with what happens in other States?

There is the question on the threshold percentage for loss of hearing which the Government has set at 20 per cent. We all agree that that is unfair and probably unworkable. When talking about compensation for loss of hearing, one is talking not about the same massive figures that one talks about in regard to other compensation, but something more in the region of $2 000 or $3 000 a time. From my inquiries, I believe the figure should be between 5 per cent and 7 per cent for a threshold average. In my amendment on file, which I hope will be accepted, a threshold of 10 per cent is set out.

One has to remember that averaging out loss of hearing throughout the community is not the same as loss of hearing that one is likely to have in people in the work force who are younger and comprise a fitter section of the community. Perhaps their percentage is too high. Nearly all of us apparently have some hearing loss. I hope the Government will agree to 10 per cent at the most.

The Hon. R. C. DeGaris: Why did you choose 10 per cent?

The Hon. K. L. MILNE: Because I understand that the British have it, and people concerned with the deaf and better hearing prefer 5 per cent.

The Hon. J. E. Dunford: Why didn't you go for that?

The Hon. K. L. MILNE: I did not think it was obtainable. I would rather be practical and go for 10 per cent and see what happens. Further, I am pleased that registered chiropractors have been included in the Bill. I have believed for a long time that this was an area missing, a freedom withheld from workers under compensation, where they did not have the choice of consulting people providing a health service which was not strictly medicine. There has been a complete monopoly on medicine and, since nearly all the other States have registered chiropractors and some have now either included them in their legislation or are about to do so, I believe this is a good move.

I understand that another amendment is to be moved, either by the Hon. Mr Dunford, who thought of it, or by the Government. It does not matter. It is to protect single people insured under workers compensation who are killed but who have no dependents. Until now, the employer has been paying the same premium for that person as for any other person. Yet if that person is killed, the employer does not have to make the same payout of $25 000, as it was, or $50 000, as it will be. That does not seem to be fair. I would support the Hon. Mr Dunford in that matter.

It seems that the Workers Compensation Act should be under constant review by those parties involved in making it work. I would ask the Government to consider maintaining a working party comprising representatives of employers, the United Trades and Labor Council, the insurance companies and perhaps some others simply to meet and discuss informally the implications of what the Act will now do and the deficiencies which still remain. There are deficiencies in my view and I am sure in the view of the Opposition. To have a formal inquiry or Royal Commission would spoil what I have got in mind. Surely at this stage we should have come to the point where we can sit down and discuss matters of this kind which are in the interests of all concerned in the State, either directly or indirectly. I will be speaking in more detail on some of these matters at the Committee stage. I support the second reading.

The Hon. R. C. DeGARIS: I support the second reading and wish to make some comments on the speeches that have been made on the Bill so far. I listened with a great deal of interest to the speeches of the Labor Party members, as I did to the contributions of Liberal members and the Hon. Lance Milne. The Hon. Frank Blevins, in his speech, spoke on the 1973 Act. He spoke in such extravagant terms, praising the legislation in his usual colourful rhetoric, that I wondered whether he was talking about the same Bill as we had in the Council in 1973. After a very long conference of about 7½ hours between the two Houses, we finally reached a compromise and the 1973 Act resulted. When that Bill was ultimately agreed to, this Council was roundly abused by House of Assembly members of the Government for having interfered with a measure that, they said, the Government had a mandate to introduce.

I would like to deal with some of the amendments achieved by the Legislative Council in that Bill. The original 1973 Bill, provided that a compensable injury included a disease, whether contracted in the course of employment or not. At the conference it was agreed that disease should be limited to coronary heart disease but that an employer had the right to prove that the disease had not arisen from employment.

The original Bill calculated average weekly earnings over a period of three months prior to the incapacity; the averaging period was finally agreed as being over a 12-month period. The Council also deleted from the compensable amount of average weekly earnings all special expenses entailed by a workman, such as travelling and meal allowances and special rates paid for disabilities, such as dirt money.

I do not think that these amendments made by the Council were sufficient at that stage. I agree with the Hon. Frank Blevins that the 1973 Act did set a benchmark in regard to workers compensation in the whole of Australia, but I made the comment then that I believed that in many provisions we had gone too far. Although the Council was accused of being parsimonious by the A.L.P. Government, the contents of that agreement have stood now for almost 10 years. I admit that I believe the provisions agreed to

were too generous—more generous than those existing in any other State of the Commonwealth. I believed that the provisions available here would seriously affect the ability of this State to attract industry because of the high cost of workers compensation insurance in this State.

On the other hand, I must freely admit that there have been advantages in those generous provisions. I do not think anyone can deny that. If one looks at the question of industrial accidents in South Australia, one will be surprised to find a decline since 1973. It is quite an impressive figure. I do not know whether any development has been lost to the State because of the workers compensation insurance costs, but perhaps someone may have evidence on that.

Another off-setting factor is that in other States behind the scene deals on compensation occur because of the low level of compensation payable. That has added more to industrial disputes, loss of time and industrial cost than appears on the surface. I have no knowledge of that matter, but I would be interested if anyone has any figures on it. It is clear that the very generous workmens compensation provisions we have on the Statutes in South Australia do have some benefit in relation to other questions of industrial harmony. However, I stand by my view that in 1973 the compensation Bill that we passed was too generous in many of its aspects.

I wish to touch briefly on some of the comments made about the Bill so far, in particular, the question mentioned by the Hon. Lance Milne in regard to hearing loss. It is a difficult question, as we had explained to us by the Hon. Bob Ritson in his speech yesterday. I have sat in this Council for a number of years now and have listened to quite a deal of argument on the question of hearing loss and how it is determined in relation to workers compensation. It is a difficult question, and I support the view of the Hon. Lance milne that probably the minimum set by the Government of 20 per cent loss is too high. What he said in regard to the United Kingdom is correct; in that country 10 per cent is the starting point for compensation for hearing loss. I do not see any reason why we should not follow that example.

In relation to this matter, though, there is a further question I direct to the Government: how is compensation for the per cent of hearing loss viewed if one starts, say, at 20 per cent? Does this then mean that total deafness is an 80 per cent loss of hearing? I would like an explanation of that, because I am not quite sure exactly how it is computed, looking at the clause as it is in the Bill. There has been a good deal of discussion on the question of weekly earnings. I have always felt that weekly earnings should not take into account overtime or other factors. I want to ask the government whether or not shift allowances are removed by the Bill.

Turning to the question of 5 per cent contribution after 12 weeks, I think this is a peculiar arrangement and I have certain reservations about it. I think that every honourable member who looks at this measure will have reservations about it. To me, the points made by the Opposition on this matter are quite valid. It is strange that one group of people under compensation, that is, those who have been on compensation for 12 weeks or more, are those who have to contribute to the funding of what is known as the rehabilitation unit. That appears to be a peculiar provision.

The Hon. G. L. Bruce: They reckon they're bludgers if they're off for more than 12 weeks.

The Hon. J. E. Dunford: It may be a gimmick to get them back to work.

The Hon. R. C. DeGARIS: That may be so, and it may not be a bad gimmick to do that. The question of lump-sum indexation is a difficult matter. I believe that in a lot of the indexation work we have undertaken, whether the general policy in relation to superannuation or workers compensation, indexation will continue. I think that, in the case of the workers compensation, indexation for lump-sum payments will be accepted. I do not believe, looking at the question across the board in Australia, that we can begin our indexation at a gross figure of $50 000 when one considers that the indexation across Australia, for example, was on $50 000, a sum which has now dropped to $46 000 and which will remain there until indexation pushes it up to $50 000. I have no doubt that the question of indexation of lump-sum payments will be before the Parliament and will be accepted.

There are one or two other matters I would like to touch on. Clause 7, relating to the evidentiary provision regarding medical reports, provides:

(2) Evidence of the condition of a worker shall not be adduced from a medical practitioner in proceedings under this Act unless at least twenty-eight days before the day on which it is to be adduced (or such lesser peiod as the Court may fix) the party proposing to adduce the evidence furnishes to each other party to the proceedings—

(a) a copy of a report furnished by the medical practitioner to the party proposing to adduce the evidence by the medical practitioner;

and

(b) a statement in writing of all the facts, conclusions and opinions relating to the condition of the worker that have been communicated by the medical practitioner to that party.

I consider that the provision relating to a copy of a report furnished by a medical practitioner is reasonable, but clause 7 (2) *(b)* takes the matter a litle too far, whereby a statement in writing of all the facts, conclusions and opinions relating to the condition of the worker that have been communicated by the medical practitioner to that party must be given. I believe that that is an invasion of some privacy between the medical practitioner and the person concerned. This is also traced through to clause 21 of the Bill, which deals with rehabilitation. Subclause (5) of clause 21 provides:

(5) The unit is not to carry out medical examinations or provide or prescribe medical treatment but a legally qualified medical practitioner, registered dentist, registered physiotherapist, registered chiropractor, registered optician or registered chiropodist shall, at the request of the executive officer of the unit, furnish the unit with copies of reports prepared by him in relation to the condition of the worker. Penalty: Two hundred dollars.

If one examines the clause, one finds that subclause (2) *(a)* is sufficient for all purposes; subclause (2) *(a)*, goes a shade too far in relation to the relationship that might exist between a medical practitioner and a patient who comes to him for treatment.

The only other matter I would like to raise (and I do not know whether the amendments already on file have taken this point) is the question of the so-called rehabilitation unit. I am not very taken with that name, because I do not believe that that is what the unit is really all about. I take the Hon. Dr Ritson's point on that matter that he mentioned yesterday. I congratulate the Government for making an effort to place some emphasis on the whole question of rehabilitation in relation to workers compensation. I go along with the comments that Hon. Lance Milne, supported by the Hon. Mr Laidlaw by way of interjection, made that the whole of the area of workers compensation should be kept under constant scrutiny. I believe that all of us who serve in the Parliament need to be aware that some major and radical changes will need to be made soon in relation to the whole question of workers compensation. Other countries in the world have attempted this reorganisation of their Statutes in relation to workers compensation, and some difficulties are arising, particularly in New Zealand and Canada. Nevertheless, because difficulties have been experienced it does not mean that we should not keep the whole process under constant review. Maybe such a unit as a rehabilitation unit could also be involved to make sure that

the working party keeps the whole area under constant review.

As I read the Bill the rehabilitation unit will have a chairman, a medical officer, a member from the employers organisation, a member from the insurance companies, and a member from the trade union movement. I suggest that the trade union movement is not fairly represented. In fact, I believe that the unit is slightly loaded towards employers. I ask the Government to consider expanding the committee to provide for two representatives from the trade union movement. We have gone through a very long process over the years to reach the present standard of workers compensation in this State. I believe that the standards set in this State are higher than in any other State in the Commonwealth. We should be careful that we do not produce a Workers Compensation Act that will in some way dampen development in this State. I support the second reading.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank honourable members for their contribution to this debate, albeit some more than others. I will refer to most of the members who made a contribution. Doubtless the Hon. Mr Blevins' speech appealed to his radical supporters, and I suppose it was designed for that purpose. However, I found it to be somewhat inflammatory. I do not want to stress this point, but I cannot refrain from referring to the fact that he said several times that Government members hated workers. I categorically deny that. In fact, I found that remark to be offensive.

The Hon. Mr Blevins claimed that after the dramatic changes to the Workers Compensation Act in 1973 the number of claims decreased. I have not been able to check that claim fully. Certainly the premiums went up dramatically at that time. The Hon. Mr Blevins tried to imply that claims went down, that the workers gained, the employers gained, the insurance companies gained, and everyone was happy. That certainly was not the case. In fact, the premiums rose quite dramatically. I refer to the report of the bipartisan committee on the Rehabilitation and Compensation of Workers Injured at Work, which was published in 1980. The report uses figures supplied by the Industrial Commission for the period 1971-1979. No other figures were used. The figures indicate that the real average cost per claim rose after 1973. Surely the pay-out of a premium is also relevant. I wonder why the Hon. Mr Blevins did not mention that fact.

The Hon. Mr Blevins made an unashamed and very clear threat that if this Bill passes in its present form or in anything like its present form there will be industrial action. I treat that threat in the same way that I treat all threats, that is, with the contempt they deserve. I noticed particularly that the Hon. Mr Blevins seemed to categorically refuse to consider interstate comparisons. During his speech the Hon. Mr Blevins was consistently reminded, by way of interjection, of the situation in New South Wales, which has had a Labor Government for quite some time. I tried to impress upon him the fact that this Bill is no less generous than what already applies in other States. The Hon. Mr Blevins and other members opposite were not concerned about what happened in other States; they were only concerned with what happened in South Australia. Certainly, we are not completely bound by what happens in other States. We do not have to be uniform, and some times there are good reasons for being different. However, I think it is wrong in a debate such as this to disregard interstate figures and to refuse to pay them any regard. I will listen if any honourable member can give me a good reason why we should not follow interstate figures. I was not impressed with the debonair dismissal by the Hon. Mr Blevins of the comparison with other States.

I believe that the Hon. Mr Laidlaw gave the lie to what the Hon. Mr Blevins said. The Hon. Mr Blevins suggested that the Hon. Mr Laidlaw always supported his own vested interest and that he had a bias; I think he even suggested that the Hon. Mr Laidlaw had a pecuniary interest. The Hon. Mr Laidlaw did not indicate that, and his speech showed no hatred of workers. No member of the Government hates workers. On the contrary, the Hon. Mr Laidlaw made a balanced, reasonable contribution. It was a very well researched speech, as always.

The Hon. Mr Bruce kept saying that we were going backwards. I do not believe that we are going backwards. This Bill strikes a fair balance between the rights of employers, employees and the community at large. The lump sum pay-out hardly indicates that we are going backwards. I thank the Hon. Mr Bruce for providing details of the Hon. Mr Laidlaw's rather excellent pedigree. It was nice to have it placed on the record. The Hon. Mr Bruce also referred to the certification procedure provided in the Bill and he asked about the right of appeal. There is no right of appeal in the certification procedure. The certificate is part of the information provided to the court. Once it goes to the court it is subject to the total court procedure, including the right of appeal.

The Hon. Dr Ritson spoke about hearing loss and made a valuable contribution. Amendments will be moved in Committee in relation to hearing loss. The Hon. Dr Ritson made it very clear that at the bottom end of the scale (1 per cent to 6 per cent of hearing loss) there is a question of, first, subjectivity and, secondly, the fact that it is very hard to distinguish between work induced hearing loss and natural or age induced hearing loss. He said that most persons suffer some degree of hearing loss which may not be work induced. Even in a place like this, the noise from members opposite is sometimes very great indeed. The Hon. Dr Ritson's contribution on that point was very valuable. His point about journey accidents was also quite valid.

For some time, it has been accepted that the employer is responsible for the injuries that occur in the journey from work to home and vice versa. However, the Hon. Dr Ritson made a valid point that injuries sustained in one's own back yard, after one has driven through one's front gate, alighted from the car and then fallen down on the front door step, cannot really be related to work. One cannot try to sheet that home to the employer.

The Hon. Mr Dunford spoke among other things on the question of dependency. He seemed to feel that dependency was not the proper test. However, I suggest that it is. If a worker is killed in the course of his work, the people who ought to be able to make some sort of claim are those who have some dependency on him. I think that that is the proper test.

The Hon. Mr Milne spoke of the Bill (and I am grateful to him for having done so) as being a big step forward. I believe that it is, particularly (this matter was discussed by the Hon. Mr DeGaris also) in the matter of rehabilitation. Some honourable members complained that, in regard to long-term payments to workmen who were injured, there is a reduction of 5 per cent. In most other States, including New South Wales, it is greater than that. In the other States, it is, generally speaking, not used for rehabilitation. It is applied to a diverse number of purposes, but here it is used for that purpose.

The Hon. R. C. DeGaris: Is it a tax deduction?

The Hon. J. C. BURDETT: That point has already been raised and answered: they will simply be taxed on the lesser amount, but not on the amount including the 5 per cent.

The Hon. Frank Blevins: Has the Taxation Department given that assurance?

The Hon. J. C. BURDETT: I am not aware that it has.

The Hon. D. H. Laidlaw: I got an assurance.

The Hon. J. C. BURDETT: The Hon. Mr Laidlaw has said that he has received an assurance. In any event, the honourable member has already answered the question. The employee is taxed only on the sum of money that he receives. It was also asked whether the 5 per cent would fully fund the rehabilitation unit. It is fairly obvious that it will not do so. Of course, the Government expects that it will have to pick up the tab in regard to the rest of the funding of the unit.

The Hon. R. C. DeGaris: What will the cost be?

The Hon. J. C. BURDETT: I do not know. I think that it would be impossible for anyone to assess that. I do know that the Government intends carefully to monitor the rehabilitation unit and its operation. The Government is enthusiastic about it and intends that it should work.

The Hon. Mr DeGaris, who in his contribution referred to the question of hearing loss, also raised the question of subjectivity and age-induced hearing loss and the difficulty in separating the two. Regarding interstate fears on the matter of deduction for long-term payments, deductions in other States are higher than what is proposed in this Bill. Admittedly, they are in respect of a longer period, namely, six months in lieu of three months.

In other States, the money is used not for rehabilitation but, as I said previously, for all sorts of diverse purposes. The Hon. Mr DeGaris also made a point regarding clause 7 and the matter of confidentiality of medical records, and so on. That matter can be considered further in Committee. I thank all honourable members for their considered contributions to this most important debate.

Bill read a second time.

In Committee.

Clause 1—'Short titles.'

The Hon. J. R. CORNWALL: I should like at this point to ask a question and to state that I am distressed that we are still talking about workers compensation as it relates to other States of Australia and that we are still indulging in the old rhetoric of the early 1970s, when the earlier amendments to this legislation were before the Parliament. I look forward to the day when we have a Workers Protection and Rehabilitation Act rather than the Workers Compensation Act.

My specific point refers to medical costs. A great deal has been said about the cost to employers of the workers compensation scheme. However, recently I was contacted by a person from the Police Association, an employee of which had occasion to visit a doctor in relation to a relatively minor workers compensation claim. I am assured that the consultation lasted between 10 minutes and 15 minutes. However, the patient was given an account for an extended consultation, involving item 25 under the medical benefits schedule and a fee of $25.50. That practice may or may not be widespread. I wonder whether the Minister could find out, as this is an extremely important point.

I know that the Police Association contacted the Fraud Squad and that the Federal Police were contacted to check whether this was a regular practice. If it is a regular practice to charge for a consultation that does not occur, and then to claim back the money from the insurer under the provisions of the Workers Compensation Act, it is a rip-off. Indeed, if the practice is widespread, it would add substantially to the cost of workers compensation. Would the Minister initiate an inquiry and tell the Committee at some stage whether this is an isolated or a widespread practice?

The Hon. J. C. BURDETT: I do know that the Police Association has telephoned the department, but the department does not know whether this is a widespread practice. However, I make the point that this department does not see it as being part of its role to control medical fees. Certainly, at present I cannot say how widespread the practice is. The complaint that has been made by the Police Association is being investigated, but certainly it is not a part of the function of this department or perhaps any other department to try to control medical fees.

Clause passed.

Clause 2 passed.

Clause 3—'Arrangement of Act.'

The Hon. J. C. BURDETT: I move:

Page 2, line 5—After 'contribution' insert 'and Industrial diseases'.

This drafting amendment is designed more accurately, effectively and clearly to set out the purpose and intent of that Part.

Amendment carried; clause as amended passed.

Clause 4—'Interpretation.'

The Hon. FRANK BLEVINS: I have a query regarding the principal place of abode. How does this amendment relate to the previous provision? Can the Minister define what constitutes a principal place of abode? I see a problem with this new definition. For example, if a person was apprenticed in Adelaide but lived in a country town and travelled to Adelaide either Sunday night or Monday morning, and immediately on finishing work on Friday travelled home, when he travels between home and his place of apprenticeship in Adelaide, is that considered to be the principal place of abode, or is it considered to be only during journeys between the person's abode in Adelaide and the workplace? Is the above situation the only occasion when that particular worker is covered?

Conversely, when that person drives from work on a Friday evening to his principal place of abode, which may be Mannum, for example, is that person covered under the provisions of the Workers Compensation Act?

The Hon. J. C. BURDETT: This matter was amended in the House of Assembly. The definition says:

> 'place of abode' in relation to a worker means the worker's principal place of abode and, where the worker is required by reason of the place or nature of his employment to reside away from his principal place of abode, includes the place at which he so resides;

It seems to me that the matter raised by the honourable member is covered. If an apprentice has a principal place of abode say at Gawler, and that is where he principally resides (and this concept is used for many purposes) and it is necessary because of his place of employment—if he is apprenticed as the honourable member postulated, in Adelaide—for him to have another place of abode in which he resides, that is also covered. It seems that, after the amendment was passed in the House of Assembly, that situation was covered.

The question of dual residence, which is very common as the honourable member rightly pointed out, involves having a principal place of abode and another place of abode where it is necessary to reside because of the course of one's employment. The definition 'place of abode' includes that other place at which that person resides.

The Hon. N. K. FOSTER: This Bill will take considerable time to complete. I do not see it the way the Minister has explained it. This not only involves apprentices, but people whose spouses are on long service leave overseas for three months or are away from home for other reasons resulting in those persons residing at a relation's place. I do not know whether that is strictly within the meaning of the Bill before us.

Courts are prone—and I heard arguments on this last night—to draw the line on finely tuned arguments of Ministers when they explain the intention of Bills to Parliament. The difference between the draft, the Bill and the explanatory note of a Minister in reply to particular matters,

particularly at the stage we are at now, is a valid point to make and is a weakness of Parliament.

Another weakness of Parliament is that members who move amendments are prone to accept the garbled words of a Minister. I say that with the greatest respect to those who advise a Minister, regardless of what particular Party the Minister comes from, whether it be Labor, Liberal or even the Country Party (to use a late Billy Hughes phrase). Workers compensation matters finish up in courts and are initiated normally by insurance companies. We could argue on a forthcoming subclause of the Bill that various committees can initiate court proceedings (if not initiate, most certainly advise). That is a weakness of the Bill.

The Minister has to do much better than an explanatory note, which is taken down by *Hansard* and may be lost in the mumbo jumbo of either involved or quite simple court proceedings. I do not see any necessity of including this new subsection which says:

> (5a) For the purposes of this section, a journey that commences at a worker's place of abode shall not be regarded as having commenced until the worker has progressed beyond the land appurtenant to the house or other structure that constitutes his place of abode.

When one considers strata titles—

The Hon. J. C. Burdett: What clause are you talking about?

The Hon. N. K. FOSTER: As I understand it, we are talking about clause 5.

The Hon. D. H. Laidlaw: You are talking on the wrong clause.

The Hon. N. K. FOSTER: Yes, I am. I will now look at clause 4 and most certainly re-enter the argument on clause 5. Regarding both these clauses, the matter will be determined by a court unless it is resolved in a proper legislative manner. A classic example is the Australian Constitution, which may seem to be a fairly simple document. Hundreds of acres of forest has been slaughtered to provide paper to record arguments on the Australian Constitution.

The CHAIRMAN: You must return to clause 4.

The Hon. J. C. Burdett: He hasn't been talking about clause 4 at all.

The CHAIRMAN: Now that the Hon. Mr Foster knows we are talking about clause 4, will he direct his mind to that clause?

The Hon. N. K. FOSTER: I realise my mistake; I do not want the Minister harping on it forever. I will speak on clause 5 when we come to it. I can impose the same argument on this clause. The question of a place of abode is important. I have heard arguments on this matter, and perhaps the Hon. Mr Laidlaw should read them. A man could spend five days working and go home over the weekend by aircraft. I refer to the words 'and, where the worker is required by reason of the place or nature of his employment to reside away from his principal place of abode'.

No provision is made in this clause for a broken journey. If I am wrong, I want to be advised by the Minister. A man may work for seven days and have nine days off, or work for nine days and have seven days off. The worker may have to make a journey over two days to get from a remote camp to his normal place of abode. That should be spelt out, and I should not be condemned by a couple of smart alecs over this matter. The two provisions to which I have referred are not dissimilar. One goes much further than the other.

