LEGISLATIVE COUNCIL

Tuesday 6 April 1982

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 11 a.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. K. T. Griffin)—

Pursuant to Statute—

Harbors Act, 1936-1981—Regulations—Receipt and Dispatch of Cargo.

By the Minister of Corporate Affairs (Hon. K. T. Griffin)—

Pursuant to Statute—

Corporate Affairs Commission—Report, 1980-81.

By the Minister of Local Government (Hon. C. M. Hill)—

Pursuant to Statute—

City of Adelaide—By-law No. 19—Park Lands, Reserves, Plantations and Squares.

By the Minister of Community Welfare (Hon. J. C. Burdett)—

Pursuant to Statute—

Alcohol and Drug Addicts Treatment Board—Report, 1980-81.

South Australian Meat Hygiene Authority—Report, 1980-81.

Planning and Development Act, 1966-1981—Regulations—Metropolitan Development Plan Corporation of the City of Marion Planning Regulations—Zoning.

Advisory Committee on Soil Conservation—Report, 1980-81.

QUESTIONS

MOUNT GAMBIER ABATTOIRS

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare an answer to a question I asked on 10 February about the Mount Gambier abattoirs?

The Hon. J. C. BURDETT: The Minister of Agriculture has advised that part of section 162, hundred of Gambier, is subject to negotiation with an industrial developer. The terms of tenure, use and occupation of the said land are yet to be determined. If and when detailed planning of this industrial development on that land occurs, then the matter of effluent disposal will be discussed with the developer and all appropriate authorities.

KSAR CHELLALA PROJECT

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare an answer to a question I asked on 23 March about the Ksar Chellala project?

The Hon. J. C. BURDETT: The Minister of Agriculture has provided the following replies:

1. No.

2.-5. Not applicable.

HOSPITAL DEBTS

The Hon. J. R. CORNWALL: Has the Minister of Community Welfare an answer from the Minister of Health to a question I asked on 18 February about hospital debts?

The Hon. J. C. BURDETT: Government policy is to issue warrants of commitment to imprison defaulters on unsatisfied judgment summonses and this has not been altered as a result of the introduction of the latest health insurance and funding arrangements. In fact, there has been no change to the policy of the previous Government. The procedures established in relation to the collection of hospital accounts include provision for the following:

the issuing of notices of accounts overdue at 30 days, 60 days and/or 90 days;

the issuing of final notices;

the issuing of ordinary summonses;

the issuing of unsatisfied judgment summonses;

the issuing of warrants of commitment.

The minimum length of time involved in these procedures would be at least three months. Moreover, there are well established procedures in relation to the remission of accounts in cases of financial hardship. Hospital Boards of Management have the authority to remit charges in cases of financial hardship and to waive charges for preventive health services and for services to the chronically ill also in cases of financial hardship. Nobody in South Australia is denied treatment through inability to pay.

HOSPITAL ADMINISTRATION

The Hon. J. R. CORNWALL: Has the Minister of Community Welfare a reply to my question of 23 February about hospital administration?

The Hon. J. C. BURDETT: The replies to the honourable member's six specific questions are as follows:

1. When the necessary approvals and procedures have been undertaken.

2. The system approved by Cabinet and endorsed by the Supply and Tender Board.

3. Not available until tender is announced.

4. The total value of outstandings at these major Government hospitals as at 31 January 1982 was as follows:

Government Hospitals	Total Value of Outstandings $
Royal Adelaide Hospital	4 368 342
The Queen Elizabeth Hospital	2 584 111
Flinders Medical Centre	3 032 642

5. The total number of individual accounts rendered or current at these major Government hospitals as at 31 January 1982 was as follows:

Government Hospitals	Total Number of Individual Accounts $
Royal Adelaide Hospital	17 467
The Queen Elizabeth Hospital	19 791
Flinders Medical Centre	44 656

The total number of individual accounts for the Royal Adelaide Hospital is an estimate only and the total for the Queen Elizabeth Hospital includes 2 223 accounts (valued at $250 390) attributable to renal patients treated prior to 1 September 1981.

6. The estimated costs of processing each account at these three hospitals as at 31 January 1982 were as follows:

Government Hospitals	Estimated Cost Per Account $
Royal Adelaide Hospital	2.97 (in-patient)
	2.27 (out-patient)
The Queen Elizabeth Hospital	3.15
Flinders Medical Centre	3.56

These figures relate to the estimated costs of raising an account at the three hospitals. While the figures for the Queen Elizabeth Hospital and Flinders Medical Centre relate to total estimated costs, the figures for the Royal Adelaide Hospital relate only to the estimated direct costs incurred by its finance division in raising an in-patient and out-patient account. The costs of computer processing time have been included, but the costs of related clerical time have not been included.

WAGE PAYMENT

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Transport, a question about Australian National.

Leave granted.

The Hon. C. J. SUMNER: A potential dispute is looming in Australian National, the Australian National Railways authority in this State, as a result of the decision by the Federal Government no longer to pay Australian National employees by cash but to pay them by cheque. The State Industrial Conciliation and Arbitration Act requires that all employees be paid in cash, unless alternative arrangements are made with the consent of employees.

If the Australian National move to pay by cheque is successful, it will change the situation that has existed for these employees for many years and will change the situation required under State law. The employees are upset by the proposed change and there is the suggestion that some industrial action may follow. The employees are particularly concerned about the effect that this change in policy will have on country employees. For instance, a person employed at Bowmans at the present time who receives payment by cheque would have to make his way to Port Wakefield in order to cash the cheque. The tradition has been (and the law in South Australia requires for obvious reasons) that payment be made by cash. I understand that the employees of Australian National (formerly South Australian Railways) want that position continued. They believe that if payment by cheque is substituted for payment by cash there will be disadvantages to them, particularly employees in country areas.

The agreement for the transfer of the South Australian Railways to the Federal Government contained a provision that no employee of the South Australian Railways would be disadvantaged by the transfer. Accordingly, I am asking the Minister of Transport to intervene in this matter with the Federal Government to ensure that the practice which continued for many years of employees receiving payment in cash should continue to be the case. Will the Minister of Transport intervene as a matter of urgency with Australian National or the Federal Government to ensure that employees are not disadvantaged and to oppose the proposal that employees should be paid by cheque in the future rather than by cash as has been the practice in the past.

The Hon. K. T. GRIFFIN: I will refer the question to the Minister of Transport and bring back a reply.

MILLIPEDES

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question on Portuguese millipedes.

Leave granted.

The Hon. BARBARA WIESE: A few days ago on his regular radio programme Peter Bennett, the wellknown Adelaide gardener and broadcaster, talked about Portuguese millipedes, which are now becoming a problem in Adelaide gardens. Mr Bennett pointed out that these millipedes have bothered people in the Adelaide Hills for some time. They are moving towards the plains at a natural encroachment rate of 200 metres per year.

Mr Bennett's concern is that this process is being exacerbated by the actions of the Burnside council, which is distributing millipede-laden compost material throughout the Burnside council area and is also encouraging local householders to do the same. Apparently, the council dump at Waterfall Gully is the source of this material. The council has used the compost to establish roundabouts and public nature strips. Members of the public can also obtain this material from the dump for household purposes.

It is true that the council has erected a sign at the dump warning the public that millipedes may be present in the soil and that gardeners collect it at their own risk. However, it seems to me that the council is behaving in an irresponsible way by allowing the material to be distributed at all, thereby assisting in the distribution of millipedes in the metropolitan area. I add that, while the Burnside council is helping millipedes to spread, other councils are offering poison free of charge to householders to eradicate this nuisance. In view of the Burnside council's irresponsible behaviour, will the Minister investigate this matter and take action to see that this council and any other body is prevented from contributing to the spread of this pest on the Adelaide Plains?

The Hon. J. C. BURDETT: I will refer the question to my colleague and bring down a reply.

MEDICAL BENEFITS

The Hon. J. R. CORNWALL: Has the Minister of Community Welfare a reply to a question I asked on 18 February about medical benefits?

The Hon. J. C. BURDETT: The reply is of a statistical nature, and I seek leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

1. The Royal Adelaide and Modbury Hospitals use College Mercantile Agency (C.M.A.) Pty Ltd as their debt collection agents while Flinders Medical Centre makes use of George Laurens (S.A.) Pty Ltd. The remaining Government recognised hospitals in South Australia do not use debt collection agencies.

2. Between 1 September 1981 and 31 January 1982, these debt collection agencies collected the following sums:

	$
C.M.A. Pty Ltd for Royal Adelaide Hospital	8 065
George Laurens (S.A.) Pty Ltd for Flinders Medical Centre	27 391
C.M.A. Pty Ltd for Modbury Hospital	565

However, most of these recoveries relate to accounts raised prior to 1 September 1981.

3. The total value of accounts outstanding over 30 days at the major Government hospitals in South Australia as at 31 January 1982 were as follows:

Government Hospitals	Value of Accounts Outstanding Over 30 Days
Royal Adelaide Hospital	Not Applicable. Total moneys outstanding (that is, the total value of accounts issued but not paid) were $4 368 342.
Queen Elizabeth Hospital	$1 547 838. This figure refers to the total value of accounts outstanding over 28 days.
	$
Flinders Medical Centre	2 028 270
Modbury	643 331
Mount Gambier	156 000
Port Augusta	36 712
Port Lincoln	58 042
Port Pirie	193 040
Wallaroo	7 467
Whyalla	301 135

4. Between September 1981 and 31 January 1982 unsatisfied judgment summonses only issued in relation to overdue accounts at three Government hospitals in South Australia as follows:

Government Hospitals	Number of Unsatisfied Judgment Summonses
Royal Adelaide Hospital	22
Queen Elizabeth Hospital	44
Flinders Medical Centre	64

Only four of these unsatisfied judgment summonses related to accounts raised after 1 September 1981. All four related to accounts raised by the Queen Elizabeth Hospital.

5. *(a)* No uninsured patients who have incurred bad debts either as out-patients or in-patients and defaulted on their unsatisfied judgment summonses have been imprisoned.

(b) It is not possible to forecast the number likely to be imprisoned. Based on experience to date, however, it is very unlikely that any would be imprisoned.

6. Government policy is to issue warrants of commitment to imprison defaulters on unsatisfied judgment summonses and this has not been altered as a result of the introduction of the latest health insurance and funding arrangements. In fact, there has been no change to the policy of the previous Government.

GLENELG COUNCIL REPORT

The Hon. C. W. CREEDON: I seek leave to make a brief explanation before asking the Minister of Local Government a question about a report from the Glenelg council.

Leave granted.

The Hon. C. W. CREEDON: Last week the Minister presented a report to Parliament compiled by a Local Government Department officer, Mr D. J. Williams, relating to the affairs of the Glenelg council and, in particular, the water slide and amusement complex fiasco. The breakdown in procedures at local government level in this instance could have caused serious financial loss, inconvenience and disruption to the community. The Glenelg council would have faced a serious legal challenge if Parliament had not intervened. It is obvious that the Minister should have reviewed this matter. What action does the Minister propose to take to ensure that this situation is not repeated in the local government sphere?

The Hon. C. M. HILL: It is impossible to give an assurance that problems of this nature will not arise in the future. I hope that local government generally, when it becomes aware of the report, will do its best to ensure that similar situations are not repeated in the future. Certainly I feel quite confident that comparable problems will not be repeated within the Glenelg council, because I was informed only this morning that it will be either debating or considering the report next week. I am sure that the council will give proper recognition to the report and will take whatever action it considers best to ensure that all points made within the report will be taken into account and similar problems will not occur again.

A copy of the report has been sent to the Auditor-General and, of course, one has been sent to the mayor of the Glenelg council in accordance with the Act. I give the honourable member an assurance that in due course I will be making some inquiries in relation to the manner in which the Glenelg council will consider the report. I will certainly do all that I can to ensure that a similar situation is not repeated within the Glenelg council or in local government generally.

POLICE SPECIAL BRANCH

The Hon. ANNE LEVY: I seek leave to make an explanation before asking a question of the Attorney-General regarding the Special Branch.

Leave granted.

The Hon. ANNE LEVY: On 20 November 1980 the Government gazetted new directions to the Commissioner of Police regarding the operation and functions of Special Branch. On the same day the Premier and the Attorney-General made statements to both Houses outlining those directions relating to Special Branch and also to the type of activity to be covered by them and the procedures whereby the contents of files were to be checked and audited. In particular, paragraph 2.5 of the Order-in-Council states:

> For the purpose of determining whether the information for the time being recorded by the Special Branch of the Police Force is redundant, out of date, or irrelevant such information shall be examined periodically by the Officer-in-Charge of the Special Branch of the Police Force who shall thereupon report the result of each such examination to the Commissioner of Police.

Furthermore, paragraph 2.6 states:

> The Assistant Commissioner of Police (Operations) shall at least once in each calendar year inspect the records of the Special Branch of the Police Force and report thereon to the Commissioner of Police particularly with regard to the need for maintaining any information recorded by the Special Branch.

We can see that reports are to be provided annually by the Assistant Commissioner of Police (Operations) and also periodically by the Officer-in-Charge of Special Branch to the Commissioner of Police as to whether the files contain material that is redundant, out of date, or irrelevant. I note that these reports on the contents of the files are by the police to the police. Paragraph 3 of the Order-in-Council appoints the Hon. David Stirling Hogarth, Q.C., to make inspections at least annually to see whether the requirements of paragraphs 2.5 and 2.6 have been complied with, and he is to report to the Government. The Ministerial statement by the Premier and by the Attorney-General made to Parliament on the same day made the following comments relating to this auditing by Mr Hogarth:

> Finally, the audit of Special Branch files by a person other than a police officer, which was included in the order of January 1978, has been retained.

The Ministerial statements further stated:

> The Government . . . is pleased to announce that the Honourable David Hogarth, Q.C., formerly the Senior Puisne Judge of the Supreme Court, has accepted the Government's invitation to inspect and report on the files of Special Branch at least once each year.

This quotation clearly states that Mr Hogarth is to have access to the files of Special Branch for the purpose of his audit. However, as I have said, paragraph 3 of the Order-

in-Council states only that Mr Hogarth is to see that paragraphs 2.5 and 2.6 have been complied with. These paragraphs refer only to reports being prepared by two senior police officers on the basis of their inspection of the files.

The suggestion has been made to me that someone is interpreting paragraph 3 in such a way that Mr Hogarth does not have access to the files of the Special Branch, but only to the reports on those files prepared by two senior police officers. I am sure that you would agree, Mr President, that this would not be an independent audit of the Special Branch files at all, despite the statements by the Premier and the Attorney-General.

First, how many reports has Mr Hogarth submitted to the Government pursuant to paragraph 3 of the Order-in-Council dated 20 November 1980? Secondly, does paragraph 3 of the Order-in-Council give Mr Hogarth unlimited power to inspect files containing the information gathered by the Special Branch, pursuant to paragraphs 2.2 and 2.3 of the Order-in-Council? Thirdly, has Mr Hogarth inspected such files, or have his inspections been confined to perusing the reports of the Officer-in-Charge of the Special Branch and the Assistant Commissioner of Police (Operations) pursuant to paragraphs 2.5 and 2.6 of the Order-in-Council? Fourthly, has Mr Hogarth made any requests or recommendations to the Government that his powers be clarified or broadened? Fifthly, can the Minister assure the public of South Australia that independent audits of Special Branch files by someone who is not a member of the Police Force have taken place since November 1980 and will take place in the future?

The Hon. K. T. GRIFFIN: Some of the questions are of a technical nature and, obviously, I will need to have inquiries made before I can give a response. The Government, when promulgating the Order-in-Council in 1980 in respect to the Special Branch, was anxious that there should be clear guidelines to all involved with the Special Branch as to the way in which it should operate and the way in which the files should be maintained, and also to formalise the appointment of an independent person as an auditor of the Special Branch in accordance with the Order-in-Council.

Mr Hogarth has submitted at least one report that I know of; it was submitted last year, was consistent with the Order-in-Council, and indicated that he was satisfied with the way in which the Special Branch files had been maintained and the manner in which the Special Branch operated. The second question asked by the honourable member is of a technical nature and I will give some consideration to it before making a reply. The third question asked by the honourable member is one of which I have no special knowledge, and is a matter within the province of Mr Hogarth, and I will have some inquiries made of him. As to the extent to which he undertakes his audit, it is up to Mr Hogarth as to whether he deems it appropriate to give that information.

The important aspect is that he has to be satisfied, as auditor, that everything is fair and above board and is being undertaken in compliance with the Order-in-Council. Certainly, it is the Government's intention that it should appoint such a person with the complete confidence of the Government and the Police Force, to undertake this very responsible task. I have no reason at all to doubt that that has happened.

There certainly has been no request by Mr Hogarth, as far as I am aware, to widen or clarify his powers. I would not expect that that would be necessary. I will make inquiries of my Ministerial colleagues to see whether my answer is correct. I certainly believe that there has been no request to widen those powers. As far as the last question asked by the honourable member is concerned, I believe that I have substantially answered that; to a certain extent it depends on the technical aspects of earlier questions, upon which I will be making inquiries and giving further consideration.

TEACHERS' WAGE CLAIM

The Hon. G. L. BRUCE: I seek leave to make a short explanation before asking the Minister of Local Government, representing the Minister of Education, a question about the cost of the teachers' wage claim.

Leave granted.

The Hon. G. L. BRUCE: On my view of what has happened and from recent press reports, it appears that a wage claim has been settled for teachers along the lines that the teachers first advocated. It is also my understanding that the Government fought tooth and nail along the line during the 'dispute'. Can the Minister advise the cost of the campaign, including the advertisements, the briefing of counsel and any other costs to combat the South Australian teachers' wage claim, which was finally settled to the satisfaction of teachers, in line with their claim? Does the Minister not consider that the effort and cost involved would have been better spent in accommodating the teachers' claims?

The Hon. C. M. HILL: I will refer those questions to my colleague and bring back a reply.

INFRINGEMENT NOTICES

The Hon. J. E. DUNFORD: Has the Attorney-General an answer to a question I asked on 3 March regarding on-the-spot fines?

The Hon. K. T. GRIFFIN: The circumstances in which Ian Stanley Brooks was issued with a traffic infringement notice have been fully investigated. While there was sufficient evidence to justify police action on the night in question, it is far from certain, from an assessment of the situation, that a *prima facie* case has been established on which a charge of 'unlawful use of a spot lamp', if contested in court, could be sustained. For that reason, it has been directed that the traffic infringement notice issued to Mr Brooks be withdrawn.

BUSH FIRE

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question regarding the Ash Wednesday bush fire.

Leave granted.

The Hon. C. J. SUMNER: It is now over two years since the disastrous fire in the Adelaide Hills on what has become known as Ash Wednesday. Unfortunately, it is still the position that many victims of the disaster are having difficulty in obtaining legal aid to pursue claims against F. S. Evans and Company, the operators of the dump where it is alleged the fire started, and the Stirling council. The bush fire victims, many of whom had all their property and belongings destroyed, are being left in the lurch by the Government in that legal aid has apparently been denied to them for action against F. S. Evans and Company and the Stirling council.

I understand that the proposal was that a test case would be taken, for which legal aid has been requested, and that other claims might follow the result of any test case. On 19 February this year I asked the Attorney-General a question about the matter. He replied that it was a matter for the Legal Services Commission. That is simply not the case. The Legal Services Commission is partly funded by the South Australian Government. It is interesting to note that in the 1980-81 annual report of the Legal Services Commission that the following statement appears on page 3:

That the commission has had to withhold grants of legal aid to otherwise eligible clients because of insufficient funds.

On page 14, the annual report says:

The commission is not able to reach all people in need of legal assistance.

Again, page 3 of the annual report says:

The commission deeply regrets these restrictions on its services and is continuing its efforts to ensure all eligible South Australians have effective access to adequate legal services.

It is clear that the Legal Services Commission is unhappy with its financial position, so it is no response for the Attorney-General to say that whether the Ash Wednesday bush fire victims should receive legal assistance is entirely a matter for the Legal Services Commission. The commission is funded in part by the State Government, and recognises that it does not have enough funds.

I understand that many people involved in a potential action are losing heart, because it is two years since that disaster, and apparently they can get no support to take legal proceedings. It is true that S. F. Evans and Company is connected in some way with the Liberal member for the area, Mr Stan Evans and, unfortunately, the suspicion exists that the reluctance of the Government to ensure that legal aid is provided to these victims is connected with the fact that Mr Stan Evans, the M.P. for that area, is a member or partner in the firm of S. F. Evans and Company. It is a pity that that suspicion exists. Will the Attorney investigate, as a matter of urgency, the failure of legal assistance to be granted to victims of the Ash Wednesday bush fire to enable them to take proceedings against S. F. Evans and Company and the Stirling council?

The Hon. K. T. GRIFFIN: Let us get this matter in perspective. The Legal Services Commission Act provides that it is independent of any Minister and is not an instrumentality of the Crown, that the Government cannot influence decisions that the commission takes. It is correct that the commission largely relies on the State and Federal Governments for funding, but it also derives income from interest on the combined solicitors' trust account and invested income, so that it does have some independent sources of income. Nevertheless, the substantial part of its income is derived from the Government.

The Legal Services Commission Act does not allow any Minister to obtain information about any applicant for legal aid. It is entirely a matter initially for the Director of the commission and then on appeal to the full commission as to whether or not legal aid is granted. No Minister of the Crown and no member of Parliament can interfere with the decision which the commission takes in respect of any applicant, nor can any Minister or member of Parliament obtain information as to who has or has not applied for legal aid, and who has or has not been granted that aid. The matter of priorities is a matter for the commission itself. It receives over $4 000 000 in the current financial year to fund its own operations as well as to support legal assistance for members of the public. The commission has got to live within its means; it establishes its own priorities according to the resources available to it. Last year, I had some discussions with the commission that would assist in giving it a better facility to plan ahead for legal aid in this State consistent with the resources which were available from the State as well as those available from the Commonwealth Government. In the case of the matter raised or any other matter, it is up to the commission: it is not for me to interfere in the decision which the commission makes.

The Leader of the Opposition has made some suggestion that there is a suspicion that the commission is not granting the aid or that the Government is not giving the funds to the commission to enable this particular action to be taken. I repeat that there has been no involvement at all by the Government in determining who should or should not be granted legal aid. It is for the commission to determine its own priorities within its own guidelines, while living within the resources available to it including the resources made available by both the Commonwealth and the State Governments.

The Hon. C. J. SUMNER: I desire to ask a supplementary question. Is the Attorney willing to approach the commission to determine the position in relation to any application for legal aid by Ash Wednesday bush fire victims and provide a report to the Council?

The Hon. K. T. GRIFFIN: I will certainly refer the honourable member's question to the commission. What it decides to do with it is a matter for the commission. Whether or not it decides to provide me with information to make available to the Council is, under its Act, a matter for the commission.

FISHERY OFFENCES

The Hon. B. A. CHATTERTON: Has the Minister of Local Government a reply to my question of 17 February about prosecutions for fishing offences?

The Hon. C. M. HILL: Since 1 January 1981, 17 professional fishermen have been reported for breaches of the Fisheries Act. Five have been prosecuted and convicted and the other 12 cases have not been finalised. The suspension of one licence is under consideration.

WIRRINA HOLIDAY VILLAGE

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question about Wirrina Holiday Village.

Leave granted.

The Hon. C. J. SUMNER: In a question that I asked of the Attorney, as Minister of Corporate Affairs, about two weeks ago, I raised the question of the delay in pursuing inquiries against a number of companies and organisations that were subject to investigation by the Corporate Affairs Commission. The Attorney-General gave me information on some of the companies that I mentioned. However, one of the organisations that I referred to was Wirrina Holiday Village, and no detail was forthcoming from the Attorney on progress in that investigation. I am given to understand that, following the severence of Wirrina Holiday Village and a company called Travel International, there has been much confusion about refund of investments. It is alleged that Travel International, which earlier indicated that refund of investments would be possible, is now refusing to make refunds on the ground that the people concerned in fact purchased an option, and only those investors who made more than a certain number of payments have actually purchased shares. They have been told that there has been no breach of the Companies Act and, to complicate matters, I am informed that Wirrina Holiday Village has made some refund of investments in that organisation. Is the Minister of Corporate Affairs aware that there is a dispute between Travel International and certain investors over the refund of moneys? Will he say whether the Government is willing to intervene to help solve the problem and, if it is, when?

The Hon. K. T. GRIFFIN: As a result of the Leader's question several weeks ago, I was conscious that I had not given any information about Wirrina, and I set in train a request to my officers to provide me with information about that matter, which was raised some time ago. As far as the apparent dispute is concerned, that is a matter that I will refer to my officers at the Corporate Affairs Commission and I will bring back a reply. I am not able to give any

indication as to what my attitude will be on the second question until I have details of the alleged dispute and the current status of inquiries which were instituted as a result of the Leader's question last year.