I refer to the arguments that can be advanced by lawyers to make a smart buck in contesting a case where a person is injured and where he has had more than one overnight stop from his place of employment. After working in the Far North, he may have a stop in Port Augusta before continuing his journey to Adelaide the next day. The clause should not leave it to be assumed that a worker has certain rights until he arrives at his normal place of abode. He may not be heading that way. He may go to a temporary abode, and he may decide to do any one of a number of things, but in this area I see an area of petty examination which could develop. Whether a person is going to or from or even if it is over his holiday period, he should be entitled to that.

The Hon. D. H. LAIDLAW: In defining the situation and in dealing with the question of the worker leaving his place or coming from his place of abode, there will always be some cases open to doubt. Reference has been made to a construction worker who has to reside away from his principal place of abode for a period. When I have talked with other employers elsewhere in the world and have told them that Australian employees are covered by workers compensation both to and from work, they look at me with utter astonishment. One should not quibble too much about the place of abode, because the worker in Australia has treatment that is far more generous than that of workers elsewhere in the world.

The Hon. J. C. BURDETT: The Hon. Mr Foster claimed that what was determined by the court is much more important than what is determined here in regard to the Bill's meaning, and that is correct. The definition of 'place of abode' is perfectly clear. Part of the definition states:

> . . . and, where the worker is required by reason of the place or nature of his employment to reside away from his principal place of abode, includes the place at which he so resides.

It is desirable that this amendment be more generous than the present provision in the parent Act, not less generous. It extends the definition of 'place of abode' and is designed to ensure, for example, that the place of abode of a court reporter on circuit is covered. That would not have been clear before. This provision is an act of generosity and not the reverse.

The Hon. G. L. BRUCE: I refer to the definition of 'spouse', which means a husband or wife. Does that include a *de facto* situation?

The Hon. J. C. BURDETT: Yes, by virtue of the Family Relations Act.

The Hon. FRANK BLEVINS: I put on record that the Opposition is not totally satisfied with the amendment. I doubt whether it covers all the circumstances we would like. It may. When it is tested, which undoubtedly it will be, certainly after the next election we will be reviewing the whole Act and this specific clause. The Government's advisers will be kept busy undoing all the knots that they have so successfully tied in this Bill.

The Hon. N. K. FOSTER: I seek greater clarification about the term 'outworker'. This term has previously had connotations in respect of workers at Outer Harbor and Port Adelaide and the different industrial conditions that apply. The difference was considerable. There is no need today to use that term. Today, the Government boasts that outer areas are most beneficial to the State's economic development, for example, Cooper Basin, Roxby Downs and areas in the Flinders Ranges, these all being showcases of employment. Will this term be used to distinguish between workers in regard to location, or has the Government not correctly understood the system applying in remote areas, so that they should not be designated by phrases like this? That term conjures up all sorts of legal arguments that could be brought before courts merely because a worker is fortunate or unfortunate enough to be employed by Santos at Cooper Basin or by Barytes in the Flinders Range.

The term 'outworker' is a dangerous term which will lead to confusion and possible disadvantage to a so-called outworker. It ought to be removed entirely, replaced by a better word.

The Hon. D. H. Laidlaw: Why didn't you do it?

The Hon. N. K. FOSTER: It is not good enough to say, 'Why didn't I introduce a private member's Bill?' Such opportunities in the legislative sense are extremely rare.

The Hon. D. H. Laidlaw: It has been in there since 1973.

The Hon. N. K. FOSTER: I do not care whether it has been there since 1884. It is the people of this State that vote for us and not the Canadians, the Russians or anyone else. Each State has its own compensation Act. Members opposite opposed the 1973 Act. If we put it in in 1973 it was an oversight on our part.

In the past 10 years there have been great changes in this area. The Government is placing inhibitions on an outworker and that provision ought to be removed and redrafted. Is the Minister prepared to use the forms of this Council to delay this matter to enable us to correct it?

The Hon. J. C. BURDETT: The answer is 'No'. The term 'outworker' is not referred to in clause 4 and is not defined in the Bill but rather in the parent Act. As I understand it, this definition has not caused much trouble in litigation. I do not see any problem with it.

Clause passed.

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

The Hon. FRANK BLEVINS: The Opposition opposes this clause. We wonder what the problem has been to warrant a change of this magnitude. From reading the debate in the House of Assembly, I believe that the rationale has been that there has been some dispute as to where a journey commences and ends. No examples were given by the Hon. Dean Brown as to what the problem is or how large it is. Is it a cost to the people of this State to have the provision as it was? It seems, to paraphrase the Minister in responding to the second reading, that if we are going to change the Act there is an obligation to state where the section of the Act is creating a problem and how we can solve it.

If these amendments are carried, he says that it will at least make clear that the journey commences and ends virtually at the garden gate. That is all very well. If, in the original section, it was not clear, the benefit of any doubt went quite properly to the worker. I do not know whether a problem has occurred once in the past eight years or how many times problems have occurred. I would like the Minister to state the problem with the previous provision and tell me how many cases have been demonstrated to be a problem.

The Hon. J. C. BURDETT: At present, the provision covers any worker who is injured in the course of a daily, or any other periodic, journey between his place of abode and his place of employment. The authorative interpretation relating to this section is contained in the case of *Vickers v Jarrett* 43 S.A.I.R. Part II, p.1306. The decision of the Full Supreme Court disregarded the old interpretation of the boundary test. The boundary test is what we are really seeking to reinsert. The court in this decision disregarded the old interpretation of the boundary test as a method of saying where a journey commenced and ended. It is obvious that, whatever the Act says the question of when a journey from home to work commences and work to home ends has to be defined somehow. One will find occasionally that the court has to determine when the journey from home to work and vice versa starts and ends. When one gets to work does not matter very much because one is covered by the Act, anyway. It is the situation at home that counts.

Does the journey to work start when you get out of bed, when you go out the front door, when you leave the front gate, or when? The old test has been the boundary test. The case to which I have referred upset that, as the court held that the journey was between two given points—the place of employment and the place of abode. It then read down restrictively the place of abode as being the actual building or portion of a building in which a worker resides, thus excluding the land and boundaries of the land on which the place of abode stood. A journey therefore is not completed until the worker enters into the premises which constitute his place of abode. Thus, subsection (5) *(b)* provided that a journey did not commence until the worker stepped out of his place of abode. So, that is specifically the problem which extended the previously understood rule, as to where a journey started, from the boundary test to the actual building.

The purpose of this amendment is to clarify rather than restrict and to make clear that the test is when the boundary of the workers premises are entered or left, whichever the case may be. It is not a question of its being very frequent. I am informed that this argument is not raised frequently; there are about two cases a year argued in court. However, this case did go to a decision of the Supreme Court, and that indicates that the question of definition needs to be looked at.

The Hon. C. J. Sumner: What case was that?

The Hon. J. C. BURDETT: *Vickers v. Jarrett.* This amendment in the Bill simply seeks to clarify matters; its purpose is clarity and not to restrict the rights of workers. This does not happen very often, but it does arise from time to time.

The Hon. FRANK BLEVINS: If I read this provision correctly, it does seriously diminish a worker's right. I will give an example. A worker lives in a block of units on the third floor. He steps outside his front door on his way to work, to catch the bus or whatever, and falls down three flights of stairs. He is outside his home and has left to go to work when he falls down the three flights of stairs and seriously injures himself. I maintain that, with the present provision, he would be covered, but with this amendment he will not be covered. It is not a question of clarification at all; it is a question of taking away from a worker a right he previously quite properly enjoyed. It is not a frivolous matter at all, and the question that the Minister raised about its only going to argument twice a year works two ways. If it happens so infrequently it is not a major cost on the insurer or the employer in this State; it is a trivial cost to them. However, it can be a devastating cost to the worker concerned, who would receive no payment of any description until that injury, hopefully, cleared up. If that is not taking away the rights of a worker, I do not know what is.

If this clause affected tens of thousands of cases a year and added significantly to the cost of workers compensation insurance, then I could understand the Government's introducing this amendment. I would not agree with it, but I could understand it—because that is what it is in businesss for—to reduce costs for the insurance company, hence the cost of premiums hence more profitability for the employers. That is what it is in business for and that is a perfectly, in its eyes, legitimate option.

However, there is no element of that sort of thing at all. It can only be because of spite that the Government is doing this; there is no other explanation. This happens, on the Minister's words, no more than twice a year, with devastating consequences to those two individuals if this clause is carried. If this clause is not carried, it involves only a trivial cost to the insurance company and employer. The Minister should not say he is not doing this in any way to disadvantage workers but that he is doing it merely as a tidying up exercise, because he will seriously disadvantage workers. Let him be honest and say so; let us conduct this debate in some honest manner, not some airy fairy manner

about tidying up and about its not going to affect anybody, because that is patently untrue.

The Hon. D. H. LAIDLAW: As I understood it, until the Supreme Court brought down its judgment in *Vickers v. Jarrett,* workers and employees believed the definition of 'to and from work' was as it is now being spelled out in this Bill. It is only because of the uncertainty created by the decision of *Vickers v. Jarrett* that this clause is introduced. The court also suggested that the Legislature should act. I gave an instance in my second reading speech last night of the man who gets out of bed, stubs his toe and breaks it and says he should get compensation because he should be able to argue that he is on his way to work. I think that is quite ridiculous.

What the Minister pointed out is that there may be two cases a year, but there are a number of cases where a person trips over the garden hose because he could not be bothered to coil it up.

The Hon. J. E. Dunford: What number of cases are there?

The Hon. D. H. LAIDLAW: It is not a matter of cases, because the insurance company agrees to the claims. The case of *Vickers v. Jarrett* widened the legislation, and all we are doing is bringing it back to what the unions believed it was before the decision in that case.

The Hon. N. K. FOSTER: This is a dreadful clause, as I said before when I made my premature remarks when I spoke to clause 5 instead of clause 4. However, those remarks apply now.

The Hon. D. H. Laidlaw: Come back to the law you think you introduced in 1973.

The Hon. N. K. FOSTER: The Hon. Mr Laidlaw has confirmed what I said about those very smart lawyers who see fit to argue on both sides of the fence for insurance companies, employers and trade unions when the matter becomes a contest in court. The judges there take it upon themselves, as is their right (and I make no disrespectful remarks about them in that respect), and endeavour to settle the case or to listen to proper, balanced arguments which will naturally turn to the Legislature to see what it has said and to interpret what it meant.

One has to come to why the Legislature was advised to do something about this clause. I say it was so advised to overcome the arguments put, but the Government has gone too far and denied a person his right, when such phrases as 'until the worker has progressed beyond the land appurtenant to the house or other structure that constitutes his place of abode' are used.

In Melbourne the only access or egress to some premises is 5 or 10 flights in a lift. If that lift breaks and plunges down the lift well injuring a worker, what then is the case? New subsection (5a) denies the right of counsel to argue that a person had not progressed from the lift through the foyer and across the courtyard into a public place, or a place with public access, if one wants to draw a fine line.

The Hon. C. J. Sumner: There are judgments on that.

The Hon. N. K. FOSTER: I thank the Leader. I hope that he joins the debate, as a learned gentleman, and I think that we ought to appreciate the fact that my remarks have prompted the Leader to look at the Statute.

I refer as well to the position which was so ably put by the Hon. Mr Blevins. A person living on the third storey of an apartment building must traverse three flights of stairs and four different landings. What happens if he falls down dead on the first landing? He will receive no compensation because he died several landings away from the foyer. This Bill will deny his relatives any compensation. If the Minister does not agree with that he cannot deny that if it went to court opposing counsel would contest a worker's rights under new subsection (5a). If, on the eve of his retirement this is the Hon. Mr Laidlaw's hour of glory for the people he represents, it is very poor.

The situation in new subsection (5b) is not as bad as the situation I have just mentioned. However, if a worker is travelling by lift from his third floor apartment and the lift crashes he will be denied compensation in the event of his death or injury. A worker will not be covered until he is outside the building. A passenger in a motor vehicle accident is not required to be outside a vehicle before receiving compensation or insurance. I am very serious about this matter.

I notice that the Hon. Mr Dawkins is distracting the Minister's attention. The Minister should be listening to this debate, because it deals with people who receive no protection in the situations that I have outlined. If a worker living in an apartment building had to climb the stairs because the lift was out of order and he slipped and fell, breaking his leg, he would be entitled to nothing. I wonder whether any Supreme Court cases remotely suggest that the legislature ought to cover situations such as that.

New subsection (5c) is a great and noble piece of legislative stupidity. It deals with a worker travelling to work. I do not know how the Government can support this provision and at the same time open hotels on Sundays. The Government does not mind if go-go dancers do as they like, turn it on for everyone and let it all hang out. However, if a person drinks too much and is killed in a road accident his widow will receive nothing.

The Hon. J. C. Burdett: He wouldn't be working.

The Hon. N. K. FOSTER: Do not bet on that. He might be a bouncer working in a hotel.

The Hon. D. H. Laidlaw: On his way home from work?

The Hon. N. K. FOSTER: He might be. The Minister is a learned lawyer but he seemed to suggest, by interjection, that a person would not be working on a Sunday. It is not beyond the realm of possibility that he could be working at a hotel, which will be open as a result of the Government's new Bill. I ask the Leader to see whether he can find one or two Supreme Court cases to support my argument. The Government wants to open every keg in the country every night of the week until 3 o'clock in the morning, and then dreams up a measure such as this. I will have more to say later.

[Sitting suspended from 6 to 7.45 p.m.]

The Hon. G. L. BRUCE: I do not have the Act with me, but I believe that new subsection (5c) relates to a person who is driving home from work and whose blood alcohol level is .08 or over. I oppose the clause: it is most unjust that a person who is driving home from work and who is over .08 and involved in an accident through no fault of his own, or who is pulled up for a random breath test (although that will not come into it), will not get compensation. That person might not have done a thing wrong other than driving while over the limit. Because of that, he is deprived of compensation under the provisions of this clause.

I can give a practical example. I know of a person who was a senior manager of a hotel. He was allowed, as part of his work, $30 a week to spend in the bar to encourage people to drink alcohol. He had to shout people drinks to keep things moving. One night he knocked off work, got into his car, and halfway home he was cleaned up through no fault of his own when a woman drove through a stop sign. He was tested and his blood alcohol level was found to be over .08. That person was home from work for some time, his case was debated, and in the end he was denied compensation because he was over the limit. His case took up hours in the commission and a lot of lawyers' time.

He was not in the wrong, except that he was over .08. It was conceded that the accident was not his fault, although by the very fact that he was on the road it was found that he was 20 per cent to blame. That man lost workers compensation, even though he was seriously injured and off work for many months. Management appeared before the commission and gave evidence that he had been given money to spend on beer.

The Government has now introduced a Bill to provide for Sunday trading. People will have anything up to a five hour break. If they do what the Government has provided in the new Licensing Act Amendment Bill and have a break of only two hours, they probably will not go home but will sit around and drink because there is nothing else to do. Their blood alcohol level could be over .08.

Any number of people could drive home and, through no fault of their own, be involved in an accident and lose workers compensation. If there is to be any justice or equity in this Bill, proportional blame should be provided for. I realise that if a person is over .08 and is involved in an accident he cannot claim car insurance, but surely workers compensation is a different situation. If a court decides that a person is 50 per cent in the wrong, surely that should reflect in regard to workers compensation. Even if we do not argue that full compensation should be received, a person who is not completely in the wrong should receive a proportion.

I do not doubt that thousands of people drive on South Australian roads who are over .08. There is no way to test whether a person is over the limit. A person who works in the industry may lose track of the number of drinks he has had. There is no satisfactory instrument which can be used by a worker to test whether he is over .08. If, through no fault of his own, a person is involved in an accident, he should receive proportional compensation. Will the Minister explain why people who are over .08 and who live in a State which promotes wine and Sunday trading, and which wants a casino, can be penalised when he is involved in an accident?

The Hon. J. C. BURDETT: What does the Opposition want?

The Hon. C. J. Sumner: We want what exists now. It is clear.

The CHAIRMAN: Order!

The Hon. J. C. BURDETT: Does the Opposition want the employers to be liable for employees 24 hours a day? If a person falls out of bed in the morning or if he stubs his toe—

The Hon. N. K. Foster interjecting:

The CHAIRMAN: Order!

The Hon. N. K. Foster: The Minister was asked a question and he should answer. He should act like a Minister.

The CHAIRMAN: Order! I do not want to have to take action.

The Hon. N. K. Foster: My transgression is unforgiveable, I agree.

The Hon. J. C. BURDETT: The points I make are in regard to all parts of clause 5, including the part to which the Hon. Mr Bruce referred. It seems to me that the Opposition wants the employers to be liable for any accident sustained by an employee at any time, 24 hours a day. If a person falls out of bed, stubs his toe or falls down his back stairs when he is going to or coming home from work, any accident sustained by him on his own premises, in his own home, or in his own backyard is his own affair. That circumstance is normally covered under accident insurance. That happens to most of us. I can see no reason why the employer should be liable in respect of a person who falls down his back stairs.

Regarding the matter raised by the Hon. Mr Bruce, I believe it is perfectly reasonable, to put the issue beyond doubt, to provide that, if a person is driving to or from work, commits a drink related offence and is convicted (because the Bill provides that he must be convicted)—

The Hon. G. L. Bruce: He is convicted of driving while over .08.

The Hon. J. C. BURDETT: That is what I am talking about. If a person is convicted of a drink driving offence while he is on the road, why should the employer be responsible? There is no reason whatever. If that happens, the question the court has to decide under the present legislation is whether there is serious and wilful misconduct.

The Hon. C. J. Sumner: Well, leave it at that.

The Hon. J. C. BURDETT: I do not think it should be left at that. In most cases that come before a court, the court has found that there has been in such cases serious and wilful misconduct.

The Hon. C. J. Sumner: What are you worried about?

The Hon. J. C. BURDETT: I am not worried at all. It seems to me to be more reasonable to make it cut and dried. If a person is convicted of a drink related offence, why should an employer be responsible?

The Hon. G. L. BRUCE: I cannot accept that explanation at all. The situation I put was of a bloke driving home with a blood alcohol level of over .08 and, through no fault of his own, he is cleaned up; this happens every day.

The Hon. J. C. Burdett: He is over .08.

The Hon. G. L. BRUCE: That is an offence—being over .08. Hundreds of people have driven while over .08. For being involved in that accident he is denied the protection this clause gives in respect of workers compensation. The Opposition is not asking for a 24-hour coverage, but just to and from work. The Leader of the Opposition raised the situation of courts deciding wilful misconduct. I go further and say that the Opposition would be prepared to accept the concept of proportionate blame for an accident as found by a court. If the court finds that a person is 40 per cent in the wrong, let his claim suffer by that. If a person was in an accident and if he did not have the breathalyser test, in all probability he would not be charged. Under the rules and regulations in this State presently, if one is involved in an accident, injured and carted off to hospital, one must have a blood test to determine the blood alcohol content and then that person might be charged with a traffic offence. If he is found guilty, that person is denied the right to workers compensation. I cannot accept that what the Minister is saying is just, equitable and in good faith. I believe he is using the Bill to dodge out.

The Hon. D. H. LAIDLAW: For the last hour or so before dinner and since we have resumed we have listened to examples. We have had to deal with this suggestion of an extraordinary extension in cover that says that an employer must cover a worker on his way to and from work. Members have been arguing as to where this thing started. Now the Hon. Mr Bruce gives an example of a person in the liquor trade and part of his job is to encourage people to drink. In the case of a person working in the manufacturing industry who begins work at 7.30 a.m. and goes home at 5 p.m. after a little bit of overtime, for that person to be over .08 and be convicted is quite reprehensible. There is no reason why his employer should have to cover him with compensation. That is what the Hon. Mr Burdett is saying.

In 1974, Mr Whitlam brought Justice Woodhouse from New Zealand to inquire into national injury legislation. The tragedy was that Mr Whitlam then went on an ego trip and wanted to include sickness as well. There was a cost of $300 000 000 a year. Australia could have afforded national injury legislation at that stage, and we would not

now have all this argument and be sitting around tonight arguing about whether a person stubs his toe as he leaps out of bed on his way to work. The example given by the Hon. Mr Bruce is exceptional for that part of the industry he is involved in. There is no reason why an employer should have to cover a fellow who happens to work for him and chooses to have a blood alcohol content of over .08 on his way to work or back home.

The Hon. G. L. BRUCE: What happens in the hypothetical situation of a person who knocks off work, has over a .08 blood alcohol content, walks across the road and is hit by a car which kills or seriously injures him?

The Hon. J. A. Carnie: That person should not be drinking at work.

The Hon. G. L. BRUCE: I suppose you never drink at work. This is a hypothetical case. I am not aware of any such situation, but it could easily happen, not only in the liquor industry but elsewhere. What happens in a hypothetical situation where a worker leaves his place of employment to go home and only lives down the road, walks across the road to catch a bus and is cleaned up, seriously injured or killed, carted off to the hospital and a blood alcohol analysis shows that his blood alcohol content is over .08? Can this be used as an argument for him not to be able to claim compensation?

The Hon. J. C. BURDETT: This was put up as a hypothetical case: hypothetical questions are usually not answered, but I will answer this one. If that person walks across the road and his blood alcohol content is over .08, he cannot be convicted of an offence. Therefore, he would not be denied compensation.

The Hon. N. K. FOSTER: We have heard a lot of clap trap from the Minister. I wish to quote from *Workers Compensation Legislation in Australia,* and then I can throw all that the Minister has said back in his face. The Commonwealth Liberal Government printed this book. 'Outworker' receives special mention. I will not deal with it because it is not in this clause, but the term under the South Australian Statute denies the right of certain workers to the use of that term. The Minister damn well knows this and should have been advised of it by the Parliamentary Draftsman.

The CHAIRMAN: Before you become too excited and use terms which are not acceptable, I ask that you think about what you are saying. You used two words that I do not approve of.

The Hon. N. K. FOSTER: What did I say?

The Hon. G. L. Bruce: You said, 'damn'.

The Hon. N. K. FOSTER: We have the dam—the reservoir up there. In dealing with this clause, let me acquaint the Minister with facts in relation to travelling to and from work. The Hon. Mr Blevins raised the question about workmen falling down ladders. *Workers Compensation Legislation in Australia* says:

> In South Australia the aggravation, acceleration, exacerbation, deterioration or recurrence of any pre-existing injury where the employment is a contributing factor, is included in the definition of 'injury'. In Australian Capital Territory, Northern Territory, C.C.G.E. and S.C.A. the words 'exacerbation' or 'deterioration' are not mentioned and there is no similar provision in New South Wales, Queensland or Western Australia relating to 'injury'. It seems likely, however, that exacerbation etc. would be covered by aggravation or acceleration, etc.
>
> The circumstances in which the worker who suffers personal injury may recover compensation from his employer vary widely from statute to statute. Even where the circumstances in different statutes are similar, differences in the description of the circumstances may be critical. The circumstances may be divided into two broad groups:

The CHAIRMAN: With the volume of conversation in this Chamber, it is even difficult to hear the Hon. Mr Foster. I ask that the Hon. Mr Milne be seated.

The Hon. N. K. FOSTER: If nobody can hear me they certainly must come under the ambit of the clause in this Bill which provides for compensation for hearing loss. The book continues:

> (1) Those provided for in most statutes where the worker suffering injury may recover compensation from the employer
> viz., circumstances where the injury:
> arises out of and/or in the course of employment,
> or is sustained while the worker is:
> travelling between home and/or work and/or trade school;
> attending at trade school;
> travelling to receive medical treatment or certificate or compensation; or
> travelling between home and place of 'pick-up'.

The Hon. Mr Burdett should be listening closely. It further continues:

> (2) Those provided for in only a minority of statutes
> viz., circumstances where the injury is sustained while the worker is travelling to or from, or attending:
> certain living accommodation in restricted circumstances;
> or at a place:

I am pleased that the Minister has taken so much notice. He should tear up this Bill and start again. In respect to this clause, the points listed continue, as follows:

> in connection with the repair or replacement of an artificial aid;
> for vocational training;
> to undergo examination;

If the Minister refers to later parts of the Bill in this regard, I will shoot him down in flames. The book continues:

> or at his place of employment:
> to receive wages, etc.
> Also in this group are those circumstances where the injury is sustained while the worker is attending:
> at his place of employment for reasons connected with his employment;
> or at a place:
> to receive compensation or medical treatment or certificate;
> for 'pick-up';
> from which, by the terms of his employment, he is not then at liberty to absent himself;
> or while the worker is travelling:
> between places of employment under different employers—

the Minister has not mentioned that, but I raised it earlier—

> if he is within a certain class of seaman, to or from the Mercantile Marine Office;
> between camp or place of temporary residence for purpose of employment and place of abode when not so residing;

Earlier today I referred to outback employment. These areas are not covered in the Bill, but are pertinent to subsection (5a), (5b), (5c), and clause 4. I kick myself for being so neglectful that earlier I did not bring before the Chamber for guidance *Workers Compensation Legislation in Australia.* Despite the smiles of members opposite, they well know of its existence. I come back to that point, as follows:

> or while the worker is travelling:
> between places of employment under different employers;
> if he is within a certain class of seaman, to or from the Mercantile Marine Office;
> between camp or place of temporary residence for purpose of employment and place of abode when not so residing;

Can the Minister say that these matters set out in section 3 of this legislative guide at page 17 are not relevant? The section continues:

> or while the worker:
> having been present at his employment, is temporarily absent during an ordinary recess.

Can the Minister deny that? This chapter covers a wide area. The Hon. Mr Laidlaw says that we want people to be eligible for workers compensation 24 hours a day—we do not want that at all.

The Hon. D. H. Laidlaw: I didn't say that.

The Hon. N. K. FOSTER: The Minister said it, and you are one of the poultry flock. I could agree with you more if there were a national scheme introduced in this country

to deal with compensation, to deal with the eventuality of your wife, Mr Chairman, perhaps falling off a ladder this morning, or my wife's falling down a ditch this afternoon, or a road accident victim or an accident at school.

Of course, we should have got such a scheme in 1974 and, to some extent, industry is being unfairly loaded, as are motorists, and there is no question about that. There is not an insurance council in this country that would not agree. The Government cannot take action because it is confined to the area of the State's influence. I draw the Minister's attention to each and every clause because, in respect to what is set out in this legislative guide, the Minister is wrong, his whole concept is wrong, yet he attempts to tell Opposition members that he is producing a Bill that is better and fairer for workers, providing greater entitlement for rehabilitation, yet on the other hand he is saying that the previous Bill provides for bludgers and the like. The final paragraphs state:

> All Statutes have provisions whereby a worker may not be entitled to compensation if the injury has resulted from some wilful act on his part, e.g. self-inflicted injury, serious and wilful misconduct, substantial interruption to or deviation from the most direct route of a journey to or from the employment (see 'Non-entitlement/ loss of entitlement').
>
> Two tables follow. The first gives a brief comparison of the circumstances under which a worker may be entitled to claim compensation from his employer. The second is a summary of the situation regarding entitlement and the circumstances in which an employer is liable for injury in each statute.

Much of that is relevant to these clauses. As a result of what has been stated, the Minister should tear out subsection (5c) from the Bill, just for starters, because there is no compatible Act in the Commonwealth that makes any provision for a drunk. If a drunk goes to and from work, the employer knows very well that the insurance company's legal advisers could argue that the industry was involved in contributing to that fact. If the coppers do not take him away, I would be surprised. The Minister should get rid of this provision.

I have proved conclusively that the Minister is out of step with the rest of the Commonwealth, and all the places set out in this legislative guide. He should admit that he is wrong. The Minister should do his homework in respect to subsection (5a). Again, I refer the Minister to the legislative guide. The Government will self-destruct over this matter because it has not done its homework. It should suspend the Committee stage until it can properly examine this stupid matter now before us.

The Hon. J. E. DUNFORD: This is an important provision. Obviously, the Bill's architect has no idea of workers and that they feel like a drink after work when they have been in the mines and the like all day. It is not uncommon for a wheat lumper or a sheep shearer to have half a dozen pints after he knocks off work on pay day.

The Hon. J. C. Burdett interjecting:

The Hon. J. E. DUNFORD: Sometimes an employer drinks with him. Reference was made to employers being responsible, but that is a fact of life. At Gepps Cross or any industrial area on Friday night, on pay night, one sees workers going home after having half a dozen pints. Their blood alcohol level would exceed .08. Some people do that for 20 years. They are not drunks or alcoholics just because their blood alcohol level is over .08. If a person wilfully bombs himself out by drinking wine for 24 hours and gets home at 2 a.m., there is a case to answer. The employee is not guilty of any misconduct or breach of employment if he did not voluntarily subject himself to abnormal risk or injury. All through the provision it points out that the workman may not be entitled to payment if he does certain things. If a man has six pints every pay night, rides his bike or drives his car home and has been doing it for years, it is an accepted risk by the insurance company, by the employers and by the present Act.

New subsection 5c) provides that a person with a blood alcohol level over .08 will be penalised the full amount of his compensation. Further, he could have been killed. Another car could drive into him, and his family will be penalised for the rest of their lives and will not receive any remuneration from the insurance company. It is quite unfair and quite unreasonable.

I had a personal experience years ago. Two friends and I used to drink after work, walk half a mile to a Williamstown hotel, go to the toilet and jump on the train. The chap following me had two bottles of beer in his hand. As he grabbed the rail the train moved off, he spun like a top and fell under the wheels. His stomach was crushed and he died. He received workers compensation 30 years ago. I gave evidence in court, and his family was paid compensation on the grounds that he was returning home from work and that it was the normal thing for him to do. Although we had drunk several pints of beer we were quite able to walk, converse and catch a train. However, he fell down and got killed but his wife received compensation. This Bill takes away the rights of the working people in Australia.

Where would hotels be if every person working in the mines and on the railways stopped having his eight schooners on pay night? The hotels would go broke. When a man returns home with a blood alcohol level over .08 his wife sees nothing wrong with him.

The Hon. J. C. Burdett: He has to be convicted.

The Hon. J. E. DUNFORD: That is right; he will be convicted for driving with a blood alcohol level over .08. It is not a misdemeanour. The present Act provides that, where an employer is paying workers compensation to an employee who did not voluntarily subject himself to any risk or injury, he can argue in the Industrial Commission. If we leave the Bill as it is, any employer so offended by any workman being in such a position where he subjects himself to death by his own wilful hand will be dealt with by the courts. If this clause is passed the insurance companies will want the level reduced to .05 so that they can get people who have had only five butchers. They will not be eligible for compensation at all.

The Hon. J. C. Burdett: What clause is this?

The Hon. J. E. DUNFORD: New subsection (5c).

The Hon. J. C. Burdett: It has nothing to do with insurance companies.

The Hon. J. E. DUNFORD: The insurance companies pay workers compensation.

The Hon. D. H. Laidlaw: Not always.

The Hon. J. E. DUNFORD: Who pays your workers compensation? Have you got your own? We have not heard one instance of where the employee or offender is paid out in circumstances which are unfair under the current Act. How many times have members opposite, when we were in Government, asked for examples? There is no example in the second reading explanation given by the foolish Minister in another place as to where it is needed to protect the employer against pay-outs to the people he is trying to denigrate; namely, the working class in South Australia.

The Hon. C. J. SUMNER: The Hon. Mr Foster said that I was anxious to enter this debate. I am certainly not anxious to enter the debate but I feel compelled to do so because of some of the statements made by honourable members opposite, particularly those made by the Minister in charge of the Bill. First, he made an inflammatory statement that honourable members on this side wanted, by way of the compensation Act, to provide 24-hour cover for injured people. That is quite clearly patent nonsense. Some members on this side of the Chamber would support

a comprehensive national compensation scheme for injury irrespective of whether one was injured at work, on the roads, at home or in any other circumstance. However, that is certainly not the issue we are debating in this Council. I would suggest that the Council and the Hon. Mr Milne in particular object to the Minister's proposition.

The second proposition that I want to discuss is that allegation by the Minister that this amendment that he has proposed does not reduce workers' rights and does not detract from rights that already exist within the Act. I am afraid that I have to say that that is patently, again, untrue. In this respect, I am indebted to him for in his explanation referring the Council to the case of *Vickers v. Jarrett Industries*, which appears in 15 S.A.S.R., 1977. If the Minister in charge of the Bill chose to read that decision and take the decision of Chief Justice Bray he would see that this amendment does amount to a considerable retraction of the rights of workers under the workers compensation legislation; there can be absolutely no doubt about that. The Minister tried to give the impression to the House that what had been assumed in legal circles in recent times was that the boundary test (that is, the test as to whether a worker had arrived at his place of abode was when he reached the territorial boundary, the boundary as he entered his property or land) was the test that was accepted in South Australia and that all he was doing by way of this Bill was clarifying that situation and confirming that that was the situation. That simply is not the case.

Since 1971 in this State the boundary test, the strict boundary test which had been accepted to some extent in the New South Wales courts, has not operated, yet what the Government is trying to do now in 1982, 11 years after the boundary test was rejected by the courts, is to reinstate it. This Liberal Government is trying to reinstate that test to the detriment of working people in this State. I refute quite firmly the proposition that the Minister has put that this amendment does not constitute a detraction from existing rights, because it clearly does. If he wants to argue the case on its merits, the amendment on its merits, on some kind of logical proposition that the territorial boundary of a person's place of abode commences when he enters that person's land or the land where he lives, not necessarily the building, then let him argue, and he may well have at least an arguable case, but I do not believe a justifiable one. However, do not let him come into the House and say that this amendment that the Government proposes does not amount to a detraction from the existing right of workers, because it simply does; there can be no question about it.

If the Minister would care to look at the case of *Vickers v. Jarrett Industries* he would see what I am saying and I will quote the initial facts of that case. In that case a workman had been driven home from work in a motor car by a friend because it was raining. The car entered the driveway of the workman's home. The workman, having got out of the car and taken a few steps away from it, was injured by a fall in the driveway. He, under that case, was entitled to compensation. Under the Government's amendment that we are considering now he would not be entitled to compensation; make no mistake about that. Therefore, Mr Vickers in 1977 was entitled to compensation but, if this amendment was passed, he would not be entitled to compensation. That cannot be denied by the Minister, so that is a detraction from the rights which workers currently have. Let us look at what the Chief Justice, Bray, said in that case, and I quote:

> In 1971 in *Minister of Marine v. Archer* Judge O'Laughlin of the South Australian Industrial Court rejected the boundary test.

Let us remember it is the boundary test that the Minister now wants to reinsert in the legislation. The report continues:

> There the workman received the injury while attempting to start his motor cycle parked about 10ft inside the outer driveway on the street boundary of his premises.

Judge O'Laughlin in 1971 found that that person was entitled to compensation. Judge O'Laughlin reaffirmed that decision in 1974. Another judge of the Industrial Court, Acting Judge Di Fazio, reaffirmed that decision in 1976 and it was not until the case of *Vickers v. Jarrett Industries* that that ruling was challenged in the Industrial Court when Judge Boylan challenged it. Judge Boylan's decision in *Vickers v. Jarrett Industries* was then taken to the Full Court. The Full Court, on the facts I have indicated to the House, said that that workman was entitled to compensation, so it is quite clear that in this State from 1971 until the present time the strict boundary test has not applied. Let us see what the Chief Justice said about the boundary test, and I ask honourable members to listen to this, as follows:

> In *Williams* case a girl fell off her bicycle into the driveway of her father's home where she lived, as a result of a bump from an irregular road surface outside the driveway. She was refused compensation.

Williams case was a New South Wales case. The report continues:

> Presumably if she had fallen across the driveway with her head inside it and her feet outside it on the footpath she would have got compensation for a broken ankle but not for a fractured skull.

That is the sort of absurdity that Chief Justice Bray pointed out can occur with the sort of test that the Minister wants to now introduce.

The Hon. D. H. Laidlaw: It applies in any situation.

The Hon. C. J. SUMNER: The Hon. Mr Laidlaw says it could occur anywhere. It is true that there are always problems with definition. Chief Justice Bray at that time went on to say in the definition that he accepted that those problems of demarcation and the limitations are much less. It is interesting to note, and I quote further:

> In *Bowden's* case itself—

a New South Wales case—

> the common staircase in a building of 25 flats was held to be part of the place of abode of a workman who dwelt in one of the flats. The entire building was held to be his place of abode. It is perhaps not surprising that the New South Wales Act was amended in 1964 to provide that the commencing and terminal points of the workman's journey should be the entrance or exit of a flat or home unit or in other cases the building or structure in which he lives.

This Government's amendment does not come to grips with that problem, although the boundary test was accepted in New South Wales.

The Hon. Barbara Wiese: Wasn't that a Liberal Government?

The Hon. C. J. SUMNER: I am not sure whether it was in 1964, but it could well have been. The fact is that in 1964 in New South Wales they decided that the boundary in the case of a block of units or flats was the entrance to that block of units or flats, not the entrance onto the land. This amendment would make entrance on to the land the test, so even where the boundary test existed in New South Wales in 1964 the New South Wales Parliament said that that boundary should be the residence or flat of an individual. That is quoted in Chief Justice Bray's judgment in *Vickers v. Jarrett Industries*. The judgment also states:

> On the concept of journey adopted in Archer's case, I do not see why the journey should not commence or end in the house.

We have a situation where for all intents and purposes the strict boundary test, where that means entry onto the land which constitutes the place of abode of a workman, has not applied in this State since 1971; a more liberal and extensive test has applied. That cannot be doubted. When it was challenged in 1977 it was referred to the Full Bench of the Supreme Court of this State, which held that the strict boundary test does not apply in this State. Five years later

this Government is trying to take us back to the situation that existed before 1971.

Honourable members who vote for the Government on this issue should be under no misapprehension that they are restricting the rights of people under the Workers Compensation Act. If the Government or the Hon. Mr Laidlaw want to argue that there is some logic in what the Government is doing, that their proposal is better than ours, they can argue that proposition. However, the Minister should not say that there is no reduction in rights, because quite clearly there is. If one accepts the proposition in *Vickers v. Jarrett,* the strict boundary test does not apply. If this amendment succeeds, it will apply. If the Committee wishes to do that, so be it. However, I hope I have been able to explain the effect of the *Vickers v. Jarrett* decision. I believe that courts have established certain rules and guidelines in relation to a place of abode and journeys to and from work. Those rules are based on the interpretation of the present Act, and they should continue to apply. If members vote for the Government they are voting for a reduction in rights.

The Hon. D. H. LAIDLAW: In my second reading speech, I said that I believe that, if some common sense is shown and there is some give and take by the three parties, we will be able to mould a Bill that could be a model for the rest of Australia. However, there must be some give and take. I recall the then Minister of Labour and Industry, Mr Wright, introducing a very major amending Bill in 1976. In many clauses that Bill took a certain amount away from the workers while other clauses gave workers a considerable amount.

The Hon. C. J. Sumner: You tossed it out.

The Hon. D. H. LAIDLAW: Because the Opposition would not negotiate.

The Hon. Frank Blevins: It didn't even pass the second reading.

The Hon. D. H. LAIDLAW: It did; we went to conference. However, the Government would not negotiate in relation to weekly earnings. This Bill gives us a chance to produce an extremely good Act, but there must be a certain amount of give and take and some common sense.

The Hon. FRANK BLEVINS: I rise to respond to the Hon. Mr Laidlaw's comments. The Hon. Mr Laidlaw quite often rises (although not as often as the Hon. Mr Milne in this connection) and preaches to us about how we should behave and what we should do.

The Hon. J. C. Burdett: Deal with the clause.

The Hon. FRANK BLEVINS: I am responding to the Hon. Mr Laidlaw. I notice that the Minister did not interfere with the Hon. Mr Laidlaw.

The CHAIRMAN: Order! Unfortunately, I gave the Hon. Mr Blevins the call ahead of the Minister, who really should have received it.

The Hon. FRANK BLEVINS: I am quite happy to comply with that, Mr Chairman.

The Hon. J. C. BURDETT: The Hon. Mr Sumner referred to the case of *Vickers v. Jarrett;* he did not know about that case until I mentioned it. This amendment will change the rule established in that case. There is no argument about that.

The Hon. C. J. Sumner: You said that it was not a reduction of workers rights.

The Hon. J. C. BURDETT: I will come to that in a moment. If there is any reduction it would be minimal, because it occurs in only a very small number of cases. I have said quite clearly that this amendment will overturn that rule. I was very interested to hear the Hon. Mr Sumner mention the situation in New South Wales. That was the first time in this debate that any member opposite has paid any attention whatever to the situation in another State.

The Hon. C. J. Sumner: What you're suggesting is not what happens in New South Wales.

The Hon. J. C. BURDETT: I know that. The Hon. Mr Sumner referred to the situation in New South Wales and seemed to suggest that the situation there was good. The Hon. Mr Blevins consistently refused to make any interstate comparisons of any kind, as did other members opposite. The Hon. Mr Sumner is the only member of the Opposition who seems to pay any attention to the other States.

The Hon. C. J. Sumner: That has nothing to do with anything.

The Hon. J. C. BURDETT: It has, because the Hon. Mr Sumner referred to the position in New South Wales, while other members opposite consistently refused to do that. I have said consistently that we should consider the situation in other States.

New subsections (5a) and (5b) simply define where a journey from home to work begins. As the Hon. Mr Sumner said, anomalies arise in some definitions. I think that if a person is travelling to work, to the football or anywhere else and he falls down in his own back yard, that should be his own concern. In any event, a person can insure against that happening through accident insurance. An employer should not be lumbered with that type of accident.

I took the matter to an extreme by suggesting that soon an employer will be expected to cover his employees 24 hours a day. However, according to the Opposition that proposition is not that silly. It is unreasonable to expect an employer to be held responsible if an employee falls down his own back step, trips over his hose or whatever. If a worker has a domestic accident on his own domestic premises that should be his own affair. There is nothing unreasonable about that.

I do not wish to speak too often in the debate on this clause, so I will also speak to new subsection (5c). As I have said before, if a workman on his way to or from work has a drink, is involved in an accident and is convicted of a drink driving offence, in most cases it has been held that there has been gross and wilful neglect. However, it is quite reasonable to apply an objective test to specify the matter. If a person is convicted— and he has to be convicted—of one of the offences set out in new subsection (5c), I can see no reason why an employer should be held responsible.

The Hon. FRANK BLEVINS: The Hon. Mr Laidlaw made some comments to which I wish to respond. He stated that, if the three Parties in this Chamber could sit down quietly and discuss these matters in a spirit of give and take, we could produce model legislation for the whole of Australia. I do not disagree with that. The three Parties are here and, speaking for the Hon. Mr Milne and members on this side, we would be happy to sit down and discuss the matter quietly in a spirit of give and take. I would like the Hon. Mr Laidlaw, in regard to this clause or any other clause of the Bill, to tell me where the give is for the worker. There is not one inch of give.

The Hon. J. C. Burdett interjecting:

The Hon. FRANK BLEVINS: We will debate that clause at the appropriate time. Where is there any give for an injured worker? This Bill consists entirely of take. Every clause in the Bill takes from the worker and from the standard that was set down in 1973. I do not particularly object to a Liberal Government's doing that: as I stated earlier, it is the role of such a Government to reduce payments to injured workers, to assist the insurance companies and the profits of those involved. That is its job. However, I object to the mealy-mouthed hypocrisy of this Government in saying that it is giving the workers something. The Government is giving the workers nothing. Members opposite should have the guts to stand up and say, 'We are deliberately reducing the level of the standard of workers

compensation because we believe that in 1973 the workers were given too much.' The only person who had the guts to stand up and say that was the Hon. Mr DeGaris. Other members opposite are mealy-mouthed and hypocritical. They should state what they are doing, and I would respect them more, although I would not agree with them and I would fight it.

The Hon. N. K. FOSTER: I endorse the remarks made by my colleague. From where I stand, the remarks were very commendable. In the light of the debate which has flowed in regard to this clause since well before 6 o'clock and which may continue for the next two hours (and it is only minor compared to some of the other clauses)—

The Hon. C. M. Hill: That's all right. We can stay here.

The Hon. N. K. FOSTER: The Minister should not become involved. He has pecuniary interests. He is involved with an insurance company and he knows it.

The Hon. C. M. HILL: I rise on a point of order. I ask the honourable member to withdraw the claim that I have a pecuniary interest in an insurance company. That is absolutely incorrect and false, and the honourable member should withdraw his remark. He has been intimating along these lines for days. He should apologise and I require that, under Standing Orders—

The Hon. N. K. Foster: What do you mean by saying that you require under Standing Orders—

The CHAIRMAN: Order!

The Hon. N. K. Foster: May I respond, Mr Chairman?

The CHAIRMAN: Order! I am not sure of the position. Does the Minister ask the honourable member to withdraw and apologise?

The Hon. C. M. HILL: Yes, for his making a false accusation against me.

The Hon. N. K. Foster: I have not made a false accusation against you. I've told the truth.

The Hon. C. M. HILL: The honourable member has not told the truth. I simply deny the charge the honourable member has made. I get sick and tired of hearing him talking such rubbish.

The CHAIRMAN: Order! I can only ask that the honourable member withdraw the accusation that the honourable Minister has a pecuniary interest.

The Hon. N. K. FOSTER: I withdraw the accusation. Is the Right Honourable Mr Hill the same Mr Hill who, at the taxpayers' expense, leaves this State and goes to Sydney to sit on an insurance company board at least once a quarter?

The CHAIRMAN: Order! That question has nothing to do with the clause. The honourable member must speak to the clause.

The Hon. N. K. FOSTER: I am speaking to the clause.

The Hon. C. M. HILL: I seek leave to make a personal explanation.

The Hon. N. K. Foster: What for? You are a land shark from way back. Don't come on with that pained expression on your face.

Leave granted.

The Hon. C. M. HILL: I want to explain that I have not been an advisory director of an insurance company since I became a Minister of the Crown in 1979, nor have I therefore gone to Sydney—

The Hon. N. K. Foster: Were you an advisory director before that?

The Hon. C. M. HILL: Shut up and listen to what I am saying.

The Hon. N. K. Foster: Were you a director before that time?

The Hon. C. M. HILL: Yes, I was. What of it? What is wrong with that?

The Hon. N. K. Foster: There's nothing wrong with it. Why is the Minister so over-sensitive?

The Hon. C. M. HILL: You are an idiotic galah.

The Hon. N. K. Foster: I don't want him to withdraw. He is reflecting on a beautiful creature, part of our native fauna. He keeps 45 parrots—

The CHAIRMAN: Order! This is the honourable member's last chance to speak to this clause.

The Hon. C. J. SUMNER: I wonder whether the Minister may have overstepped the mark in his reference to the Hon. Mr Foster.

The CHAIRMAN: Order! Does the Leader want one of those nights?

The Hon. C. J. SUMNER: I do not want one of those nights. I conducted my speech in a reasonable manner, as I would have done had I been quoting *Vickers vs. Jarrett* before the Industrial Court. The Minister made some quite derogatory remarks about the Hon. Mr Foster. I believe the Minister called the honourable member a galah, and I would have thought—

The CHAIRMAN: Order! That is not a point of order. The Hon. Mr Foster did not ask for an apology from the Minister. I ask the Hon. Mr Foster, who has the call, to speak to the clause.

The Hon. C. J. SUMNER: My point of order is that the comments made by the Minister were quite unparliamentary, and I ask that they be withdrawn.

The CHAIRMAN: On behalf of the Hon. Mr Foster, the Leader has asked that the Minister withdraw his words.

The Hon. N. K. Foster: Is he an idiot?

The CHAIRMAN: Order!

The Hon. N. K. Foster: Do you refer to him as an idiot, Mr Chairman?

The CHAIRMAN: I can quite easily give the honourable member some time off so that he can sort out the matter. If the honourable member wants to speak to clause 5, I give him an opportunity to do so.

The Hon. N. K. Foster: Everyone is in on the act but me. I don't care whether the Minister calls me an idiotic galah. That reflects on the person who said it. I regard a galah as being part of the Australian fauna and a protected bird.

The CHAIRMAN: Order! We cannot carry on like this much longer. I give the honourable member a last chance to speak to clause 5.

The Hon. C. J. SUMNER: There has been no ruling in regard to Standing Orders.