WEIGHT REGULATIONS

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question on weight regulations.

Leave granted.

The Hon. BARBARA WIESE: On 2 December last year, I asked a question of the Minister of Industrial Affairs concerning weight regulations for women in the work place. At that time, I put forward the view suggested to me by a number of people in the community, including trade union officials, that rather than protecting women in the work place these weight regulations were being used to discriminate against women in the work place. I asked the Minister of Industrial Affairs whether he would investigate the matter to see whether or not that was so. On 16 February, I received a reply from the Minister which indicated that in his view the regulations concerned were deemed to be an instrument for the protection of women and that, in view of the protective nature of these provisions and the lack of evidence of their having an adverse effect on the employment of women, he did not intend to investigate the matter further, as he considered that further investigation was unwarranted.

In view of that I was interested, in opening my copy of the 1980-81 annual report of the Commissioner for Equal Opportunity, to see that her final recommendation was as follows:

> I further recommend that staff and resources be made available to prepare a report on weight-lifting regulations as specified in the health, welfare and safety regulations. This report should consider the discriminatory aspects of the regulations and recommend how they could be amended to be consistent with the Sex Discrimination Act.

In view of that recommendation, does the Minister agree that the Minister of Industrial Affairs was mistaken when he suggested that no further investigation of this matter was warranted? Does he intend to act on the commissioner's recommendation by providing staff and resources for the preparation of a report on this matter?

The Hon. J. C. BURDETT: The administration of the Sex Discrimination Act was committed to the Premier, who delegated to me that portion of the Act which related to the activities of the Commissioner for Equal Opportunity, and to the Attorney-General that part of the Act which related to the Sex Discrimination Board. In the past few weeks, the Premier has revoked that part of the delegation applying to me, so that the Commissioner for Equal Opportunity is no longer under my jurisdiction but is totally under the jurisdiction of the Premier. I will ask the Premier to answer the Hon. Miss Wiese's question as to what will be done in these matters. I repeat that I no longer have any part of the responsibility for the Commissioner for Equal Opportunities.

PORT PIRIE HARBOR

The Hon. C. W. CREEDON: I seek leave to make a short explanation before asking the Attorney-General, representing the Minister of Transport, a question about port facilities.

Leave granted.

The Hon. C. W. CREEDON: Recently, the Public Works Standing Committee has been dealing with the matter of the widening of port facilities at Port Pirie, supposedly to allow larger ships to berth at Port Pirie. One of the main points used in advocating the work to be carried out was the aid and assistance to and benefits to be gained by the South Australian Bulk Handling Limited. It was claimed that it was not economical to freight wheat from Port Pirie to other shipping terminals yet, as far as I am aware, it has never been claimed that it is uneconomic to double handle from all the internal silos. On 20 February, a report in the *Advertiser* headed 'Busy port "must" for development' stated:

> 'An active and efficient port in South Australia was essential to long-term economic development,' said the General Manager of Australian National, Dr D. G. Williams. He said it was important that South Australian industries trying to compete nationally had the best possible access to necessary imported raw materials and components.
>
> For that reason, he supported the current drive to re-establish a range of direct shipping services through Port Adelaide. South Australia had a major problem in that it had too many ports—seven, compared with five in Western Australia and two in New South Wales, Victoria and Queensland. The cost of longer land haulage would be more than offset if the number of ports was reduced.
>
> Dr Williams said the extension of standard-gauge rail from other States to Adelaide and Port Adelaide this year would put South Australia in a central position between the large mineral developments of the west and north and the population centres of the east. Australian National expected a 10 per cent increase in rail freight as a result of the extensions. The central location could be exploited to attract a range of manufacturing and warehousing activities distributing nationally from Adelaide.
>
> The new standard line from Adelaide to Alice Springs and its extension to Darwin created opportunities for South Australia to regain much of the Northern Territory market it had lost to Queensland in recent years.

Does the Government have any plans, or is it aware of any plans, to close some of South Australia's ports in favour of transporting to and shipping from Port Adelaide? Is Port Pirie likely to be affected by these plans?

The Hon. K. T. GRIFFIN: I will refer those questions to the Minister of Transport and bring back a reply.

ABORTION PAMPHLET

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question about abortion pamphlets.

Leave granted.

The Hon. ANNE LEVY: I shall not bore the House with details of the 2½-year-old saga regarding the pamphlet on abortion which has been promised by the Health Commission. Suffice to say that it was recommended in 1977 by the Mallen Committee and was drafted and ready for publication in 1979 when the Government changed. As far as I know, it has still not appeared. I have asked numerous questions on the matter dating from 25 October 1979 to my most recent question of 19 November 1981, with a vast number of questions in between. The latest information I received was on 11 November 1981 and stated that the draft pamphlet which had been prepared by the committee was in the final stages of preparation. Has this pamphlet, which was in the final stages of preparation five months ago, yet appeared? If so, when was it published and may I have a copy? If it has not yet appeared, can the Minister say when it is expected to be produced, and can I have a copy as soon as it is produced?

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

SALVATION JANE

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about salvation jane.

Leave granted.

The Hon. B. A. CHATTERTON: I think all honourable members would be aware of the fact that biological control of Salvation Jane has been considered for some time. Recently some graziers and apiarists took action in the Supreme Court to try to prevent the release of biological control agents for salvation jane. Apiarists have reported to me that the United Farmers and Stockowners in this State approached the Minister of Agriculture and asked him to hold a referendum on the question of the release of biological control agents for salvation jane. They also reported that the United Farmers and Stockowners is seeking to polarise opinion in this State. The apiarists believe that, if a referendum were conducted, it would make more landholders think about the question and come down on one side or the other.

The exact status of any referendum that might be held in relation to the biological control of salvation jane is not clear and it is not known whether it would have any legal thrust. Has the Minister in fact considered the request from the United Farmers and Stockowners and, if so, does he intend to take any action and conduct a referendum on this question?

The Hon. J. C. BURDETT: I will refer the honourable member's question to the Minister of Agriculture and bring down a reply.

INSURANCE BROKERS

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about insurance brokers.

Leave granted.

The Hon. C. J. SUMNER: I understand that the Minister has in train legislation to regulate and register insurance brokers, following the failure of the Federal Government to act in this area after an Australian Law Reform Commission report was prepared. A constituent has informed me that insurance brokers should state that they are insurance brokers when they advertise. At the moment, certain advertisements give the impression that the organisation referred to in the advertisement is an insurance company, whereas it is not an insurance company but a firm of brokers. I believe that gives a misleading impression. If members of the public are aware that they are dealing with a firm of brokers rather than an actual insurance company that may influence their attitude to the advertisement and whether or not they decide to deal with the broker. As I say, it has been put to me that many insurance brokers advertise and give the impression that they are insurance companies when, in fact, they are brokers, and that is certainly misleading. Is the Minister prepared to agree that all insurance brokers must use the word 'broker' in their registered name and that the word 'broker' must be used in relation to advertising?

The Hon. J. C. BURDETT: This question comes partly under the Unfair Advertising Act. If a person advertised that he was an insurance company when, in fact, he was a broker that would amount to unfair advertising. The working party on insurance brokers compiled a very comprehensive report which has been sent to the industry for comment. I am certain that the matter raised by the Leader has been comprehended within the terms of that working party report. If not, I will certainly see that the problem is addressed before the matter is finally considered and before any legislation is drafted and brought before Parliament.

WORKERS COMPENSATION ACT AMENDMENT BILL

In Committee.

(Continued from 1 April. Page 3931.)

Clause 11—'Compensation for incapacity.'

The Hon. FRANK BLEVINS: If memory serves me correctly, the Committee had advanced some way into the argument surrounding my amendments to this clause. I will wait until the Minister has responded before deciding whether any further arguments need to be developed.

The Hon. J. C. BURDETT: The Hon. Mr Blevins canvassed the whole of the amendments to clause 11 when he spoke on Friday, and the first part of them referred, in effect, to the indexation of the amount. This, together with all the other amendments to clause 11, was canvassed at the second reading stage. Regarding indexation, I said that I thoroughly agreed with the principle that the amounts ought to be looked at regularly. I pointed out what happened interstate and said that in Western Australia there was a form of indexation that had got out of hand and led to the procedure being frozen and stopped for a period.

There is a pattern of some States having automatic indexation of some sort and of others reviewing the amount regularly, sometimes according to a formula which seems to be usually applied. I said that this type of Act at this time does have to be reviewed regularly. I said that the amounts ought to be reviewed regularly, and that that is preferable to indexation. For that reason, I oppose that part of the amendments.

Regarding the other parts, we were talking especially about the 5 per cent retention, and I pointed out at the second reading stage, as did other members, that in other States the amount that was retained after a period, whatever that period might be, was almost universally more than the 5 per cent as proposed here. I also pointed out that in other States the 5 per cent goes to all sorts of purposes, not necessarily towards rehabilitation, as we propose in South Australia. What is clearly set out in this Bill is that the 5 per cent retention will go towards rehabilitation.

As I said in reply to the second reading debate and as I repeat now, the Government is committed to rehabilitation and the 5 per cent will not cover it in full. The State Government will pick up the tab for the balance. We are committed to seeing that that procedure works and is paid for. The point that I make in opposing this part of the amendments is that in other States the deduction after a specified period is more than is proposed here and does not necessarily go to such constructive purposes as rehabilitation but goes to all sorts of purposes. We are saying that we have a firm commitment to rehabilitation, and that what is not paid for by the 5 per cent will be met by the State Government.

The Hon. N. K. FOSTER: I refer particularly to proposed new subsection (7), and I think that the Minister is grossly misleading members on this side. If he has been able to mislead those in his Party or able to persuade Cabinet regarding clause 11, the guilt that lies on him, as Minister of Community Welfare, must be heavy. If that is not so, he knows not what he does.

The Hon. G. L. Bruce: He knows what he does all right.

The Hon. N. K. FOSTER: He knows only to the extent that he is upholding the right of those who pay their way

in the Liberal Party, those who fill the covers of the Liberal Party, to get more than their share of flesh. The proposed new subsection (7) commences with the words, 'Where weekly payments are made to a worker over a continuous period exceeding 12 weeks'. Has the Minister's department researched the matter involved in those words to enable the Minister adequately, properly, and with some degree of accuracy, at least 95 per cent or 97 per cent, to tell us, as people who are more interested in the welfare of the people outside than is the Government, the total number of people who are on workers compensation for one week, two weeks, three weeks, one month, two months, and three months, at which stage this iniquitous provision will become operable?

No wonder the Mr Blacks of this world from the various chambers are clapping their hands and saying that this is the best thing they have had since Dunstan went back into Government in 1970. There is no parallel with this in real terms anywhere else in the Commonwealth. There may be parallels overseas, where there are some shocking conditions. If I was involved in a trade union today, I would be belting the employers to ensue that this rip-off was not going to be successful. If there is industrial disputation, that will be on the Government's head.

The Government ought not to be legislating to take money out of the pay envelopes of injured workers. This is one of the meanest and most dispicable things that the Government could do. It is as bad as taking a Department of Social Security cheque from a widow's mail box, because it is legislation to make it lawful to do the same sort of thing. The Government is deducting that 5 per cent after 12 weeks. If a person goes back to work a day or two before that period expires, is the Government going to start thieving from that person's purse?

The Hon. R. C. DeGaris: The other Governments have a similar provision, haven't they?

The Hon. N. K. FOSTER: They are not parallel to this. Can the Minister tell me of an Act of a State Government or an authority such as the Commonwealth employees compensation authority where there is a similar provision? I know of no other agreement where this applies. I have known insurance companies to cease workers compensation payments by using the medical profession, sending persons from doctor to doctor and finally to a psychiatrist who will say that the person is psychosomatic. Employers are meeting unions across the table to discuss ways and means of not having this imposition put on their members, and there will be a lot more of that. What will happen if the authority of the commission is to fall as a result of the Government's playing with that aspect of industrial relations?

There has been a form of direct bargaining. Not long ago the Government gave monetary support to those who did not want their unions to amalgamate. That was another matter that was discussed across the table in bargaining between the employer and employee organisations. I think this whole clause ought to be thrown into the wastepaper basket. The Minister ought to get around Dean Brown and ask him to look at this. I have searched without success for a copy of the letter that I wrote to the relevant department when Jack Wright was the Minister. The letter was in respect of a Mr Brown, of Bridgewater, who had been a waterside worker and had taken the redundancy payment.

The lawyers representing that person before the courts on that compensation matter approached me and asked me whether or not there was a great deal of argument on either side. I wrote to the department (and this deals more closely with a previous clause) and informed it that the court had the right to determine the matter after a person had retired. There were grave doubts about this for some time.

I exercised my mind in respect of this matter for at least 12 months in the years 1967 and 1968 and went to ships on the water front for three months, pointing out the advantages and disadvantages. One of the most consistent questions from the workers was, 'If I take voluntary retirement, what is the compensation position regarding my injury?' I checked it out at the time; a person does not lose his rights. Where doubt arose about a person's right, the union negotiated. I know of a person who had retired for two years and had to have his testicles removed because of hernias from laborious and hard work, and he had no redress under the Act. Is the Minister intending situations like this? If a person says that he does not want a lump sum payment on the advice of his doctor, the Minister will hasten this type of thing. I fell down a hold in a ship and I did not want a lump sum payment at that time. I waited for years until the lawyers said that I had to do something. The Hon. Mr DeGaris, and you, Mr Chairman, and I can do that in respect of repatriation.

The Minister is endeavouring to obtain answers from the department. I suggest to him it is not always best to do that in the Committee stage. There should be wider acceptance by Governments of both political persuasions of the need to report progress during the Committee stage and to not endeavour, once having reached the Committee state, to use the brutality of numbers to have the matter finalised. As I said before, it is not what the Minister says during debate that matters on a question of litigation (and the Minister has already agreed with me about that): it is what is drafted in the Bill that counts.

A person approached me last week who was referred to a doctor considered to be one of the most competent people in respect to a rehabilitation course. On my examination of that area I found that, although one can rehabilitate, the success rate is so low that it is absolutely deplorable. I hope that his situation will improve. Until recently there were too many derelict doctors running around in this particular field. There have been cases where these doctors have been used to deny people workers compensation. If the Minister does not know this he has not done his homework.

The Hon. R. C. DeGaris: Has the reverse applied, too?

The Hon. N. K. FOSTER: Where the rehabilitee has been within the system and it was said that nothing could be done for him and the recommendation was that he go back on workers compensation; is that what you mean? I know of none, but there is a test case at the moment. Some people working for lawyers who, I must confess, are few in number, have not had a bad deal from industrial clinics. If one goes to the back end of a factory, where the labouring work is done, and took out figures on that basis, one would find people are sent back to work and there is a denial of entitlement.

If one starts to draw parallels with what is argued in court in respect of workers compensation and the inhibitions in arguing that before the court, as compared with third party insurance, there is a huge gap. There is no knock-for-knock policy in the Workers Compensation Act Amendment Bill as there is in road traffic accidents. A drunk can stagger in front of the Hon. Mr Burdett while he is driving his car. If that drunk puts his nose under a wheel of the Minister's car there is no way that the State or insurance companies will hold that drunk 100 per cent responsible for his own death. Blame is apportioned 75 per cent to 25 per cent. There is no such thing in workers compensation. This Bill will knock out the drunks; they get nothing. If one works in a painting spray booth and is pulled up by a policeman for being on drugs—and there are cases before the courts where police have prosecuted workers who have left a working environment where they have been subjected to some form of incapability by working in paint booths—then the worker gets nothing! The Minister can check court records if he does not believe me.

What does the Minister mean by new subsection (7)? Why was the time period of 12 weeks set? The department surely advised the Minister of the figures. I know that public servants are usually inquisitive and would have been required by the Minister to strike a threshold level. Did the cut-in point come at eight weeks and, when it was discovered that 12 weeks was better and that the percentages were greater, then that level was set? I ask that the Minister advise the Committee of the research done by the appropriate department and how that three-month period was struck. Would the Minister settle on 180 days if the figures did not look good at 90 days? Can the Minister show the document detailing the research done on this matter?

If the Minister paid more attention to what I was saying instead of listening elsewhere, he might be able to answer. I do not want to go too far on that point, Mr Chairman. I know the courtesy on the Chamber in respect of the Committee stage. I think that on this Bill 'over advice' is as bad as 'under advice'. More is being said by the departmental representatives than needs to be said to advise the Minister. New subsection (7), regarding the 5 per cent being paid to the Minister, is the responsibility of the Government. The book from which I have been quoting, *Workers Compensation Legislation in Australia, 1980,* tells us that. If the Hon. Mr DeGaris wants to read it, he is welcome to do so. This book is only out of date to the extent of amendments to any Act passed in the last few months.

There is the underlying principle often accepted that a worker has a right to return to his own industry after being on workers compensation. There is no guarantee in some cases that a worker can return to an industry, such as a heavy industry. Last week I dealt with vacancies for workers on rehabilitation.

I want to know percentage figures, and I would be pleased if the Minister would be good enough to obtain them, in regard to the success rate for rehabilitation at places like St Margarets. Before anyone establishes a workers rehabilitation unit, research must be done. How far has the Minister gone in his research in this matter? Certainly, I am willing not to go on to deal with the next subsection until the Minister has had a chance to reply to the questions I have raised about this subsection, and I will give him the opportunity to reply in some detail.

The Hon. J. C. BURDETT: In regard to why the three-month period was chosen, it is because it is the usual reporting procedure. Small injuries have usually been cleared up within three months. In regard to the 5 per cent reduction, the point that I emphasise is that in the other States there are various deductions from the full amount which are made after a fixed period. It is difficult to quantify them because they refer to the award rates, which are different in the various States. Broadly speaking, they are higher than the 5 per cent reduction which is proposed under this Bill.

The important point that I would make is that in other States it simply results in a smaller pay-out by the insurance company. In this State the insurance company has to make the full pay-out, and 5 per cent of it is used towards rehabilitation. This State is taking a great step forward in the proposal in the Bill. Whereas in other States there are deductions after a period, and they are not applied to any particular purpose but simply result in a lower pay-out by the insurance company, in South Australia the insurance company has to pay the full amount applicable, and 5 per cent is applied to the trust fund to set up rehabilitation, and the balance required will be picked up by the State Government.

It is for these reasons that I oppose the amendment. This provision is a step forward; it is not a step backwards. It simply applies what applies in other States, so that after a period the full amount will not be paid but, instead of letting the insurance company off the hook, under this Bill we are not letting the insurance company off the hook but are requiring the full amount to be paid, and the percentage will be used for the specific purpose of rehabilitating workers. The balance of the cost will be met by the State Government.

The Hon. K. L. MILNE: Figures have been supplied to me in regard to indexation and the amound paid out as a lump-sum payment in other States. In New South Wales it is $45 200 with no indexation; in Victoria it is $41 093 with indexation; in Queensland it is $36 230 with indexation; in Tasmania it is $44 730 with indexation; and in Western Australia it is $50 052 with indexation which has not been stopped.

The Hon. R. C. DeGaris: I believe Western Australia has dropped the total to $46 000.

The Hon. K. L. MILNE: Western Australia has dropped it notionally to $46 000 until it catches up with the $50 000.

The Hon. R. C. DeGaris: Is it indexed to the c.p.i.?

The Hon. K. L. MILNE: I do not know. What it is indexed to is important, and that is a good point that has been raised by the honourable member. It is noticeable that the three lowest States are the ones that have indexation. I refer to what I said in the second reading debate, when I was undecided at that stage about whether or not to back indexation. On reflection, and after looking at these figures, I am inclined to believe that we should not provide, as I asked in the second reading debate and as the Minister referred to today, that the Act be regularly reviewed.

For some reason it has not been reviewed since 1973, and I have heard members from both sides discussing this. How South Australia has sat with a payout of $25 000 when the next lowest State was $36 000 I do not know. Certainly, it is disgraceful for this Parliament, not just for one Government or another, not to have done anything. Surely this Parliament could have seen that we were out of step in this matter and rectified the situation. It is foolish for South Australia to try to be out of step on the generous side, and it is equally foolish and certainly unfair to be below the other States. I seek leave to have inserted in *Hansard* without my reading it a table of a purely statistical nature.

Leave granted.

APPENDIX-TABLE 1

ESTIMATED DISTRIBUTION OF TIME LOST OF NON-FATAL ACCIDENTS IN SOUTH AUSTRALIA

1962-63 and 1970-71 to 1977-78

[Based on data in the A.B.S. Industrial Accident Bulletins (Catalogue No. 6301.4)]

Year	Total Claims in Nos.	Medical only, less than 1 week journey and recess, disease and lump sum only claims	Total claims of 1 week or more lost time	Weeks									
				1-2	2-4	4-6	6-8	8-13	13-26	26-52	52-104	104-156	156+
62-63	47 649	37 151	10 498	5 056	2 991	951	521	511	302	113	42	8	3
70-71	56 600	47 100	9 500	4 716	2 534	912	522	424	252	92	36	5	7
71-72	61 000	49 000	12 000	5 800	3 345	1 185	623	613	280	98	43	4	9

APPENDIX-TABLE 1—*continued*
ESTIMATED DISTRIBUTION OF TIME LOST OF NON-FATAL ACCIDENTS IN SOUTH AUSTRALIA
1962-63 and 1970-71 to 1977-78
[Based on data in the A.B.S. Industrial Accident Bulletins (Catalogue No. 6301.4)]

Year	Total Claims in Nos.	Medical only, less than 1 week journey and recess, disease and lump sum only claims	Total claims of 1 week or more lost time	Weeks									
				1-2	2-4	4-6	6-8	8-13	13-26	26-52	52-104	104-156	156+
72-73	75 000	60 000	15 000	7 162	4 155	1 358	814	802	443	154	71	14	27
73-74	87 000	70 000	17 000	8 270	4 640	1 503	859	817	499	220	133	44	15
New Act (A.L.P.) 1974													
74-75	84 000	64 000	20 000	9 150	5 630	1 902	1 079	1 100	678	245	148	52	16
75-76	78 000	59 565	18 435	8 382	5 010	1 722	997	1 060	690	289	214	53	18
76-77	75 000	60 200	14 800	6 653	4 034	1 336	748	909	586	266	191	61	16
77-78	66 500	53 310	13 190	5 816	3 555	1 225	776	811	522	261	150	59	15
			PER CENT DISTRIBUTION										
62-63	100	78.0	22.0	10.6	6.3	2.0	1.1	1.1	0.6	0.2	0.1	—	—
70-71	100	83.2	16.8	8.3	4.5	1.6	0.9	0.8	0.4	0.2	0.1	—	—
71-72	100	80.3	19.7	9.5	5.5	1.9	1.0	1.0	0.5	0.2	0.1	—	—
72-73	100	80.0	20.0	9.6	5.5	1.8	1.1	1.1	0.6	0.2	0.1	—	—
73-74	100	80.5	19.5	9.5	5.3	1.7	1.0	0.9	0.6	0.3	0.2	—	—
74-75	100	76.2	23.8	10.9	6.7	2.2	1.3	1.3	0.8	0.3	0.2	0.1	—
75-76	100	76.4	23.6	10.7	6.4	2.2	1.3	1.3	0.9	0.4	0.3	0.1	—
76-77	100	80.3	19.7	8.8	5.4	1.8	1.0	1.2	0.8	0.4	0.2	0.1	—
77-78	100	80.2	19.8	8.7	5.4	1.8	1.2	1.2	0.8	0.4	0.2	0.1	—

The Hon. K. L. MILNE: In 1973, when the new Workers Compensation Act was passed, it was argued that it would be an absolute disaster and that claims would increase. This table covers the period until 1977-78 but, as the figures are so consistent, the position would be similar enough for me to use those figures as the basis of my argument.

The new Act came into force on 1 January 1974. The total number of claims in 1963 was about 50 000. In 1971 they increased to 56 000, in 1972 they increased to 61 000, in 1973 they were 75 000 and in 1974 they were 87 000. When the new Act came into force it was claimed that its provisions were so generous that the number of claims would increase. In fact, they fell by 3 000 to 84 000 in 1975, in 1976 they fell to 78 000, in 1977 they fell to 75 000 and in 1978 they fell to 66 500. I do not know whether the figures have been falling since then. In the period since the Act came into force and 1978, the total number of claims fell by 25 per cent.

The Hon. R. C. DeGaris: You would also need to compare interstate factors as well to see what other factors had an influence.

The Hon. K. L. MILNE: What did contribute to the reduction was that premiums were so high and the benefits were so increased that many employers spent much more time and money on safety.