The Hon. J. A. Carnie: Get on with the Bill! This is a deliberate ploy to delay.

The Hon. C. J. SUMNER: I could not agree more with the Hon. Mr Carnie. We should seriously debate the Bill. Standing Order 193 states:

> The use of objectionable or offensive words shall be considered highly disorderly; and no injurious reflections shall be permitted upon the Governor or the Parliament of this State, or of the Commonwealth, or any member thereof, nor upon any of the judges or courts of law, unless it be upon a specific charge of a substantive motion after notice.

I point out to you, Mr President, that the Hon. Mr Foster is a member of this Council. The statement the Hon. Mr Hill made constitutes objectionable and offensive words. They certainly constitute an injurious reflection on the Hon. Mr Foster. On that basis, I ask that the words the Hon. Mr Hill used be ruled out of order in terms of Standing Order 193 and that you, Mr Chairman, ask him to withdraw those words and to apologise under Standing Order 208.

The CHAIRMAN: The Leader has pointed out, in splendid tone, the terms of Standing order 193. I take the point of order that he feels the words used by the Minister of Local Government were objectionable. He has asked that the Minister withdraw those words.

The Hon. C. J. Sumner: Or he can explain them to the satisfaction of the Chairman.

The CHAIRMAN: Under Standing Order 193—

The Hon. Anne Levy: It should be under Standing Order 359.

The CHAIRMAN: The honourable member may make her point of order after I have dealt with Standing Order 193. I ask that the Minister of Local Government either withdraw or explain the words that are objectionable.

The Hon. C. M. HILL: I withdraw.

The CHAIRMAN: We have had a foreshadowed point of order by the Hon. Anne Levy.

The Hon. ANNE LEVY: I felt that the Standing Order 359 was the appropriate one as it refers to 'in Committee' and Standing Order 193 refers to 'in debate'.

The Hon. N. K. FOSTER: I require that the Minister in charge of the Bill note the Opposition objection to clause 5. No provision in any other State is in any way comparable, as is proved by reference to *Workers Compensation Legislation in Australia, 1980.* This book contains a reference to all compensation Acts in the Commonwealth. I challenge the Minister, representing the Minister of Industrial Affairs, to prove to the Committee that there is any comparison between this clause and a provision in any one of those numerous Acts to which I have just referred.

This Government is completely and absolutely out of step with the principle and concept of the whole of the spectrum of workers compensation in this country. This not only applies to this particular clause. Having looked at the book, I can say the whole Bill falls far below comparable compensation legislation in the Commonwealth of Australia. Therefore, I ask the Minister to have this clause laid aside until he can bring to the notice of the Minister of Industrial Affairs the matters to which I have referred.

The Hon. J. C. BURDETT: The honourable member has quoted from a handbook of no great authority and has tried to set out the position in various States. It is certainly unproven to say—

The Hon. N. K. FOSTER: I rise on a point of order. The book has authority. It is from the Australian Government Public Service, Canberra. No book can be published without the authority of the Commonwealth Parliament, through the Commonwealth Government Publications Committee, a committee to which I belonged at one stage. This book is important; it is available in shops in every city in Australia and is recommended by the Department of Social Security for the guidance of courts, Governments, Parliaments—

The Hon. J. A. Carnie: What's the point of order?

The Hon. N. K. FOSTER: That is the point of order. Mr Chairman, I want you to uphold the authority in this book. I will table it if necessary, in accordance with Standing Orders.

The CHAIRMAN: I think that it is a very authoritative document.

The Hon. J. C. BURDETT: The document has no authority over this Parliament. The honourable member has not quoted very fully from it and what he has quoted is not relevant to the Bill. It is ridiculous to suggest that he has quoted any authority for withdrawing this clause and, contrary to what the honourable member says, the Bill as presented compares favourably with similar legislation affecting workers in other Australian States.

The Hon. N. K. FOSTER: I ask that the Minister explain what he means by 'comparable'. There is a complete and absolute absence of this provision in that book under the table on page 7 which shows entitlement to workers compensation. The table on page 7 shows persons eligible and persons excluded. New subsection (5c) excludes people. The Minister cannot prove that there are any such exclusions within the whole range of compensation authorities in this country, because there are none. The preface of the book will show that. Will the Minister ask his advisers to advise him where a comparable provision with new subsection (5c) exists?

The Hon. J. C. BURDETT: The handbook is out of date.

The Hon. N. K. Foster: It's the latest available.

The Hon. J. C. BURDETT: It is out of date. A similar provision to new subsection (5c) exists in Western Australia.

The Hon. N. K. Foster: When did it apply in Western Australia?

The Hon. J. C. BURDETT: I do not know.

The Hon. N. K. FOSTER: I cannot accept that. The Minister should prove it to the Committee. I do not think that is so, because I have looked through this authority and can find no reference to it. I suggest that the Minister report progress so that he can be properly informed. What the Minister has said is an absolute tissue of lies, and does not apply. I challenge the Minister to prove to the Committee the existence of that comparable provision. I refer to new subsection (5c). What if one worker travelling home crashes into another worker travelling home and one of them is drunk? What if the insurance company contests the claim on behalf of both of those workers involved in the accident? Where does that leave the argument in court? The question becomes mind boggling. What about two workers involved in a crash who are covered by the same Act and employed by the same employer? What is the position if one is drunk as a result of lacing his coffee? After a crash, the police arrive and one worker may be arrested. The person who was incapable and drunk must face up to his responsibilities, as perhaps must the young man involved in the death of two policemen the other night. Was he on his way home from work while drunk? Was the death of two policemen the result of actions of a drunk driver on his way home from work?

Once this Bill is passed, retribution against innocent people is likely to result. All members on this side are concerned about that. Members are not voted into this Chamber on the basis that we will look after the interests of Rundle Mall or the Chamber of Manufactures, the Chamber of Commerce or the Employers Federation.

The Hon. D. H. Laidlaw: Or Trades Hall!

The Hon. N. K. FOSTER: I was coming to employee organisations. The Trades Hall submission on this Bill is not as strong as the speeches and demands that come from members of this Party. The Committee will not get past new subsection (5c) until the Minister properly advises me. In regard to the next clause, I will also be raising a matter where at one time the department advised aged persons what they should do in regard to obtaining compensation. The Minister cannot prove his claim. I point out to you, Mr Chairman, because you may have to vote on one of these clauses, that that is the position, that the Minister cannot prove that the provision in new subsection (5c) can be found in legislation in any other State of the Commonwealth.

The Hon. C. J. SUMNER: I have to respond to one point that the Minister made. He referred to the situation in New South Wales which, in 1964, amended legislation to provide that the boundary in the case of a flat, a block of flats or home units was the actual entry to the flat or unit and not the boundary of the property. I only gave that example to indicate that, if the Government were genuine about its concern in regard to certainty and the question of when a person arrived at his place of abode, that was an option the Government could have adopted. It could have said, 'We will make it entry into the actual residence and place of abode.' That would have given some certainty and would have been much closer to the situation presently existing under the law. Of course, the Government has

chosen not do do that. I referred to New South Wales only in that context.

I indicate that the courts over the past 12 years in this State have established certain principles about journeys that seem to be reasonable, and there is no reason why they should be changed. If the Government wants to change them, why accept the territorial land boundary rather than the house boundary or the residence as the cut-off point? I believe it was ill conceived of the Government to raise this issue.

The Hon. Mr Burdett said that not many cases were involved in this category, and I agree with him. The principle involved is that on the basis of a definition (I think it is a definition that has existed for many years both here and interstate) inserted in the Act in about 1970. The South Australian courts have an interpretation in a certain way which gives a worker some chance of getting compensation, even in a situation where he is inside his own boundary as far as land is concerned.

I cannot see why the Government has decided to make such an issue over a matter like this. The rules are laid down; the courts have established principles and surely it is reasonable to allow those principles to apply. If the Government wants to amend the Bill and wants certainty, I will give it the opportunity to report progress and look at the New South Wales principle. We may well be able to go along with that. I can see no good reason for the amendment to the Act and therefore oppose the clause.

The Committee divided on the clause:

Ayes (9)—The Hons J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, K. T. Griffin, C. M. Hill, D. H. Laidlaw, and R. J. Ritson.

Noes (10)—The Hons Frank Blevins (teller), G. L. Bruce, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne, C. J. Sumner, and Barbara Wiese.

Pair—Aye—The Hon. R. C. DeGaris. No—The Hon. C. W. Creedon.

Majority of 1 for the Noes.

Clause thus negatived.

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

The Hon. FRANK BLEVINS: The Opposition opposes this clause. This is the clause that puts a time limit on a retired worker when claiming workers compensation for an injury which occurred at work in relation to hearing. In other words, if the worker retires at 65, if it is not discovered within 12 months that he has a hearing loss, he will not qualify for compensation. We cannot understand why there should be any time limit. If it is discovered that a boilermaker has a hearing loss three years after retirement through a routine examination, why should not that worker be entitled to claim? The Government has decided the time limit, which could have been three months, three years or any other period. Does it believe that an ex-worker should not be compensated for that loss because he has not discovered the extent of his loss within that set period? We believe that the worker should not suffer.

The provision is presently that at any time after a worker retires if a work related injury is discovered he has the right to claim. I would imagine, as in the previous clause, that the number of people who take advantage of this clause is minimal. I would like the Minister to explain to the Committee the extent of the problem that this clause was designed to solve. I would like the Minister to tell us how many workers are involved, the cost to industry and to the insurance company. If there is a massive cost to the various bodies we can then look at the argument. However, we do not believe that the costs are anything other than trivial. A worker who has suffered hearing loss will have that disability for the rest of his life. The cause of that loss must be established. I would appreciate the Minister's telling us why a hearing loss of that nature should not be compensated in the same way as for a person who is still at work. No matter how long a worker has been retired he has to prove that the hearing loss has been caused through his employment. Compensation could be paid through employment, so what does it matter if it is two years, three years or six months later?

If one accepts the principle that the worker is entitled to compensation for a hearing loss, then it seems to me that it is unreasonable to put any kind of a time limit on it. I welcome the Minister's telling us the extent of the problem and we can take it from there.

The Hon. J. C. BURDETT: The extent of the problem and number and value of claims is not great. I certainly cannot quantify it.

The Hon. Frank Blevins: Give me one example, just one.

The Hon. J. C. BURDETT: It is not a question of an example. The position is this: if there is a work induced hearing loss it will exist at the time of retirement and can be detected at that time and evaluated. What the Bill does is allow a reasonable time thereafter, namely 12 months. If the Hon. Mr Blevins, in lieu of opposing the clause, suggests two years, that is up to him. The difficulty is this, of course, that hearing loss accelerates not only through work induced reasons but especially through age. I understand that almost anyone from middle age on suffers some degree of age induced hearing loss.

The Hon. K. L. Milne: Will you speak up?

The Hon. J. C. BURDETT: The Hon. Lance Milne has demonstrated clearly that he can hear me and that, therefore, he has not suffered very much age induced hearing loss, or even industrial hearing loss, in this place, which is rather remarkable. The problem is this: hearing does deteriorate, and quite radically, in middle age and from there on. That is why, as you progress into the period of retirement it becomes difficult to assess whether the hearing loss is work induced or otherwise induced. The point I am making, I understand, is medically correct (and there are people in the Chamber—not myself—with medical experience who can perhaps expand on this), that if there is work induced hearing loss it will be evident at the date of retirement.

This Bill in its present form allows 12 months thereafter for a claim to be lodged. Beyond that it becomes terribly difficult, particularly in ageing people (and most people who retire are people who are ageing). It does become very difficult with ageing people to determine how that hearing loss was induced, whether it was work induced, age induced, or caused by some other factor. The point of this clause in the Bill is simply to be reasonable and to say that if people are to claim for work induced hearing loss then they should make the claim reasonably soon because if the hearing loss is of any magnitude at all it will become evident and they will be able to go to a doctor to do something about assessing their claim.

If the loss is so slight it is not evident, it is not going to matter all that much. Reverting to what the Hon. Mr Blevins said in the first place, it is not suggested that this happens very often or that the amounts involved are great. That, of course, cuts both ways, because if the amounts involved are not large and it does not happen often, why not have some justice in the matter and have some certain requirement that is only reasonable, that if a claim is to be made it be made within 12 months of retirement?

The Hon. D. H. LAIDLAW: I think that this is an important matter. The Hon. Frank Blevins quoted the case of Clyde Engineering or Perry Engineering. However, it is not the big firms that have a problem, because they have

enough employees so that when they insure with insurance companies the risk tends to be spread. It is the smaller employer who gets hit under this section as it presently exists because no insurance company can close off its books if a person retires who can claim for hearing loss up to the age of 90. If he retires at 65 the insurance company can say to the employer (and they do) that it is not able to close off any of the cases, that it has a contingent liability, and that therefore the employer has to pay more for his cover because of that contingent liability for the people who have previously worked for him who may make a claim. The other contingent liability is lump sum interest. Whether the period in the Bill is one year or two to me does not matter two hoots, but I believe that a worker within 12 months of retiring should be able to have a hearing test to discover whether he has over 20 per cent, or whatever it is, of hearing loss and then make a claim. I think that that is quite reasonable. I think that if this amendment is passed it will reduce the rate of insurance premiums in this State.

The Hon. K. L. MILNE: The Hon. Mr Laidlaw has said much of what I was going to say about insurance companies. I know from my experience with the S.G.I.C. that it is true. It is, at the least, a nuisance. What people do not understand is that it is an increasing and unknown liability. It is very difficult to calculate that and to allow for that in the profit and loss account and balance sheet. I would have thought, and I have been corrected by the Hon. Dr Ritson about this, that it would not matter much if the period were two years. When one starts getting beyond that one is getting into the likelihood of increases in premiums, into lump sum amounts and the cost of regularly reviewing the matter, going through the ledgers and so on. I think that it might be an idea to make the period two years. In fact, I suggest that and ask the Government to accept it. Would the Minister accept the period of two years?

The Hon. C. J. Sumner: Move an amendment.

The Hon. R. J. Ritson: Give us some argument first.

The Hon. K. L. MILNE: I move:

Page 3, line 6—Delete 'one' and insert 'two'.

I would have thought that after retirement any increase in hearing loss would be fairly slow.

The Hon. C. J. Sumner: They'll go to three, Lance.

The Hon. K. L. MILNE: That is up to the Leader, but I am suggesting a period of two years because of the insurance companies and not because of the Government. I would like to think that there is some system where there is some routine whereby people are reminded when they retire that they should have a hearing test, or it should be routine in companies for them to do so.

The Hon. R. J. RITSON: I want to come back to a point made by the Minister. In the first case the example the Hon. Mr Blevins chose was an important one because he chose a situation where a person, three years after leaving work, was routinely examined for some other reason (in other words, he had no subjective disability) and at that examination it was discovered that he had a defect above the threshold proposed in this Bill. As I explained in my second reading speech, the weight given to hearing losses that contribute to the percentage is such that I cannot possibly imagine that somebody could go for three years with a substantial work induced hearing loss and suffer no disability from it in his own mind and have it accidentally discovered for some other reason.

I will leave that point for the moment. I notice that the clause only deals with workers who retire on account of age or ill health. The clause specifically addresses itself to noise induced hearing loss and presbyacousis, which is a marvellous word that I can still pronounce and which means gradual deterioration due to age. Whereas noise induced hearing loss does not progress after exposure to the noise ceases, the natural ageing component does increase. Therefore, at the moment a worker retires any measured hearing loss could be totally due to his employment. However, any increase in hearing loss after that time will not be due to his employment. If there is no time limit a worker could retire with perfect hearing and make a claim for compensation 20 years later. Therefore, there must be some limit.

If a person voluntarily retires at a young age this clause will not apply anyway, so there will be no substantial ageing component. I believe that a one-year limit is fairly generous. If the Committee succumbs to the two-year proposal it will be a concession to politics not to science. It is still beyond me how a worker employed in a noisy environment would neglect to have his hearing checked upon retirement and could go for years with an enormous compensatable disability that he did not even know about until someone else found it for him. Hearing loss caused by exposure to noise does not progress after exposure to noise ceases. The hearing loss due to age continues for the rest of a person's life. For that reason it is very proper, on a scientific basis, to apply some sort of time limit after retirement.

The Hon. J. E. DUNFORD: This clause deals with a person retiring on account of age or ill health. All members would be aware that there is a trend in industry, sometimes supported by the trade union movement, towards early retirement. Many workers are now retiring at 55 years of age. However, they are not old men, because I am nearly 55 and I do not consider myself old. People such as the Minister, who proclaim legislation such as this, are not aware that this goes on in industry.

This Bill may have a life as long as the last Bill, which was about 10 years. It could well be that in 10 years time workers will be retiring at 50 years of age. A worker could also retire from ill health at any time during his working life. It is quite clear that claims in relation to all other forms of compensation covered by the present Act have been made within 6 months of the date of injury or death. The Hon. Mr Milne has put forward a good compromise. He suggested that there could be a compromise between insurance companies and employers. Section 27 (2) *(b)* of the present Act provides:

failure to make a claim within the period referred to in paragraph *(b)* of subsection (1) of this section shall not be a bar to the maintenance of proceedings referred to in that subsection if in any such proceedings it is made to appear to the court that—

(i) the employer was not prejudiced in his defence by the failure;

Therefore, the present Act contains a defence. It also provides:

or

(ii) the failure was occasioned by ignorance of the workman of the provisions of this Act, mistake or absence from the State of the workman or other reasonable cause.

The present Act provides that unless those two situations apply there is a break for the employer. I believe the Hon. Mr Milne's proposal obligates the employer to keep his employees informed of their rights.

If this amendment is carried a worker could retire at 55 years of age, go away on a holiday and return to find that his hearing had been impaired since he left work. Sometimes a worker does not realise that his hearing has been affected, particularly if he works in a noisy area, as I did, because workers employed in a noisy work situation tend to shout. A worker returning from a holiday will lose any entitlement to compensation if he does nothing about his application within 12 months. Twelve months passes very quickly. The present Act, which passed this Council in 1974, provides workers with more than adequate protection. I oppose any change to the existing situation. I believe that if any changes

are made to the time limit workers should be informed of those changes. The Workers Compensation Act has been a public document for 10 years and most workers are aware of its provisions.

The Hon. D. H. Laidlaw interjecting:

The Hon. J. E. DUNFORD: That is because if an employer finds out he will give that workman the sack.

The Hon. D. H. Laidlaw: I said before you retired.

The Hon. J. E. DUNFORD: Workers do not trust employers. I do not include Perrys or Adelaide Brighton Cement in that, of course. I base my belief on my dealings with employers, and I have no reason to trust them. If a 12-month time limit is imposed, many workers will be disenfranchised, because they will not know. Twelve months passes too quickly.

I believe that two years is too short. The Hon. Mr Milne, with his powers of persuasion, should have suggested five years. He is being very generous. I do not believe we should rush the matter. Two years is not long enough. I can see my Leader nodding his head: he is a man of compromise.

The Hon. Frank Blevins: No, he is agreeing with you.

The Hon. N. K. Foster: Perhaps it should be 10 years.

The Hon. J. E. DUNFORD: That should be considered.

The Hon. N. K. FOSTER: I want to take the Hon. Dr Ritson to task. The honourable member took the Hon. Mr Blevins to task for daring to expose the fact that an aged person (but not necessarily an aged person) could undergo a routine examination, during the course of which it might be discovered that he had a hearing loss. Might I remind the honourable professional gentleman that recently three women from Port Adelaide underwent an ordinary chest X-ray and were found to be suffering from asbestosis. Is there anything strange about that? Will the doctor say that they should have known about their condition for 15 or more years?

In workers compensation legislation, one cannot insert words such as that and boldly say that nothing can depart from the norm. The Repatriation Act provides that ex-servicemen may claim until the day of their death for loss of hearing. If a person fought at El Alamein, he could claim for loss of hearing. I recently visited my doctor because my wife complained that I shout: I asked him what my hearing was like. He asked me when I last visited my repatriation doctor, and I told him that I do not have one. He said I had better go to Daws Road, because I had a substantial loss of hearing. I was in Tobruk for some time, and in an area like that one cannot avoid suffering hearing loss. It is worse for those who work in factories, boiler houses and so on.

I refer to a book which has been designated as official. It refers to each and every State compensation authority. The authority of the courts is designated, as is the difference between the authorities and the courts. There is a difference between New South Wales, Victoria, South Australia, the Northern Territory, Tasmania, and so on. I am sure that Parliamentary Draftsmen from time to time turn to this book when drafting legislation, and I take the smile on the face of the Parliamentary Draftsman as an assent. On page 75, under the heading 'Occupational Deafness', it is stated:

Loss of hearing arising from continued exposure to excessive noise in the course of employment is compensable in all statutes.

We must remember that. It further states:

Section 7 (4B) of the New South Wales Act states that 'boilermaker's deafness and other deafness of like origin is compensable in the same way as a disease contracted by a gradual process' (see 'Liability for industrial diseases'). In addition, any further loss of function is compensated (Section 16 (5A)). 16 (5A)).

Members opposite may shake their heads, but this is a 1980 book, the latest possible. I should not be blamed but commended for bringing up this matter. It is further stated:

In Victoria assessments by the board are made under the table for specified injuries (partial loss of hearing of both ears or of an only ear). If the worker is still employed in noisy conditions when the claim is made, the board usually makes an interim award and refrains from making the final award until such employment has ceased.

The Hon. R. J. Ritson: That is when the damage ceases.

The Hon. N. K. FOSTER: I hope the doctor can remain unagitated for the next 10 minutes. In other words, if the employee is moved away from noisy conditions, the value and magnitude of his loss of hearing is not assessed. Although an employee is moved away from noisy conditions, the whole matter is left until he retires, which may be from 10 to 35 years. This is an explosion of the mythology of clause 6 (4). It is further stated:

In the Queensland Act, s. 14 (1)(C)*(h)* provides that in the case of hearing loss, other than total loss of hearing of either ear, caused by excessive noise, the worker is entitled to compensation payments as if the deafness were an injury occurring at the time of claiming.

He does not have to claim within one year—he can claim at the age of 99 years. I take up the point made by the Hon. Mr Laidlaw. The average age of the worker is not 99 years, as was inferred: it is much less than that. I do not want to be here when I am 99 years of age. The Bill does not make any provision to the effect that, one year after a person retires, he must do something. The Repatriation Act is a good Act in relation to war related diseases, because it does not impose a condition on a person. Not too many of the Hon. Mr Laidlaw's workers would live to the age of 99. It can be taken from one end of the scale to the other. I am concerned about those who are involved. The book continues:

A worker must have been continuously resident in Queensland. . . .

Because of the peculiarity of the Queensland Act, it has some real limitations on workers in that State in relation to terms of residence. It further states:

. . .or for a total of at least five out of seven years, immediately preceding the date he claims compensation.

One can see that, if a person retires and leaves Queensland for seven years and then returns, he can still claim under the Statute of Limitations in that State. We have before us a Bill that allows one year for a claim in respect of hearing. That is totally unfair, and should be removed. I bear with the Hon. Mr Milne in respect to this matter. The book continues:

Noise-induced hearing loss resulting from processes involving exposure to noise is a scheduled industrial disease in South Australia and Western Australia.

I make this point for the benefit of the Minister and his advisers. If it was good enough for the Minister to argue that the previous clause ought to remain in because Western Australia had made a change which did not appear in this book, then he has to wipe out this clause, if he is to be consistent. The book further states:

In addition, section 7(A) of Western Australia provides that, in cases where compensation for hearing loss has not previously been paid, compensation is to be assessed as if the whole of the loss of function occurred immediately before notice of the injury was given.

This explodes the whole of the clause in respect to loss of hearing. At 109 years of age people have the right to claim for a loss suffered 30 or 40 years before.

The Hon. R. J. Ritson: That is not a very sound idea.

The Hon. N. K. FOSTER: The honourable member says that it is not a sound idea. That bloke has no flaming hearing; he has been compensated for that loss. That is the only way of putting it. I have had this book in my possession only since we returned from dinner. It further states:

Industrial deafness is a specified disease in Tasmania under the second schedule.

The Hon. D. H. Laidlaw: Why don't you read the whole book?