The reduction of 5 per cent is supposed to start at 12 weeks and I do not know why that was selected. I say at the outset that I agree that it is a wrong principle if it can possibly be avoided. I am going to support the Government and I will say why. It is important that the rehabilitation principle be established early. I understand that certain members in another place have been trying to get the principle established for something like eight years without success. It has floundered on a difference of opinion between either the two major Parties or the two Houses. I think that is puerile and should be stopped. I propose to support the Government because it will establish a principle. We can then try to finance it the proper way next time. I believe 12 weeks is too early.

I have a table and, under one column headed, 'Medical only, less than one week, journey and recess, disease and lump sum only claims', it shows 80 per cent of the claims. That leaves 20 per cent which go beyond one week. The claims from one week to 13 weeks are 18 of that 20 per cent left over. To take it to 26 weeks as other States do is only another 1 per cent. Admittedly, it is an extra 522 claims, but it is worth going to 26 weeks. I foreshadow my amendment which recognises that 99 per cent of the cases are finished by the end of 26 weeks. The figure is 99.3 per cent, and .7 per cent go on beyond 26 weeks. It is those people who will have deductions made and 261 of them (.4 per cent) are finished by the end of 26 weeks. I have calculated, with the assistance of people expert in the workers compensation field, what these deductions will mean. In other words, how much is the Government trying to raise from this method by such a few people?

In 1978 there would have been 261 workers from whom deductions were made, assuming an average wage of $278 per week. Only 5 per cent of that amount, which is $13.90 for each worker, would be deducted. That is about $47 000 per year. The amount is $188 000 divided by two for half the year, giving $94 000, which is divided by two again to obtain the average for those who come under the one to 26 week group. We therefore arrive at $47 000 per year. The remaining 3 per cent comprises 224 workers. In any one year, using the same amount, the Government would raise $3 130 per week or $161 907 per annum. The Government will raise from that source approximately $219 000, which is about $450 deducted from each person per annum. They would save tax of about $150 on that amount. In round figures the net loss to those people is about $300 per annum.

The Hon. R. C. DeGaris: Are you sure they save tax on it?

The Hon. K. L. MILNE: Yes, I checked on that and since they do not get it they are not taxed on it. It goes into a fund. The $300 paid by Mr X does not go to Mr X's rehabilitation. One cannot say that it was spent on him and is thus taxable again, because it is spent in the general fund from which he may obtain $300-worth or $3 000-worth, according to his complaint or injury, but it is not reallocated to him. Therefore, for income tax purposes it is not taxable, and that is some assistance.

An amount of $300 sounds very little to some people but when one is fighting for each dollar, it is a lot. If it were not deducted he would have to find some other method of rehabilitation. It is not a subject with which I am very familiar but I realise that this is better than anything else we have had. I do not think it is worth allowing the Bill to

lapse when we have started a new principle which the Trades and Labor Council, the Labor Party, the Liberal Party and the Democrats all want badly. For those reasons I propose to support the Government on this matter. I will therefore be moving two amendments, one to increase the time from 12 weeks to 26 weeks before deductions are made and the other to ensure that people who have had deductions taken from their superannuation and subsequently have been found not to be capable of rehabilitation to be refunded that money when a doctor's certificate states that they cannot benefit from rehabilitation.

The Hon. G. L. BRUCE: I am amazed at the stand the Australian Democrats have taken. If I have ever heard an argument against the 95 per cent principle, that is it. Mr Milne said he was going to support the Government and amend the situation to 26 weeks; that is a disgraceful stand to take. It will be taxing the 5 per cent who can least afford it, as they have been off for a long time.

The Government would like to see all workers rehabilitated as soon as possible. It is quite obvious that that will be all right for a worker who has only a cut hand or a sprained wrist. However, a worker with a serious injury will be forced back to work before the 12 weeks are up to avoid paying the 5 per cent levy. Rehabilitation will be available to all workers from the moment they are injured. However, this Bill penalises only those workers suffering serious injuries who are not able to return to the work force within 12 weeks. Workers suffering serious injuries are being penalised through the imposition of this 5 per cent tax. It is that section of the work force who are least able to afford that tax. Not only will they be off work on a reduced income but they will also have an added expense simply because they will be at home. That is borne out by the fact that when a worker goes on annual leave he receives a 17½ per cent loading.

The Hon. Mr Milne's argument related to money. However, money is not the issue; there is no doubt about that. The money involved is only peanuts. In effect, this Bill means that any worker receiving compensation for any length of time is regarded by the Government as a bludger.

The Hon. R. J. Ritson: What an outrageous thing to say.

The Hon. G. L. BRUCE: That is the mentality that infects members opposite. Why should an injured worker be penalised 5 per cent of his wages simply because he has received a serious injury? A worker receiving an average wage of $270 per week will lose $13.90. I believe that a 5 per cent surcharge should be imposed on any employer with a sick worker who is off work for over three months. I am amazed at the hypocrisy of members opposite. A Select Committee should be formed to look into this matter. I believe that that is the proper function for this Chamber. A Select Committee would take this issue out of the political arena.

Members opposite are virtually saying that an injured worker who cannot work for a long time must pay the price. If the Government wants to be fair dinkum about this matter it should make all workers pay the 5 per cent tax. This is the most hypocritical measure I have ever seen. The other day a slogan was placed on my desk which reads 'A worker who supports the Liberal Party is like a chicken who supports Colonel Sanders'. The Government will be seen in that same light if it is not fair dinkum. If the Government is fair dinkum about rehabilitation it should try and reduce the number of accidents and deal with those employers with unsafe working conditions.

When I was working I received an injury to my hand, the injury healed in about three weeks but it left a raised lump. I was told that the lump would require plastic surgery, not only for the cosmetic effect but so that my hand would work properly. However, before I could have the plastic surgery I had another accident, and the lump was cut off. I was on workers compensation for some time and I know what it is like. A worker requiring a follow-up operation for, say, a hernia will be forced to put it off if it appears that he will not get back to work within three months.

The Hon. R. J. Ritson: Do you know of any condition where elective surgery would not have the worker back at work within 12 weeks?

The Hon. G. L. BRUCE: That depends. If it appears that it will take longer than 12 weeks he will probably battle on without having the surgery done. The whole principle behind this clause is wrong. It is completely wrong that an injured worker through no fault of his own should be penalised 5 per cent of his wages, after receiving compensation for 12 weeks, to help rehabilitate himself. All workers should have to pay the 5 per cent.

Clause 11 (8) forces a worker to retire at 65. Many employers do not have a compulsory retiring age of 65. The Government is forcing all workers aged 65 who are receiving workers compensation on to social services. Even though those workers may still have three or four years of useful employment left in them, they will be denied any rights in relation to workers compensation once they have turned 65. This clause should not apply to those companies that do not have a compulsory retiring age of 65 years.

I believe that indexation should apply. This Bill permanently locks the rates into the system. I do not believe that the Government has properly considered this measure. I do not believe there is a union worth its salt that will not request a 5 per cent make-up provision in its next log of claims. Unfortunately, however, that will penalise those employers who are honest. I am sure they are aware of the injustice of this Bill. It is a rotten, immoral principle. The workers will fight for that 5 per cent make-up pay and they will fight to see that their sick workmates are not penalised. I do not know how the Government thought that the Opposition would accept this Bill. The Government is living in fairyland.

I support the Hon. Mr Blevins' amendment. Unlike my colleague, the Hon. Mr Blevins, I am not amazed at the approach of the Australian Democrat in relation to this measure. I can understand why the Hon. Mr Dunford made a stand last Friday. I believe that all members of the voting public should be made aware of the Australian Democrat's attitude towards this Bill. The Australian Democrats should be exposed for what they are. I believe that the Australian Democrat's support for this Bill amounts to being anti-worker.

The Hon. R. J. RITSON: The Hon. Mr Milne foreshadowed an amendment to extend the period for a worker to have his case dealt with by the rehabilitation unit to a period of six months. I would hope that the Hon. Mr Milne would at least hear this argument instead of talking to the Hon. Mr Foster, because he prides himself on being swayed by Parliamentary debate but, obviously, he is not listening to my argument at the moment. However, I will continue. If the intervention of the rehabilitation unit is delayed until six months has expired, the whole concept of the unit will be destroyed. One may as well throw out the legislation if the period is extended to six months. The Hon. Mr Milne spoke as an accountant and, I presume, as an actuary and demonstrated that a very small percentage of the total number of claims was extended in this way. The few that do go that distance account for a substantial amount of expenditure but in my mind it is not a question of expenditure: it is a question of what ultimately happens to the people.

We can get a table, look at the number of claims, and see the number that have disappeared off the statistics, but where do they go? I have been seeing these people across

the consulting desk for 20 years, and I know that either their compensation is stopped or they receive a lump-sum pay-out and never work again. They can be helped to work again if they are helped early. I have canvassed members of the medical profession in the past few weeks, including orthopaedists, neuro-surgeons, general surgeons, and physicians, and they say that the earlier those people get help the better is the result. If the Hon. Mr Milne is going to look at the matter from the point of view of an accountant and if this is a compromise to extend the period to six months, that is a tragedy and he is condemning a lot of people to the fate of permanent invalidity. They may comprise only 3 per cent of the number of the claims but I hope that, before he puts those people on the scrapheap, he will talk to orthopaedists and neuro-surgeons and ask what they think.

The Hon. J. E. DUNFORD: I support the amendments moved by the Hon. Mr Blevins and will first deal with the speech made by the Hon. Mr Milne. I said to a colleague that the Hon. Mr Milne had done his homework since Friday, but certainly not with the trade union movement or the workers concerned. He has a lot of information that I should imagine comes from either the Liberal Party headquarters or the Insurance Council of Australia, or both. I have spoken on several clauses and have indicated that, beyond increasing the payment from $25 000 to $50 000 and bringing in a rehabilitation unit, the Bill makes no improvement for the average worker who is affected by workers compensation.

Clause 11 does three things. It does away with the right of the worker to go to the court, for instance, on partial incapacity. Several cases have been brought to my notice where a worker has been dissatisfied with the partial incapacity payment and the case has been reopened in the court. In one case at Whyalla a constituent received an extra $20 000. If this clause is included in the legislation, this will no longer apply. If the worker is dissatisfied with the payment or lump-sum supplement for partial incapacity, he will not be able to argue his case in the court. In the words of the Minister who introduced the Bill, that discretion in the court will be taken away. Here is a Liberal Government that entertains the idea that people should have access to the court taking away that access.

[Sitting suspended from 1.02 to 2.15 p.m.]

The Hon. J. E. DUNFORD: Before the luncheon adjournment I indicated that, as I see it, new subsection (10) will no longer vest a power in the court to increase the amount payable to a person partially incapacitated. The Bill, if passed, will provide that a person will receive $36 000. Cases have been brought to my notice where people have appealed to the Industrial Commission and received $20 000 more than was previously settled by the courts, and I refer to the case I talked about earlier.

This proposal has been commended by members on the other side of the Chamber, and also by the Hon. Mr Milne, that workers partially incapacitated will not have this benefit. That illustrates the intent of the Bill, to make sure that the worker does not receive what he previously received, or had a chance of receiving, by application to the Industrial Commission. In effect, there will be no more court cases. That power will no longer be vested in the court to judge whether or not the worker has received consideration and compensation. New subsection (10) provides:

This section, as amended by the Workers Compensation Act Amendment Act, 1982, applies to incapacity that commences after the commencement of that amending Act (whether the injury resulting in the incapacity occurred before or after the commencement of that amending Act) and weekly payments payable in respect of the incapacity shall be computed in accordance with the relevant provisions of this Act as amended by that amending Act.

This new subsection is very confusing. In this debate this proposition has not been brought to the notice of the Committee. I know that clause 16 will deal with this matter, too.

If the only rehabilitation a worker can receive will be through the rehabilitation unit, I cannot accept that. It is untried. However, I am aware, through practical experience and observation, that workers who are not receiving their wages each week during the course of their rehabilitation from an injury suffered at work do not improve in their health and can have all sorts of other problems, such as the repossession of their home and goods and not being able to pay bills.

Many members today have mentioned the position in other States. I fear that what happens in other States may happen here. In other States militant trade unions and unionists know that workers compensation Acts do not provide for average weekly earnings or make up of pay. Those unions and unionists say to employers that, unless provision is made for this, industrial action will be taken. I am not saying that this is right or wrong, but unions can put muscle on employers through industrial action, and then the employers will give in and agree to those payments. In this situation, workers are forced to do this by legislators, who are not prepared to carry out their functions correctly. When unions have to take industrial action, legislators, in their respective Parliaments, attack the workers for taking industrial action and for the things that follow as a result of that industrial action.

Industrial action occurs only because legislators have not met their responsibility to look after the workers injured as a result of their work. If I was a militant unionist, I would not be opposed to taking this course of action; I would support it all the way. Not all unions and unionists are able to take that sort of action and get a result. They rely on the legislators to see that they get proper representation through the various Statutes. I would not mind being a fly on the wall to hear discussions which have been held between the people who support this Bill and workers.

If this Bill goes through, then what I have just mentioned will occur. What about the inland station worker at Ingamar or Erudina who falls off a windmill?

The Hon. R. C. DeGaris: Do you know somebody who works there?

The Hon. J. E. DUNFORD: Yes, I do. If this Bill is passed, workers will go to their employers and say that the average weekly earnings are not being paid, 5 per cent is taken out of their compensation for rehabilitation and that the rent cannot be met. Such workers will either be fired or, if workers go on strike and the employer wants them, the employer will make up the pay. Some employers will take this action, but I doubt whether the large employers, like McLaughlin, Rankin and McTaggart, who own half of South Australia, will do this. I have dealt with these large employers, and they say that they abide by the law, but they do not. The amending Bill, which will go through Parliament with the support of the Democrat, permits a deduction from average weekly earnings, and there is no incentive to make up wages.

Workmen who work on the Moomba gas pipeline earn $600 or $700 a week, and those wages are not made up solely of the base rate of pay but include overtime. In some cases those workers work seven days a week and 12 hours a day for various contractors. In those cases workers receive a pretty hefty site allowance. If this Bill, including clause 11, is carried with the support of the Democrat, the person to whom I have just referred will lose roughly $300 a week.

The Hon. R. C. DeGaris: He won't be up on the pipeline, will he?

The Hon. J. E. DUNFORD: He might not have a home, or wife, either. My wife has been through some hard times with me. People once said that love flies out the window when the debts come in the door. That did not occur with me, so I am not presenting myself as an example. However, I know of trade unionists who, when they could not meet their responsibilities such as payment of debts, suffered broken homes. Of course, we have Mr Brown in the other place, supported by Mr Milne here, saying that this is a wonderful Bill, that it is a visionary Bill; I think that is what the Hon. Mr Milne said last week. The vision I have is altogether different from his. The person to whom I just referred, the seven-day-a-week, 12-hours-a-day man receives more in overtime and site allowances than his actual wage. That site allowance, combined with his overtime and wages, could amount to $600 a week, but if this Bill is passed that amount will be reduced to $300 a week. Most people have commitments to the full extent of their wages, so that if this Bill is carried it will result in terrible trouble; there is no doubt about it.

The Hon. K. L. Milne: I didn't say it was a visionary Bill; I said that it had some new initiatives.

The Hon. J. E. DUNFORD: The Hon. Mr Milne congratulated the Minister on the Bill when he supported it, yet what he supported will put the worker back to a situation similar to that prior to 1974.

The Hon. J. C. Burdett interjecting:

The Hon. J. E. DUNFORD: Is the Minister saying that what I am saying is not true?

The Hon. J. C. Burdett: I said that what Mr Milne said was quite correct.

The Hon. J. E. DUNFORD: As long as you are not saying what I am saying is not correct.

The Hon. R. C. DeGaris: You are on clause 11!

The Hon. J. E. DUNFORD: I am on clause 11, which inserts new subsection (10). If the honourable member looks at his file, he will see an amendment under the name of the Hon. G. L. Bruce which deals with this part of clause 11.

The Hon. R. C. DeGaris: That involves only site allowances.

The Hon. J. E. DUNFORD: It deals with site allowances and overtime. It is also mentioned in clause 16.

The Hon. J. C. Burdett: We are dealing with clause 11.

The Hon. Frank Blevins: With my amendment.

The Hon. J. E. DUNFORD: Unless the Hon. Frank Blevins's amendments are carried, the problems I have referred to will occur. Here we have one provision which, by itself, takes away the opportunity for a worker to go to the court and removes the court's right to change an amount or to use its discretion, as well as the other matters I have mentioned. Also, there is power in this clause to reduce payment to a injured worker after 12 weeks, notwithstanding the Hon. Mr Milne's foreshadowed amendment. This matter has been canvassed by the Opposition during and since the second reading debate. We have indicated that this provision is making the worker pay for the injury he has received through no fault of his own. That is wrong, and no-one can convince me that it is right. This Bill comes up with a figure of $47 000, I think Mr Bruce said, which is peanuts. It is the meaning of the Bill that counts and what it does to the injured worker, so it should be thrown out.

This clause introduces another new concept that a worker on workers compensation who turns 65 years (and it does not matter if he has a contract with an employer to work until he is 75) shall retire forthwith. Even worse, on early retirement through accident a worker can be required to retire, without compensation, a lot earlier. The Hon. Mr Milne gave us the percentage amounts payable on a worker's death that apply in the other States. The amount of $50 000 mentioned in this Bill is not enough. He listed the amounts applying on death in other States, as follows: New South Wales $45 000; Victoria $41 000; Queensland $36 000; Tasmania $47 000; and Western Australia $50 000. He did not say, and I cannot say, what the figures were applying in those States in 1974 when the figures applying in this State was $25 000, which was an amount introduced in legislation put forward by the then Labor Government.

I would imagine that the figures applying in other States, particularly in Queensland, at that time would have been much less. I venture to say that in Queensland there would be a rate nearly half of that which applied in South Australia after the introduction of the 1974 Bill. If the 1974 proposition was right, I do not see that there is any argument, because the rest of the States are behind in proper benefits to workmen killed during the course of their work. No-one can tell me that a member of this place is worth $100 000, with no strings attached, on death, whereas a person working on a construction site is worth only $50 000 on death.

The Hon. R. C. DeGaris: You cannot compare the two.

The Hon. J. E. DUNFORD: That is what I am saying, that there is certainly no comparison.

The Hon. R. C. DeGaris: They are two entirely different things.

The Hon. J. E. DUNFORD: Why?

The Hon. R. C. DeGaris: I will explain in a minute.

The Hon. J. E. DUNFORD: I know that, if a worker at G.M.H. gets killed after this Bill has been carried, and his wife is self-employed or has other income, she will get nothing at all. I put it to honourable members here that, if I am killed returning home from this Parliament, my wife will get $100 000.

The Hon. R. C. DeGaris: You're paying for it.

The Hon. J. E. DUNFORD: How are we paying? It does not come out of my wages, although it might come out of the wages of the Hon. Mr DeGaris. Workers would not mind paying for it if the same justice that applied to employers applied to workers. In a case where a worker is killed, his estate or wife should get $50 000. Other considerations should not matter. If the wives of the Hon. Mr DeGaris, the Hon. Mr Cameron and the Hon. Mr Hill were millionairesses, they would still get $100 000.

The ACTING CHAIRMAN (Hon. M. B. Dawkins): The honourable member should link up his comments to the clause.

The Hon. J. E. DUNFORD: I am referring to clause 11 and what the Hon. Mr Milne said. I am talking about the amount payable on death, as dealt with in this clause. The Hon. Mr Milne indicated that in 1974 the amount was increased to $25 000, and that by 1978 the accident rate had dropped by 25 per cent. The Hon. Mr Milne dealt with the $50 000 compensable on death. I suggested by way of interjection that, if the amendments of the Labor Party were accepted, there would be a further 25 per cent reduction.

Of course, then the employer would have to pay in respect of all workers who were killed at work, irrespective of their dependants and their wealth. As the Hon. Mr Milne indicated, after the introduction of the Act in 1974 employers carried out their share of the responsibility by protecting workers, and there can be no other explanation for the 25 per cent reduction in accident rates in four years. That was a remarkable achievement.

The Hon. Mr Milne was correct in what he said about increasing workers compensation, but I go further and believe that that increase should cover all workers injured or killed. This would lead to a marked reduction in the number of accidents, because it would cost employers if they did not

protect workers. What about a case in which an employer must transport an injured worker from the accident site for medical attention? If the worker is wholly incapacitated it would cost the employer $50 000 but, if he takes the worker for attention and does not proceed with all haste and the worker dies, the employer might not have to pay anything under the provisions of this amending Bill.

As I stated previously, there are many ways in which an employer can act more responsibly towards an employee. If the employer is up for a large amount on the event of death, he may provide proper medical attention on dangerous jobs such as work on oil rigs, etc, so that the worker will not die.

The Hon. G. L. BRUCE: Although I understand that an important part of the amendments to be moved by the Hon. Mr Blevins deal with a later clause, as this part of the Bill deals with average weekly payments I will canvass my arguments now. The Government intends to abolish average weekly pay as the basis for compensation and revert to the award rate. This will penalise thousands of workers. Some awards are so low that it is a recognised factor in the work situation that regular overtime is available. Some industries offer regular overtime to compensate for the low award rate. Whilst that may be a reflection on the unions and the industry concerned, at least they have come to grips with the problem realistically through the provision of regular overtime to compensate for the low basic award rate.

The industries with which I have been mostly associated often have a three-month run during which the only overtime for the year is obtained. That applies in the soft drink industry, the wine industry, during vintage, and possibly in the brewing industry during the summer season. During the winery vintage there is a great rush, and it is more likely that an injury will occur at that time. Legs and arms can be lost. The Government is telling these workers that, if they are injured during that three months while overtime is paid, for the other nine months they will be deprived of the extra overtime income because this Bill cuts out calculations of average pay during the year.

Therefore, through no fault of the worker, if he is injured during the flush of the season, he will be denied his opportunity of overtime, yet that will be the only opportunity available to increase his income. Certainly, the Government's provision does not provide justice. The Hon. Mr Dunford touched on this matter. Some wages include a provision for permanent overtime. Often workers go out and buy on that basis. When I first entered the industry I had to buy a house. I approached the Housing Trust and was asked what was my weekly wage, without overtime. That wage was so low that I could not even get a loan through the trust.

However, through the help of my boss, who recognised that the wage was low, we wrote the amount of permanent overtime on the application form and included it as part of my weekly wage in order that I could obtain that loan. That overtime was worked 12 months a year, 3¾ hours a week. It was 43¾ hours a week, and workers in that industry locked themselves into that situation. If they bought a car or a washing machine, it was because they knew they had permanent overtime of 3¾ hours. If a worker is injured, that is cut out and the average no longer counts. Everyone has commitments. Workers cannot save; certainly, I cannot save on my wage, so I am sure that workers on ordinary wages cannot save.

Further, the Government assumes that the average weekly wage is about $270 or $280 a week. What about the thousands of people whose award rate in South Australia is only about $200? A barman works five days a week. Saturday is a working day for him but, because it is a penalty day, he gets time and a half on Saturday and, for five days work, he gets 5½ days pay. If a barman is injured at work and goes off, will he get 5½ days pay? He won't under this Bill, yet that is part of his normal wage. He gets 44 hours pay for 40 hours work. Under the Bill he does not get it but drops down to the award rate.

The Hon. R. C. DeGaris: In his amendment Frank Blevins talks about overtime for four weeks.

The Hon. G. L. BRUCE: That is not long enough, because I am trying to get to the point of the three-month vintage and peak periods in the soft drink industry. I understand that the Hon. Frank Blevins will be speaking in reply to that. There were a lot of cases in the industry I referred to during the winter season. If we can get around that, we may have a solution. This Bill should have gone to a Select Committee. It should be a fair Bill. What the Government is doing with a wide paint brush is not fair to thousands of people. I would like the Minister to take on board the case of a barman who works 40 hours and gets a half-time penalty for Saturday. That is his normal pay week in and week out. If he is injured he drops back to 40 hours pay. This Bill has not got enough flexibility to compensate for that. This section of the Bill should be turfed out.

The Hon. J. E. DUNFORD: I have some figures available. I indicated how I felt about Mr Milne's contribution comparing the rates that apply in the other States against the rates applying in the amending legislation. They are fairly involved and they date from 1972 to 1974. I indicated by guesswork that back in 1972, 1973 and 1974 there would be a big difference between Queensland and the other States. However, in 1972 there was actually very little difference. Between all the States there would not be $1 000 difference in compensation payable to dependants on the death of injured workers. In amending legislation in 1974 the Labor Government brought it up by $10 000. The other States did not increase their amounts at all. In fact, New South Wales went up by only $2 000, Victoria by $2 000, Queensland by $4 000, South Australia by $10 000, Western Australia by $7 000, Tasmania by $4 000, Australian Capital Territory by $1 000, Northern Territory by $2 000, the Commonwealth by $1 000 and S.C.A. by $1 000. We saw a Labor Government considering how much a workman was worth in 1974. It was $10 000 more than any of the other States. That is indicative of the Labor Party's attitude to the workers which it represents in a Parliamentary sense. Every other State did not meet those commitments.

Because there has been no movement since 1974, South Australia has come back to the field as shown in the figures inserted in *Hansard* by the Hon. Lance Milne prior to the luncheon adjournment. Whereas we were $10 000 ahead before, we will now remain static and will take away all the things mentioned in clause 11. As the figures are interesting, I ask the leave of the Council to have the purely statistical table inserted in *Hansard*.

Leave granted.

COMPENSATION PAYABLE TO DEPENDANTS ON DEATH OF INJURED WORKER—BY STATUTES

Statute	1976	1977	1978	1979	1980	1972	1974
	$	$	$	$	$	$	$
New South Wales	20 000	20 000	25 000	25 000	25 000	13 250	13 250
Victoria	23 260	23 260	23 260	23 260	33 160	11 834	13 690
Queensland	19 720	22 980	26 350	28 180	29 080	12 550	16 440
South Australia	25 000	25 000	25 000	25 000	25 000	15 000	25 000
Western Australia	27 616	31 665	35 042	38 136	40 822	11 906	18 546

COMPENSATION PAYABLE TO DEPENDANTS ON DEATH OF INJURED WORKER—BY STATUTES—*continued*

Statute	1976	1977	1978	1979	1980	1972	1974
	$	$	$	$	$	$	$
Tasmania	25 674	29 479	32 319	33 999	36 135	13 348	17 239
Australian Capital Territory	21 982	27 064	29 466	31 537	34 853	13 500	14 500
Northern Territory	20 000	20 000	25 000	25 000	25 000	12 000	14 500
C.C.G.E.	20 000	25 000	25 000	25 000	28 000	13 500	14 500
S.C.A.	20 000	25 000	25 000	25 000	28 000	13 500	14 500

The Hon. R. C. DeGARIS: I have one or two comments on this clause. It is one of the most important clauses in the Bill before us. Some contributions I believe would have been better made on clause 16 or subsequent clauses. This clause substantially increases lump sum payments and has a provision where 5 per cent of the amount of money paid in compensation after a period of 12 weeks is paid into a workers rehabilitation assistance fund. Some concern exists in every honourable member's mind when we consider the policy of acquiring a certain percentage of compensation payable after a certain time to be paid into a particular fund. However, I do not intend to vote against the clause for that reason but I mention the fact that there is, in every honourable member's mind, some degree of uncertainty on this policy. The Hon. Mr Milne said that the accident rate, since the 1973 legislation, has declined in industry in South Australia. That is a fair comment and that has occurred.

The Hon. J. C. Burdett: In a number of cases.

The Hon. R. C. DeGARIS: Yes, in a number of cases. I do not want to develop that point.

The Hon. J. E. Dunford: Why not?

The Hon. R. C. DeGARIS: It is not germane to what I want to say. While there has been a decline in industrial accidents, it cannot be taken as an argument that the Workmens Compensation Act of 1973 was the major contributor to the reduction in industrial accidents. If one considers industrial accidents in other States one will see that in that period there has been a decline in the number of industrial accidents. There has been a concentration on safety in industry right around Australia. There has been a development of safety councils and so on.

The Hon. J. E. Dunford: Is what you are saying true?

The Hon. R. C. DeGARIS: Yes, it is.

The Hon. J. E. Dunford: Can you give percentages?

The Hon. R. C. DeGARIS: No, I cannot. There has been a general decline in the number of industrial accidents in Australia. Whilst there may be some truth that the Workers Compensation Act did have an effect, it is not the only thing that has contributed to the reduction of industrial accidents in Australia.

The Hon. K. L. Milne: It caused the employer to take more notice in some areas.

The Hon. R. C. DeGARIS: Other factors that have developed since 1973 have added to the decline in industrial accidents of which we can all be proud. There is no question in my mind that there are advantages to the worker in this Bill. I do not think there is any argument in that. We are arguing about various aspects of the Bill in specified areas. I do not think anyone would like to see the Bill dropped because of amendments moved to it. It is not possible for the Council to stand up and say that in no circumstances will we wear the Bill.

I believe there are significant advantages in the Bill as a whole. The Hon. Mr Bruce and the Hon. Mr Blevins dealt with the question of indexing the various payments. As I said in my second reading speech, I am concerned about how the payments should be indexed. I believe it would be a financial disaster to index lump sum payments to the c.p.i. If there is to be some form of indexation it is far better to move away from the c.p.i. concept as a means of indexing lump sum payments. The suggestion that retired members of Parliament should have their pensions indexed to the c.p.i. could one day produce a situation where a retired member of Parliament will be on a better wicket than a serving member of Parliament.

The Hon. J. E. Dunford: He would be more useful to the public, too.

The Hon. R. C. DeGARIS: In some cases I would agree; and the Hon. Mr Dunford may be one of them. I have grave doubts about whether we should index lump sum payments to the c.p.i. A case can be made for indexation, but I do not believe that the c.p.i. is the way that it should be done. The Hon. Mr Bruce referred to a chicken. Every proud chicken that I know would like to end up as a Colonel Sanders chicken.

The Hon. J. E. Dunford: You've put a lot of work into this Bill.

The Hon. R. C. DeGARIS: No, I just listened; I wish other members would do the same. The Hon. Dr Ritson made a plea in relation to the amendment foreshadowed by the Hon. Mr Milne. The Hon. Dr Ritson questioned whether the period should be extended from 12 weeks to 26 weeks, because that could have a serious effect upon workers seeking rehabilitation. As I read the Bill, the period of 12 weeks or 26 weeks has no bearing upon when a worker can approach the rehabilitation unit. I would like the Minister's assurance that the Hon. Dr Ritson's interpretation is not what the Government intends.

The Hon. K. L. Milne: Why can't he approach the unit straight away?

The Hon. R. C. DeGARIS: That is the way I interpret the Bill. I would be somewhat concerned if an injured worker could not approach the rehabilitation unit for 12 or 26 weeks. I ask the Minister to examine new subsection (8). If a person receiving workers compensation retires at the age of 65 it is hardly fair that he should continue on workers compensation while an uninjured worker can retire at the same age and receive a pension.

The Hon. Frank Blevins: I think you've misunderstood it.

The Hon. R. C. DeGARIS: No, that is as I read it.

The Hon. Frank Blevins: Provided he is not 65 a worker has 12 months after the injury occurred before his compensation payments stop.

The Hon. R. C. DeGARIS: At the moment, a retiring injured worker is on a better wicket than a worker who retires uninjured. This clause will remove that anomaly. Where there is a contract of employment after the age of 65 I do not believe that the compensation should be restricted at age 65. I would like the Minister to examine this question, because if that is the intention of the Bill it should be amended to cover that particular eventuality. Much has been said about site allowances and overtime. I do not intend to deal with that in relation to this clause; I will deal with it in relation to clause 16.

The Hon. Frank Blevins: You're quite wrong.

The Hon. R. C. DeGARIS: I do not think that I am.

The Hon. Frank Blevins: We are dealing with my amendment at the moment.

The Hon. R. C. DeGARIS: I correct the Hon. Mr Blevins—we are dealing with clause 11.

The Hon. Frank Blevins: I have moved my amendments and that is what we are speaking to.

The Hon. R. C. DeGARIS: The first one does not deal with this situation.

The ACTING CHAIRMAN (Hon. M. B. Dawkins): Order! The Hon. Mr DeGaris has the floor. There are too many interjections.

The Hon. R. C. DeGARIS: Thank you, Mr Chairman, I deserve that protection.

The ACTING CHAIRMAN: Order! I suggest that the Hon. Mr DeGaris address the Chair.

The Hon. R. C. DeGARIS: I refer to the question raised by the Hon. Mr Dunford in relation to a member of Parliament being injured or killed. That situation is covered by an accident insurance premium. Members of Parliament are not covered by workers compensation. I believe that we must be very careful when dealing with the question of compensation to maintain a position that deals only with the question of compensation. All members would be aware that a short time ago a former Premier wanted to make a claim for workers compensation. The claim was rejected because members of Parliament are not covered for workers compensation. However, there is an accident insurance premium for members of Parliament. We must remember not to confuse the two. If members confuse workers compensation with the accident insurance premium we will have an untennable situation and we will have to recast the whole concept of workers compensation, death and accident cover and the question of whether members of Parliament are workers or not.

The Hon. J. E. Dunford: How much do you pay for it? You said that you paid for it.

The Hon. R. C. DeGARIS: I can remember when we were paying for it. However, I believe that that has been changed and the cost is now met by the Government, in the same way that workers compensation premiums are paid. However, they are two entirely different concepts. Members must not confuse the two; otherwise, we will end up in cuckoo land.

The Hon. K. L. MILNE: The Hon. Mr DeGaris has gone some way to clearing up what the Hon. Dr Ritson said. The Hon. Dr Ritson said that by increasing the time before deductions are made from 12 weeks to 26 weeks the position will become worse and not better. However, he said that in that case workers will not receive rehabilitation until after 12 weeks or 26 weeks. As far as I am aware, workers can and should receive rehabilitation from the time they are injured. Whether or not a worker receives rehabilitation I believe there should be no deductions for 26 weeks. In fact, there probably should be no deduction at all.

The Hon. J. E. Dunford: You supported it.

The Hon. K. L. MILNE: To get it started I said that I would support it. I believe that the Hon. Mr Dunford said that the Government would raise between $200 000 and $250 000 a year through this method and that that was only peanuts. That is a very small sum in comparison with what the Government will have to spend on rehabilitation altogether.

I see that the Government will be paying rehabilitation for most of that 1 per cent of people who go on, unfortunately, after 20 weeks, and the people will not be asked to even contribute for 26 weeks. I ask the Minister to clear that up and to prove that what the Hon. Dr Ritson says does not occur.

The Hon. R. J. RITSON: There is some confusion here. The question of workers approaching the unit for rehabilitation was never in doubt but I must confess that what I had thought, when the Hon. Mr Milne described the direction of the amendment that he said he would move, was that he was talking about extending the 12-week period to 26 weeks not only for payouts but also for the purpose of the board intervening of its own motion. As the Bill is now drafted, the worker can approach the unit at any time but the unit can intervene only after 12 weeks. I thought that, as well as extending the period for the deduction of the money, the Hon. Mr Milne intended to extend the period for intervention by the board, but I was mistaken and I apologise to him.

The Hon. FRANK BLEVINS: When we recommenced this debate at about noon today, I said that on Friday I had put the arguments developed around my amendments and that I would not restate them. Frankly, that was an error. Perhaps I should have briefly recapitulated so that the Committee would know what was in these amendments. The Hon. Mr DeGaris said that the argument on average weekly earnings would have been better put before the Committee on clause 16. The Labor Party proposal on average weekly earnings is stated in my amendments. I know that, technically, we will not be voting on those particular proposals: we will be voting to leave out the word 'amended'. However, I would have thought that a sensible way to go about it was to canvass the whole group of amendments to clause 11, which includes our proposal on average weekly earnings that included a formula for overcoming the theoretical problem of a worker on workers compensation receiving more than he would receive if he was still at work and earning.

Also, in this clause the question of the 5 per cent of weekly payments being paid by a person who is off for more than 12 weeks is dealt with, as is the question of how long the weekly payments are to continue after the worker reaches the age of 65 years. I argue that this was a proper place to canvass those matters, because they are in these amendments. I am sure that, when we get to clause 16, at least the Minister and I will be pleased that the only note I have on clause 16 is to oppose it as already argued. I believe that the debate should not take place again. If members were paying close attention on Friday, they would have appreciated what was going on.

I want to take up some other matters concerning these amendments and, hopefully, to get rid of a lot of arguments at this time. The Hon. Mr Milne gave details of what applies with lump-sum payments in other States. He did not tell all the story. In other States, there are payments additional to these lump sums, depending on how many children there are. I was not suggesting that the Hon. Mr Milne attempted to mislead the Committee, but his research has given him only part of the story. If he had had more time, he could have completed it: I feel charitable today.

The other thing that the Hon. Mr Milne raised was the question of the rehabilitation unit. He said that he did not like the 5 per cent being paid out of payments to an injured worker to fund part of the unit, although he agreed with the principle and stated that it was well worth establishing. The Hon. Mr Milne can establish the principle and leave in the words and the various clauses to do that and he can delete from the clauses any reference to a 5 per cent levy to fund the unit. What the Hon. Mr Milne wants is the unit, and we agree with him. He does not agree with the 5 per cent provision and we agree with him. We can have that, provided that the Hon. Mr Milne supports me in deleting those payments. I would support him if he chose to do it: there is no problem. The principle can be retained and the iniquitous payments by an injured worker deleted. To do that, we do not require other than 11 votes, which is something that I have found difficult to attract in this debate.

The Hon. Mr Bruce referred to the computing of the average weekly earnings, the question of overtime for only the one month prior to the injury being included. That is in my amendment. The reason is that this amendment was constantly attacked on the basis that a worker could receive

more when he was on workers compensation than he would receive if he had stayed at work; in other words, if the firm that he works for has ceased working overtime and he had his average weekly payments computed on the other basis.

The A.L.P. proposition is right. We will just take the four weeks prior to the injury. If the firm, in that period, ceases working overtime, the worker will not get the payment. That is what is in the amendment and that is as near as we can get to overcoming this.

I do not see it as a problem. No evidence has been given that it is. However, looking at it theoretically, we see that it could occur. I asked the Minister to let me know how much all these clauses would cost and how much the insurance companies are paying but he has not given any figures. However, we see that it could occur. As I have stated, technically what we will be dividing on initially is just to delete the word 'amended' and things will flow from there. I would hope that this vote will be considered a test case.

The Hon. J. C. BURDETT: I agree with the Hon. Mr Blevins that this vote be taken as a test case in regard to these matters where they recur later in the Bill. Regarding the question of penalty rates, penalty rates as contemplated by the Bill will not be included in the computation of average weekly earnings. Penalty rates are incurred because a penalty is suffered. If a person works overtime he will be paid for it. If there is any other form of penalty which he incurs, then he ought to be paid for that. If a person does not incur that penalty, then he should not be paid for it.

It is true that the Hon. Mr Blevins on Friday asked the cost of penalty rates. We cannot obtain those figures. I asked my officers on Friday to obtain those figures for me and they are not able to do so.

The Hon. N. K. Foster: Not able to, or the figures are not yet available?

The Hon. J. C. BURDETT: The figures are not available and therefore I cannot give those figures.

The Hon. N. K. Foster interjecting:

The CHAIRMAN: Order!

The Hon. J. C. BURDETT: One of the matters raised by the Hon. Mr DeGaris was in regard to a person aged 65 years and the weekly compensation after he attained that age. The Hon. Mr DeGaris posed the question of a person who might start a job at 64½ years of age and work for another three years thereafter. The answer is that that person is not compensated for weekly payments under the Bill. Of course, that person is aware of that before he enters into his working agreement.

Regarding the time period of 12 weeks where a workman can make a claim, that has been cleared up by the Hon. Dr Ritson. The Hon. Mr Milne and the Hon. Mr Blevins raised the question that the number of claims from 1973 had gone down. I dealt with that in my second reading explanation and I gave the figures recorded in the report of the Tripartite Working Party, that the number of claims initially went down but the total amount of claims went up. This explanation answers all the matters raised during the debate. I agree with the Hon. Mr Blevins that all the matters raised by him in regard to clause 11 have been canvassed—

The Hon. Frank Blevins: Quite properly at this stage.

The Hon. J. C. BURDETT: Yes, quite properly at this stage. The matters raised by the honourable member should be dealt with in the vote of this matter. There are other amendments to clause 11; if the Hon. Mr Blevins' amendment fails, they will subsequently be canvassed and debated. I agree that matters in regard to clause 11 have all been raised properly and properly canvassed.

The Committee divided on the amendment:

Ayes (9)—The Hons. Frank Blevins (teller), G. L. Bruce, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (10)—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, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. C. W. Creedon. No—The Hon. D. H. Laidlaw.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. FRANK BLEVINS: I move:

Page 4, after line 34—Leave out paragraphs *(a), (b), (c)* and *(d)* and insert paragraph as follows:

(a) by inserting after subsection (4) the following subsection:

(4a) For the purpose of applying subsection (4)—

(a) the pecuniary amounts specified in that subsection 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 incapacity commenced;

and

(b) references in that subsection to specified pecuniary amounts shall be read as references to those amounts as adjusted under paragraph *(a)*.

The principle of this amendment is merely to index the various payments for disability. The arguments have been canvassed extensively throughout the debate. The Opposition believes that the standards set in the 1974 Act are the standards that should prevail.

The Hon. J. C. BURDETT: As the Hon. Mr Blevins has said, this matter of indexation has been extensively canvassed, and I referred to it again this afternoon. The Government's view is that we oppose the amendment because we consider that the whole Act, particularly this matter of amounts of compensation, ought to come before Parliament regularly, as it does in many States, and should not be the subject of automatic indexation.

Amendment negatived.

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

Page 5, line 3—

Leave out 'Where' and insert 'Subject to subsection (7a), where'.

Line 4—

Leave out 'twelve' and insert 'twenty-six'.

Line 5—

Leave out 'twelve' and insert 'twenty-six'.

I have spoken on this matter before. What I am trying to do is extend the time before deductions are made from 12 weeks to 26 weeks.

The Hon. FRANK BLEVINS: The Opposition will support this amendment because it will make the provision less obnoxious than it is. However, I cannot say that it will improve the clause.

The Hon. R. C. DeGaris: On your argument it could make it more obnoxious.

The Hon. FRANK BLEVINS: It makes it less obnoxious. The reason I say that is that fewer people will be paying the levy. Although fewer people will be paying the levy, those who remain to pay it will be those who are injured most severely. All the arguments have been stated on this matter. The Hon. Mr Milne has stated that he supports the principle of the rehabilitation unit. I can state on behalf of the Opposition that it supports a sensible and effective rehabilitation programme. The Hon. Mr Milne says that he does not believe that the more severely injured workers should be the ones to pay for this programme. We agree with him completely. The Opposition is prepared to see that the parts of the Bill that the Hon. Mr Milne supports, as we do, relating to the establishment of this rehabilitation

unit, remain. If the Hon. Mr Milne is willing to combine with the Opposition to have struck out from the Bill those words which impose the 5 per cent levy, then we will achieve our purpose.

As I stated about the previous clause, the Hon. Mr Milne can have his cake and eat it too; all that is required is the will to do so, since the machinery is here. On the figures supplied to the Committee by the Hon. Mr Milne, this provision will raise a paltry sum of around $40 000, according to Mr Milne. Of course, with the alteration that this amendment will bring about from 12 weeks to 26 weeks the amount raised will be even less. Also, the reimbursement to a worker who cannot take advantage of rehabilitation, the reimbursement of that 5 per cent, will make even less money available. We are talking about a trivial amount of money. I suspect that it will not even pay, in the last analysis, the salary of the chairman of this unit. The amount raised may pay for a stenographer and an office, but little more. Therefore, this is not a serious attempt to set up any kind of effective rehabilitation. The amounts being raised are a trivial contribution towards doing that.

However, these amounts are not trivial to severely injured workers. If one takes the figures the Hon. Mr Milne has given this Committee, an amount of about $13.90 a week to a severely injured person on the average wage is a significant amount indeed. It is not fair to significantly affect a worker in that way when the sacrifice he is making will not, in the last analysis, do anything to assist in his rehabilitation, because something less than $40 000 will do nothing at all to assist in that rehabilitation. Therefore, it is not just the money that is involved, although it is significant; it is the principle of a worker paying for his own rehabilitation which is abhorrent, when the insurance companies and the employers do not have to take part and do not have to contribute to that rehabilitation.

This matter has been extensively canvassed by all speakers, so I merely want to make it clear to the Hon. Mr Milne that he can maintain the principle of the rehabilitation unit and can also stop this quite serious financial penalty on the injured worker which, when it is applied to rehabilitation, is absolutely trivial. However, we would much sooner have the 26 weeks than the 12 weeks period of compensation before this levy comes into effect.

The Hon. K. L. MILNE: If the amendment is passed, will the 26 weeks run from the date of application of the Bill or will anybody who is already up to 26 weeks have deductions made immediately?

The Hon. J. C. Burdett: The date of the application of the Bill.

The Hon. K. L. MILNE: In that case, there will be 26 weeks to run before anybody has any deduction made. I think, in practice, that will be fairly near an election. There will be a lot of groundswell against this proposal, in principle, so I shall be very surprised if it is ever done.

The Hon. G. L. BRUCE: All I can hope is that the groundswell is against the Democrats. That is the most hypocritical approach that I have ever heard. What I have said before, and say now, is that this is passing on an expense to the most seriously injured person in the work force. Now the Democrat says that if they are really badly injured they will be ripped off after six months. It is with great reluctance I support the hypocritical approach of the Democrat to this Bill. It does nothing for workers.

The Hon. J. C. BURDETT: The general question of rehabilitation has been handled in more appropriate places, so I do not intend to enter into that debate again. The Government cannot accept this amendment, as it feels that 12 weeks is the most appropriate period to apply in this matter, since that is the period within which an injury has to be reported and within which minor disabilities usually clear up. For those reasons, and without feeling strongly about the matter, or getting uptight about it, the period was chosen, and the Government must oppose the amendment moved by the Hon. Lance Milne.

The Hon. FRANK BLEVINS: I would like to clarify the situation. In regard to when the provisions of this Bill will apply to an injured worker, if a worker is now on compensation and has been for nine months, if the Bill is proclaimed, say, next week, will the levy be deducted from the compensation now, or will it be a further 26 weeks before the 5 per cent is deducted?

The Hon. J. C. BURDETT: The answer, taking the example as it was given, is that the worker who has been on compensation for nine months would not, if the Bill were proclaimed next week, be subject to the 5 per cent deduction. It runs from the date of proclamation of the Act.

Amendment carried.

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

After line 9 insert subsection as follows:

(7a) The provisions of subsection (7) are subject to the following qualifications:

(a) where a worker produces to his employer a certificate of a legally qualified medical practitioner certifying that, in the opinion of that medical practitioner, there is no reasonable likelihood of the worker being rehabilitated for employment, no reduction in the amount of weekly payments shall be made under subsection (7); and

(b) where a worker produces such a certificate to the Minister, the Minister shall refund to the worker any amounts paid to him under subsection (7) in respect of that worker.

Doubtless, cases will arise where workers have been on compensation for more than 26 weeks with deductions being made, but it will be subsequently ascertained that those workers will never return to work. Obviously, the deductions were made unfairly, although not dishonestly. Therefore, it would be only fair for those deductions to be refunded to the worker who will never be a worker again. That is the least that can be done.

The Hon. J. C. BURDETT: The Government accepts this amendment.

The Hon. FRANK BLEVINS: In supporting this amendment, the Opposition still restates its opposition to the whole concept. However, this amendment does make the provision slightly less obnoxious.

Amendment carried.

The Hon. R. C. DeGARIS: Earlier, I referred to new subsection (8) in respect of weekly payments that shall be paid for a period of incapacity and after the worker had retired from employment, or falling after the date on which a worker reached the age of 65. I did not altogether accept the Minister's argument. I believe that, where a worker is employed for a period beyond the age of 65, this clause should not apply. If it does, it creates an anomaly. In the same way, I have given the example of a person receiving compensation after other workers at the same age have retired.

As it stands, if a worker does not receive compensation when injured during his normal course of employment, then the provisions should be amended. As the provision is drafted, it is possible for a person who is employed beyond the age of 65 not to receive compensation.

The Hon. J. C. BURDETT: Provided the injury occurred before he reached 65, the compensation does not stop. The provision makes clear that no weekly payment shall be made in respect of a period of incapacity for a period of work falling after the date on which the worker reached the age of 65 years. If the injury occurred before that date, he would still be compensated.

The Hon. G. L. BRUCE: What if a worker over 65 years is still employed in a factory? Although in some cases

retirement at 65 is compulsory, in other awards it is not so stipulated and the situation could be unequal in regard to two men. What if the situation is reversed? A workman may be injured through no fault of his own and go out at 65 on compensation, yet he could have kept on working. There must be some justice in the situation.

The Hon. J. C. BURDETT: The matter is taken further by new subsection (8), which provides that no weekly payment shall be payable, as follows:

> ... unless the incapacity commenced after the worker (not having retired from employment) reached the age of sixty-four years in which case no weekly payment shall be payable in respect of a period of incapacity falling after the first anniversary of the commencement of the incapacity.

The matter may proceed for 12 months under the Bill, but no longer.

Clause as amended passed.

Clause 12—'Weekly payments.'