The Hon. N. K. FOSTER: I may well read the whole book. The Minister and his department should have read the book. Later I will deal briefly with a person who wrote to the department long ago, not in respect of a noise related disease, but who had to be retired for five years and was granted $25 000, when he should have been granted $45 000. The book continues under the heading 'Aggravation, acceleration or recurrence of disease'. As far as Western Australia is concerned this is referred to as a disease. It states:

All statutes provide compensation in cases where employment contributes to the aggravation or acceleration of a disease. In New South Wales in the case of a worker who suffers aggravation, acceleration, exacerbation or deterioration of a disease and the worker's employment with two or more employers has been a contributing factor, compensation is payable by the last employer.

I will not go further than that, as that does not relate to my previous argument. I will now turn to the South Australian aspect. The book states:

South Australia specifically includes 'the aggravation, exacerbation, deterioration—

The Hon. D. H. Laidlaw: You are not even talking to the right clause.

The Hon. N. K. FOSTER: Indeed I am. I am referring to clause 6, which inserts new subsection (4) as follows:

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

There is there a limitation, and I am pointing out that there is no such limitation elsewhere. How dare the honourable member at this late hour imply that I am attempting to mislead the Chamber. The book continues:

South Australia specifically includes 'the aggravation, exacerbation, deterioration or recurrence, of any pre-existing coronary heart disease in its definition of injury.

This shows my honesty in respect to this matter. I had not seen that, dealing with occupational deafness, that South Australia does not necessarily recognise the loss of hearing as being a disease, as many other Acts do.

I rest my case. The Chairman has accepted the book I quoted from as an official document that bears the authority of the Federal Parliament. Clause 5 has been completely taken out of the Bill. The Hon. Mr Milne has recognised the Government's unnecessary limitation of one year in relation to hearing loss. He was not aware, and neither was I, that there was an overall provision in most of the predominant States, if not all the States and authorities of the Commonwealth, to recognise no limitation whatsoever.

The Hon. G. L. BRUCE: I have listened to what the Hon. Mr Laidlaw said to us. I understand the situation employers and insurance companies are in: it is an unenviable one. When a person has had to work in noisy surroundings, he attempts to adapt to those surroundings by shouting. When he comes home, he speaks extremely loudly, his wife speaks loudly, and the television is turned up loud. All of a sudden, he realises that he has a hearing loss. It is only over a period of some time that he realises that has happened.

I would like to equate that with the fact that about three or four years ago I had trouble reading. I put up with the problem for about two years, but it got progressively worse. My doctor confirmed that I needed glasses, but it took almost two years before I realised what was happening. I did not realise that at the start.

If a child is born deaf or hard of hearing, it could be three or four years before a parent is aware that the child is deaf, because the child responds to certain sounds, and one does not realise that the child cannot hear certain other sounds. The same situation applies with some employees. Suddenly they realise that they cannot hear. A limitation of one year is too short. The Hon. Mr Milne has sought two years, which is better. I accept that there should be a limitation of some years, but two years is still too short. More favourable consideration should be given by the Government to an extension from one year.

The Hon. FRANK BLEVINS: For the first time in Committee we are debating hearing loss, but it will not be for the last time that this topic is debated because, throughout the Bill, there is an attack on compensation claims for hearing loss. Why is this? It seems to be unfair for a number of reasons, although it is one of the few injuries that can be measured objectively. If a person has a stiff arm, the extent of the disability is somewhat subjective in regard to how much compensation should be paid. That is not the case with deafness, which can be objectively measured, and compensated for accordingly. There is no room for cheating or for subjective medical opinions.

If one is going to attack any area of workers compensation because it is difficult to assess, then this would be the last area up for attack, but it is not, because there is a consistent theme throughout the Bill—attacking hearing loss compensation. The only reason I can come up with is that it is not a fashionable injury. If someone loses sight, or a limb, there is sympathy for that person, but that is not so with deafness, as we have seen here today.

Members have cracked jokes, puerile ones at that, during this debate. That would not be done if someone was losing sight or suffered from some other injury, but it is the case in regard to deafness. Obviously, at the moment society sees deafness as being rather funny, and that is sad. The Opposition will divide on this clause, because we believe there should not be a limitation on any worker who has been injured at work.

I commend the Hon. Mr Bruce for his illustration of a person working in noisy surroundings. Such a person could be 65 years old, having worked, say, all his life in a boiler shed. He does not realise until long after his retirement that he has a hearing loss. He thinks that everyone is the same as he is, but he spent the last 40 years in an area of noise. Suddenly, compounded with the trauma of retirement and learning to cope away from the work environment, he finds after perhaps 18 months that his hearing is impaired. If he can prove the hearing loss—and he has to prove it—is caused by his employment, irrespective of the time, he should be compensated.

If honourable members accept that a worker is entitled to compensation for work-induced hearing loss, why should there be a time limit imposed?. The Hon. Mr Laidlaw raised the only valid point in that it creates problems in regard to forward projections by insurance companies when considering premiums. True, that could be a nuisance to employers, and I appreciate that point, but that problem should be resolved between the employers and the insurance companies, rather than by penalising the workers. Although in that way the problem is solved, it is at the expense of an old deaf person, and that is what the Government is doing.

S.G.I.C. and any insurance company or employer is in a much more advantageous position than is an old deaf person, who is the most vulnerable of that trio. Although the problem should be solved, it should not be solved at the expense of the old deaf person, even if it may be more difficult to resolve it by doing it the other way. Surely, it is more humane to do that, and that is what the Government should be attempting. It cannot be beyond the wit of insurance companies and employers. I do not know whether lower premiums are possible, because I am not in the game, but I am sure that the Hon. Mr Milne could assist in that area. The problems between large groups should not be resolved at the expense of small and vulnerable sections of the community.

While this issue has been treated with some levity in this Chamber, I assure the Government that we see it as an important clause. Our role is to protect the most vulnerable group in the community, and certainly the aged and deaf are vulnerable. We cannot support the solution of the problem at their expense. Let us not joke about this problem, either.

The Hon. J. C. BURDETT: I have never made any attempt to joke about this matter. The Hon. Mr Blevins made the point that hearing loss, unlike a stiff arm or a Mediterranean back—

The Hon. Frank Blevins: I knew that phrase would be injected into the debate at some stage. Here it is!

The CHAIRMAN: Order!

The Hon. J. C. BURDETT: Hearing loss can be determined. However, the point which has been made by the speakers on this side of the Chamber and which was totally ignored by the Hon. Mr Blevins is that, while the degree of hearing loss can be determined, its cause cannot readily be determined. The point has already been made that clause 6 applies only in the case of a worker who retires or has retired from employment on account of age or ill health. So, he is likely to be an aged person in the first place. It has been pointed out that there is a measure of hearing loss which occurs on account of age, usually progressively from middle age onwards.

The point I have made before and make again is that the reason for the amendment is not to penalise the worker at all. The point is that it must be reasonably possible to try to relate the hearing loss and find out whether it is due to ageing or whether it is work induced. The point has been made several times that if hearing loss is work induced, when the noise stops and the worker is taken away from the noise his hearing no longer deteriorates for that reason.

The Hon. N. K. Foster: That's not true—who told you that?

The Hon. J. C. BURDETT: The Hon. Dr Ritson said that. The hearing loss does not accelerate after the removal of the subject from the noise. However, ageing induced hearing loss does go on. It must be reasonably possible to determine the cause of the hearing loss. If one intends to make a claim, one should do so when it is reasonably possible to determine the cause of the hearing loss.

So, the worker is not disadvantaged in any way at all. The Hon. Mr Foster has spoken several times in the course of the debate. I would like to lay to rest once and for all the matter of his book. He has quoted from it as an official record. *Hansard* is also an offical record but there is a lot of rubbish in it.

Members interjecting:

The CHAIRMAN: Order!

The Hon. J. C. BURDETT: The book is a compendium of legislation in other States. It does not say that it is right or wrong. It is out of date, as the law has been changed in Western Australia.

The Hon. N. K. Foster: It is not.

The Hon. J. C. BURDETT: The law in Western Australia has been changed since the date of the book. It sets out the legislation in each State. That does not mean that it is good or bad. It is rather strange that in the second reading stage the Opposition would not have a bar of what happens in other States. Now the Opposition members want to be able to quote selectively from a book which sets out legislation in other States. They seem to think that that binds the Government, but it does not. I believe it is worth looking at legislation in other States. If the Hon. Mr Foster wants to quote from the book on that basis I have no objection, but it is not an overriding authority.

The Hon. C. J. SUMNER: The Minister referred in his contribution to 'Mediterranean back'. What does the Minister mean by that phrase? The Minister refuses to answer my question, and that is despicable. He has impugned that there are people in the community who, because of their ethnic origin, have injuries which are difficult to assess. He has said that there is a recognised injury called 'Mediterranean back'. That is low. It is a reflection of the sort of prejudice which exists in the community and in this Parliament, on the Liberal side, against migrant workers. There can be no doubt about the fact that the use of that term in this Council in that derogatory context constitutes such a slur.

The Minister having used that phrase has now refused to answer what he means by it. That is completely unacceptable to the Committee. It is interesting to note that the Minister, who is a member of this Government, is prepared to slur the migrants who have come to this community from what must be the Mediterranean. He has implied that there is a disease or condition known as 'Mediterranean back'. The only way he could come to that conclusion is by saying that there are people from Mediterranean countries who have certain back injuries. I compeletly condemn the use of the phrase. The Minister owes an explanation to the Committee as to what he meant by the phrase.

The Hon. J. C. Burdett: I prefer to get back to the clause.

The Hon. C. J. SUMNER: Surely that is completely unacceptable to the Committee. I would have thought it would be unacceptable to members opposite. It is a slur on a large section of the migrant work force in our community. The Minister in charge of a Bill dealing with workers compensation has used that phrase in the context of the debate. I want to know what he means by it. I have asked him that question on two occasions and he has refused to answer. He said that we should get back to the clause. I did not introduce that phrase into the debate; the Minister introduced it and I want to know what he means by it. It is a complete slur on certain migrant communities in our society, and the Minister owes to this Parliament an explanation of what can only be considered a racist reflection.

The Hon. J. C. BURDETT: I simply wish to withdraw any kind of slur which was involved in the term I used.

The Hon. R. J. RITSON: I was intending to refer to this matter, too, because I am sure it was not a phrase that the Minister invented, and neither is it a derogatory phrase. I can, if the Leader wishes, with a little bit of library research, produce a number of medical papers with that phrase in the title. In its technical context the phrase was used with great compassion and understanding of the problem particular people suffer. It is not a phrase the Minister just invented but a phrase which has a technical meaning and which was used professionally with appropriate understanding and compassion. It was not used to score political points, as the Leader suggests.

The Hon. C. J. Sumner: You know it has no medical meaning.

The CHAIRMAN: Order!

The Hon. R. J. RITSON: It is a phrase that is sometimes used with the sort of abuse we have just seen made of it. I must say from my experience that it is a term with a respectful, compassionate meaning in its proper context, and I am sure the Minister did not invent it to be smart tonight.

The Hon. N. K. FOSTER: The book *Workers Compensation Legislation in Australia—1980* deals with every piece of legislation in respect of this matter. The Minister sits there, nods and attempts to imply that it is not an authority when it can only be authorised by the Commonwealth Government.

The Hon. R. C. DeGaris: There is a 1981 amendment to it.

The Hon. N. K. FOSTER: I know, but it is not applicable to the argument I am putting. I never dwelt heavily on page 75 of this official publication. I dealt previously with Western Australia.

The Hon. D. H. Laidlaw: What has this got to do with clause 6?

The Hon. N. K. FOSTER: Clause 6, on page 3 of this infamous document from the Hon. Mr Brown, the great pretender, states:

Section 27 of the principal Act is amended by inserting after subsection (3) the following subsection:

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

That is not a very good choice of words. I am making a comparison with the other compensation acts in the Commonwealth. The Minister has not been able to produce in this Chamber tonight the amendment he referred to in Western Australia. This book deals with the New South Wales, Victorian and Queensland Acts—

The CHAIRMAN: This is for the third time.

The Hon. N. K. FOSTER: I know I have to repeat it to get it through the thick ears of this gentleman. It does not do me any good to have to stand here and repeat this. I take your point with respect, Mr Chairman. If the Minister wants to suck his pencil instead of listening that is his lookout. He should not imply that what I have placed on the record in this discussion is not relevant because of a suspected change or amendment to the Western Australian Act. I want to explode the myth he is attempting to bring before this Council. I remind him that in this document there is less than a sentence referring to Western Australia, one sentence in respect of Tasmania and about a sentence and a half about South Australia. The other 20-odd sentences deal with the Queensland, Victorian and New South Wales Acts. It deals specifically with boilermakers and the like. How can the Minister ignore the conclusions in this book relating to the provisions of the various States, as appear under the heading 'Occupational Deafness'? He cannot do that in all seriousness. I suggest that the Minister's department has not done its homework in respect of this matter, because the Minister was the one who drew my attention to this document being in the library when he referred during discussion on an earlier clause to the clause being in line with what applies in the other States.

It was the Minister's explanation that alerted my mind to the possibility that this book might be in the building. If this document is outdated, it is only outdated for the latter portion of the year 1981 and not outdated so far as this State is concerned. It reports on this State in respect of matters dealt with legally. The court structure is referred to, as far as the highest level of the courts, and the book is spot on in relation to the present situation as it exists today. I know that, as a person who has attended the courts within past weeks in respect of a compensation matter.

The Minister should not dissociate himself from what is in this book, which bears the letterhead of the Commonwealth. This book is the guide of every lawyer who represents compensation claimants in the compensation courts of this State; there can be no other construction than that. The Minister cannot put down the library service of this Parliament by saying that that service has produced for my benefit in this debate a book which is inappropriate to the Bill. That is a reflection on the Chief Librarian of this Parliament and the Minister ought to be ashamed of himself for doing that.

The Hon. C. J. SUMNER: I oppose the clause. The Hon. Dr Ritson sought to justify this clause by saying that it is difficult with hearing loss claims to determine sometime after a worker has left the environment where the hearing loss might have occurred and whether or not the hearing loss could be attributed to his employment. That may be the case. I am prepared to concede that the longer a worker waits before making his claim after leaving a noisy workplace the more difficult it is for him to prove that he suffered hearing loss as a result of his working environment. However, that should be no justification for imposing a time limit on claims. No other area of the Workers Compensation Act, where payments have been made, imposes a time limit on claims. A time limit is imposed where a worker must give notice of a claim within a certain period. However, he may receive an extension of that notice and, under the Act, he must make a claim within a certain period.

The justification for this clause escapes me. If a worker has already given notice of the injury and made a claim and received weekly payments, he should be permitted to make a claim at any time in the future. However, if a worker does not give notice of an injury or does not make a claim, the Act restricts him to a time limit within which to make the claim. That applies across the board to any injury covered by the Act. Why does this Bill single out hearing loss and impose a time limit for workers making a claim for that disability? I suppose the only argument that can be put forward is the argument advanced by the Hon. Dr Ritson, that is, the longer a worker waits to make his claim after leaving his place of employment the more doubtful it is that the injury occurred in that work situation. That may be true, but it does not justify the imposition of an arbitrary rule as to when a workman can make a claim.

If a workman leaves his employment and makes a claim after 10 years, of course it will be much more difficult for him to prove that his hearing loss was caused through his employment. However, he should be given an opportunity to make a claim. It would then be up to the court to assess as a factual matter whether or not there was sufficient causal nexus between the noisy environment, the workplace and the hearing loss. That can be done by the courts, whether it is six months after a worker leaves a noisy work place, five years or 16 years. I certainly concede that a claim made 16 years later would be more difficult to prove. However, that decision should be left to the court. I see no justification for this arbitrary cut-off point of 12 months after retirement. This time limit is unique to the hearing loss situation. The Government appears to be saying that the courts are not able to judge a factual situation in relation to a claim for hearing loss. Quite frankly, I do not accept that. I oppose the clause. The situation which exists at the moment, where the courts decide whether there is cause or nexus, should continue.

Amendment carried.

The Committee divided on the clause as amended:

Ayes (11)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne (teller), and R. J. Ritson.

Noes (10)—The Hons. Frank Blevins (teller), G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Majority of 1 for the Ayes.

Clause as amended thus passed.

Clause 7—'Medical reports.'

The Hon. J. C. BURDETT: I move:

Page 3, line 24—Leave out 'a report' and insert 'every report'.

This is simply a drafting amendment for the sake of consistency.

The Hon. N. K. FOSTER: I hope we knock off this clause. It is a classic example if ever there was one.

The CHAIRMAN: I hope the honourable member is speaking to the clause.

The Hon. N. K. FOSTER: The Minister wants to amend this clause, because he believes he has omitted the word 'every'. Most people would know that, in a case contested before the court on a back injury, any lawyer worth his salt, any practitioner, or any person in his right mind would want a second opinion from a practitioner. Therefore, it becomes plural. Any lawyer would send a person to more than one practitioner and any court would hope to have more than one opinion. The Minister should have inserted an 's'.

The Hon. FRANK BLEVINS: The Opposition sees some problems in regard to this clause. We are not convinced that it is proper. I have received information in regard to this clause, and I would like the Minister to comment on the legal opinion, which states:

> In our opinion, the provision that medical reports have to be provided to your opponent at least 28 days before the medical practitioner gives evidence in court is totally and utterly impractical. It is standard practice to have your client examined by his or her medical practitioner immediately prior to trial. If this be the case, either you have to run the risk of the court exercising its discretion in your favour and allowing the medical practitioner who gives the report close to trial to give evidence or alternatively not have an up-to-date report and thereby inhibit the course of the trial. What is more alarming, though, is the provision that you must disclose in writing all your discussions with your client's doctor to your opponent. In our opinion, such a provision is unheard of in the British common law system. Such provision destroys solicitor/client privilege and certainly would destroy any doctor/patient relationship. You would undoubtedly be aware that often medical practitioners will tell you many things about your client that they are not prepared to tell their client because of medical and other reasons, and certainly matters that should not be discussed in the court. If this provision proceeds, we would expect that medical practitioners would refuse to divulge any information at all that would be at risk of destroying their doctor/patient relationship and may even expose themselves to some risk at law. In any event, we are of the view that this radical proposal would threaten the very basis of the system upon which workers compensation cases are determined. Moreover, we are quite confident that it would destroy the doctor/patient relationship.

I did not compile that opinion, but at this stage I am persuaded by it. It appears to be a very lucid explanation of the dangers that could occur if this clause is passed. The only query I have about the opinion is that it is a legal opinion, and I have learned over the years that one legal opinion is not necessarily a definitive statement on anything. It may well be that this opinion could be challenged.

We are fortunate in a way that on the Government side there is both a lawyer and a doctor and I would welcome their opinion on this opinion. The charge that the doctor/patient relationship will be destroyed by this clause is very serious indeed; in fact, this opinion goes further and says that a doctor who divulges information under this clause could leave himself open at law to some challenge. If this opinion is correct, I would ask the Government to rethink the whole clause. If the clause is attempting to make fundamental changes, as this opinion states, it should not be passed with only the minimum amount of debate and with the very few and brief reasons that have been advanced by the Minister in the second reading explanation. I hope that both the Hon. Dr Ritson and the Minister will comment on what I have just said.

The Hon. J. C. BURDETT: I am prepared to comment. I do not believe it would be proper for any lawyer in this Council to express a legal opinion as such, but I am prepared to comment on the clause. Clause 7 *(b)* strengthens the current provision relating to the production of medical reports. At present, evidence about the condition of a worker cannot be adduced from a medical practitioner in proceedings under the Act unless, at least seven days before the day on which medical evidence is to be adduced, a copy of the report and any statement about the condition of the worker is given to the other party. The time allowed has been increased to 28 days. It is expected that this amendment will facilitate the early statement of claims. New subsection (2) *(b)* is not a matter to which the Government attaches any great importance or weight: it has been inserted for the sake of consistency with section 32 *(b)* of the parent Act, which, in a somewhat different context, states:

> Where a workman is required to submit himself to an examination . . .
>
> *(b)* a statement in writing of all the facts, conclusions and opinions of the medical practitioner relating to the condition of the workman which have been communicated by the medical practitioner to the employer or to his representative.

Those words, for the sake of consistency, have been followed. I concede that in existing section 32 those words are used in a somewhat different context.

The Hon. R. J. RITSON: I respond briefly, not by way of giving an expert opinion, but by giving an anecdotal account in dealing with these sensitive matters in the past. Did the Hon. Mr Blevins use the word 'conversation' in his speech? Did the honourable member talk about conversations with clients and patients or was the honourable member only referring to provisions for distribution of copies of the report? The reason I ask this is quite apart from the Act.

It has been common for solicitors to give patients copies of reports they have written. I have become well aware of this, even though there has not been a requirement for distribution of medical reports to other parties in matters other than workers compensation matters. Patients generally receive copies of reports from solicitors.

Most doctors now are sensitive about this and are aware that there are often matters which, because of their sensitivity and personal nature and because they are merely matters of opinion rather than expert evidence and perhaps are not comments that should be made to the patients, must be dealt with accordingly. However it is helpful in private conversation to relate such matters to the solicitor so that he has some idea of the relevance of those opinions and of what further evidence might be adduced if he were to consider it in his client's interests to do so.

I feel that, provided the doctor's intention is to act in the patient's best interest, there is nothing unethical about giving additional information by way of conversation to a solicitor who could then judge for himself whether he wished it, in his client's interests, to be placed in a report and more widely distributed. I feel that such conversations with solicitors are privileged and that there is no reason why that sort of relationship should not continue under this Act. That is certainly not a legal opinion; that is the way doctors and lawyers have behaved in the past. I think that lawyers and doctors will continue to behave in the best interests of their patients and clients in the future.

In practical terms I cannnot see any thing in this clause which would prevent such private and, presumably, privileged conversations taking place in the interest of the patient. I would be interested to hear what the Minister has to say on this point.

Amendment carried.

The Hon. J. C. BURDETT: I move:

> Page 3, line 26—Leave out 'by the medical practitioner'.

Amendment carried.

The Hon. R. C. DeGARIS: I move:

> Page 3, lines 27 to 31—Leave out paragraph *(b)* and the word 'and' immediately preceding that paragraph.

I spoke to this amendment in the second reading debate, and I do not intend to restate my case, depending on the attitude of the Government to the amendment. With clause

7 we are virtually writing into section 32 the provisions of the existing section 32 and also the provisions of section 32 *(a)*, which was an amendment to the principal Act in 1979. Section 32 (2) *(b)* adopts a new approach altogether, to which I take some objection. The section is satisfactory without the inclusion of that particular paragraph.

The Hon. J. C. BURDETT: I previously explained why section 32 (2) *(b)* is in the Bill and I have referred to the section which follows in the principal Act. I agree with the Hon. Mr DeGaris that subsection (2) *(a)* takes the matter as far as it needs to be taken. The Government is prepared to accept the amendment.

Amendment carried.

The Committee divided on the clause as amended:

Ayes (11)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatteron, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Majority of 1 for the Ayes.

Clause as amended thus passed.

Clause 8 passed.

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

The Hon. FRANK BLEVINS: I move:

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

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

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

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

and

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

It has taken some time, but eventually we have reached a point where we can get into more substantial debate than we have so far. In the second reading debate I said that the Opposition considered this Bill to be a lowering of the 1973 standard. We said that every step in this Bill was a retrograde step. No-one has been able to pinpoint one word in this Bill that is an advance on the 1973 standard.

In no way will the Opposition assist this Government to attack injured workers by reducing the standard of payments to workers below the 1973 standard. I would have assumed that after nine years no Government would be stupid enough to attempt to take away from workers something that they have enjoyed. It is not acceptable to do that in 1982. Although the money figures presented in this Bill are double the figures in the principal Act, one cannot deny that they represent a lowering of the 1973 standard.

I was not here in 1973 and do not know why an indexation provision was not included then. I can only assume, when reflecting over the past nine years, that at that time indexation was not a standard practice in respect of monetary matters. It was only later that indexation became the system of protection for workers against the reduction in living standards and, at the same time and of equal importance, allowing employers to project what their future costs would be.