The Hon. FRANK BLEVINS: Although I do not wish to divide against this clause, I do oppose it. The court may impose a penalty not exceeding $500 on an applicant. New subsection (8) provides:

> Where, in pursuance of subsection (3), the court dismisses an application and the court is of the opinion that the applicant made the application without reasonable grounds for doing so, and knowing that he had no reasonable grounds for doing so, the court may impose a penalty of an amount not exceeding five hundred dollars on the applicant.

That is a particularly harsh provision. It is difficult to argue against in black and white, but there is a presumption that workers do make false claims. I do not believe that that is the case at all. I find the whole clause distasteful. This is another clause which, immediately after the next election, the Labor Government will be reviewing.

The Hon. J. C. BURDETT: The Government supports the clause, which imposes a penalty on the employer.

The Hon. Frank Blevins: It is complimentary on the other clause.

The Hon. J. C. BURDETT: This clause imposes the amendment on the employer and not on the employee. It is complimentary to clause 31, with which we will deal in due course. However, the Government opposes any question of there being vexacious or frivilous litigation or any kind of fraud by either employer or employee. In this case a penalty is imposed on the employer. We believe that there should not be any question of there being frivilous applications to prevent weekly payments on the part of an employer or to obtain them on behalf of an employee. The two stand entirely together; they are entirely complimentary. The applicant in this case is the employer and is still subject to a penalty.

The Hon. FRANK BLEVINS: I apologise to the Committee. My note was to debate it here rather than to wait for clause 31. We do not believe that people in that area of workers compensation are engaged in vexacious claims, either employers or employees. We believe that it introduces a note of nastiness into the Act that is unwarranted. We will be looking at it immediately upon resuming Government after the next election. We will not be dividing on the clause.

Clause passed.

Clause 13—'Annual and long service leave.'

The Hon. FRANK BLEVINS: I move:

> Page 6, lines 8 and 9—Leave out 'be deemed to have been satisfied' and insert 'be deferred until—
>
> *(a)* the cessation of the incapacity;
>
> or
>
> *(b)* the employer has satisfied in full his liability to make weekly payments in respect of the incapacity,
>
> whichever first occurs.

This clause is also very contentious. The Government's argument at the moment is that a worker can be on workers compensation and can also be paid for annual leave. In effect, there is some double counting for the last four to six weeks of the year. We do not support that. The provision went through this Chamber in 1973, and no-one picked it up at that time. However, it has been a bone of contention with insurance companies and employers. So, we are not defending the Act as it stands. Our proposition in this amendment is to make provision for annual leave at the end of the period of incapacity. If a worker is incapacitated for 18 months his annual leave will be taken at the end of that period of incapacity. Our amendment seeks to do that.

The Government, on the other hand, in its amending Bill, is forcing an injured worker on weekly payments to take his annual leave during the period of his incapacity. We believe, for obvious reasons, that that is quite wrong. If someone has two broken legs he is the most seriously injured of all workers. However, he will still be affected by this provision. One can imagine laying in the Royal Adelaide Hospital, feet in the air, plaster casts all over and the Act providing that after 48 weeks you are on annual leave. Just to state the proposition is to dismiss it as absurd because there is no way in which a person in those circumstances could be taken as being able to take annual leave.

The Hon. R. J. Ritson: They won't be able to go overseas on holiday.

The Hon. FRANK BLEVINS: The Hon. Bob Ritson interjects about a worker going overseas on holiday. I think the Minister and myself have got through this Bill fairly well. Whilst we have been having the debate on items that occur throughout the Bill, the Hon. Dr Ritson wants us to jump even further. Some people have not been paying close attention to all that has been said in this debate. The Hon. Dr Ritson is referring to something we will be debating later.

The Hon. R. J. Ritson: You're not getting out of that one very well.

The Hon. FRANK BLEVINS: I strongly urge the Hon. Dr Ritson to leave it alone until the appropriate time and he will get all the debate he wants on that point. In this clause the Government is showing up how ridiculous the situation is. To argue that a person who is incapacitated to the degree of having a broken neck, broken legs, and being strung up to the ceiling in the Royal Adelaide Hospital can enjoy the provisions of annual leave is nonsense. I will be interested to hear how the Minister justifies the clause because, in my opinion, there is no argument whatever for attempting to do that. I can see that there is an argument for ensuring that there is no double counting. However, my amendment resolves that problem and ensures that, when the injured worker gets out of the plaster cast, is lowered from the ceiling of the hospital and is finally in a fit condition, he will then be entitled to take annual leave quite properly as accrued to him during the period of his incapacity.

The Hon. J. C. BURDETT: I oppose the amendment. The Hon. Mr Blevins claims that there is some sort of defect in the present Act. The amendment in clause 13 clarifies any ambiguity in relation to annual leave taken whilst a worker is on workers compensation. Where an employee has been on compensation for a continuous period of 52 weeks or more, the liability of the employer to grant annual leave for the worker for that year is deemed to have been satisfied. However, the important thing is that clause 13 of the Bill does not remove the obligation on the employer to pay the annual leave loading. I think the effect of this clause, which clarifies and supports the present law, is adequate and should not be interfered with.

The Hon. G. L. BRUCE: This is a whole new concept in relation to workers compensation.

The Hon. J. C. Burdett: It is not.

The Hon. G. L. BRUCE: It is. Workers compensation is for workers who are supposed to work but cannot do so because they have been injured at work. A worker is entitled to receive four weeks annual leave after working for a full year and should receive that entitlement whether he is sick or not. Why should a worker lose his annual leave simply because he is on workers compensation?

An injured worker who is away from work for 12 months might be under medication, visiting chemists, doctors or physiotherapists. That should not be regarded as annual leave. When a worker is cleared to return to work he should be able to take his four weeks annual leave or, with the employer's agreement, he should be able to work for a few months and then take his annual leave. There is no way that a worker should be deprived of his four weeks annual leave. It is a whole new concept when recreation leave is tied in with workers compensation.

The Committee divided on the amendment:

Ayes (9)—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, and Barbara Wiese.

Noes (10)—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, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. C. J. Sumner. No—The Hon. D. H. Laidlaw.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clause 14—'Place at which worker is to reside.'

The Hon. FRANK BLEVINS: I oppose this clause. The Opposition does not believe that an injured worker should be restricted from travelling when he is receiving workers compensation. I point out that an injured worker is on workers compensation only because he has a certificate from his doctor. If a doctor fails to provide a certificate at the appropriate time, after a few machinery matters are gone through the weekly payments cease. The fact that an injured worker wishes to go interstate, to another suburb or overseas is irrelevant. If a worker's doctor has signified that a worker will be off work for a certain period of time it should be his business what he does while he is off work.

The Opposition in no way concedes that Parliament has the right to legislate in relation to who may and may not leave the Commonwealth. That is a matter for the Federal Government. The question of restrictions on people leaving Australia should be argued elsewhere. I will not debate the legal niceties of that question at this stage, although I may do so on another occasion. I have no idea why the Government is persisting with this clause. If, for example, a doctor said it would help in a worker's rehabilitation for him to go overseas, I believe it is completely wrong for the rehabilitation unit or the executive officer to refuse.

Surely an injured worker is primarily under the control of a medical practitioner and not the rehabilitation unit. What expertise does the executive officer have over and above the expertise of a medical practitioner? As far as I know, he has none at all, unless he is also a medical practitioner, re-examines the worker and then disagrees with the worker's own doctor. I am not sure whether that is the Government's intention, but if it is I would like to hear the Hon. Dr Ritson's comment. The Minister's advisers apparently find this amusing. I strongly advise the Minister, before we have a dispute about the question of Ministerial advisers, to advise them about their role in this Committee.

At this stage, I will say no more than that, and I quite seriously mean 'at this stage'. I would like to ask the Hon. Dr Ritson his opinion about the executive officer of the rehabilitation unit being able to override what a medical practitioner stated was the appropriate thing for a worker to do. I hope that the Hon. Dr Ritson will not find that amusing and that he will not find amusing the fact that I have asked him about it. It is a genuine request to a member of this Committee who, by the by, has some medical expertise.

The Hon. J. C. BURDETT: I will comment in the first place. The Hon. Mr Blevins claimed that we were legislating for people not to leave the Commonwealth. He said that he was just making that remark in passing and that he would leave that matter to another place. We are not legislating for who does or does not leave the Commonwealth. We are just stating, as section 56 of the present Act states, that, if a worker leaves the Commonwealth, certain consequences may flow regarding compensation. That section provides that, if a worker permanently leaves the Commonwealth, he loses his right to compensation. It is only a question of applying the fact of leaving the Commonwealth to the worker's right to compensation.

Turning to the argument regarding clause 14, which the Hon. Mr Blevins has moved to strike out, the weekly payments of compensation to a worker shall be suspended in terms of clause 14, if he goes on holidays overseas whilst he is in receipt of such payment without the approval of either his exployer or the executive officer of the Workers Rehabilitation Advisory Unit. This is simply because, if he goes overseas without those approvals, it may be difficult to assess any kind of medical certificate that may be granted whilst he is overseas as to whether he is still entitled to compensation. The credentials of the overseas doctor would have to be gone into, and it could be difficult.

If he is on compensation and wants to continue to receive it, it seems to be not unreasonable to provide, as clause 14 does, that he shall not go overseas without the approval of his employer or that of the executive officer of the Workers Rehabilitation Advisory Unit. If the employer were not going to be disadvantaged and if he were happy with the trip overseas, he would not deprive the employee of that trip. The only thing that he would want to be satisfied about (and this would apply also to the executive officer of the unit) would be that the employer would not be unreasonably deprived of his right of suspension regarding the employee's right to compensation. The amendment is inserted on the basis that, if a worker is in receipt of workers compensation payments, he is obviously ill. If he cannot attend work on account of illness, he is arguably too ill to undertake an overseas trip. It is a fair argument that, if he is too ill to attend work, he is too ill to go overseas.

The Hon. K. L. Milne: He may have a broken arm.

The Hon. J. C. BURDETT: There are pressures in any kind of overseas trip. If he has a broken arm, as suggested by the Hon. Mr Milne, there would not be any problem about getting the approval of the employer or of the executive officer of the unit, because all they are going to be concerned about is to see that the employer is not improperly disadvantaged because of the employee's going overseas while on workers compensation. Because clause 14 only picks up and extends the principle in section 56 of the principal Act, I oppose the amendment.

The Hon. G. L. BRUCE: I oppose the clause as it stands. The Government's philosophy is followed in the whole thing. I refer to proposed new subsection (1a) of section 56, and in that provision, the punchline is in the words 'take a vacation'. If a person is on workers compensation and goes anywhere, he is said to be on a vacation. The Government probably regards going interstate to see his sister as taking a vacation. I suggest that the trauma of driving a car interstate would be greater than that of flying overseas. The ethnic groups have relatives overseas and, in the case of death in a family or some other circumstance, people

could go by aeroplane in 12 hours and be amongst their kin. The mentality here is about taking a vacation, and that is an insult to people on workers compensation. The Government considers that, if these workers do anything other than lie in bed and moan and groan, that is wrong. The whole mentality of the Government is shown in those simple words.

The Hon. J. E. DUNFORD: I object to clause 14. Section 56 of the principal Act provides:

(1) If a workman receiving a weekly payment ceases to reside in the Commonwealth, he shall thereupon cease to be entitled to receive any weekly payment, unless a medical referee, on a reference made in accordance with Rules of Court, or as may be determined by the court in any particular case, certifies that the incapacity resulting from the injury is likely to be of a permanent nature.

(2) If the medical referee so certifies, the workman shall be entitled to receive quarterly the amount of the weekly payments accruing due during the preceding quarter so long as he proves, in such manner and at such intervals as may be prescribed by Rules of Court, or as may be determined by the court in any particular case his identity and the continuance of the incapacity in respect of which the weekly payment is payable.

That prevents anything such as has been suggested by the Minister. I think there was reference during last session to the Mediterranean back. I have not exact figures but I understand that about 25 per cent of the working population in Australia are people from overseas countries. If they do not come from overseas, there is a good chance that a higher per cent of their parents does. I would consider, if I worked for 25 years in Australia, and wanted to return to the country of my origin, that I should be entitled to workers compensation. Section 56 mentions the court, and the worker must prove his identity and the continuance of the incapacity. Exservicemen moving from one country to another receive pensions without having to live in the country from which they have come, provided they meet the requirements of the law. In my second reading speech, I referred to an extensive article published by the Public Service Association on 30 March. That publication states:

You will not be able to take a holiday without the board's permission even though it may assist in your rehabilitation.

In the new subsection an employer or executive officer of the Workers Rehabilitation Advisory Unit must consent. We have not met them and we do not know who the Government will appoint. The Government may appoint a doctor. Anyone who has dealt with workers compensation knows that some doctors are sympathetic to a workman injured at work and that others are not. Some specialists are not sympathetic and when required to give evidence in court charge an injured worker up to $700 for an appearance, whereas the employer can only receive $300. The term used by the Minister the other day 'Mediterranean back', probably comes from those specialists who have no sympathy towards the injured worker and do not believe that the worker is really injured.

If the Government appoints that sort of person to the position then I believe that is a step in the wrong direction. Employers are well represented by the insurance doctors they subscribe to and by their advocates in the court; also, they are well able to represent themselves. This Bill once again is getting away from the adversary system in the court where, if an employer feels he has been disfranchised and that the case has not been considered correctly, he can go to the Industrial Commission. This seeks to do away with this and put it on the Statute Book to the detriment of the worker.

As I pointed out in the second reading debate, never will the Liberal Party live down this outrageous clause 14. Never will the lies about individual liberty be believed again. This also applies to the Australian Democrat, who will probably support the Government. The Universal Declaration of Human Rights in Article 12 says:

No-one shall be subjected to arbitrary interference with his privacy, family, home . . . Everyone has the right to the protection of the law against such interference or attacks.

Article 13 provides:

(1) Everyone has the right to freedom of movement and residence within the borders of each State.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

The provision talks about a vacation outside the Commonwealth. The present Act provides that one can live in one's country of origin, provided one satisfies the court of one's illness and then the money will be sent. The purpose behind this clause is to stop people returning to their homeland and being paid compensation which, even if one resides in the country, the insurance company must pay. One must still prove medically that one is ill if living in England, in the Mediterranean, or anywhere else, and prove the continuance of the incapacity in order to receive the weekly payment. It is a proposition that is well catered for by the courts at the present time.

I am not prepared to support a proposition that does away with the right of a person to live in his country of origin. Clause 14 deals with a person taking a vacation; he must get the consent of his employer or the executive officer of the Workers Rehabilitation Advisory Unit. The employer and the insurance company are well protected in section 56 of the Act and I believe that clause 14 should not be supported.

The Hon. R. C. DeGARIS: New subsection (1a) provides:

A worker shall not, while receiving weekly payments, take a vacation outside the Commonwealth unless the employer or the executive officer of the Workers Rehabilitation Advisory Unit consents in writing, and if the worker does so without such consent his entitlement to receive weekly payments shall be suspended for the duration of the vacation.

The reason for the amendment is clear, yet I have certain reservations about the way it is expressed. It is reasonable that if a person is injured and holds a certificate from a doctor that he is unable to work for a period of six weeks (for example, if he has a broken ankle, has it pinned and is on crutches), then I see no reason why this worker should not travel without seeking permission from anyone.

I believe that the worker should advise the employer, because he is still employed by that person, that he is away from his normal place of residence. That would be a normal courtesy that should be extended to any employer. On the other hand, there is evidence that in certain types of injury, such as skin complaints and dermatitis, where the time off work is not determinable, people have gone overseas and sent back medical certificates from clinics, but there is no ability to assess that clinic's capability. This does present problems.

I suggest to the Committee that the clause could be best expressed with its slightly offensive provisions removed, but still achieve what the Bill seeks to protect. From what has been said so far during the debate on this clause, it is reasonable to assume that honourable members would admit that in some cases there have been difficulties in relation to people who are injured and go overseas. I do not know how many cases there have been, but there are cases where it has caused difficulty.

If any honourable member reads clause 14, he will find that it is slightly offensive. One sees from that clause that a person must get consent in writing from either the employer or the executive officer of the Workers Rehabilitation Advisory Unit. To me that is slightly offensive. I think that it would be offensive to any other person in the Chamber. The problem can be overcome if the clause is redrafted. If the Minister looks at clause 14, he will see that it is possible to redraft it without the slightly offensive provision of providing that a worker has to get consent in writing from

either the employer or the Workers Rehabilitation Advisory Unit before undertaking any overseas travel.

I suggest to the Minister that the same problem could occur if a person went to the north of Queensland. I give an illustration of a person whose wife may be a New Zealander. That worker may have a broken arm or ankle and cannot work and decides that in that six-week period when he has a certificate he will go with his wife to New Zealand. I see no reason why he should ask for permission to do that, although it is reasonable he should advise his employer where he is going. I suggest to the Minister—and I understand the reason for the clause but I know that there is a problem—that with a little bit of thought the clause could be re-drafted so that there is nothing offensive in it from either the worker's or the employer's point of view.

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

That consideration of clause 14 be postponed and taken into consideration after clause 32.

I have moved this motion to enable the matters raised by the Hon. Mr DeGaris to be taken into consideration.

Motion carried.

Clause 15—'Additional compensation.'

The Hon. FRANK BLEVINS: I move:

Page 6—lines 25 to 27—Leave out paragraph *(b)*.

The Bill seeks to regularise the position of chiropractors in relation to the Workers Compensation Act. It seeks to allow the worker who has been attended by a chiropractor to gain reimbursement for that treatment. I want to mention briefly the problems with the Bill, the Hon. Mr Milne's amendment and my amendment. What the Minister is seeking to do in the Bill is to ensure that whilst treatment by a chiropractor possibly can be reimbursed, it is only if the worker is referred to a chiropractor by a medical practitioner. This amendment will ensure that the same financial provisions will prevail but that the worker does not have to be referred by a medical practitioner to a chiropractor. In other words, the worker can deal directly with the chiropractor and other professionals in this area.

The Hon. R. C. DeGaris: How about a naturopath?

The Hon. FRANK BLEVINS: They are not listed in the principal Act, so they do not come into it. The Hon. Mr Milne seeks to permit chiropractors only, and not the other people listed in the Act, to deal with the worker without the intervention of a medical practitioner. There is an initial argument on this as to why chiropractors should be dealing with the patient at all. I do not propose to canvass that argument at all.

The Hon. R. C. DeGaris: You should.

The Hon. FRANK BLEVINS: The Hon. Mr DeGaris said that I should, and if he wishes, I can. I think that we will spend enough time on this clause and the various amendments without canvassing that argument, because the three parties involved in this case have already decided that chiropractic treatment, if that is the word, is appropriate in connection with the reimbursement of patients through workers compensation. There is no argument between the Government, the Opposition and the Hon. Mr Milne about this matter. That argument, so far as I am concerned, is out.

The Hon. R. C. DeGaris: Not necessarily.

The Hon. FRANK BLEVINS: The Hon. Mr DeGaris is not a member of the Government, and as an individual member of this Council he may wish to take this argument up. I am speaking on behalf of the Opposition, which has accepted the proposition that chiropractors, and the method of payment of chiropractors, should come within the scope of the Workers Compensation Act. I wonder how far apart on this are the Opposition, the Minister in charge of this Bill in this place, and the Minister in charge of the Bill in the House of Assembly (and in charge of the whole area). Copies of letters that have been supplied to the Opposition would indicate to any reasonable person that the Hon. Dean Brown agrees completely with the proposition that chiropractors' patients should not have to be referred to them by a medical practitioner before their fees are able to be reimbursed. I will attempt to prove that by reading out some correspondence. On 23 February 1982 the Australian Chiropractic Association wrote to the Minister as follows:

Dear Sir, I would be pleased if you would inform me at your convenience of your intention regarding the Workers Compensation Act, 1972-1979. In your letter of 4 September 1980 you advised me that you were waiting for the tripartite committee report and the outcome of an Industrial Court hearing. At this stage, have you considered amending the Act? If so, can you adivse me of the manner in which chiropractic services will be considered under the Act?

In response to that a letter dated 16 March was sent to the South Australian Branch of the Australian Chiropractic Association by the Hon. Dean Brown, as follows:

Dear Mr Weatherall, I refer to your letter of 23 February 1982 and advise that on 3 March 1982 I introduced a bill to amend the Workers Compensation Act, 1972-1979, a copy of which is attached. You will note that, in accordance with previous requests of your association, one of the amendments includes the services of a registered chiropractor in the list of medical services covered by the Act.

Under the amendment, chiropractic examination and treatments are given the status of a primary service, and referral by a medical practitioner is not required. I would appreciate any comments you wish to make on this aspect as soon as possible, as detailed debate on the Bill will commence when Parliament resumes on 23 March 1981. Yours sincerely, Dean Brown, Minister of Industrial Affairs.

There we have the Chiropractic Association asking what is going on and the Hon. Dean Brown stating quite clearly what was going on. I repeat the particularly important sentence:

Under the amendment, chiropractic examination and treatments are given the status of a primary service, and referral by a medical practitioner is not required.

Subsequently, when the Bill was introduced into the House, that was provided for. Any reasonable person could have assumed that the attitude of the Government, as stated in the letter of 16 March from the Hon. Dean Brown and confirmed in the Bill, was that there would not need to be any referral by a medical practitioner to a chiropractor before the fees were appropriate ones to be reimbursed under workers compensation. Any reasonable person could have seen that.

The Hon. R. C. DeGaris: You don't agree with that?

The Hon. FRANK BLEVINS: Whether you agree with it or not, at least it was clear, perfectly clear.

The Hon. R. C. DeGaris: Would you oppose it if it came in like that?

The Hon. FRANK BLEVINS: Not necessarily. What happened? After the Bill was introduced to Parliament the Hon. Mr Brown in another place moved an amendment that was a complete about-face, and his amendment is now reflected in this clause before the Committee. As the chiropractors have said, the Minister betrayed them. After giving that assurance and introducing the Bill in another place, and after writing to them that everything was as they wished, he then betrayed them. What is the Minister's word worth? It is worth absolutely nothing as far as South Australian chiropractors are concerned, and I cannot blame them.

I now refer to a report in the *News* of 30 March 1982 headed 'Brown betrayed us, says group'. That is a strong statement. If those words are untrue I would have thought that they would be actionable and that the *News* and the people who made that comment could be taken to court as a result of that serious accusation. To date the Hon. Mr

Brown has seen fit not to take any action, so that one can only assume that the word 'betrayed' is an accurate reflection of what went on. The *News* report states:

Chiropractors today accused the Industrial Affairs Minister, Mr Brown of 'betrayal after two years of promises' In an about-face, Mr Brown had excluded chiropractic services from the range of services covered by the latest amendments to the Workers Compensation Act now before Parliament, the chiropractors claimed. They said Mr Brown wrote to the Australian Chiropractors Association on 16 March, saying the amendments would enable patients to receive chiropractic help without referral to a medical practitioner.

However, the Bill which passed through the Assembly last week excluded chiropractic services. Australian Chiropractors' Association president, Dr Andy Menash, said his members were shocked by the Minister's 'last-minute betrayal'.

Another paragraph states:

Mr Brown had made a statement on 3 March that the amending Bill would recognise chiropractic services which would then make an employer liable for compensation payments.

Where does that leave the chiropractors? It leaves them most unhappy, and justifiably unhappy. All honourable members will have received a copy of the urgent telegram that was sent by the chiropractors expressing their unhappiness. The telegram is as follows:

Please do not support the present amendment to the Workers Compensation Act. Patients will be denied primary contact chiropractic care which is already available in Western Australia, New South Wales and Victoria.

On behalf of the United Chiropractors Association State Committee.

It has been the aim of Government members throughout the debate to roam across State boundaries; on every clause they have wanted to introduce what has happened in New South Wales or some other State. Except in a small way, by way of response, I have chosen not to do that. However, since the ground rules have been laid by the Government, it should explain why provisions in Western Australia, New South Wales, and Victoria should not apply here, especially in the light of the letter sent by the Hon. Mr Brown on 16 March and the Bill as it was introduced in another place.

In conclusion, I wish to put the final position of the Australian Chiropractors Association. In response to the betrayal of the Hon. Mr Brown, the association has stated its position, as follows:

Dear Sir,

It was with great anticipation that we read your press release in the *Advertiser* of Wednesday 3 March 1982, concerning the Bill to amend the Workers Compensation Act, and with satisfaction that we subsequently read the Bill and saw that our representations had been taken into account, and that the Act was to recognise the primary contact status of chiropractors as had the Acts in other States. Your letter of 16 March 1982 further confirmed your intentions, and you can imagine our bewilderment and dismay at hearing from Miss O'Day that 'all this' was a printer's error and was to be reversed.

What a joke! The letter continues:

It is impossible for us to accept that a Bill of this importance and on which you have toiled so hard and so long could go to the printers with so gross an error. You would be aware that it is A.M.A. policy to ignore the existence of chiroprctors as partners in the health care system, and to discourage any association between its members and members of the chiropractic profession. That referrals to chiropractors be through medical practitioners is ludicrous since they have no training in identifying the need for chiropractic care nor evaluating its effectiveness. You may be aware that the federally funded chiropractic course of training at the Philip Institute of Technology has more hours in X-ray, musculoskeletal and systemic diagnosis than any medical course in this country. To allow the medical profession to arbitrate as to whether or not a patient is in need of chiropractic care is to disallow chiropractic care.

In fact, the change of which we have been given warning by Miss O'Day would have the effect of nullifying the inclusion of chiropractic services in the Workers Compensation Act. We ask you, as a matter of the greatest urgency, to grant us an interview to discuss this matter further with you, and hope to hear from you this very day.

Obviously, the association was angry. Who could blame it? First, the Minister said one thing and then got a departmental officer to telephone the association. Obviously, he did not have the guts to do it himself. The departmental officer said it was a printer's error. If the Minister had changed his mind, we could have understood. True, we would have disagreed with him, and so would the chiropractors. How insulting it was of the Minister to say that it was a printer's error. He signed a letter stating quite clearly what would be in the Bill. The signature is here for all to see. There can be no argument. To blame the printer and then put the onerous task on Miss O'Day of presenting this clear misrepresentation of what occurred to the chiroprctors reflects badly on the Hon. Dean Brown. If he had any values at all he would resign because of the shameful way he has dealt with this affair.

The Opposition will attempt to correct the situation, and the Hon. Mr Milne will attempt to do the same thing. We should be able to satisfy what the chiropractors want and attempt to redeem some of the honour that has been lost by Parliamentarians in general by the quite despicable actions of the Hon. Dean Brown.

The Hon. K. L. MILNE: I have been a friend and supporter of the chiropractic profession for more years than I care to admit. In the years 1945 to 1949, when there were only four chiropractors in South Australia, I became involved with the Chiropractic Patients Society as President. Our efforts undoubtedly brought about the introduction of the Chiropractic Act of 1949. That was in Sir Thomas Playford's time and it took a bit of doing. It made South Australia the first State to recognise and give status to chiropractors in their own right. Later, I wrote a book about the campaign called *Forgotten Freedom*, which is a record of the historic events of that time. I called the book *Forgotten Freedom* because people in those days hardly knew that there was an alternative to traditional medicine. They were discouraged from using it by the medical profession. In the years since I have continued to be a friend and supporter of the chiropractors and it is therefore natural that, on entering Parliament, they sought my help. I freely gave them that help.

On their behalf, I approached the Minister of Industrial Affairs seeking amendments to the Workers Compensation Act to include chiropractic services. That was after chiropractors were registered. On 2 September 1981, I forwarded to the Minister suggested amendments to the Act which he acknowledged in November 1981 and which would soon achieve the desired objective. He knew what those objectives were. After all, chiropractors are registered in South Australia and are controlled (and so they should be), as in all other States, as a direct contact profession. Now, there are not only four of them but 170 chiropractors duly registered under the Chiropractors Act of 1979. I received some gentlemen here on Monday 22 March who represented over 95 per cent of the registered chiropractors. Their objective in coming to see me was obvious. They wanted the inclusion of their services under the Workers Compensation Act and recognition of their status as a primary service, as is the case in other States of Australia. That is a service available directly and not through referral by the medical profession.

I call the attention of all members of this Council to the difference of opinion between medical practitioners and the natural healers, particularly chiropractors, because I regard it as one of the greatest tragedies in the history of health professionals. One day I believe they will come together. I also refer to interstate Acts. The New South Wales workers compensation Act provides:

'Medical treatment' includes—

(a) treatment by a legally qualified medical practitioner, a registered dentist, a dental prosthetist, a registered phy-

siotherapist, a registered chiropracter, osteopath, or a masseur or remedial medical gymnast or speech therapist;

In Victoria, the Act provides:

(d) 'medical service' includes—

(i) attendance examination or treatment of any kind by a medical practitioner, registered dentist, registered optometrist, registered physiotherapist, registered chiropractor, and osteopath or chiropodist;

It further provides:

(v) the provision by a medical practitioner, dentist, optometrist, physiotherapist, chiropractor and osteopath or chiropodist of any certificate or report required by the worker or his legal personal representative or dependants for any purpose relating to the operation of this Act;

In Western Australia, the Act simply talks about fees and provides:

(a) by adding after paragraph *(ca)* a paragraph as follows—

(cb) fixing scales of fees to be paid to chiropractors for attendance on and treatment of injured workers in cases where those fees are not determined by agreement between the Chiropractors Registration Board and insurers approved under the provisions of this Act;

That brings chiropractors in Western Australia under the Act. For referrals to chiropractors to be through medical practitioners is, to say the least, unwise and probably unfair, since medical practitioners have no training in identifying the need for chiropractic care, nor in evaluating its effectiveness. Chiropractors, on the other hand, undergo courses of training which are more than adequate to entitle them to the primary contact status afforded them by their registration. It is that course which I will deal with in a moment and which I believe gives them the right against others to issue certificates.

The Philip Institute of Technology, formerly called the Preston Institute of Technology (which is an amalgamation in Victoria) includes the first school of chiropractors fully funded by the Federal Government and, indeed, any government anywhere in the world. It was recently criticised in medical circles for having an excessive number of hours of diagnostic procedures.

In other words, medical practitioners, loosely referred to as doctors, felt that the course was too good for chiropractors. Of course, it is not too good for them if they are going to be given this responsibility. I believe they should have this responsibility. I wish to table in *Hansard* pages 186 to 198 of the 1982 Handbook of the Philip Institute of Technology.

The CHAIRMAN: Is it purely statistical?

The Hon. K. L. MILNE: It is not statistical; it simply sets out the curriculum.

The CHAIRMAN: We have never allowed anything other than statistical information to be incorporated.

The Hon. K. L. MILNE: I am afraid that it will take some time to read, Mr Chairman. I seek leave to have it incorporated.

The CHAIRMAN: It will be setting a precedent.

The Hon. K. L. MILNE: In that case, Mr Chairman, I will read a summary, as follows:

First Year (30 weeks)

	Hours/Year
Anatomy I	270
Biomechanics and Chiropractic Science I	270
Biophysics and Biology	150
Chemistry	120
Total Lectures and Practicals	810
Clinical Practicum I	60
Total Hours	870

27 hours/week for 30 weeks of lecture/practical
+60 hours clinical practicum

Second Year (35 weeks)

	Hours/Year
Anatomy II	245
Biochemistry and Physiology I	245
Biomechanics and Chiropractic Science II	245
Microbiology and Pathology I	210
Total Lectures and Practicals	945
Clinical Practicum II	70
Total Hours	1 015

Third Year (35 weeks)

	Hours/Year
Chiropractic Science III	385
Pathology II	245
Physiology II	175
Radiology	140
Total Lectures and Practicals	945
Clinical Practicum III	70
Total Hours	1 015

Fourth Year (35 weeks)

	Hours/Year
Chiropractic Science IV	105
Diagnosis and Practice I	350
Social Sciences	210
Total Lectures and Practicals	665
Clinical Practicum IV	600
Total Hours	1 265

Fifth Year (18 weeks)

	Hours/Year
Diagnosis and Practice II	180
Total Lectures and Practicals	180
Clinical Practicum V	360
Total Hours	540

In the early days chiropractors were rightly criticised because they claimed to do too much. They were short on diagnostic skills. I hope I have demonstrated that chiropractors have faced up to the reality of the science in which they are practising and have remedied those deficiencies to an extent more than anyone could have hoped for.

The Hon. R. J. Ritson: How many presently practising in South Australia would have passed that course?

The Hon. K. L. MILNE: They have not passed this course. I think more than half of them passed a similar course in the United States.

The Hon. R. J. Ritson: More than half?

The Hon. K. L. MILNE: No, I cannot say that. However, others have passed courses in Adelaide and Sydney.

The Hon. R. J. Ritson: Can you tell us anything about those courses?

The Hon. K. L. MILNE: No, but I know that the chiropractors who studied in Sydney did not think they were of sufficient standard and have been fighting for this course at Preston for some time.

The Hon. R. J. Ritson: When did that course start?

The Hon. K. L. MILNE: I cannot remember, but it is not that many years ago.

The Hon. R. J. Ritson: How many have graduated so far?

The Hon. K. L. MILNE: One lot, I think. Those chiropractors who did not do the course attended a series of lectures and tutorials and I believe that all members of one chiropractic group attended that course to lift their standard. The Hon. Dr Ritson hinted that there are still a number of people who are not qualified to the level of that course. That always occurs when a new group is registered, and it happened when doctors were first registered. It is a gradual process of elimination and further training by the professional bodies. In future, I trust that all chiropractors will pass this course.

The pages of the handbook that I referred to detail the Bachelor of Applied Science course in Chiropractic and, in particular, pages 186 and 187 describe the general and clinical objectives of the course. From this information it is clear that a chiropractor's training in X-ray procedures and interpretation, muscular skeletal testing and evaluation in differential diagnosis and his skill in the use of chiropractic technique makes a chiropractor well equipped as a primary contact practitioner, well acquainted with the expertise and limitations of other health professions and also capable of interdisciplinary co-operation.

In fact, theirs is an integral part of the total health care profession, even though it is not medicine in the accepted sense. I think I have said enough to support the Hon. Mr Blevins in relation to incorporating chiropractors in this Bill with the power to issue certificates. I do not believe that people with a limited area of practice should issue certificates. I am absolutely in favour of the two groups the Hon. Mr Blevins referred to being included in the Bill. Whether or not they issue certificates is not really important. That they remain in the Bill is important and I support that.

The Hon. M. B. DAWKINS: The Hon. Mr Blevins began his speech by indicating that he thought there was little difference between the Opposition's attitude, the Hon. Mr Milne's attitude and the Government's attitude in relation to the recognition of chiropractors. Of course, he then went on in his usual pleasant way to have his ten bob's worth of politics. Of course, the Hon. Mr Blevins is a most pleasant fellow, but he does become a little enthusiastic from time to time.

I am sure that at some time all honourable members have benefited from the services of the medical profession. I have also benefited from the services of physiotherapists and chiropractors. I understand that physiotherapists do not like chiropractors and vice versa—but that is by the way.

The story about the Hon. Dean Brown's betraying the chiropractors is, to my mind, a violent reaction, an over-reaction, but, by the same token, a not unnatural reaction from the chiropractors. Although the Minister did not leave them out of the Bill, I think even the Minister and the Government would be prepared to admit that where they included them is not the right place and they would be prepared to consider the amendments that have been foreshadowed. Of those amendments, I would tend to come down on the side of the Hon. Mr Milne's amendment, because I believe it would clear up the situation. The Chiropractors Association President (Dr Menash) said that the association was shocked by the Minister's last-minute betrayal. I believe that that is an over-reaction, because the Minister did include chiropractors. Then Dr Menash went on about why he was concerned about a betrayal. I say that it was just a misplacement of the provisions about chiropractors in the Bill.

The Hon. Frank Blevins: You're very charitable.

The Hon. M. B. DAWKINS: I am charitable to the honourable member, but he is not always charitable to me. Dr Menash went on to say, correctly, that doctors just did not refer patients to chiropractors; it was against their code. I think that is true; probably the Hon. Dr Ritson will want to add something to that. That has been the case for a long time and that is a reason for the inclusion of the chiropractors in this Bill as they have been included.

I do not blame the medical profession for being very cautious about referring people to chiropractors in the past, because before the introduction of registration we had all sorts of people calling themselves chiropractors, naturopaths or osteopaths, some of whom had qualifications and experience and some of whom did not. One could not blame the medical profession for being careful about referring people to them. That situation still persists because some people, as I think the Hon. Mr Milne would admit, still have to upgrade their qualifications.

Therefore, if we leave the provision for chiropractors as it is in the Bill, that will mean that people have to be referred by doctors, which largely takes chiropractors out of the legislation. I believe, as I have said, the the Government would seriously consider placing the chiropractors in a more appropriate position, as members would have seen set out in the Hon. Mr Milne's amendment. In due course, I would tend to come down on the side of the Hon. Mr Milne's suggestion.

The Hon. R. C. DeGARIS: This has been a long debate, with many viewpoints being expressed. I support the Bill as drafted. I think that is a perfectly reasonable approach to the question. On the other hand, there are two amendments, one moved by the Hon. Mr Blevins and the other moved by the Hon. Mr Milne. The dilemma is that I support the amendment moved by the Hon. Mr Blevins, if there is to be an amendment to the clause, and I oppose the Hon. Mr Milne's amendment. I see a lot of difficulties about doing exactly what the Committee wants to do. I daresay that the Hon. Mr Blevins will move his amendment first and, because I support the clause, I will be opposing that amendment. Then I suppose the Hon. Mr Milne will move his amendment and I will oppose that. I think there is also a possibility that there may be an amendment to the Hon. Mr Milne's amendment.

The Hon. Frank Blevins: It's on file.

The Hon. R. C. DeGARIS: I did not know that, but I gave the member some assistance in drafting it. I support the clause as drafted. I do not think it reasonable, as the Hon. Mr Milne has told us, that there should be direct patient-to-chiropractor access, but not direct access to physiotherapists and chiropodists. If there is to be direct access, it should be to the whole three. That is why I support the Hon. Mr Blevins' amendment, as against the Hon. Mr Milne's amendment.

The Hon. R. J. RITSON: I support the Bill as drafted. I will not canvass the whole question of the value of chiropractic treatment. That has been done at length over many years and will continue to be debated. However, I have one question and it concerns certification. The Hon. Mr Blevins seemed to think there would not be much problem with the provision of medical certificates by chiropractors, but I wonder. The courts at present, I believe (and I will stand corrected by the Minister if this is not so), generally accept, for most purposes of litigation, a certificate from a legally qualified medical practitioner, and I wonder what will be the evidentiary value of a certificate from a chiropractor, physiotherapist, or optometrist and what the situation will be if there is a conflicting opinion as between the chiropractor's certificate and a medical certificate. I would like to hear an opinion on that.

I wonder what the position would be in terms of a worker's weekly payments if he went to a chiropractor and no-one else, was treated for, say, six weeks, returned to work and, when he had done so, the employer required a medical certificate. I wonder whether, in such a circumstance, if the worker went to a medical practitioner, who would be unable to issue a certificate retrospectively, the worker could find himself without his weekly payments. In other words, recognising as I do the weight of numbers in the Committee on this issue and seeing the inevitable result of the vote, I nevertheless express concern that the question of certification may not have been properly addressed, and I ask for guidance on that.

The Hon. J. C. BURDETT: To answer the last question first, the evidentiary value of any certificate that may be given by a chiropractor would have to be evaluated by the court. I cannot give the honourable member any guidance

as to how the court would exercise its powers of evaluation. Regarding clause 15, I would point out, as the Hon. Mr DeGaris did, that the position of a registered chiropractor is already included in the clause as drafted.

I support clause 15 as drafted, which requires that, before the course of chiropractic treatment, an opinion would be made under the Workers Compensation Act and would require reference by a medical practitioner. A registered chiropractor will be referred to in the section and fees for his treatment may be paid if a patient is referred by a qualified medical practitioner. Therefore, chiropractors are not left out altogether. With the Hon. Mr DeGaris, I prefer the Bill as drafted.

The question of what sort of credit should be accorded the chiropractors' profession is difficult. This question should not be canvassed in regard to this Bill. If it is plain that it is the case that chiropractors' qualifications, as read out by the Hon. Mr Milne, are so wide and effective to almost label that profession as an alternative to the medical profession, then it ought to be dealt with in an entirely different field, possibly in an amendment to the Chiropractors Act or the Medical Practitioners Act. The whole question is not a matter to be canvassed in a debate in regard to the present Bill.

The Hon. Mr Milne acknowledged, when he spoke about the question of certification, that the expertise of the chiropractic profession, as highly as he stated it, did not yet cover the whole field of medical practice. The question of certification is another matter. The Hon. Mr Milne thought that an injured worker ought to be able to go to a chiropractor without reference by a qualified medical practitioner and that the Bill ought to be paid for. I do not support that position.

With the Hon. Mr DeGaris, I support the position in the Bill that the treatment meted out by registered chiropractors ought to be able to be paid for under the Workers Compensation Act, provided that a worker be referred by a registered medical practitioner. I am not satisfied that the question of working out the status of a qualified medical practitioner, a registered chiropractor, physiotherapist, and so on, has progressed to the point that we can say, in a Bill like this, that chiropractors, physiotherapists or others ought to be able to be certified, or that their bills ought to be paid without reference by a qualified medical practitioner. Therefore, I support the Bill as it stands.

I take it that the first matter put will be in regard to leaving out paragraph *(b)*, and I support paragraph *(b)* as it is printed. I oppose strongly the Hon. Mr Blevins's amendment, which will follow. I oppose the amendment by the Hon. Mr Milne for the reasons I have stated, but perhaps not as strongly as I oppose the Hon. Mr Blevins's amendment. I oppose strongly the amendments to be moved by the Hon. Mr Blevins to the Hon. Mr Milne's amendment, which will give power of certification to the various professions mentioned.

Amendment carried.

The Hon. FRANK BLEVINS: I move:

Page 6, lines 25 to 27—Insert paragraph as follows:

(b) by striking out from paragraph *(a)* of the definition of 'medical services' in subsection (2) the passage 'or on the prescription of a legally qualified medical practitioner' and substituting the passage ', by a registered chiropractor,'

The Committee divided on the amendment:

Ayes 9—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, and Barbara Wiese.

Noes (10)—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, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. C. J. Sumner. No—The Hon. D. H. Laidlaw.

Majority of 1 for the Noes.

Amendment thus negatived.

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

Page 6, lines 25 to 27—Insert paragraph as follows:

(b) by inserting after the passage 'by a registered optician' in paragraph *(a)* of the definition of 'medical services' in subsection (2) the passage 'or by a registered chiropractor'.

The Hon. FRANK BLEVINS: The Opposition opposes the amendment of the Hon. Mr Milne, with the aim of amending that amendment should it be carried.

The Hon. R. C. DeGARIS: I rise on a point of order. I think that the Hon. Mr Blevins must move his amendment to the amendment before it is actually put.

The CHAIRMAN: I uphold the point of order.

The Hon. FRANK BLEVINS: I move:

New paragraph *(b)* proposed by the Hon. K. L. Milne:

Leave out 'inserting after' and substitute 'striking out'.

After 'optician' insert (with the inverted commas) 'or on the prescription of a legally qualified medical practitioner'.

After 'subsection (2)' insert 'and substituting'.

Leave out 'or' from the last line and insert (within the inverted commas) 'by a registered optician,'.

I thank the Committee and I thank particulary the Hon. Mr DeGaris, who has been particularly helpful in drawing up this amendment and making sure that I put it at the appropriate time. I am very grateful, because it is a very comradely thing to do. The purpose of my attempting to amend the Hon. Mr Milne's amendment is that the committee, when discussing the Hon. Mr Milne's amendment has, I think, quite clearly demonstrated that it wants chiropractors to be able to attend injured workers without those workers begin referred to the chiropractor by a medical practitioner. My amendment to the Hon. Mr Milne's amendment is to include physiotherapists and chiropodists because, if the Council decides in its wisdom that there is a case for chiropractors to have direct contact with patients without the intervention of medical practitioners, then I argue that there is at least the same case for physiotherapists and chiropodists. There is no argument in the community, so far as I am aware, about the qualifications of physiotherapists and chiropodists. I have never heard any dispute over their qualifications, registration or ability. There has never been, so far as I know, any question about the professional standing of these people. The courses that they have to undertake before registration are recognised ones beyond dispute. If the Committee decides that chiropractors should be dealt with in this particular manner, then the case, in my opinion, would be unanswerable for physiotherapists and chiropodists to be dealt with in precisely the same way.

The Hon. K. L. MILNE: I think that the time will come when that is so, but I do not think it has yet arisen. I understand, and I hope Dr Ritson will correct me if I am wrong, that physiotherapists, in their registration Act are required to have patients referred to them by medical practitioners.

The Hon. J. A. Carnie: Not any longer.

The Hon. K. L. MILNE: I do not know what their course is and nobody has attempted to show me.

The Hon. Anne Levy: It is a three-year course at the institute.

The Hon. K. L. MILNE: I know what it is, but I do not know what they study. I am ready to be persuaded on another occasion, but I have had no opportunity of studying them at this time. I think in the case of chiropodists, or podiatrists as they call themselves now, who deal exclusively

with feet (and very well they do it, and most of us have had them come to the rescue), that they in particular are not in a postion to give a certificate for somebody to not go back to work who may have an injury to the feet. I am not in a position to support the Hon. Mr Blevins on this occasion.

The Hon. J. C. BURDETT: I do not propose to debate the issue again. I have made my position quite clear, that I support clause 15 of the Bill, that I am opposed to Mr Blevins' amendment, and to Mr Milne's amendment but less than I am to Mr Blevins' amendment, for the reasons I have mentioned.

The Hon. R. C. DeGARIS: I will be opposing the amendment to the amendment. I will be opposing the amendment of the Hon. Lance Milne. If the Hon. Lance Milne's amendment is carried, I will oppose the clause. If the clause is passed, I will seek to recommit the Bill and support the present amendment of the Hon. Frank Blevins.

The Committee divided on the amendment to the amendment:

Ayes (9)—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, and Barbara Wiese.

Noes (10)—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, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. C. J. Sumner. No—The Hon. D. H. Laidlaw.

Majority of 1 for the Noes.

Amendment to the amendment thus negatived.

The Hon. K. L. Milne's amendment carried; clause as amended passed.

Clause 16—'Certain amounts not to be included in earnings.'

The Hon. FRANK BLEVINS: The Opposition opposes this clause. We will not divide on it, because we took our amendments to an earlier clause as a test case.

The Hon. J. C. BURDETT: I support the clause.

The Hon. R. C. DeGARIS: Although the matters raised in clause 11 concern this clause, this is the right place for them to be debated. When the 1973 Bill was before this Chamber, there was much debate about what should be included in the computation of average weekly earnings. That Bill included several provisions which were taken out in this Chamber by amendment, and rightly so; for example, such things as dirt money and special allowances that would not be there if the person was away from work on compensation. The question of site allowance I can agree with.

In regard to overtime, a totally different matter should be considered. In 1973 when the Bill was before us, after a long debate in this Chamber, at a conference we finally agreed on a 12-month period to be a reasonable provision for review during which overtime would be considered. I do not believe that it is possible to have a computation on overtime in regard to workers compensation in a period of less than 12 months, as I have stated previously. There are other problems, especially as certain awards contain a provision that a worker will work overtime.

The Hon. Frank Blevins: That is virtually in every award.

The Hon. R. C. DeGARIS: This makes it extremely difficult where there is continuing overtime being worked. An industry may have overtime for four weeks, but that could be the only period during 12 months when overtime is worked. It is unfair and unjust for that worker to receive overtime based on a four-week period. To average it over 12 months is reasonable.

The other question concerns the shift allowance, and whether that is included in average weekly earnings. There is no mention of it in the Bill, and I think it is still included. I approve of it remaining in the computation. Whilst I agree with the question of site allowance being removed from the computation of average weekly earnings, I have doubts on the question of all overtime payments being removed, because I believe that we have established the position since 1973. Whilst there may be some argument for ameloriation of the question of overtime payments, the question deserves close consideration by the Government in removing all overtime payments from the computation of average weekly earnings.

The Hon. J. C. BURDETT: I agree with the Hon. Mr Blevins, who opposed this clause, that most of the argument has been heard before. I now refer to the matters raised by the Hon. Mr DeGaris. In regard to shift allowance, I am sure that he has correctly interpreted the Bill as it stands, namely, that shift allowance is not excluded from the computation. In regard to overtime, the Hon. Mr DeGaris expressed some doubts. The point has been made before about overtime, and I can understand his doubts, because he said that it is a matter that the Government ought to consider. He said that perhaps there should be some sort of ameloriation. As I said, the position about overtime is that overtime is work actually worked so while, it is an extra amount of money, an extra amount of work is done to earn that extra amount of money. For these reasons, and the reasons that were given in regard to an earlier clause, I support the clause.

The Hon. G. L. BRUCE: Although the argument has been canvassed, my earlier argument was not answered satisfactorily in relation to a person working 40 hours a week and penalty payments, when that worker is paid a penalty for working on Saturday. The worker may have been there for many years and, if he works on a Saturday, he receives a penalty rate. If he refuses to work overtime, he could be sacked. If he goes on compensation he will not get that penalty rate included in the amount, which is an injustice. Also, is service pay included in respect to incremental graduations? Is attendance pay classed as part of the weekly pay? This is paid at the end of a week if a worker is punctual and attends work regularly. If through no fault of the worker he goes on compensation, he could miss out on service pay and attendance pay. I am still not happy with the Minister's explanation.