I understand from the few employers that I know, and the Hon. Mr Laidlaw is the only one I do know, that one of the main problems confronting employers is forward planning. That is why the more sensible employers welcome wage indexation because, whilst they had difficulty with the amounts (they never want to pay wages increases, and that is understandable) they knew what they would be up for and could budget accordingly.

Since 1973, wage indexation has become entrenched in our community, but indexation should have been included in the 1973 Act. If one does not index payments during a period of inflation, inevitably there will be a build-up of pressure because of the reduced value of currency for wage increases and the like. The Labor Government made several attempts to alter the monetary provisions in the principal section, but this Chamber would not agree to the changes sought.

The then Government attempted to have this question of workers compensation examined by a tripartite committee to see whether some resolution of the problem in all workers compensation matters existed, not just in our Act, in order to resolve these problems in a way acceptable to all sides. I commend members of that committee for their report, which was worthwhile and which contributed substantially to the information available on workers compensation. I did not agree with the report, but that was a personal opinion.

I did not agree with the way that the people who compiled the report wanted to alter the method of workers compensation. In some areas there were pluses, but there were some significant minuses advanced in respect of injured workers. That, too, created delay in increasing payments. True, there was a period when the Government did not attempt to alter these payments because of the work of that committee but, before its conclusion, the Deputy Leader of the Opposition in another place contacted the committee Chairman and asked whether he would consider it offensive if the Deputy Leader moved amendments to the Act before the report was brought down, because the pressures had built up to increase those monetary amounts, and because he believed it was long past the time when there should be a change.

The Chairman was agreeable to that action, but the Liberal Government refused to have anything to do with that private member's Bill. We have now reached the situation where the payments in this provision are well below the standards that can be reasonably expected. If the monetary amounts were assessed in 1973 as being fair and just at that time, then it is only proper for that standard to be maintained by indexing the various payments in the way that I intend in my amendment.

Not one clause in this Bill does other than to reduce the 1973 standard. Here is an example. If the Minister or the Hon. Mr Laidlaw can explain to me how this does not lower that standard, I will be interested to hear that argument, because by a simple calculation I will be able to show that their argument is totally false. What I have been trying to get through in this debate is that the Government should stand up and admit that it is taking workers compensation payments and lowering the standards.

The Hon. D. H. Laidlaw: It will still increase insurance premiums by 30 or 40 per cent.

The Hon. FRANK BLEVINS: The Hon. Mr Laidlaw says that it will increase insurance premiums; I do not doubt that for one minute. However, I believe that those premiums will be less than they should be to maintain the 1973 standard. At every opportunity in the next couple of days I will point out to the Council and the public what the Labor Party is attempting to do, although we will fail because we have not got the numbers. I will also point out what the United Trades and Labor Council and other sections of the Labor movement are attempting to do, and they will succeed. They are attempting to ensure that this

Government does not take away the standards set nine years ago. I would have a great deal more respect for Mr Laidlaw, the Minister, and members opposite, with the exception of the Hon. Mr DeGaris, if they admitted that the 1973 standards were too high and that in this Bill they are attempting to reduce those standards as that is clearly what the Government is attempting to do. It cannot deny that. Yet, members will not admit it and justify to the people of South Australia why those standards should be lowered. The only person who has had the guts to say that is the Hon. Mr DeGaris; he has made no bones about it. He said the 1973 standards were too high, that this Bill reduced those standards, and he supported it.

However, the Government has waffled around every clause and will waffle around this one. It will say that it is doubling one provision, giving a 100 per cent increase to the workers. But it is a decrease on the standards. Quite clearly if one does a calculation based on the c.p.i., one will see that the amount is about $66 000. The Minister seems to be hung up on New South Wales. The workers and the Government in New South Wales have come to a decision and that is their business. If they are prepared to accept a lower standard than we had in 1973, that is their business. However, I know that in New South Wales a great deal of private negotiation goes on around insurance compensation. Major employee groups and employer groups do private deals, including lump-sum payments. This applies particularly in high risk areas. In those areas $43 000 is totally inadequate.

I can refer the Hon. Mr Laidlaw to the maritime industry. It says that the provisions of the legislation are insufficient, that it does not like them and that it wishes to discuss the issue. So, to state that in New South Wales it is $40 000 is relatively meaningless, because private deals are done all the time.

The Hon. D. H. Laidlaw: They are not.

The Hon. FRANK BLEVINS: That shows how much the Hon. Mr Laidlaw knows. However, in this State in 1973 we set a standard which was acceptable to the Parliament, the employers and the employees and we are not going to see a reduction in that standard by this Government.

The Hon. D. H. Laidlaw: On what basis are you working?

The Hon. FRANK BLEVINS: It was set in 1973 when the Hon. Mr Laidlaw was a significant employer.

The Hon. D. H. Laidlaw: How do you increase it? What formula do you use?

The Hon. FRANK BLEVINS: We have given a formula.

The Hon. D. H. Laidlaw: I don't agree with the c.p.i.

The Hon. FRANK BLEVINS: That is up to the honourable member. There will be a reaction to this Bill industrially in the community. The provisions and standards set in 1973 will, by one means or another, be maintained. We can do it easily by maintaining it through legislation or we can do it the hard way. I would prefer the easy way but it appears that it will not happen here today. I will support any action taken by the workers of this State in defence of that standard. I will later give examples of industrial action that will take place. Action will take place in a number of areas. The employers and the Government have some notion of using this State as an export State. My union, the Seamen's Union, will not permit its standards to be lowered below those existing in 1973. It will take action—there is no doubt about that. That is only one union: unions across the board will take action. They would prefer not to have industrial disputes and would prefer the 1973 standards to be maintained by legislation. They are not asking for any increase in the standards but merely that those standards remain. In the process of maintaining such standards, they will lose money and they do not want to do that. They do not want to strike, or to take selective or guerilla-type action.

The people are very sophisticated in my union and are very good at extracting the maximum from the employer at the minimum cost to members of the union. The Hon. Mr Laidlaw has an interest in a ship whose name I cannot remember the name of.

The Hon. N. K. Foster: *Accolade 2.*

The Hon. FRANK BLEVINS: Is that it? He is fully aware of the way in which my union operates. It does not bluster. The seamen aboard that ship are not covered by this Bill, since they are under the Seamens Compensation Act, so seamen aboard are not really involved. Of course, they have colleagues who were and are covered by this Bill, for example, on the tugs, a very key area of the waterfront. Does the Minister seriously believe that the workers on those tugs will accept a decrease in the standards set in 1973? If he does he is quite mad, because they will not. Does the Minister think that builders labourers will cop it, or that wharfies will cop it? One can go right through these groups. Does the Minister think they will stand for this? Of course they will not. When the inevitable industrial disruption occurs, just remember what created the dispute; it will be created by this Government's attempting to reduce standards set in 1973.

The Hon. D. H. Laidlaw: Why didn't you try to increase it seriously when you were in Government?

The Hon. FRANK BLEVINS: The honourable member asks why we did not try to increase it while we were in Government. I think he must have some hearing loss because I stated earlier that we did.

The Hon. D. H. Laidlaw: When? Not since I have been in Parliament.

The Hon. FRANK BLEVINS: Then the honourable member is not aware of what Jack Wright has done in the House of Assembly—his research is shallow. I want the Minister to tell me why the standard set in 1973 has to be reduced, because that is what this clause is doing.

The Hon. J. C. BURDETT: I must oppose the amendment, although I acknowledge that the amount of compensation does have to be reviewed frequently. It is a question, simply, of how one does it. The Government believes that this kind of legislation, not only with regard to amount but also in relation to other matters, has to be kept up to date and reviewed frequently. For that reason it is not necessary to proceed to an automatic method of indexation. We believe that the legislation will be constantly before Parliament, in any event. The amount of $50 000 on death included in this Bill is, together with Western Australia, the highest in the Commonwealth. Western Australia is fractionally higher (instead of $50 000 it is $50 025). In round terms, the amount this Bill introduces to South Australia is the highest in the Commonwealth, so we have gone right to the top of the scale. I think it is reasonable to look at what is done elsewhere in the Commonwealth, but I am not sure, from listening to various members of the Opposition speaking on this Bill, whether they think we should have regard to the rest of Australia or not. The Hon. Mr Foster thinks that we should. We agree with him and think that we should have regard to the positions in other States. I will go through jurisdiction by jurisdiction the method of fixation as to the amount.

As I said, we will now be the highest in the Commonwealth apart from Western Australia, with which we are equal in round terms. The method of fixation for the Commonwealth is by Statute in each case, as it happens, usually on 1 September each year. That is to say, a Statute is passed and the Bill is introduced to fix the amount, usually on 1 September. In New South Wales, the amount is fixed by Statute. Once again, a Bill is introduced to increase the amount where necessary. The last increase was on 1 October

1981. Victoria fixes its amount by Statute on 1 July each year. It is, in fact, based on a percentage increase. In Queensland, the amount is automatically based on changes in the State basic wage. In Western Australia, it has been automatic on 1 July in each year, based on earnings of the average male unit. Because it was felt in Western Australia to have got out of hand that has been temporarily frozen and is based on a formula until there is a catch up. In Tasmania, the amount is fixed by regulation, usually on 1 December each year, and is based on changes in the Metal Trades Award. In the Northern Territory, the amount is fixed by regulation, usually on 1 July each year. In the Australian Capital Territory, the increase is fixed automatically every three months based on quarterly c.p.i. increases. Therefore, the amount of $50 000 puts us with the leaders in the Commonwealth.

The method of fixation has been made clear from what I have indicated of the various jurisdictions in the Commonwealth, and it varies. Certainly, I believe that, as happens in the other States, the amount will be varied fairly frequently and I suggest that any Act of this kind should be reviewed and kept up to date fairly regularly. Therefore, the Government would prefer to rely on fixing the amounts by Statute rather than by using the method of indexation, which is the basis of the honourable member's amendment. Certainly, we agree that the amounts ought to be reviewed fairly regularly.

The Hon. J. E. DUNFORD: When speaking on this Bill last night I went through it clause by clause and indicated my opposition to the Bill on the grounds that all these clauses take away something from the worker. I am not going to cover that ground again. However, in newspaper reports the impression workers will gain outside on the factory sites is that their workers compensation will be doubled. This is the sort of thing that allows people on the other side (including the Democrat) to say that the Minister ought to be congratulated on such progressive legislation.

There is also talk about rehabilitation. We all believe in rehabilitation, but the greatest handicap on the worker's being rehabilitated is his inability to pay his bills, by being able to get the same amount of money as he received when working. This Bill provides for a 5 per cent decrease in a workers claim after 12 months, takes away a month's annual leave and does not allow a worker to travel where he wishes. All of those things have come to the notice of the trade union movement. I am pleased that the Hon. Mr Blevins said that when workers realise the intention behind this legislation they will take industrial action.

I congratulate the Secretary of the Public Service Association on the successful conclusion achieved in the dispute against this Government. The Minister of Industrial Affairs attempted to get under the P.S.A's guard and tried to hoodwink its members, in the same way as he is trying to hoodwink this Parliament, the Opposition and other workers. He went to the court and agreed to wage and salary increases for members of the P.S.A.; he thought that would break the strike. However, that approach did not work, and the workers continued to rebel and took the guerilla action which the Hon. Mr Blevins so ably described.

Unfortunately, workers must resort to that type of action to convince people, such as members of the Government, and particularly Mr Brown, that their claims are justified. Members of the P.S.A. were successful in their claim, but that was only because they took very strong guerilla action. The P.S.A. is not noted for its militancy. The P.S.A. must have finally realised the truth in what I have been saying over the past seven years, that is, that no worker will win anything unless he is prepared to fight for it. No arbitration commissioner or court will ever give workers their just rewards.

The only way workers will achieve decent conditions, including those under the Workers Compensation Act, will be if they fight for them. If a worker simply leaves it up to the Legislature, especially inexperienced members who have no knowledge of the working class area, to decide what a working man should receive, he will achieve nothing. I believe the Government will be very foolish if it does not accept this amendment. If the amendment is not successful, industrial action will take place.

During my period as a trade union official the worst cases I had to deal with were those involving workers compensation. I point out that $50 000 is not always awarded when a worker dies. I refer to the two police officers who were recently killed at Glenelg. I notice from the newspaper report that one was married and one was single. One would assume that the widow of the married police officer would receive the present amount of $25 000 on the death of her husband. To the Hon. Mr Milne's surprise, and probably to the surprise of members opposite and many workers, she will not necessarily receive that at all. If the wife is working and is not wholly dependent on her husband she will receive an actuarial amount.

In some cases the wife may be earning more than her husband and in other cases a lot less. She probably thinks that, as a married woman, she is entitled to receive $25 000 on the death of her husband, but she will probably receive only $7 000 or $8 000. The single police officer may have been living with his mother and father and, unless they are entirely dependent on him, they will receive nothing at all. They will probably receive only $500 towards the payment of burial expenses.

This clause deals with the cost of workers compensation in relation to insurance companies and employers. I will not deny that the cost to an employer is great, but if the case goes to court the pay-out figure is usually very small indeed. The minimum provisions of the Act currently encourage solicitors to expand their activities into suits of negligence against employers. This has the effect of removing upper limits on compensation settlements. The Minister hopes that this tendency will be reversed and the maximum amount provided in the Bill will prevail. That might occur where a solicitor is concerned about his client.

I have spoken about workers compensation many times. One of the worst features of workers compensation is the fact that it involves lawyers. A top industrial lawyer may handle a lot of claims that he must negotiate on behalf of his clients. A solicitor knows that, say, a common law claim is very difficult and takes a long time to resolve. If such a claim fails, the worker must pay costs. Generally speaking, at the present time, a solicitor working in the workers compensation field wants to get workers compensation claims off his plate as quickly as possible. A top lawyer in this field recently told me that he handles about 30 cases a week, and he cannot keep up. He receives 25 per cent straight off the top on each of those claims. In many cases, an injured worker will receive very little compensation and, at the same time, he is ripped off by his lawyer. The Opposition wants to follow the Western Australian proposal, which was introduced by a Liberal Government. The Opposition's proposal increases the payment and indexes to the c.p.i. figure.

The Hon. R. C. DeGaris: What is the starting point?

The Hon. J. E. DUNFORD: I suggest a maximum of $50 000 on injuries, $65 785 on death, and $47 200 for partial incapacity.

The Hon. R. C. DeGaris: Isn't that higher than Western Australia?

The Hon. J. E. DUNFORD: It is higher than Western Australia, but it is based on the amounts fixed in 1971 and indexed to the c.p.i. since that date. Both the Minister and

the Hon. Mr Laidlaw have objected to this amendment. This provision ceased in Western Australia because it got out of hand. We all know that the economy has got out of hand.

The Hon. D. H. Laidlaw: The Ministers in other States, including Labor Ministers, asked for it to be changed.

The Hon. J. E. DUNFORD: They are probably crook: not all Labor Party people are perfect, although they should be. The consumer price index also got out of hand, but the needs of the injured and crippled worker did not change. The national Government cannot run the country or the economy, and the State Liberal Government wants to give half of South Australia to the graziers and cockies up north. They are the misfits who rob workers of their wages. The Government wants to refuse workers wage justice in regard to workers compensation, because the economy has got out of hand. That is not good enough, but it goes on all the time, whether in relation to wages or compensation.

No legislation that has been introduced by the present Government has benefited the workers in any way. I can recall the situation seven years ago when the Hon. Mr DeGaris was Leader of the Opposition. I challenged him on one occasion: he is a man who will accept a challenge and who can defend himself. He is one of the best debaters opposite, and I do not know why he is on the back bench. I challenged the Hon. Mr DeGaris to tell me of any legislation that had been introduced during the 19 years in which he has been here which has benefited the workers of South Australia. I have been here for seven years and I have not received an answer.

Members opposite certainly assisted to destroy this legislation in 1971, and we had to accept the amendments because, of the 20 members in this place, we had only four. The 1974 workers compensation legislation was the best in the whole of Australia, but it was ripped up by the Liberal Government, and this legislation is now the worst in Australia. They would like to see a repeat of what happened in 1976.

The Hon. D. H. Laidlaw: Would you like to see the Bill withdrawn?

The Hon. J. E. DUNFORD: The Government cannot afford to do that: it does not want the Bill to go out again. That occurred in 1976. The Hon. Mr Laidlaw amended the legislation, as he seeks to do now. I believe he assisted Mr Brown, because, as was stated the other day in the *Onlooker* column, the Hon. Mr Laidlaw has great influence over Mr Brown. He tells him when to jump and when to stand against Mr Tonkin.

The Hon. D. H. Laidlaw: That's wrong.

The Hon. J. E. DUNFORD: I believe that. The honourable member said how good the Bill was when it took away workers compensation in relation to overtime, site allowance, and so on. If we do not come up with the proper starting point and index it correctly, the same thing that occurred from 1974 to 1982 will occur now. The legislation will become the worst in Australia. It is about time we woke up to ourselves. There is only one provision in the Bill that the Government can sell to the public, if we cannot get the message out. However, trade union members will get the message out, as the Hon. Mr Blevins suggested. The Hon. Mr Laidlaw tipped his hand when he said that he would like the Bill to be thrown out.

I could never be convinced that Mr Brown is concerned about workers rehabilitation, because he has presented this Bill. Under the antiquated Act of 1974, a worker can get compensation for 6 per cent deafness, but that is to be changed to 20 per cent. If my son went to work tomorrow morning and came home with 6 per cent deafness, he could get workers compensation now, but if Mr Brown's Bill is passed (the Bill which is supposed to help in rehabilitating people), if my son sustained 20 per cent damage to his hearing, he will get nothing at all. So the argument goes on.

This is a most important part of the Bill because it deals with payments of compensation to dependants of the injured or those who die. The key to the rehabilitation of the working man is how much he gets in his hand every week. He wants no less than he is entitled to get and no less than the sum we decided on, which was very close to the right amount in 1974. Of course, the payments that will be provided under this Bill (not only the sum of $50 000 on death) are related to another clause of the Bill that deals with overtime, site allowances, and so on. That matter will be debated later, and I will have a lot to say then. We must not start off on the wrong foot.

Of all of the amendments that the Hon. Mr Blevins has on file, this is the amendment that the Government must consider. If the Government wants to avoid industrial disputation, it must agree to this key concept. If the Minister is wise, he will use his influence: if he has no influence, he should have his friend, the Hon. Mr Laidlaw, impress strongly on Mr Brown that the working class people of South Australia and the trade unions, including the Public Service Association (which exposed Brown and his rackets in an article dated Tuesday 3 March) want this concept.

If this amendment is defeated, workers will then know that they cannot go to the Parliament or rely on the Browns or Laidlaws to give them wage justice when they are sick or injured, or if they pass away through no fault of their own, working in order to make the Laidlaws, DeGaris's and Hills rich people. If the people do not get justice from the Parliament, where they should get it, they will have to get it in the streets, and they will have my full support.

The Hon. D. H. LAIDLAW: I recall that in 1967 there were 1 800 workers at Perry Engineering in South Australia: we now have 500. We have moved them elsewhere. When I listen to this debate, I wonder why we bother.

The Hon. J. E. Dunford: Why don't you get out of business?

The Hon. D. H. LAIDLAW: We have reduced our staff by 1 300. This is one area in which I believe there should be national legislation, as there is in some other areas. One cannot look at South Australia in isolation. South Australia is a very small market, and much of its employment is provided by companies that try to operate Australia-wide. During the second reading stage, I said that, from the social aspect, no sum is adequate compensation for the death of a spouse. Members opposite have chosen to take 1973 as a starting point from which they want to have indexation, and they have not said what sort of indexation.

The Hon. N. K. Foster: Where is the doctor, he should examine us all and send us on our way.

The ACTING CHAIRMAN: Order!

The Hon. D. H. LAIDLAW: South Australian companies have to sell if they are going to remain viable. New South Wales has a lump sum payment for death of $45 200, which only changes when Parliament changes it. If we are to have indexation and if the Government was to say that it should be based on the Victorian lump sum payment for death of $41 093, or the Tasmanian lump sum payment for death of $44 730—and I am not saying we should go as low as Queensland which has a lump sum payment for death of $36 230—then I would agree with indexation. But to start at $50 000, which Western Australia has chosen, is just not practicable.

Under the present conditions in South Australia, with increasing freight, we have to sell against competition on the Sydney market. When one speaks of indexation, consider what forms the other States have. Victoria is based on average weekly earnings; Queensland is based on the State

basic wage; Western Australia is based on the movement of the average wage of an average male unit. All States are different. In this case there is a prime need for uniform legislation in Australia. I support the Bill and oppose the amendment.

The Hon. FRANK BLEVINS: We have just heard from the Hon. Mr Laidlaw the classic tear jerker that all employers throughout the ages in all States and countries prattle on about every time there is any suggestion of any cost being incurred in the employment of workers. Listening to the Hon. Mr Laidlaw one could be forgiven for thinking that he was doing this State and the workers of this State a favour by having his factories in South Australia. The Hon. Mr Laidlaw has his factories in South Australia for one reason.

The Hon. D. H. Laidlaw: We have them in many other places too.

The Hon. FRANK BLEVINS: The factories are located in South Australia for one reason and one reason only: because the honourable member is making lots of money by having them here. If there was a higher return on his capital by moving to New South Wales or Timbuktoo, then he would go tomorrow. We make comparisons with New South Wales, which members on the other side seem to be set on doing.

Let us look at wage rates in New South Wales. The wage rates in this State are considerably lower than wage rates paid in New South Wales. If there is a difference in the rate of workers compensation premiums in this State—and I do not concede that there is—let the figures be quoted. If there is, I guarantee that the lower wage costs in this State more than compensate for the workers compensation increased costs, if there are any.

[Midnight]

When the Hon. Mr Laidlaw comes crying here and wonders why he bothers to keep Perry Engineering in South Australia, let the Chamber take note of what that is. It is a load of nonsense.

The Hon. D. H. Laidlaw: You wait and see whether it is a load of nonsense.

The Hon. FRANK BLEVINS: I answered the rhetorical question as to the reason: it is because he is making money here. The day he does not make money, he will go. He is not here to do South Australia or his employees a favour and he will toss them aside the minute he can make a dollar anywhere else; the same applies to any other employer in the world.

He is lining the pockets of his shareholders and himself. Let us keep to the debate on workers compensation and not listen to the crocodile tears of the Hon. Mr Laidlaw, that he cannot make a dollar because of workers compensation premiums in South Australia.

The Hon. D. H. Laidlaw: I said one of the factors.

The Hon. FRANK BLEVINS: You did not mention wage factors. Can the Minister, who has this mine of information and a large team of competent advisers, table the costs to employers of workers compensation in South Australia as opposed to the cost in other States?

The Hon. R. C. DeGaris: You can't get that figure, can you?

The Hon. FRANK BLEVINS: I can make quite a reasonable comparison.

The Hon. R. C. DeGaris: I raised it in the second reading speech; you can't do it.

The Hon. FRANK BLEVINS: It seems to me that the costs for Perry Engineering, if there is a factory in New South Wales—

The Hon. D. H. Laidlaw: We have a factory in New South Wales.

The Hon. FRANK BLEVINS: Then let us hear workers compensation premiums for employees in New South Wales and the premiums for employees in South Australia. We will summarise it quickly to see the costs of insuring the worker in New South Wales in that particular industry, compared to the costs here. I am surprised that the Government has not seen fit to do that. The Hon. Mr Laidlaw seems to be getting disturbed. This is certainly information that is readily available and should be given to the Committee.

The Hon. G. L. BRUCE: I can see the Government's point of view. If it used the dogmatic attitude it has in keeping prices and interest rates down and used the same effort to do that as it is using in trying to keep workers compensation down, then there would be a good case for indexation. Unfortunately, costs are not stopping still. Costs are going through the roof and interest rates on homes and other things cannot be kept up with.

In the past year interest rates on ordinary homes have gone up by $100 a month, which means that in the past year $1 200 extra is needed to pay interest rates. It is hypocritical to sit across this side of the Chamber and see the effort going in to peg workers compensation down, yet the Government does not go along with the same effort to peg costs, prices and interest rates down, and help the worker. It amazes me that such hypocrisy can exist.