Clause passed.

Clause 17—'Fixed rates of compensation for certain injuries.'

The Hon. FRANK BLEVINS: I move:

Page 6, after line 40—Leave out paragraph *(a)*.

Lines 1 to 4—Leave out all words down to and including 'exceeds' in that line.

I oppose the provision for a threshold to be introduced in the case of noise-induced hearing loss. Throughout this debate there has been raised the question of the attack by the Government on workers who are injured in this manner and who suffer a hearing disability. This is reflected throughout the Bill. This situation reflects the way that the Government treats deafness—it is treating it as something of a joke.

To his shame the Minister of Industrial Affairs said that hearing loss claims were trendy. That is a totally inappropriate word and he should be ashamed to use it. I believe that hearing loss is a very serious matter. In the Opposition we do not see it as trendy or something to joke about. We see it as real suffering by workers. It is suffering that has been caused by a person's employment and he should be compensated accordingly. The principle is accepted by the Government. However, it wants to introduce pressure. It is, in effect, saying that any loss under 20 per cent is trivial and should not be compensated for through this or any

other scheme. It is not just the Opposition which believes that the action proposed by the Government is a vicious attack on workers' rights, particularly deaf workers' rights. Various other bodies also believe that to be the case. They have contacted the Opposition and many members of Parliament. The Association for Better Hearing has been in constant contact during this debate in an effort to inform members of its view and to advise on various technical matters if members wish to avail themselves of the advice available. The Audiological Society of Australia wrote to the Hon. Jack Wright as follows:

> It has been brought to my attention that the Government is in the process of amending the Workers Compensation Act, and that one of the proposed amendments is to withold compensation payments to hearing impaired workers whose hearing loss, as calculated on the basis of the tables appearing in the regulations pertaining to that act, does not exceed 20 per cent.
>
> If this is indeed the case, then the Audiological Society must voice a strong protest at this move, and ask you to do all that is possible to reverse that decision.
>
> It may not be widely realised that the tables used in calculating the percentage of hearing impairment have built into them a low 'fence', which only begins when the hearing loss exceeds 20 decibels. It is internationally accepted that any hearing loss in excess of 20 decibels produces a significant social, communication and educational handicap. Therefore, even if an individual's percentage loss (calculated from the tables) were to be only 1 per cent, that would still represent a significant social and employment handicap for that individual. Indeed, many people with hearing losses approaching 20 per cent would benefit from hearing aid fitting.
>
> The society feels that to withold compensation from such an individual would be a grossly unfair and discriminatory act, and has written to the Minister urging the Government to withdraw the proposed amendment.

That is the first time in the debate that the Council has become aware that already in the tables used to calculate hearing loss there is a threshold. Before we get on to the bottom rung of that table a 20-decibel hearing loss has been taken into account. That should cause the Council to think again about the proposition in the Bill. The Hon. Mr Milne has an amendment on file to make it 10 per cent. Whilst that certainly makes the provision less objectionable I would think, after considering the evidence presented by the Audiological Society of Australia, that level is totally outrageous when this has already been built in. The argument has been put in a way that suggests that the 20 per cent is a normal loss that people suffer during their year-to-year living and that the bottom rung on the ladder is perfect hearing. It has now been brought to our attention that that is not perfect hearing, that there is already built into the scale a significant loss.

The examples that have been given by members on this side are very graphic examples of workers who have worked all their lives in boiler shops and other noisy areas with totally inadequate safety regulations and practices. Machines that could have been covered by silencers have not been. Nobody has worried about the hearing loss suffered by workers in those environments. Because of this provision in the principal Act something has been done about hearing loss in the work force. Some attempt has been made to quieten down the level of noise in the various work places. I am afraid that if this provision goes through, as the Minister wishes in his proposition, or even if the proposition of the Hon. Lance Milne goes through, that progress, however slight, in regard to hearing loss will be negated. We would go back to the very bad situation of people having, by necessity, to work in an environment where no attempt is made to see that that environment does not damage the hearing of the worker.

I know that in my amendment various matters are covered. However, I would hope that the Hon. Lance Milne would support us to enable us to get a conference where we can come to some agreement with the Government. We believe that any significant hearing loss should be compensatable, particularly having heard the evidence of the Audiological Society, which states that there is already a threshold built into the scale. We think it is absolutely unconscionable that this Government should attempt to remove this category of severly injured people from the scope of the Workers Compensation Act.

[Sitting suspended from 5.56 to 7.45 p.m.]

The Hon. K. L. MILNE: This has turned out to be a vexed question. I am not sure that we have received all the relevant information, and I am not sure whether everyone really understands what we are doing. We are trying to be fair, but I do not think we really know where to start. The Government proposes a threshold of 20 per cent industrial hearing loss before any claim for hearing loss can be made. Therefore, a worker would have to wait until he had a 20 per cent hearing loss and another 10 per cent on top of that. I point out that a person with a 25 to 30 per cent hearing loss requires a hearing aid. It is rather serious to wait until that level is reached.

People caring for the deaf (for example, the Australian Association for Better Hearing) would like a provision of 5 per cent but, in the circumstances, would settle for 10 per cent. I am in favour of 10 per cent for the reasons I have mentioned. The British have settled for a 10 per cent hearing loss as a threshold. However, I am not sure that the scale used in Britain is the same as ours. I am not sure whether it is worked out in exactly the same way, and no-one has been able to tell me otherwise. I believe the question in relation to a threshold level is a two-edged sword—it suits some but not others.

The Hon. G. L. Bruce: It doesn't suit anyone on this side.

The Hon. K. L. MILNE: I do not know. I understand that most of us have a hearing loss of, on average, about 5 per cent. If the threshold is fixed at 5 per cent, people who already have a 5 per cent hearing loss who apply for a job and are tested will be turned down. However, if the threshold was 10 per cent they might be employed. We must find a figure between what is unfair to those wishing to claim and what is unfair on those wishing to obtain a job. Unfortunately, I do not know the answer, and that is why I am settling for a figure somewhere in between. If the threshold is fixed at 10 per cent, fewer people will be able to claim but, according to my information, more people will be able to obtain employment. The letter from the Audiological Society of South Australia certainly rules out a 20 per cent threshold. I still believe that 10 per cent is the correct figure. It should be investigated by experts as soon as possible. In any event, I hope the Act is monitored continuously. I will move later:

Page 7—
Line 4—Leave out 'twenty' and insert 'ten'.
Line 5—Leave out 'twenty' and insert 'ten'.
Line 7—Leave out 'twenty' and insert 'ten'.

The Hon. J. C. BURDETT: I oppose the Hon. Mr Blevins' amendment. However, I appreciate his concern. The Government is prepared to accept the Hon. Mr Milne's amendment for a 10 per cent threshold. I think the Hon. Mr Blevins said that a representative from the Association for Better Hearing was available for consultation by members. Indeed, I have spoken to him on three different occasions over the last few days (the last occasion being this evening). What the Hon. Mr Milne said is perfectly correct; the representative from the association will go along with a 10 per cent threshold.

The Hon. Mr Milne also made the very good point that what the threshold is taken to be is a two-edged sword. We not only have to consider workers applying for compensation but also people seeking jobs. The Hon. Mr Milne also said

that he was not quite sure that we all know what we are talking about. One way or another this Bill has been before Parliament for quite some time. Those people who have expertise in this area have had an opportunity to come forward. On behalf of the Government I am quite prepared to undertake to examine the matter further. I think it was the Hon. Mr Blevins who said not so long ago that there is no real recognition of hearing loss in the workers compensation area. That has been rectified and the Government is certainly prepared to continue to look at this area to see what should be done. While recognising the Hon. Mr Blevins' concern I indicate that I oppose his amendment. However, at the moment I am prepared to accept the Hon. Mr Milne's amendment.

The Hon. FRANK BLEVINS: I rise to respond to the point made by the Hon. Mr Milne and the Minister about the difficulty people will have in obtaining employment if a threshold provision is inserted into this Bill. Their statements were quite ridiculous. Let us make no mistake, on any calculation there are nearly 500 000 unemployed, and job vacancies are falling all the time for people who do have hearing.

Also, there is a provision in this Act whereby an employer can test an employee on his staff, have that noted, and pay only if there is a further loss over and above the level recorded at the time of employment. That was fixed up some time go, and whoever has told the honourable member is telling him the biggest lot of nonsense that I have ever heard. However, we have to pick and choose what we wish to believe as we wish. Of all evidence that has been put before the Committee on this, without a doubt the most authoratative comes from the president of the Audiological Society of Australia. I have given the Hon. Mr Milne a copy of this letter and I have read it, so I will not read it again other than one part for the benefit of the Hon. Mr Milne. The letter is from the Chairman of the society to the shadow Minister of Industrial Affairs, Jack Wright, and I will read this paragraph in an effort to stress, particularly to the Hon. Mr Milne and hopefully to other members, what we are talking about when we are measuring hearing loss. That part of the letter states:

> It may not be widely realized that the tables used in calculating the percentage of hearing impairment have built into them a low 'fence', which only begins when the hearing loss exceeds 20 decibels. It is internationally accepted that any hearing loss in excess of 20 decibels produces a significant social, communication and educational handicap.

The Hon. R. J. Ritson: I have a 60 decibel loss and I hear very well.

The Hon. FRANK BLEVINS: The honourable member can debate that with this gentleman, if he wishes. The Chairman of the society has made that statement and I believe that it is most authoritative. Let us have no more waffle. The Hon. Mr Milne and the Government are taking away from someone who has had a serious injury at work the right to workers compensation. At least have the guts and decency to admit it. You are a spineless bunch, and I include the Hon. Mr Milne in this. All the talk about a 10 per cent loss being in the middle ground is waffle. The Hon. Mr Milne does not want to injure financially as many people as the Liberals do, but he is injuring a significant number who, according to the document that I have read, have a significant social and employment handicap. The honourable member is taking away from them the financial benefit that is due to them because the employer has damaged their hearing. Do not let us pass it off on any middle road. When their hearing has been damaged at work, you are taking compensation away from them.

The Hon. J. C. Burdett: Speak to the Chairman.

The Hon. FRANK BLEVINS: Mind your own business. I am sure that the Hon. Mr Milne will never be in the position of a worker who has been significantly injured in a workshop area, who is receiving low wages, and who is deaf as a consequence of the injury. The financial distress that accrues to workers because of this does not accrue to the honourable member. Let him say that he wants to take that benefit from the workers. Do not let us have any mealy-mouthed hypocrisy about not understanding this or that. It is written in plain English that you are introducing a threshold such that people cannot get the benefit that they are entitled to, because the employers have damaged their hearing. I hope you can sleep at night.

The Hon. K. L. MILNE: I know about all this grandstanding and how upset the honourable member is, but he has not spoken one word about how mean the compensation is, anyway. Members talk about what I have said or what they have said, but they have not said what the compensation is. The compensation for a 1 per cent hearing loss is $150 and I think it is $1 500 for a 5 per cent loss. That is not compensation in any real terms.

The Hon. G. L. Bruce: It's better than your offer.

The CHAIRMAN: Order!

The Hon. K. L. MILNE: I am not changing the rates at all.

The Hon. Anne Levy: You're abolishing it.

The Hon. Frank Blevins: For a significant number of people.

The Hon. G. L. Bruce: For people with a 20 per cent loss.

The Hon. K. L. MILNE: You know as well as I do that most of the claims came in to begin with, and there is not that number of claims now. There is another matter that we should be discussing. I refer to the example at the airport. The licensed aircraft engineers have been wanting a run-up bay at the airport for eight or 10 years but no-one will build it, and it would cost about $60 000. That is the sort of area that you can put your weight into. Do not sit there criticising me. There are 11 of us on one side.

The Hon. Frank Blevins: At least the others don't moralise and preach.

The CHAIRMAN: Order! The Hon. Mr Blevins has spoken for three hours.

The Hon. J. R. Cornwall: You are the most patronising old so and so—

The CHAIRMAN: Order!

The Hon. K. L. MILNE: Talk about the pot calling the kettle black! The things that ought to be discussed are the size of the compensation and getting something done in the safety field where people want it, particularly at the airport.

The Hon. G. L. BRUCE: I have never heard such hogwash in all my life. The Hon. Mr Milne is prepared to go half-way again. Anything is good for a compromise, whether it be 10 per cent or 26 weeks, as long as it is half-way. The honourable member should read the Bill. It refers to where worker suffers noise-induced hearing loss. That means noise-induced hearing loss at work. It is the Workers Compensation Act that we are dealing with. New subsection (5a) in section 69 provides:

> Where a worker suffers noise-induced hearing loss, no compensation shall be payable under this section unless the per cent loss exceeds twenty per centum...

What will be next? For an arm, there will be no compensation unless the loss of use is a minimum of 20 per cent. For a finger, there will be no compensation because the person has not lost 20 per cent use. Why has hearing been picked out in this? The Hon. Mr Milne waffles on and gives us half-way on everything. He said that there must be compromise, but there is no compromise. The Government's sentiments are to take away something from the worker. If

a person suffers a 20 per cent hearing loss that is induced at work, that person should be compensated. The employer should ensure that the workplace is such that people do not suffer a 20 per cent hearing loss.

Why are penalties not included that there shall be a 20 per cent loading on every employer where there is a work induced hearing loss? There is no penalty on the employer at all. There is no policing, and nothing to require the employer to reduce the factory noise level to protect the workers. What this provision means to the bosses in general is that it is okay to have plenty of noise as long as workers are not made more than 20 per cent deaf, and look out if it goes higher than 20 per cent. That is hypocrisy. I am ashamed that I will have to support the amendment of the Hon. Mr Milne because I oppose the clause completely. We are in the position that, if we do not accept this half-way stuff that the Hon. Mr Milne puts up, we get a worse deal. I would sooner see the clause kicked right out.

The Hon. R. C. DeGARIS: The only question I want to raise on this clause is the meaning of new subsection (5a), which provides:

> Where a worker suffers noise-induced hearing loss, no compensation shall be payable under this section unless the percentage loss exceeds twenty per centum and, where the percentage loss exceeds twenty per centum, compensation shall be payable under this section only in respect of the percentage loss in excess of twenty per centum.;

We have already argued the point, about the threshold of 20 per cent. I expressed my view that I thought 20 per cent was too high. The Hon. Mr Milne will move an amendment for 10 per cent. We can argue the question of whether it should be 20 per cent, 10 per cent, 6 per cent, or no threshold at all. As I mentioned in the second reading stage, I have listened to debates in this Chamber on the question of noise induced hearing loss and I admit that I am still confused as to the correct approach on this matter.

However, I am concerned that the principal Act deals with the question of the amount payable for the total hearing loss. Under the amending Bill, the amount of total hearing loss at a date in the future (I have forgotten the exact date) is 75 per cent of $40 000, which is $30 000. In the principal Act, without this amendment, the compensation for total hearing loss is thus $30 000.

If one reads this clause, one can see that the first 20 per cent is non-compensable and that compensation begins at 21 per cent: in other words, at 21 per cent there is 1 per cent compensable hearing loss. One can look at this in two ways. One can say, on looking at the principal Act, that total hearing loss is for $30 000 and therefore 1 per cent loss of $30 000 would be $300. If a person suffers total hearing loss and in the clause as it is written there is a 20 per cent loss before any compensation can be claimed, does that mean that the clause which deals with the question of total compensation—

The Hon. J. E. Dunford: He'll get 80 per cent.

The Hon. R. C. DeGARIS: Will he get 80 per cent of the existing provision in the Act? On that way of working it out we are effectively reducing the total sum payable for total hearing loss—

The Hon. M. B. Dawkins: By $6 000.

The Hon. R. C. DeGARIS: By $6 000. The other way of looking at it is that one can argue, I believe just as strongly, on a reading of the clause, that compensation shall be payable under this section only in respect of the percentage loss in excess of 20 per cent. One can argue that, as the Act already stipulates, total hearing loss will be $30 000, and that therefore the 1 per cent is one-eightieth of $30 000, not actually 1 per cent.

We should be clear in our own minds as to exactly what this amendment means. Does it mean that compensation for total deafness is reduced from $30 000 to $24 000, or does one compute the amount of compensation as between naught at 20 per cent and $30 000 at 80 per cent? That is the question I ask the Minister. As far as I am concerned, we should look carefully at the question of reducing the total benefit for total hearing loss from $30 000 to $24 000. I would be concerned if we are reducing that sum by means of changing another provision of the principal Act by the amending Bill.

The Hon. J. C. BURDETT: I am instructed that the interpretation is the first one referred to by the Hon. Mr DeGaris, that the amount is reduced from $30 000 to $24 000 in terms of the Bill. Of course, in terms of the Hon. Mr Milne's amendment, it would be a different figure.

The Hon. R. J. RITSON: Can the Minister clarify a further point regarding the first 1 per cent or 2 per cent over and above the threshold? Would it be a consequence of that interpretation that 23 per cent loss would attract only $300 compensation?

The Hon. J. C. Burdett: Yes.

The Hon. R. J. RITSON: I am therefore concerned about the original drafting and would be prepared to support the Hon. Mr Milne's amendment. Since the matter has become controversial, I have telephoned ear, nose and throat specialists, all of whom felt that 20 per cent was a little harsh and did constitute a social disability. As one gets from 20 per cent through to 25 per cent and 30 per cent, one is getting to the stage of a significant disability which is, on the 20 per cent rule, going to attract a fairly small, probably inadequate compensation, whereas the Hon. Mr Milne's provision of 10 per cent would give people that have a 25 per cent disability a much greater compensation. I see that as being more significant than stretching it at the other end of the total hearing loss.

The letter from the Audiologists Society stated in part that at a level of hearing loss of 20 per cent it is arguable that a hearing aid would be of benefit. Regretably, noise induced hearing loss is nerve damage and, if the neurological receptors that transmit the vibrations into electrical energy to be interpreted by the brain are damaged, no hearing aid will help at all in that deafness. After my discussions with specialists, I think that the Hon. Mr Milne's amendment is reasonable, but I still hold the opinion that it is also reasonable to have some threshold.

The Hon. FRANK BLEVINS: The more that one goes into this matter the worse it becomes. It is quite clear that it is the Government's intention that somebody with a 21 per cent hearing loss will get only 1 per cent compensation. I think that is adding insult to injury. There is no argument that a person who has suffered, for example, a 25 per cent hearing loss during employment, will now be told that he will get only 5 per cent compensation. I do not know whether this was the Government's idea, because that was not spelt out clearly during the second reading stage. If it was the Government's intention, I am pleased that it has come out. Here is another clear indication of the Government's taking away something that workers have already enjoyed, and taking it away in direct dollars and cents terms, not just in the weakening of the principle (and that is involved as well).

I think that we are going round and round in circles, to some extent. We have all said our piece on several occasions, but it is quite clear that within the Committee there is some doubt about passing this clause. Therefore, I implore members at this stage to carry my amendment and, if at the end of the Committee stage the various members who have some doubts still have them after discussions with the Minister or any adviser they choose, they will have the numbers to recommit that clause and put whatever they want into it. I think the position is that at this stage a

doubt has been cast on the clause by the Hon. Ren DeGaris, the Hon. Dr Ritson, the Hon. Lance Milne and members on this side. I would think that the level of doubt that has been expressed means that my amendment to delete this provision should be carried, and then let us have a look at the matter later in the evening.

The Hon. R. C. DeGARIS: I do not raise any real objection to the suggestion of changing the threshold level, although I said that 20 per cent is too high. It looks as though the Hon. Mr Milne's amendment to reduce the threshold to 10 per cent will be carried, and that will reduce the amount for total deafness from $30 000 to $27 000. Thus it does not seem much of a step to say that we will maintain the existing level that has been established in the previous legislation. It seems to me somewhat strange that, of all the disabilities, total deafness is the only one for which total compensation is reduced. That seems rather hard to justify. We are selecting one disability, total deafness, and saying that compensation for that disability will be reduced by 10 per cent, as opposed to all the other disabilities that are listed in the Act. That seems to me to be a difficult action to sustain. If there had been a 10 per cent reduction for the total loss of any faculty or limb, one could understand this proposal, but to choose the one disability, total deafness, for a reduction of 10 per cent, if the Hon. Mr Milne's amendment is carried, or 20 per cent under the Bill, seems somewhat difficult to justify.

The Hon. FRANK BLEVINS: Apparently the Minister is not going to respond to the request of the Hon. Ren DeGaris. What Mr DeGaris is requesting is that the Government reconsider this provision. It may be that the Government will say that it will reconsider it in the future. We, of course, know that if my amendment is lost tonight that that is the end of it. If the Hon. Mr DeGaris supports the Government in defeating my amendment he knows that he will be helping to reduce the amount payable for total deafness by $3 000. If he does not agree with that move, he knows that the only way to do something about it is to support my amendment.

The Hon. R. C. DeGaris: What will that do?

The Hon. FRANK BLEVINS: It deletes the whole provision. As I said before, there will be the numbers at the end of the Committee stage to recommit the clause and do as you wish to correct any anomaly, although I do not believe that this is an anomaly. The Minister will not respond, so it is obviously not an anomaly; it is deliberate. Honourable members could do as they want. They can insert an amendment to alter the $3 000 provision, or do anything they like; they know they have the numbers to do that.

Surely a Parliamentarian as experienced as the Hon. Ren DeGaris knows that, once my amendment is lost, that is the end of it and that he will have quite deliberately, after raising this problem, been a party to taking this benefit away from people. I really do not think it is good enough for someone to stand here and say what a dreadful thing that would be, that he does not agree with it, and then assist in defeating my amendment, and that is what the Hon. Ren DeGaris will be doing if he follows that course.

The Hon. J. C. BURDETT: The Hon. Mr Blevins has talked about doubts expressed by the Hon. Mr DeGaris, the Hon. Mr Milne and the Hon. Dr Ritson. The Hon. Mr Milne has said that he will move an amendment to reduce the threshold shown in the Bill from 20 per cent to 10 per cent. I indicate that the Government will support that amendment. The Hon. Dr Ritson has said that he is now convinced that 10 percent is a proper figure.

I was rather amazed to hear the Hon. Mr Blevins just now try to instruct the Hon. Mr DeGaris in the procedures of the Parliament because that, I am quite sure, he is unable to do. The Hon. Mr DeGaris knows perfectly well what the procedures of the Parliament are, and it is not a fact that if the Hon. Mr Blevins' amendment to eliminate the threshold altogether is carried, that that will be the end of the matter, because I certainly give an assurance to the Hon. Mr DeGaris that what has been discussed and what is the position in relation to the clause in the Bill, while it is probably not an anomaly, certainly is a matter that the Government is prepared to look at.

The Government considers that there ought to be a threshold in this matter, and I think that the Hon. Mr DeGaris and other members have considered that. I suggest that the proper course is not to eliminate the threshold altogether but to go to the position of the Hon. Lance Milne and to examine any question of anomaly, at what point the threshold applies and what happens to claims just over the threshold, at a later stage. I give that assurance to the Hon. Mr DeGaris, knowing that whatever he thinks about the matter he will not disregard that altogether.

The Hon. FRANK BLEVINS: All members know from experience that assurances given by the Government are utterly and totally worthless. The only way that some resolution can be brought about to this problem is by accepting my amendment, and having some discussions about these things later this evening. It does not matter how often the Minister stands here and states that the Government will have a look at it, if the Government's proposition goes into this Bill that is the end of it. The Hon. Mr Milne has been here long enough to know that, so do not let us have any nonsense about the Government's having a look at it.

Another thing that has occurred to me is to ask the Minister how this 20 per cent or 10 per cent is to be measured. Can the Minister say whether 20 per cent loss of hearing involves both ears? Is it 11 per cent in one ear and 9 per cent in the other, or any permutation of the two? How's the hearing loss computed?

The Hon. J. C. BURDETT: I am instructed that it is a question of medical and technical tests. These may be measured. The medical officer who makes the assessment simply assesses whether the total noise-induced hearing loss is 5 per cent, 10 per cent, 15 per cent, 25 per cent or whatever.

The Hon. FRANK BLEVINS: The Minister has failed to answer the question. The doctor can measure the percentage loss. For the purpose of this Bill, where does the 20 per cent come in? Is it both ears, in one ear and not in the other, or a combination of the two, or 19 per cent in one ear and 1 per cent in the other?

The Hon. R. J. RITSON: This assessment is complex and is only half understood by me. What I am going to say is necessarily incomplete, but will give the Committee some idea of the problem. The honourable member referred to the problem when he asked whether it was a composite of one ear or both ears.

The answer is 'Yes'. First, one must decide what is a 20 per cent loss, what is the base line, and what is normal hearing. That is a statistical judgment about as easy as saying what is the normal height of a human being. To fix an arbitrary line, a mean is taken. I cannot explain the detail, whether it is a crude average or a mode or a median of a distribution curve. What does one call an average level of hearing?