The Committee divided on the amendment:

Ayes (10)—The Hons Frank Blevins (teller), G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (11)—The Hons J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. J. C. BURDETT: I move:

Page 4—After line 2 insert paragraph as follows:

'*(da)* by striking out subsection (6) and substituting the following subsection:

(6) In this section—

'dependent' in relation to a deceased worker means a member of the family of the worker who, at the time of the worker's death—

(a) was wholly or partially dependent on the earnings of the worker;

or

(b) would, but for incapacity arising from the worker's injury, have been so dependent,

and includes a posthumous child of the worker:

'dependent child' means a child who was, at the time of the worker's death, wholly or mainly dependent on the earnings of the worker.'

The purpose of this amendment is to give effect to a principle canvassed by the Deputy Leader of the Opposition in another place. He indicated that at present in the event of the death of a worker, the Bill only gives benefit to a spouse and children. The Deputy Leader pointed out that there could be other members of the family, and a member of the family as defined in the parent Act, who were dependent upon the deceased worker.

There could be cases where elderly parents were dependent on the deceased worker and so on. The purpose of the amendment is to define 'dependent' and to give the benefits to those dependents in the event of the death of a worker. This is an extension of the provision. It has the purpose of ensuring that not only the spouse and the children but other members of the family as defined in the Act who are dependent on the deceased worker will receive the benefit

in the event of his death. Of course, the spouse and children will get the benefit in any event at the present time and, in regard to other members of the family, it will have to be established that they are dependent, but I suggest that that is reasonable enough.

The Hon. FRANK BLEVINS: In clause 10 the Opposition intends to move an amendment to give effect to the principle in which we believe. It is pointless to go through the debate twice, and I will confine my comments to this clause, which the Opposition will oppose, whilst conceding that it is an improvement on the present position, and for that we appreciate that the Hon. Mr Brown in another place did take notice of the arguments that we put in that place. The Hon. Mr Brown stated that, at the time the Opposition's amendment was before another place, he could not accept it and he gave an undertaking that he would think about the arguments advanced and, if he were persuaded, he would bring in an amendment in this Chamber, and this is the result.

First, the amendment does not go far enough. The Opposition says that when a worker is killed, and the worker has been insured by the employer, the worker's estate should benefit by the prescribed amount. We see no reason why, when the premium has been paid, there should not be a payment from the insurance company. There can be various degrees of relationship and dependency. To suggest that the only dependency within a relationship is a financial dependency is wrong. The Hon. Mr Laidlaw stated earlier that there could be no payment to equate with the death of someone who was close; whilst appreciating that, I point out that society does organise itself in a way to compensate for that death by monetary amounts in many instances.

We argue that, as the premium has been paid, there should be no quibble from the insurance company to pay the amount, regardless of the type of dependency. It may be an emotional dependency, or no dependency at all. We will be seeking to include that principle in the Bill. I concede that this amendment is an improvement, but the Opposition can see that there are already some anomalies immediately apparent, and the Hon. Miss Levy has some argument that she wishes to put to the Committee in the hope that it will agree with her and that perhaps the Minister will take his amendment away and have another look at it.

We will oppose the amendment and will be inserting another in attempt to sustain the principle that we espouse. However, should this amendment get through and our amendment fail, at least we are grateful to the Minister and the Government for going some way to agreeing with the ideas advanced a couple of days ago.

The Hon. C. J. SUMNER: For the second morning in a row this Chamber has received a copy of the *Advertiser.* The consideration of legislation of this kind or any kind at this time of the morning is absolutely ridiculous. It would appear that this Government, after sitting through until 2 a.m. yesterday, is now going to sit through and, by exhaustion, go through the Notice Paper into the small hours of the morning.

The Hon. J. C. Burdett: You have been wasting time.

The Hon. C. J. SUMNER: There has been no waste of time on the Bill. We are still on Order of the Day: Government Business No. 1. Honourable members are entitled to have their say. It is the responsibility of the Government to organise itself.

The Hon. J. C. Burdett: You are wasting time.

The Hon. C. J. SUMNER: That is rubbish. The responsibility lies with the Government to organise its business in a more efficient manner. I believe that the Council should now rise, that progress should be reported on the Bill and that we should come back and sit tomorrow and tomorrow evening. Further, if the legislative programme of the Government is not then completed I have no objection to the Government sitting on Friday morning, Friday afternoon and, if necessary, Friday evening but during reasonable hours. This is quite ludicrous and has nothing to do with allegations that members on this side have wasted time. There is, on the Notice Paper, enough business to keep us sitting through to next week if normal times are observed, and that is not the fault of the Opposition, as the Minister ought to realise.

We have an important Bill dealing with radiation protection which has been introduced in this House and which I understand the Government expects this Council to start debating in three or four hours time. How ludicrous can we get? The Federal Parliament has now introduced rules on late night sittings. The House of Assembly made an agreement to restrict the sitting hours, but we have now in this Council broken that understanding and are going to sit for three nights into the small hours of the morning. There have been problems with members health in Canberra and that is why they put restrictions on sitting times quite sensibly. This Government does not want to do that. It has decided to force and slam its programme through this morning and to continue sitting into the small hours tonight, tomorrow night and for as long as is necessary to get the business through.

The fact that there is so much business on the Notice Paper is not the fault of the Opposition but rather the fault of the Government. I am suggesting that the Minister report progress and that the Committee have leave to sit again. I will undertake, if we sit tomorrow to a normal hour, that Labor members will be prepared to return at an early hour on Friday to complete the sittings through Friday morning, Friday afternoon and to a sensible time in the evening if that is agreeable to the Government. To continue at this hour for the second night with a third night in the offing is ludicrous. It is about time the Government woke up to itself and did something about the situation.

Members interjecting:

The CHAIRMAN: Order! It would be out of order, unless the Leader is speaking to the resolution, to ask that progress be reported.

The Hon. C. J. SUMNER: I am asking for a response from the Minister to my request. Without moving a formal motion at this stage I request that progress be reported and that we adjourn the Council until a sensible time tomorrow.

The Hon. J. C. BURDETT: It is still only 12.20 a.m. It is not unusual for the House to sit much later than that—

The Hon. J. R. Cornwall: I have never seen so many important Bills on the Notice Paper at one time in my seven years in this place.

The CHAIRMAN: Order!

The Hon. J. C. BURDETT: —particularly towards the end of a sitting. In my experience it has always happened towards the end of a sitting. I have conferred with my colleague, the Attorney-General, and we do not propose to go until 3 a.m. or 4 a.m. It would be much more sensible to get on and debate the amendment.

The Hon. ANNE LEVY: While I oppose the amendment in the light of what the Opposition is going to move, would the Minister consider making a small change in his amendment? He defines a dependant as someone who is 'wholly or partially dependent on the earnings of a worker'. However, a dependent child is defined as one who is 'wholly or mainly dependent on the earnings of a worker' and not 'wholly or partially dependent on the earnings of a worker'. I am not sure whether this is a deliberate difference or whether the Minister would consider making the second category congruent with the first.

The Hon. J. C. BURDETT: The reason is to be consistent with another part of the Act. It is something quite separate and is quite new. I am prepared to change the word 'mainly' in the second to last line of the amendment to 'partially' as appears in regard to other relations. The procedure of doing this I will seek advice on later. However, I agree with that change.

The Hon. ANNE LEVY: I thank the Minister. I expect the Minister would realise the implications of this. It would be particularly important, say, where there is a women worker and her husband was also a worker. Any child would be partly dependent on both of them but could not be said to be wholly or mainly dependent on its mother in the usual case where the mother would earn much less than the father, so one would have the situation where if the married woman worker were killed there would be no compensation or no payment at all to her dependent child whereas if the father were killed there would be a payment to the dependent child. If the word 'partially' is put in instead of the word 'mainly' it then equalises the situation in this regard as for as dependant defined further up.

The Hon. J. C. BURDETT: Referring to the matters raised by the Hon. Mr Blevins, it is obvious that we are not very far away on this matter. What he wanted to do, as he said, and as appears in the amendment he has placed on file to clause 10, is to provide that without any question of dependency arising there shall be a prescribed sum paid into the estate of the worker. The Government is not prepared to accept that principle. We must recall that at the present time if there is no spouse or children then no other member of the family gets anything at all. The Government is prepared to go to this point and we thought that this is carrying out the principle canvassed by the Deputy Leader in another place, that where a relation was dependent then that person would receive something. I suggest that what we are proposing to do is in the spirit of the Act and that what the Hon. Mr Blevins is proposing to do is outside the spirit of the Act, for the following reason. It is a Workers Compensation Act and is there to provide compensation to somebody who has suffered monetary loss. It is, of course, a compensation without fault and it was towards the beginning of this century, when introduced, quite new in that regard, providing compensation to a workman without fault and providing that the financial responsibility for accidents which occurred to the workman in the course of his employment should be a charge on the business, on the employer as part of the employment.

That principle I and the Government accept and it has been long accepted. It is consistent with this principle of compensation. It is not compensation for negligence: it is compensation without fault and is to make up for a financial loss which someone has suffered. If a workman is injured he suffers a financial loss and the Act prescribes the way in which he shall be compensated. If he is killed, his wife and children obviously suffer a financial loss and the Act prescribes how they shall be compensated. The Government is prepared to take that further, as the Hon. Jack Wright suggested was proper, and is prepared to say that when some other member of the family has suffered a financial loss because they were dependent on the earnings of the worker then they should be compensated.

If an amount is paid, on the other hand, as the Hon. Mr Blevins suggested, into the estate of the deceased worker without having to prove dependency then somebody may be getting some money which is not a matter of compensation because they have not suffered any financial loss. It is a workers compensation Act and we are prepared to say that where a person other than the spouse or children has suffered a financial loss because that person was dependent then the money should be paid. We are not prepared to go beyond the whole basis of the Act, namely, compensation. For these reasons, I suggest that the amendment, if it is amended in the way which the Hon. Anne Levy suggested and which I have indicated is acceptable to me, is consistent with the whole basis of a workers compensation Act, is proper and does provide proper relief and proper compenstion for persons dependent on the earnings of the deceased worker. I seek your guidance, Sir, as to how I may achieve that change. I seek leave to amend my own amendment by deleting the word 'mainly' and inserting in lieu thereof the word 'partially'.

Leave granted; amendment amended.

Amendment as amended carried; clause as amended passed.

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

The Hon. FRANK BLEVINS: I move:

Page 4, lines 18 and 19—Leave out paragraph *(a)* and insert paragraph as follows:

(a) by striking out paragraphs *(a)* and *(b)* and substituting the following paragraphs:

(a) the prescribed sum;

(b) the expenses referred to in section 59:

and

(c) the reasonable expenses of his funeral not exceeding one-fiftieth of the prescribed sum.

For the information of members there is a correction in this amendment in paragraph *(c)* where members will note that 'one-sixteenth' has been changed to 'one-fiftieth'. I do not want to canvass this matter at all because the arguments were canvassed extensively in previous debate. When the Leader was a moment ago discussing a question of the time of the adjournment of the House it was said quite clearly by the Minister that we have been wasting time during the debate on this Bill. I resent that totally. I do not think that there has been one word said on this side of the House that has not been necessary to say and at no time have people spoken on this side, or on the Government's side, other than in an honest and sincere way in an attempt to get the best possible legislation. There has been no attempt to filibuster in this legislation and no attempt at all to waste time, and I resent that accusation completely.

As far as we are concerned, the sooner this Bill is completed the better, consistent with a thorough examination of the Bill and the legitimate rights of the House to alter the Bill where it sees fit. it obviously is possible for the Opposition to waste time and delay the Chamber if it thinks fit. I am not saying that on occasion that is not done and it certainly may be done in the House of Assembly. However, it not done here and has not been done here tonight. We were here until late last night and again tonight because of the incompetence of the Government in arranging its programme and in introducing Bills of this importance at this stage of the Parliamentary process. In order not to waste time (something we have not done tonight) I will not canvass the arguments again for this amendment, but I commend it to the House.

The Committee divided on the amendment:

Ayes (10)—The Hons. Frank Blevins (teller), G. L. Bruce, B. A. Chatterton, J. A. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (11)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. FRANK BLEVINS: I move:

After line 22—Insert subsection as follows:

(1a) In this section—

'the prescribed sum' means the sum arrived at by dividing the sum of $25 000 by the consumer price index for the March quarter 1973 and multiplying the quotient by the consumer price index for the March quarter immediately preceding the financial year in which the death of the worker occurred.

It is clear that my next two amendments will fail, but I will move them to allow the Hon. Mr Milne and the Hon. Mr Dunford an opportunity to speak to them.

The Hon. J. C. BURDETT: I point out that my amendment to clause 9 and the Hon. Mr Blevins's amendments to clause 10 are alternatives. My amendment to clause 9 provided that, in the event of a worker's being killed, his dependent relatives, even though they were not his wife and children, would be paid. This amendment achieves the same thing. However, there can be no duplication because that would provide for payment to the dependants on the establishment of dependency and also payment into the deceased's estate. Obviously, the Hon. Mr Blevins clearly understood that his amendments would result in duplicity. My amendment to clause 9 is one way of handling the situation; the Hon. Mr Blevins preferred his method by amending clause 10. However, the Hon. Mr Blevins acknowledged that his amendments to clause 10 will fail because of the passage of my amendment to clause 9.

There will be an impossible mess-up if the Hon. Mr Blevins' amendment to clause 10 is passed, because it will result in duplication. In effect, a sum would be paid to dependants and a sum would be paid into the estate, irrespective of dependency. The issue has been decided and I think the Hon. Mr Blevins admitted that. The first part of the Hon. Mr Blevins's amendment has already been defeated, so there would be a complete and total mess-up if we now passed any part of this amendment.

The Hon. FRANK BLEVINS: The position is as has been stated by the Minister. In effect, my amendments were an alternative. I had a proposal and the Minister had another. The Minister's proposal has won. A division assisted by the Hon. Mr Milne defeated my amendment. It is a little strange that, having assisted the Government to have its proposal accepted, the Hon. Mr Milne now wishes to assist my amendment. I am left with a truncated amendment, because half of it has already disappeared, but half a loaf is better than none, and I commend the amendment to the Hon. Mr Milne. I commend the honourable member for the flexibility he has displayed and for his rethinking of the matter. I welcome his support in retaining what is left of my amendment.

The Hon. K. L. MILNE: I do not support the honourable member's amendment: his joke was well founded and I appreciate it. We are discussing the single worker.

The CHAIRMAN: The Hon. Mr Milne made the point of asking the Hon. Mr Blevins to divide the two remaining amendments. The honourable member is now speaking to the second amendment, which has not yet been put.

The Hon. J. C. BURDETT: I may be able to satisfy the Hon. Mr Milne. He wants to know whether the passage of my amendment to clause 9 would mean that, where a single person was killed who had persons dependent on him, those dependants would receive the appropriate sum. The answer is 'Yes'.

The Hon. K. L. MILNE: That has not occurred until now. The insurance companies do not have to pay out, but they will have to do that under this Bill.

The Hon. J. C. Burdett: Yes.

Amendment negatived.

The Hon. FRANK BLEVINS: I move:

After line 33 insert subsection as follows:

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

I was particularly proud of my amendment, but the way in which it has been brutalised by the Committee does it no credit. I will make one last attempt to have the Committee see reason.

The Hon. J. E. DUNFORD: I support the amendment. As I said previously, I do not know the statistics (I would have to obtain that information from the insurance companies, and I have no contact with them), but from my practical experience as a union secretary, bearing in mind that I dealt with compensation amounting to from $1 000 000 to $2 000 000 a year, many people believed they were entitled to workers' compensation. We all know the industrial awards provide that an employer, even in the shearing shed in the back country, is required to place in a conspicuous area a copy of the wages and working conditions under which his employees work, for the benefit of the worker. Invariably, over the many years in which I was an organiser, that provision was not complied with. Employers breached the award, and the Industrial Court provided no fines.

That has occurred in relation to the Workers Compensation Act. People believe that Parliament has provided for workers compensation. Anyone who reads the newspapers will believe from the Government and the Minister that this Bill will be a pacesetter in the whole of Australia, but it is certainly not that. A worker's only possession is his life, and that is very important to him. It should be important to the employer. The worker is insured by his employer, and on his death, if he has no dependants, he is worth exactly nothing. Under the previous Act, $500 was provided for burial expenses, and that is the case in this instance.

I maintain that every person has an estate. He has relations—a mother, father, sisters and brothers—and his life should be worth the amount of compensation that is provided in this Act payable on death. If a workman dies as a result of his injuries and leaves no dependants, the compensation shall be as specified in section 59 of the principal Act. Reasonable expenses are to be provided for his funeral, but that is practically nothing.

I have been trying to do something for a lady for two years. Her son left school at 16 years of age and took a job at Victor Harbor. The parents were both invalid pensioners, so under law they could not say that they were dependent on their son, but they were finding it hard to make ends meet. After six weeks in his first job, while he was erecting a pole and after the employer had arranged with ETSA to have the electricity turned off (but it was not turned off), their son was electrocuted when the pole hit an electric wire. That very difficult case is still proceeding.

I do not think that it will be successful because of the present Workers Compensation Act. This person's mother informed me that they were on pensions and that the lawyer said that she was not a dependant. She said that her son helped her pay the rent, painted the house, and so on, so they were dependent on him. However, dependency cannot be proved because they were receiving a pension. Therefore, the mother had nothing at all, and the father has since overdosed because of the strain of trying to get recourse to compensation through legal means. Hundreds of spinsters and bachelors reside with their parents.

The Hon. J. C. Burdett: We've taken care of them.

The Hon. J. E. DUNFORD: Does the Minister agree to this proposition?

The Hon. J. C. Burdett: I think we have fixed it.

The Hon. J. E. DUNFORD: The Minister has not done so. Is he telling me that, no matter who the workman is and whether or not he had any dependants, his estate will receive $50 000? If not, the Minister has not fixed it at all. If I sat down, believing that it had been fixed, I would be gone a million. It will be fixed if the Minister agrees with it, and I can see no reason why he should not do so. This is happening not just in South Australia but all over Aus-

tralia, with spinsters and bachelors deciding not to marry but to remain at home. Their parents are receiving the age pension and, therefore, under law they cannot say that they are dependants of their son or daughter.

However, that son or daughter might pay for their holidays, buy them a television set, get their house painted for them, fill up the car's tank with petrol, or take them for a drive on the weekend. The parents are not dependent on the son or daughter for their bread, butter, jam and eggs, but they are dependent on the son or daughter for their entertainment, being taken to, say, football matches, or sometimes even to the Adelaide Cup race meeting. So, of course, there is a dependency there. The parents will not starve if the spinster or bachelor dies, but certainly they would not trade the life of their son or daughter for the $25 000.

I spoke recently to the Hon. Mr Milne regarding this matter, and he had no idea about what was happening in this respect. If a worker has insurance cover amounting to $25 000, he should be paid. Even if workers compensation premiums must rise, what difference does it make? What about the police officer who dies? When referring to clause 8, one would think that a married police officer would get his $25 000 under this legislation. However, the single officer will get nothing at all. That officer might be living with his parents, giving them the love and attention they deserve, perhaps buying the things that they need.

All these things add to the value of a working man's life. A spinster can indeed be important to her relations, including next of kin, and so on. The proposition would appeal to any humane person. When I spoke to the Caucus about this matter recently, a few members were surprised. Of course, I did not have a great deal of trouble getting it through the Labor Caucus.

Politicians are covered by a non-contributory fund 24 hours a day. Yet, the Minister says that workers should not be covered for the same period. The taxpayers who pay our wages cover us 24 hours a day for $100 000. However, the Government says that this proposition is not good enough for the people who employ us. Any practical person would support that humane proposition, which does not do very much by way of compensation.

If this Bill passes, an employer, through his insurance company, will have to pay $50 000. However, if a single person is not killed but is permanently disabled, the employer involved will be up for more than $50 000. If a worker with no dependants is permanently incapacitated it will cost an employer more than that. It is therefore cheaper for the employer and the insurance company if the workman dies.

One wonders how many maximum pay-outs have been made on the death of persons. I can assess the number of deaths that have occurred only from what I read in the papers. I read about the poor unfortunate ETSA workers who were killed in the pylon accident in the Adelaide Hills and about the two unfortunate police officers who were killed recently. I suppose that in the past 12 months I have read of about a dozen workers who have been killed and whom I would have expected to be covered by workers compensation.

The Hon. K. L. Milne: Single persons?

The Hon. J. E. DUNFORD: They were probably single and married persons. However, as I said previously, married men do not always get paid. If a married man dies, his wife does not necessarily get workers compensation. If she is not a dependant, she does not receive it. So, in the 12 cases to which I have referred it is possible that the insurance companies have not paid out the $25 000. One automatically assumes that the married man or woman would get the money, but that is not so.

The Hon. N. K. Foster: What about the premiums?

The Hon. J. E. DUNFORD: If an insurance company knows that it does not have to pay out, it will say, 'We know what we must pay out and that we do not have to pay people without dependants. Of course, we regulate our premiums accordingly'. Although I do not have the relevant facts and figures, I could refer to many more personal cases about which I know. My own Caucus did not know about this matter until two weeks ago, and everyone to whom I have spoken about this proposition (including some Liberals to whom I have spoken outside the Chamber) agree that on death a person covered by the Workers Compensation Act is worth a $50 000 pay-out.

The Hon. J. C. BURDETT: I hope I can satisfy the Hon. Mr Dunford on this matter. What he said in regard to the existing Act is quite right. He referred to two cases of a single person; one being a person electrocuted, and what he said there is correct in regard to the existing Act. I have acknowledged that that situation is wrong. The Deputy Leader of the Opposition in another place raised this matter where a single worker died and may have parents dependent on him wholly or partially. Both parties decided to do something about it in slightly different ways. We decided to introduce the amendment to clause 9. I introduced it and it was passed. It provides for dependent relatives.

The other way of doing it was as the Hon. Frank Blevins moved. However, we cannot have it both ways. More importantly, most of the Hon. Frank Blevins' amendment has been lost. If we simply include new subclause (4), the rest of it, having been lost, would mean that we would achieve nothing. I suggest that the Committee stick with what it has done so far, namely, to accept the amendment passed to clause 9, as satisfying the situation and, as the amendment has been substantially defeated already, it should be totally defeated. What the Hon. Mr Dunford said about the deficiency in the Act is correct. It has been rectified within the spirit of the Act, and the amendment to clause 10 should be defeated, because we cannot pass them both.

The Hon. K. L. MILNE: We are getting there by degrees. I am stasified that a single person can now have the amount to which he would have been entitled had he had dependants. It will be paid somewhere. The Hon. Mr Dunford and I are trying to remedy the situation where, if premiums have been paid by an employer for compensation, that compensation should be paid somewhere, whether a person is married or single, whether he has dependants or not. I have been informed by the Hon. Mr Foster that in the waterside workers union, if a person has no dependants, that union becomes the dependant. If the premiums have been paid for that person's compensation, it has to go somewhere.

The Hon. N. K. FOSTER: The matter has become confused. Many people die with no dependants at all. In the Waterside Workers Federation, a great number of people jumped ship and got work ashore for years but had no dependants. In the Rocks area in Sydney members named their local branch as the beneficiary, and that is where the money went in the trust fund. One hears never-ending criticism of trade unions by members of the Liberal Party, and the Minister is no exception to that.

Employers very rarely can institute the wishes of the company in respect of claims of an injured worker. They cannot initiate a claim on behalf of an employee for which he has paid a certain amount of money. I have never had that situation adequately explained to me. Most unions take it upon themselves to initiate that. Some unions are big enough to carry a fund for the purpose of contesting cases in court.

The problem exists in this Parliament where there is an inhibition on that area of Parliament, and a person who virtually died on the job almost 12 months ago has not received compensation for the dependants. There is no way

the Joint House Committee can say to the widow that it has met the requirements of the appropriate Act. The union has to initiate it. The lawyers have to make out whether or not there is a case. It is one aspect which has not been driven home in this Bill. If we are going to recognise that the launching pads in cases of litigation on behalf of workers must be at the trades union level we ought not to be so abusive of them.

There is no suggestion of areas which ought to be spelt out in a Bill such as this where certain accidents causing death or injury will be *bona fide* evidence of negligence by the employer. They do exist in award provisions and are clearly workers compensation matters. If we start to examine the basis for the gross lump sum provided for in this new Bill, after litigation some people will walk away with nothing because, in a contested case, the court, the judiciary and the lawyers benefit and relatives are deprived. There is no reference to that in the Bill and I deplore it.

The Hon. J. C. BURDETT: As the Hon. Mr Foster said, this matter has become somewhat confused. So that that confusion can be cleared up, I think it would be fair to report progress.

Progress reported; Committee to sit again.

SOUTH AUSTRALIAN ETHNIC AFFAIRS COMMISSION ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

STATUTES AMENDMENT (CONSUMER CREDIT AND TRANSACTIONS) BILL

Returned from the House of Assembly without amendment.

ST JUDE'S CEMETERY (VESTING) BILL

Returned from the House of Assembly without amendment.

PREVENTION OF POLLUTION OF WATERS BY OIL ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 30 March. Page 3665.)

The Hon. FRANK BLEVINS: The question of pollution of waters by oil is a serious one, requiring a maximum amount of security and a maximum amount of prevention. If prevention is unsuccessful it requires a maximum amount of punitive measures for any ship owner or captain of a ship who permits, deliberately or inadvertently, oil to be released in South Australian waters. The standards that are laid down and the restrictions that are enforced to prevent pollution of our waters by oil cannot be too high. The procedures for coping with an oil spill have to be very efficient. They are also very expensive. The fines that, hopefully, will accrue to shipowners who permit their vessels to pollute our waters cannot be too high. There is some difficulty in this area, which is not an easy one because of the nationality of the ships that trade in South Australian waters. Anything that makes it easier for offending ship owners to be apprehended and fined has the full support of the Opposition. It appears that this short Bill has the agreement of all the parties concerned as being a more efficient way of dealing with this problem. For those reasons, the Opposition is happy to support this Bill.

The Hon. N. K. FOSTER: I will speak briefly on this matter. I know that in the main this Bill provides for harbors and similar matters. I said a few weeks ago that this Bill ought to include the water works of the State and people tended to laugh at me when I mentioned the Murray River. There was pollution of the Murray River caused by oil and discharge from one of the wineries only the other week. Where oil is involved, detergents and other chemicals are used to to turn it into globules so that it is able to be scooped up. It is then harmless in the sea because of the large area of water involved. Also, people do not drink sea water, and the sea is not the main water supply for Adelaide, but the Murray is. The pollution in the Murray was evident for a number of weeks and found its way downstream some hundreds of miles. I understand that it could not be dealt with by using the detergent based chemical used in sea water. I understand that what was used was not only ineffective but added to the pollution and danger. I ask that this river come within the control of the Minister who controls the Department of Marine and Harbors. It is clear that the Water Resources Board has some responsibility in this area, but that is more a matter of irrigation and water consumption rather than the water pollution area in the respect of this water course's flow as it finds its way from one end of the State to the Murray mouth. It is something that should be looked at closely.

The Hon. K. T. GRIFFIN (Attorney-General): The principal Act deals with the pollution of water within its jurisdiction. That is defined as follows:

(*a*) the sea lying within the gulfs, bays, estuaries, inlets, ports and harbors of the State;
(*b*) the rivers, creeks, watercourses, lakes and other inland waters of the State;
(*c*) South Australian waters including all waters within a distance of three miles from the low water mark on the seashore;
and
(*d*) all waters that are territorial waters of Australia adjacent to the State;

The principal Act has wide application in respect of pollution of waters by oil.

Bill read a second time and taken through its remaining stages.

FRIENDLY SOCIETIES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 30 March. Page 3666.)

The Hon. ANNE LEVY: The Opposition supports this short Bill. Friendly societies are a small but important component in the financial system of this State. They grew up here in much the same way that they grew up in the United Kingdom during the nineteenth century. I understand that there are currently something like 140 000 members of friendly societies in South Australia with total assets of some $36 000 000, which is not a negligible sum.

With the great changes in health insurance arrangements that have occurred in recent years, the previous role of friendly societies providing health insurance has changed considerably. These days friendly societies are mainly concerned with matters such as life insurance, sickness benefits and superannuation schemes. The benefits which these societies can provide for their members have maximum amounts affixed by legislation. It is quite obvious that when that legislation has not been amended for 20 years or so the inflation rate makes it anachronistic in this day and age.

This Bill provides that the limits applying to friendly societies will be fixed by regulation. My first thought was that regulations should not be used for such a purpose, but that the sums should be brought up to date through indexation and then a formula applied to adjust the sums according to the inflation rate. I understand that friendly societies in this State compete with friendly societies from other States. In consequence, the limits imposed on them must bear some relationship to those imposed in Victoria and New South Wales in particular. The greater flexibility of adjustment of these figures by regulation will allow limits to be set in line with those applying in Victoria and New South Wales and it will also permit them to be adjusted rapidly should changes occur in the other States. That will maintain the competitiveness of friendly societies in this State. In view of the hour I will not discuss further the other great benefits of friendly societies but simply indicate that the Opposition supports this measure.

Bill read a second time and taken through its remaining stages.

STAMP DUTIES ACT AMENDMENT BILL (1982)

In Committee.

(Continued from 30 March. Page 3667.)

Clause 2 passed.

Clause 3—'Exemption from duty in respect of certain maintenance agreements, etc.'

The Hon. C. J. SUMNER: To some extent this clause will ensure that after 24 December 1981 certain maintenance agreements and instruments relating to property transfers arising out of divorce proceedings shall be exempt from stamp duty. In the second reading debate I asked whether there was any hiatus in this exemption, given that the Bill is due to operate on 24 December 1981.

There is considerable concern in the legal profession about this Bill and its strict meaning. In his reply to my query, the Attorney-General said that he did not see any difficulties and that the intention of the Bill was to ensure that any agreement which was covered by the Bill and which was presented after 24 December 1981 would be granted an exemption even though the instrument might have been signed before 24 December 1981 and even though the instrument which is signed might have been based on an order made before 24 December 1981.

If that is the case, there is no hiatus. All agreements and transfers that come within clause 3 will be subject to exemption when presented for stamping. Further, all stamp duties that are paid on such agreements after 24 December 1981 until the date of the passage of this Bill will be refundable to those who paid the duties. That is as I understand the position. In fact, I believe that that aspect is contained in the second reading explanation. If there is any doubt about that, the Minister should clarify the position.

It would be quite unfair if no refund was payable to people who have paid the duty between 24 December 1981 and the present time. Will the Attorney-General confirm that that is the intent of the legislation, in view of the fact that there is some doubt about the meaning of this Bill in the legal profession? Will he confirm that those who pay the duty and who now come under clause 3 or new section 71ca of the Stamp Duties Act will be entitled to a refund, and that anyone who presents an agreement for stamping following the passage of this Bill will be entitled to an exemption of stamp duty, provided it is a transfer or an agreement within the categories as outlined?

It is true that those categories are more restricted than previously when the Family Law Act was thought to apply in South Australia. Nevertheless, the Government's formulation of this Bill, as I believe the Attorney said in the second reading explanation, is the same as that for which New South Wales has opted. Although I am a little concerned that this Bill does not completely keep up the situation that existed prior to 24 December 1981 under the Family Law Act and the working rules, in the best interests of uniformity at this stage, we should at least support the Bill. Will the Attorney say what is the intent of the Bill, and will he elaborate on the two points I have mentioned? There is concern in the legal profession. Perhaps the Attorney could indicate whether, if anyone has difficulty, he would be prepared to review the legislation to ensure that it is drafted according to the Government's intentions.

The Hon. K. T. GRIFFIN: The Government intends with this Bill that all documents that were lodged with the Commissioner of Stamp Duties before 24 December 1981 will be assessed according to the working rules. The documents that were lodged after 24 December 1981, even though they may have been executed before that date or relate to a court order that was made before that date, will be assessed according to the criteria set out in this Bill, notwithstanding that at the present time the Bill has not been enacted. There is retrospective application.

Regarding those documents that have been lodged since 24 December 1981, where they meet the criteria set down in the Bill and where duty has been paid, it is my understanding that the Stamp Duties Commissioner proposes to deal with remissions by way of *ex gratia* payments.

Clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

RADIATION PROTECTION AND CONTROL BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3751.)

The Hon. J. R. CORNWALL: I object in the strongest possible terms to this Bill's coming on at a quarter to two in the morning. The second reading of what is undoubtedly one of the most important Bills that is likely to come before the 44th Parliament is being brought on in an extraordinary programme of legislation by exhaustion.

This Bill directly concerns uranium mining in South Australia, the possibility of uranium mining at Roxby Downs, and particularly the safety of workers if mining ever proceeds at Roxby Downs. It is absolutely outrageous that the Bill is coming on at 1.45 a.m. on the second to last day, or possibly the last day, of this portion of the session. One of my colleagues told me earlier that this mob could not organise a booze-up in a brewery.

The Hon. C. J. Sumner: That is what I said.

The Hon. J. R. CORNWALL: I will give the Hon. Mr Sumner credit if he wishes. I did not want to plagiarise. I must say that on this performance I would have to agree completely. This is a very bad Bill, for reasons that I will outline. It is what the Minister has referred to as so-called enabling legislation. The key to why this is a bad Bill can be found in the penultimate paragraph of the second reading explanation, as follows:

> The Government presents this Bill to you as the frame-work, the foundation upon which a detailed system of controls can be constructed. It is not the end-point but the beginning of a process which will result in the establishment of comprehensive legislation.

The Government is saying, in effect, with this skeleton (that it just what it is), 'You can trust us. We will not spell out anything. It will all be done by regulation. We will not give you, as members of Parliament, any details. We will treat you with the contempt that we believe you deserve. We

will treat the people of South Australia with the contempt we believe they deserve. We will simply introduce this skeleton, and from time to time we will add to it by regulation. We will make it up as we go along in consultation with the mining proprietors. We will consult with them and try to implement by regulation whatever we think is reasonable.'

When we were presented with this Bill as it was introduced in another place, I consulted with my colleagues, and we considered three options. The first, and what would clearly have been the very best, option would have been to refer this Bill to a Select Committee. There is no doubt about that at all. You, Sir, and all honourable members will recall that there was a Select Committee on uranium resources that sat, heard evidence and deliberated over a period of two years. Some honourable members who sat on the committee, although we did not become experts in the sense of having scientific expertise, certainly learnt a great deal about the many aspects of the nuclear fuel cycle. Certainly, the areas with which this Bill deals were considered in quite specific detail by that Select Committee.

So, a Select Committee of this Council, or indeed a joint Select Committee of both Houses, would have been able to draw on a great deal of the evidence submitted to the uranium committee, and it would have been able to produce first-class legislation. However, there is a very good reason why we cannot refer the Bill to a Select Committee, namely, because we would be seen to be holding up those parts of the Bill that implement in some measure at least the report of the Working Party on Human Diagnostic Radiography.

That report spells out in section after section the deficiencies that exist at present with regard to the regulation of human diagnostic radiography in South Australia. We could not hold it up because it has already been held up for almost two years. This report, which was initiated by a former Minister of Health (Hon. Peter Duncan) in August 1979, has been sitting in the basket on the desk of the Minister of Health for almost two years. It spells out clearly, as I have said, the grave deficiencies that exist with regard to human diagnostic radiography at present.

Those matters have been the subject of an extensive press report, and I do not intend to go into them in any great detail tonight. However, I cannot let the occasion pass without repeating for the benefit of honouralbe members why this was done. On Monday, 7 December 1981, the front page lead of the *Advertiser* carried the headline 'Stiff penalties proposed over radiation'. There is a very garbled version of a lengthy press release out of the Minister's office that completely mixed up radon daughters and alpha radiation on the one hand and medical X-rays on the other hand. In what was a cynical attempt to reassure the women of South Australia who had been shown in many polls to be extremely concerned about radiation. We had as a fringe benefit the heading, 'The girls drew up proposals'. Of course, that is entirely sexist, and it was done quite deliberately. The Minister of Health involved senior employees of the Health Commission in that very cynical, albeit quite successful, public relations attempt to reassure the women in South Australia. It is no accident that that happened because, accompanying the article about the girls drawing up the report, there is a posed photograph of the Minister sitting with two of her female employees. That is quite disgusting.

This matter has been held up for two years, and hundreds of patients have been exposed, quite unnecessarily, to excessive radiation during that period. It was done so that the two pieces of legislation could be mixed up and introduced together. Apparently the Minister could not get around to relatively simple legislation to replace section 9d of the Health Act with regard to human diagnostic radiography and introduce that as a separate and relatively simple Bill.

That could and should have be done at least 12 months, and preferably 18 months, ago. It could have been produced in this Council as early as June 1980, but it was not done because the Government quite deliberately wanted to mix up the two. Because it was not done, an estimated 20 per cent of people in the metropolitan area having X-rays have been subjected over that period to ongoing faulty techniques—indeed to quite defective and deficient techniques and licensing, as described in the report. This has happened significantly more in the country.

We can presume that, once this legislation passes, we will have reasonably quick regulations which will prevent these abuses from continuing and which will restrict licences to people, particularly general practitioners, who at the moment can get a licence automatically on application, and to those who have skills in the area or who are prepared to undertake short post-graduate courses at the South Australian Institute of Technology. It will also restrict, in the metropolitan area at least, those classes of person who can take X-rays of the thorax, abdomen and pelvis, involving a far greater degree of exposure than do X-rays of extremities of the limbs.

So, presumably at last the house will be put in order. I repeat that this could have been done as early as June 1980. Another option open to us was to attempt to split the Bill. If this had been possible within the framework of the Bill as presented to us, we could have proceeded with that part that relates to human diagnostic radiography and requested that the other half of the Bill which relates to radon exposure to alpha radiation, workers safety, and workers protection, could have been allowed to lie on the Table while we got up for a couple of months, and everybody could have had a great deal more time to consider it instead of having to grapple with it in this exhausting sort of way.

Splitting the Bill is simply not practical and we had to abandon that idea. The third option available to us was to proceed to very substantially amend the Bill. That ultimately is the course we have chosen. We have not chosen it happily. We have not chosen it because we think it is the ideal way to go, but we have opted to do it because it is very important for the additional and absolutely urgent safeguards in regard to human diagnostic radiography to be put in place.

There are some curious aspects of this Bill apart from the fact that it has been introduced in the dying hours of this session. It has been introduced with what appears to be indecent haste. It seems to be a straight-out political stunt to tie it in with the Roxby Downs Indenture Bill and the Roxby Downs Indenture. It has been done in a vain effort to reassure the people of South Australia that this Government is really concerned about workers protection and to see that anybody who opts to work in any uranium mining, milling or processing in South Australia will be protected. It is quite clear that that is not actually the intention of the Government.

To give a startling example, this is not the same Bill as was introduced a short time ago in the House of Assembly. A significant amendment was made to this Bill last night. It was an amendment introduced by the Minister of Health and I refer to clause 26. If one looks at the original Bill introduced into the House of Assembly, that clause did not appear. Suddenly last night the Minister moved to insert new clause 26. The skulduggery in regard to this legislation can be starkly and nakedly placed before us upon reading that clause, which provides:

26. Notwithstanding any other provisions of this Act, no limit of exposure to ionizing radiation shall be fixed by any regulation or condition made or imposed under this Act in relation to an operation for the mining or milling of radioactive ores that is more

stringent than the most stringent limit for the time being fixed in relation to such operations in any code, standard or recommendation approved or published under the *Environment Protection (Nuclear Codes) Act 1978* of the Commonwealth or any other Act or law of the Commonwealth or by the National Health and Medical Research Council, the International Commission on Radiological Protection or the International Atomic Energy Agency.

If we turn to the indenture which was introduced in the House of Assembly a very short time ago and which has now gone to a Select Committee, we find section 10 which, under the heading 'Compliance with codes', provides amongst other things:

(1) Notwithstanding any other provision of this Indenture, in relation to the Initial Project or any Subsequent Project, the relevant Joint Venturers shall observe and comply with the undermentioned codes, standards or recommendations and any amendments thereof or any codes, standards or recommendations substituted therefor—

It goes on to spell out those codes including the codes of practice on radiation protection, mining and milling of radioactive ores as published by the Department of Science and Environment. The other four are identical to new clause 26 which was inserted at one minute to midnight by the Minister of Health in another place.

The Hon. L. H. Davis: Are you saying that the standards are not good enough?

The Hon. J. R. CORNWALL: Yes, and the honourable member knows that.

The Hon. L. H. Davis: I do not know that.

The Hon. J. R. CORNWALL: Indeed, they are not. Let us look at what the Hon. Mr Davis had to say, along with his colleagues the Hon Mr Burdett, and the Hon. Mr Cameron, in their recommendation after having sat on the Uranium Select Committee for two years. The recommendations state:

RECOMMENDATION—See Chapter 17

In view of the doubts cast by the 1980 Niosh Report on the adequacy of safety of the current exposure standard of four working level months per year to radon decay products, we recommend that the National Health and Medical Research Council be requested to review the present maximum permissible limit of exposure with a view to recommending a reduction in the allowable limits.

The Hon. Mr Davis set himself up on that one. Not only did I say the standards were not adequate but he said they were not adequate. It is contained in the recommendations on page 11 of his own report. Having examined the NIOSH Report, the most recent report available to us as a Select Committee, he said, along with his colleagues, that the current standards ought to be reviewed. They are the standards that are being applied at Ranger and Nabarlek. I will also quote from a summary and conclusions of the report.

The Hon. L. H. Davis: If you were so concerned, why didn't you introduce legislation?

The Hon. J. R. CORNWALL: If the honourable member examines the comprehensive amendments before him and supports them, all will be well.

The Hon. L. H. Davis: I am talking about the 1970s.

The Hon. J. R. CORNWALL: I will remind honourable members that the recommendation currently used in the Australian Code of Practice on the Mining and Milling of Uranium Ore is base on the 1977 recommendations of the I.C.R.P.

The Hon. M. B. Cameron: What were the exposures at Nabarlek? I know why you won't answer that.

The Hon. J. R. CORNWALL: Do not be a galah at this hour of night. I will quote from the NIOSH Report. If members opposite want to behave like lunatics at 2.05 a.m., I point out that it is the Government's fault that we are sitting here. The Hon. Mr Cameron is behaving like a larrikin and a hooligan. Can he control himself for once?

I will quote from the NIOSH Report. This is far too serious a debate for me to be led astray by imbeciles on the other side. I turn to the summary and conclusions, which state:

The earlier predictions of excess lung cancer among miners of uranium-bearing ores in the United States and in other countries have been documented and repeatedly confirmed. Recent studies of uranium and non-uranium underground miners have raised the concern that an increased risk of lung cancer mortality may persist even if miners are exposed only to radiation within the radon daughter exposure limit defined by the present Mine Safety Health Administration (MSHA) standard.

The Hon. L. H. Davis: You're for it on odd days and against it on even days, are you?

The Hon. J. R. CORNWALL: You have the intelligence of a frog, Sir.

The Hon. M. B. Cameron: You want to read what he said on *Nationwide*.

The Hon. J. R. CORNWALL: I am not saying that it cannot be done with relative safety; I am saying it cannot be done with relative safety with what the Government is allowing in the indenture, having specifically put it in at one minute to midnight as a second thought and guess by the Minister in another place.

The Hon. M. B. Cameron: You're not going very well.

The Hon. J. R. CORNWALL: For God's sake, will you shut up man. I return to the report again, as follows:

There is a clear indication that cumulative exposures to radon daughters is associated with increased risk of lung cancer for workers in underground mines generally and uranium mines specifically. There is also strong evidence that a substantial risk extends to and below 120 WLM [Working Level Months] of exposure (Definition of WLM-Pages 3 and 4). The exact magnitude of the risk cannot be precisely quantified. However, studies of underground miners occupationally exposed to radon daughters in several countries, lead to the conclusion that at these levels of exposure (<120 WLM) an excess risk of lung cancer mortality is evident (greater than two-fold) and of sufficient magnitude to be of major public health concern. This appears to be true for both high and low exposure rates.

The risk of lung cancer for underground miners can also be estimated on the basis of the dose delivered to the basal cells of the bronchial epithelium. When the present 4 WLM per year standard is evaluated, in terms of the magnitude of the dose delivered and its predicted biological effect, a sense of the relative degree of protection provided by the standard can be made. Recent evaluations of the dose delivered to the bronchial epithelium and of the quality factor for alpha particles deposited on lung tissue show that estimates of the risk per WLM are at least 2 to 4 times greater now than the estimates that were made 10 years ago. This leads to the conclusion that there is no margin of safety associated with the present standard.

The Hon. L. H. Davis: You didn't say this on *Nationwide*.

The Hon. J. R. CORNWALL: I repeat that there is no margin of safety associated with the present standard, the standard the Government is proposing to adopt in the Indenture Bill and this legislation. The report continues:

The estimates also provide supporting evidence that miners of uranium-bearing ores are at higher risk of cancer than other individuals occupationally exposed to radiation when the allowable limits, expressed as dose, are evaluated comparatively.

The fellow opposite, the Hon. Leigh Davis, the man of limited intelligence, continually interjects and asks, 'What did you say on *Nationwide?*' I will tell him what I said on *Nationwide*, I believe 12 months ago. I have appeared so frequently on *Nationwide* in the past 12 months that I find it difficult to remember. Someone suggested that I was taking over as compere, but there is no truth in that rumour—I cannot help being a charismatic, much-sought-after figure in the media. I assume the honourable member is referring to a *Nationwide* programme I appeared on 12 months ago. I said at that time that, from the evidence presented to the Select Committee and from my personal observations and my reading of scientific literature, I thought that it was a fair observation to say that uranium mining, if the most stringent possible precautions were imposed, could be made a relatively safe occupation.

The Hon. M. B. Cameron: You didn't say 'stringent'; I have it all here.

The Hon. J. R. CORNWALL: I said 'a relatively safe occupation.' I am not contesting that I said it could be made a relatively safe occupation if one were to use the sorts of recommendations contained in the Niosh Report, not the sorts of recommendations that the Government is enshrining in its Indenture Bill and the legislation before us. That is what I said, and I do not resile from it. I will repeat it.

The Hon. M. B. Cameron: You didn't mention the NIOSH Report.

The Hon. J. R. CORNWALL: Mining is the least dangerous facet of an extra-ordinarily dangerous fuel cycle. I do not resile from that statement at all. However, I did not say, 'It is gung ho to go; don't worry, the code of practice is quite adequate; carry on regardless!' Let me point out what has happened along the way. The Indenture Bill was introduced, and it exempts all the companies of the consortium from all manner of Acts, as indentures usually do. It exempts them, for example, from the provisions of the Planning and Development Act, Crown Lands Act, Mining Act, Harbors Act, Stamp Duties Act, Arbitration Act, Water Resources Act, Electricity Act, Noise Control Act, and Residential Tenancies Act, and so it goes on and on. However, a very serious question of law has arisen because of the attempt to have this Bill presently before us introduced at the same time. There is a very serious question at law whether what will become the Indenture Act, if it is passed, would, as it was originally introduced, have exempted the consortium from the provisions of the Radiation Protection and Control Act, as it will become when passed.

What happened was that there was a real doubt in the Western Mining Corporation's thinking after it and its corporate lawyers had examined this Radiation Protection and Control Bill that, in fact, it might come in over the top of the minimum standards which the Minister and the Government were proposing in the Indenture Bill. Then last night, despite the fact that the Minister had had 18 months to prepare the legislation, very quickly, after being hurried by the Western Mining Corporation, at the last moment she introduced a very significant amendment which now appears as clause 26 in the Bill before us. That, of course, if it is passed in this Chamber, brings that minimum standard, that very lax standard, that any company undertaking uranium mining or milling would have to meet, into line with the Roxby Downs Indenture and the Roxby Downs Indenture Bill, and that is what it is about. I do not hear the two galahs across the way parotting so well now.

That is precisely what happened. The Opposition intends moving a significant number of amendments to this Bill and I know that you, Mr Acting President, and others will want time to consider them. When I conclude my remarks later I will briefly outline the intention behind those amendments. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

At 2.16 a.m. the Council adjourned until Thursday 1 April at 2.15 p.m.