Then, as the honourable member demonstrated when he read the letter, a fence of 20 decibels is produced and artificially called nought, to bias the base line on one side of the mean to encompass more people. Whilst decibels are exactly measurable in terms of physical intensity of sound (one can tell precisely whether person A can hear a sound of so many decibels and compare the intensity with person

B), the basic premise of what is normal is somewhat arbitrary.

The next problem is that the percentage loss is measured in each of several frequencies. A loss could be of 80 decibels at 8 000 cycles a second, with no loss at 500 cycles a second. This is where the subjective aspect comes in, because the standard that has been drawn up ascribes different social values to losses in different frequencies. It is very subjective. It is a decision by the people who drew up the table that the social value of a defect in speech frequencies (the lower pitch sound) is a far greater disability than the social effect of a loss of the fourth overtone on the top string of a violin. I do not know who makes those social judgments, but they are made so that when one looks at this table on gets, say, so many per cent per 10 decibles in one frequency, but twice as much in another frequency.

This weighted composite assessment is done for each frequency in each ear and then the two figures are averaged by reading the table in the prescribed manner so that one comes out with a percentage hearing loss which is a mixture of the exactly measurable differential hearing in terms of decibels based on a statistical average norm, to which someone has added 20 decibels weight and to which has been added the arbitrary different social values ascribed.

I am sorry if I confuse the Committee, but that is all I know about it. It is a mixture of a statistical base line, followed by a scientific measurement, followed by a series of arbitrary social consequences ascribed to the losses in different frequencies. It will not always hold true.

The musician who losses his middle to high frequencies may suffer enormously compared to what I may have lost, because I do not mind that I cannot hear mice squealing. In this context, when one says 20 per cent or 30 per cent, one is talking abut a figure taken from a table drawn up by the Commonwealth Acoustic Laboratories that is a mix of science and sociology.

The Hon. FRANK BLEVINS: That was extremely interesting—the first time I heard it four days ago. It still does not solve the problem. If I work in a factory and there is an explosion near one of my ears, and I lose 25 per cent in one ear and there is no hearing loss in the other ear, what is the position? Am I eligible for compensation? Will the Minister answer?

The Hon. J. C. BURDETT: The Hon. Dr Ritson explained in detail the sort of averaging out exercise required and that a median hearing level is taken. If one loses 25 per cent in one ear and nothing in the other, the short answer (and this was suggested by the Hon. Dr Ritson, but in greater detail) is that there is an averaging process. Finally, it depends opon the determination given by the medical practitioner.

The Hon. FRANK BLEVINS: I seek a simple yes or no. Does each ear stand alone? If not, we will press on. If the position is that some median measurement is taken, the answer would be that, if one loses 25 per cent in one ear and nil in the other (giving a median measurement of 12½ per cent), he does not receive compensation.

The Hon. J. C. BURDETT: I have made the position clear on several occasions. The Hon. Mr Blevins has declined to listen to the answer. It is not one ear, it is both ears together. There is a question of an averaging and the use of the median procedure. However, the assessment is not made by me or the Minister of Industrial Affairs or anyone working for him. The matter is determined by the practitioner who makes the assessment, as are most assessments in regard to this Act or, ultimately, by a court.

The Hon. FRANK BLEVINS: I would have been happy if the Minister had said 10 minutes ago that he did not know and would obtain the information for me.

The Hon. J. C. BURDETT: I do know.

The Hon. Frank Blevins interjecting:

The CHAIRMAN: Order!

The Hon. J. C. BURDETT: The matter has been fully canvassed. I oppose the Hon. Mr Blevins's amendment, as I propose to support the Hon. Lance Milne's amendment.

Amendment carried.

The Hon. FRANK BLEVINS: I move:

Page 7—lines 4 to 7—To leave out all words after 'exceeds' in line 4.

The Committee divided on the amendment:

Ayes (8)—The Hons Frank Blevins (teller), G. L. Bruce, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and Barbara Wiese.

Noes (9)—The Hons J. C. Burdett (teller), J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, K. L. Milne, and R. J. Ritson.

Pairs—Ayes—The Hons C. W. Creedon and C. J. Sumner. Noes—The Hons M. B. Cameron and D. H. Laidlaw.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. FRANK BLEVINS: I move:

Page 7, lines 16 to 23—Leave out paragraphs *(a)*, *(b)* and *(c)* of the definition of 'the prescribed sum' and insert paragraphs as follows:

(a) in relation to an injury occurring before the commencement of the Workers Compensation Act Amendment Act, 1982—$20 000;

(b) in relation to an injury occurring on or after the commencement of the Workers Compensation Act Amendment Act, 1982—a sum arrived at by dividing the sum of $20 000 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 injury occurred.

I point out that this is an indexing provision to maintain a principle that the Opposition has attempted to achieve throughout this Bill. I do not intend to go through the arguments again. I believe that my arguments are totally correct and any reasonable person should be convinced.

The Hon. J. C. BURDETT: I oppose the amendment for the reasons that I have already stated.

The Committee divided on the amendment:

Ayes (8)—The Hons Frank Blevins (teller), G. L. Bruce, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and Barbara Wiese.

Noes (9)—The Hons J. C. Burdett (teller), J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, K. L. Milne, and R. J. Ritson.

Pairs—Ayes—The Hons C. W. Creedon and C. J. Sumner. Noes—The Hons M. B. Cameron and D. H. Laidlaw.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. FRANK BLEVINS: I move:

Page 7, lines 24 to 29—Leave out proposed new subsection (12).

The Hon. Mr Milne is finally getting through to me. I am beginning to get the distinct impression that he will not support anything that will be of any value to workers.

Amendment negatived; clause as amended passed.

Clause 18—'Injuries not mentioned in the table.'

The Hon. FRANK BLEVINS: I move:

Page 7, lines 30 to 32—Leave out all words in the clause after 'amended' in line 30 and insert by striking out the passage 'the sum of fourteen thousand dollars' and substituting the passage 'seventy per centum of the prescribed sum as defined for the purposes of section 69'.

The amendment merely maintains a principle that we have tried to establish throughout the Bill of indexing the payments under the various provisions in the manner that we have described in numerous amendments.

The Hon. J. C. BURDETT: I oppose the amendment, for the reasons that have been given.

Amendment negatived; clause passed.

Clause 19—'Lump sum in redemption of weekly payments.'

The Hon. FRANK BLEVINS: I move:

Page 7, lines 34 to 42—Leave out paragraphs *(a)* and *(b)* and insert paragraphs as follows:

(a) by striking out from subsection (2) the passage 'beyond an amount of twenty five thousand dollars' and substituting the passage 'beyond the prescribed sum';

and

(b) by inserting after subsection (2) the following subsection:

(2a) For the purposes of subsection (2)—

'the prescribed sum' means—

(a) in relation to an incapacity commencing before the commencement of the Workers Compensation Act Amendment Act, 1982—$25 000;

(b) in relation to an incapacity commencing on or after the commencement of the Workers Compensation Act Amendment Act, 1982—a sum arrived at by dividing $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 incapacity commenced.

This again relates to the 5 per cent levy deducted for the purpose of funding the rehabilitation unit. If, on the question of sums in redemption, which are the weekly payments at a particular stage, the insurance company and the employer decide to call it a draw on the weekly sum, the Minister and the Government, quite despicably, want to take out the 5 per cent. For the reasons I have stated, we are totally opposed to this 5 per cent levy and I commend the amendment to honourable members.

The Hon. J. C. BURDETT: I oppose the amendment. I have explained that the deduction in this Bill after a specified period is less than applies in the other States. In the other States, the insurance company is let off the hook. Here it is proposed that the 5 per cent shall be used to set up a rehabilitation unit and the balance will be found by the Government.

The Hon. FRANK BLEVINS: I cannot understand how the insurance company is let off the hook.

The Hon. J. C. Burdett: In the other States where there is a deduction.

The Hon. FRANK BLEVINS: I cannot see how it is let off the hook. What happens is that the insurance company pays and the person who receives the lump sum pays.

The Hon. J. C. BURDETT: Here the insurance companies will have to pay the full amount. In the other States, they have to pay less than the full amount.

Amendment negatived; clause passed.

Clause 20 passed.

Clause 21—'Insertion of new part VIA.'

The Hon. FRANK BLEVINS: The Workers Rehabilitation Advisory Board is something that the Opposition supports. We are totally opposed to the present composition of the board. We feel that, if there are going to be virtually three employer representatives on the board, and if the board is to have credibility and do useful work, it will be necessary to have three representatives from organised labour in this State, the Trades and Labor Council. I cannot see that this needs any great argument. If we want the board to be effective, we need goodwill, and I think that goodwill will be less likely to be forthcoming as the provision stands. The Government obviously does not agree with what it is in the Bill and I hope that the Government has second thoughts.

The Hon. J. C. BURDETT: I understand that the Hon. Mr Blevins has not formally moved his amendment. I do not think that it is necessary, because the Government is not prepared to accept the amendment as it stands but is prepared to consider the question of representation from the U.T.L.C. on the organisation in question.

Consideration of clause 21 deferred.

Clause 22 passed.

Clause 23—'Injuries attributable to employment by two or more employers.'

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

Page 11, line 19—After 'CONTRIBUTION' insert 'AND INDUSTRIAL DISEASES'.

Amendment carried; clause as amended passed.

Clauses 24 to 27 passed.

Clause 28—'Interpretation.'

The Hon. FRANK BLEVINS: I move:

Page 14, after line 26 insert subsection as follows:

(10) An employer who is required to be insured under this section shall affix and maintain in a prominent position in an office or other suitable place frequented by his workers a notice stating that he is insured under this section with an insurer named in the notice.

Penalty: Two hundred dollars.

The proposal is self-explanatory and does not require a great deal of debate. The Opposition believes that it should be compulsory for an employer to fix, in a prominent place, notice *(a)* that his workers are insured and *(b)* of the name of the insurer. I think that is reasonable. It will not cost employers anything and it will give security to employees. The employees, if they have any sense, will check that the insurer has standing in the community. We recall the problems with Palmdale insurance company. Workers suffered enormously until Parliament legislated to solve the problem. All members of this Committee would be aware of some very difficult cases about which we knew nothing until the Bill came before Parliament.

The Hon. G. L. BRUCE: To supplement what the Hon. Mr Blevins said, from my experience when interviewing workers, what happens is that when an injury occurs in many cases managers do not advise the worker that he is supposed to fill in a form, will not tell him the name of the insurance company because managers feel they are divulging company secrets, and then the worker is left in the dark, has not filled in the appropriate insurance form and his workers compensation is knocked back. Therefore, the worker does not know what is going on. In many cases unions have intervened, found out names of insurance companies, and the matter has been conducted directly between the worker and the insurance company. There is a lot of merit in this. Insurance companies are only too happy to facilitate the proper forms being filled in and to advise the worker of what they expect of him in the filling in of compensation forms, whereas many people in management do not have the foggiest idea of what it is all about and tend to thwart the worker in his efforts to fill in forms.

Amendment carried.

The Hon. FRANK BLEVINS: I move:

Page 18—

Line 12—Leave out 'and'.

After line 14 insert paragraph as follows:

and

(c) one shall be a person nominated by the United Trades and Labor Council.

I will not canvass all the arguments for this amendment again because they are basically the same arguments I used on clause 21, which has been deferred. The Opposition believes that the Trades and Labor Council is not getting its due recognition on these various committees and we feel that the Insurance Assistance Committee should have a representative from the Trades and Labor Council on it. Again, if the Minister wants these committees to work effectively and with goodwill, it is necessary to have a representative of organised labour on them. I commend the amendment to the Committee.

The Hon. J. C. BURDETT: I oppose the amendment simply because this clause only concerns employers who cannot get insurance or who cannot get it at a proper

premium. The matter does not concern the Trades and Labor Council or employee organisations. The other matter (relating to clause 21), legitimately raised the interests of employee organisations, the Trades and Labor Council and so on; however, this amendment does not—it is simply a way of dealing with the question of employers who cannot get insurance or cannot get it at an appropriate premium. It is not appropriate for the Trades and Labor Council to be represented, and I therefore oppose the amendment.

Amendment negatived; clause as amended passed.

Clauses 29 and 30 passed.

Clause 31—'Vexatious claims.'

The Hon. FRANK BLEVINS: The Opposition opposes this clause. The arguments were canvassed earlier. The Opposition feels that this puts in a rather nasty provision that is totally unwarranted. We do not concede that any of these issues of workers compensation from either side are carried out in a vexatious manner and we see no necessity to have such a clause in the Bill. It is not necessary to debate it any further.

The Hon. J. C. BURDETT: I agree with the Hon. Mr Blevins that the matter has been canvassed. The Bill provides penalties in respect to both employers and employees who undertake vexatious matters. The matter has already been debated and I oppose the amendment and support the clause.

Clause passed.

New clause 31a—'Amendment of second schedule.'

The Hon. FRANK BLEVINS: I move:

Page 18, after line 41—Insert new clause as follows:

31a. The second schedule to the Principal Act is amended by striking out the item commencing ' "Q" fever' and substituting the following item:

Brucellosis, leptospirosis, Q fever, or any condition that is consistent with a diagnosis of brucellosis, leptospirosis, or Q fever	Employment at, in or about, or in connection with, a meat works or involving the handling of meat, hides, skins or carcasses.

The reason for this new clause is that an unfair and unsatisfactory position exists, in particular for meat workers. I believe collectively the disease is referred to as zoonosis, being brucellosis, leptospirosis, and 'Q' fever. When we talk about these diseases everyone in the Chamber understands what we are talking about: diseases that can be transmitted from animals to humans after the animals are dead. I am not sure whether these diseases can be transmitted when the animals are alive.

We know what the diseases are. They are particularly distressing diseases because of the apparent difficulty in diagnosing them. In some cases, after a period of time it can be diagnosed positively that the person has one of these diseases. However, until that positive diagnosis is made quite a lengthy period, sometimes two or three weeks, or longer, passes and it is during that period that blue collar workers in the abattoirs and in factories where they handle meat get no workers compensation. A doctor cannot positively diagnose the particular illness of the worker as Q fever, brucellosis or leptospirosis.

The Opposition believes that that position cannot go on any longer. We propose a provision in this new section which attempts to put into the Act what we want, which is that when a doctor certifies that the symptoms being exhibited by a worker who has been in contact with dead animals are consistent with a condition of brucellosis, leptospirosis or Q fever compensation will be paid. It may seem that this is a novel proposition, but I can assure honourable members that it is not. Apart from its being bad that the worker does not get compensation, it is even worse because the person working alongside that worker under a different award and for a different employer gets the compensation. That person is the meat inspector.

I would like to quote from the *Meat Employees Journal*, page 13, of March 1980, to show what is the position regarding meat inspectors. The article states, under the heading 'Improvements':

> The most recent improvements for meat inspectors occurred on 14 February 1979 when inspectors were told that the medical profession had been advised that a meat inspector was to be given the benefit of the doubt where the doctor suspected brucellosis.

The article continued, later:

> The reason for the benefit of the doubt intent is that the diagnosis of brucellosis is not so simple and may not be assisted by serological studies, for example, blood tests.

That was a direction given by the Commonwealth employers to the medical profession, so where you have a meat chain with a meat inspector and a slaughterman working side by side who both contract the disease on the same day, and both exhibit the same symptoms, the meat inspector gets workers compensation and the slaughterman does not. I do not think anybody would think that that is a fair situation.

I would like to commend the meatworkers union for not taking stronger action on this matter to date. I think that they have come to a position where they have tried all the Parliamentary means to correct this anomaly. They have contacted Government members repeatedly, contacted the Opposition and I think, in fact, have contacted every member of this Council, outlining the problem. I believe that if my amendment is not carried we will be in a position in which the meat employees union has tried all the channels the Government says unions should go through in these matters. There is nowhere else for the union to go, and it will have to rely on its own strength. It is to its credit that it has chosen a long, tortuous and, I hope, fruitful course.

I know that the Minister has an amendment on file which, as far as I can see, merely adds Q fever, leptospirosis and brucellosis, but does not make clear that where an employee exhibits the symptoms of those diseases he gets workers compensation. As I understand it, that amendment does not do that, and therefore, in my opinion, is worthless.

The Hon. R. J. Ritson: Yours doesn't either. The other amendment removes the requirement for laboratory proof, in any case, and as such is the same as yours, in effect, except that it doesn't extend to unnamed diseases.

The Hon. FRANK BLEVINS: That is not true. My understanding of my amendment is that it provides for the case where the employee has a condition that is consistent with the diagnosis, but the Minister's amendment does not go nearly as far as that.

The Hon. R. J. Ritson: I'll explain it to you in a minute.

The Hon. FRANK BLEVINS: I shall be delighted to listen to the honourable member as he is always interesting to listen to, but I ask him to tell me whether, if an employee has symptoms of Q fever that cannot be diagnosed, and a certificate from a doctor stating that his symptoms are consistent with Q fever, brucellosis, or leptospirosis, that worker will get compensation?

The Hon. J. R. CORNWALL: This has been a running sore for a good number of years. In fact, it does not do us a great deal of credit because, while in Government, we did not tidy it up. However, it does the Liberal party a great deal less credit for not clearing it up now that the matter is raised. Arthur Tonkin of the A.M.I.E.U. has been amazingly patient about this for a good number of years. He knows full well that beyond a shadow of doubt his members are entitled to compensation because these diseases are picked up specifically at meatworks—one does not pick

them up in Rundle Mall or King William Street; one picks them up because one happens to be a slaughterman, processor or in an occupation around an abattoirs.

The matter has been brought to a head by the epidemics of Q fever that have been occurring in meatworks handling feral goats. It is my understanding that more than 50 meatworkers at Mount Barker alone were affected by Q fever last year. There are obviously difficulties, as the Hon. Dr Ritson would know better than any of us, in trying to diagnose that with laboratory testing because Q fever titres, as it has been explained to me, come and go quite quickly. The peak of the titre is reached quite rapidly. Unless one has a doctor who has some experience in occupational health, by the time he decides the correct diagnosis of what initially looked like a bad bout of flu, and I am plagiarising Dr Ritson here, in the second week it looks like a severe penicillin resistance reaction.

By the third week people consider the possibility of Q fever. By that time the titre is down again. There is real difficulty in confirming by laboratory diagnosis. We have a right to insist on behalf of workers in the industry that they be given the same conditions as apply to meat inspectors, who are presently given the benefit of the doubt.

In other words, if they obtain a medical certificate from a medical practitioner saying that the condition or the clinical signs are consistent with the diagnosis of brucellosis, leptospirosis or Q fever, they are automaticlly entitled to compensation. After looking at the Hon. Mr Blevins' amendment, I wonder whether we could not achieve what we want by striking out 'any condition' and inserting 'clinical signs'.

That would make it not too difficult for medical practitioners and at the same time it would achieve what we seek for the worker. It is abominable to think that these people are not getting compensation when they have a *bona fide* case. Surely it is not beyond the capacity of this Committee to come up with that. That is what has been done in New South Wales. The blue collar worker, slaughtermen, boners and packers and everyone in that State's industry are now in exactly the same position as are Commonwealth meat inspectors. That is what we seek, and it is entirely reasonable.

The Hon. J. C. BURDETT: The clinical signs referred to by the Hon. Dr Cornwall can vary too much. I oppose the amendment and I intend to move the amendment in my name, which will achieve the same thing.

The Hon. J. R. Cornwall: No, it doesn't.

The Hon. J. C. BURDETT: I believe that it does. It effectively achieves the necessary protection for workers. I accept that fact that the union in question has been patient. My amendment would ensure that, where workers suffer from the diseases listed in the schedule, they shall be compensated.

The Hon. J. R. Cornwall: How will it be diagnosed?

The Hon. J. C. BURDETT: Just as most compensable matters are diagnosed—by a practitioner who gives a certificate accordingly. That is sufficient to clear up the problem which is there at the present. I oppose the Hon. Mr Blevins' amendment and, if it is defeated, I will move the amendment standing in my name.

The Hon. R. J. RITSON: The Minister's amendment simply removes the statutory requirement for a specific laboratory test prior to diagnosis deemed to have been contracted at work. Regardless of any such provision, if the condition is proved to be contracted at work, it is compensable. That has never been otherwise.

The schedule removes one of the two ingredients. The first is that a condition if attributable to work has to be diagnosed before one knows what one is talking about. The second point is that the condition needs to have been proved on balance to be occasioned by work. The law in regard to Q fever is that, once the first diagnosis has been fulfilled, the second element is not required to be fulfilled—that it is deemed to have been caused by work, but only if the diagnosis was proven by isolating the organism.

In adding these two others to the schedule and removing the requirement that the diagnosis be made, either by isolating the organism or by a seriological test, the state of the law would be, if the amendment were passed, that all that is required is a diagnosis by any means. I am referring to the Minister's amendment. The diseases would have to have been caused at work. I am much in favour of that. The last case of Q fever that I diagnosed was about six months before I was elected to this Chamber. Strangely enough, it was a veterinary officer working at Gepps Cross.

The Hon. J. R. Cornwall: But he had no trouble with his compensation.

The Hon. R. J. RITSON: On the certificate, I stated that it was caused by work.

The Hon. J. R. Cornwall: You couldn't have done it for a blue-collar worker at that time.

The Hon. R. J. RITSON: I believe I could have. If he had sufficient documentary evidence that it was caused at work, he would have fulfilled the requirements for compensation. The Q fever argument in the schedule goes further than that and provides that, even if you have no evidence that it was caused at work, evidence that it is Q fever need only come from isolating the organism. That is proof. In regard to brucellosis, if the Hon. Dr Cornwall worked at the abattoirs but had a hobby farm with a herd of goats and caught brucellosis from his goats, he would be entitled to compensation because he does not have to prove that this was caused in his work, if it was in the schedule. If it was not in the schedule, he would have to prove it. That has always been the fly in the ointment. I do not mind, because it generally balances. I cannot imagine a situation in which someone who contracted one of these diseases whilst working at an abattoir would not on balance have caught it at the abattoir. That is reasonable.

The difficulty was the requirement in the case of Q fever to isolate the organism. The further difficulty was how to translate in the case of other diseases to some scientific criterion of diagnosis. I do not believe that it is any longer reasonable to insist on a specific test for a diagnosis. Certainly, there will be some cases that will be given compensation as a result of misdiagnosis, but I do not think that, on balance, the net result will be either unjust or inordinately expensive.

When one considers the length and expenses that are gone to to obtain second opinions, repeat tests and fulfil diagnostic requirements, it may even out. I am in favour of the Minister's amendment, which merely removes any criterion of diagnosis, and leaves it entirely in the doctor's hands.

I do not think this Committee should try to legislate as to how doctors should diagnose. He may have the clearest set of symptoms which look exactly like the last five cases he saw. He may work at Pooraka, where a lot of meat workers live. He may have a doubtful case and may wish to consult with a physician. He may order pathological tests and the antibody titre may be borderline and the diagnosis doubtful. The doctor will have a better judgment than this Committee. I believe that, if the certificate is written with the diagnosis of one of the diseases listed in the amendment, that should be sufficient. I do not think this Committee should try to legislate to prescribe the means of coming to such a diagnosis. We do not do it in other legislation when we refer to diseases. When we refer to operations, we do not give directions as to how to do the operation.

I support the Government's amendment. I understand that the purpose of the Hon. Mr Blevins's amendment is to go beyond the mere list of three specific illnesses and cast a net that includes any other disease. This is where I have some difficulty with the wording. It provides 'any other disease contracted as a result of handling animals'—

The Hon. Frank Blevins: You're looking at the wrong amendment.

The Hon. R. J. RITSON: That is the one I have on my file.

The Hon. Frank Blevins: You have another one that has been there even longer.

The Hon. R. J. RITSON: I have to read the other one. However, I do believe that the proper approach is to list the zoonoses that require diagnosis before they shall be deemed without further proof to be caused by work, but not to specify the means by which that diagnosis was reached.

The Hon. FRANK BLEVINS: It was quite obvious that Dr Ritson was looking at the wrong amendment.

The Hon. R. J. Ritson: It is the only amendment I can obtain. You give me a copy.

The Hon. FRANK BLEVINS: There is one on the honourable member's file. Had I known he had not located it I would have come over and given him a hand. I do not disagree with anything that Dr Ritson has just said but he has not picked up the problem. I am making no attempt to legislate as to how a doctor will diagnose one of these diseases. My proposition is to bring the blue collar worker into line with the meat inspector. When the worker approaches a doctor, if the doctor signifies that the worker has a condition that is consistent with the diagnosis—

The Hon. R. J. Ritson: I didn't get a copy.

The Hon. FRANK BLEVINS: I am afraid that that is not my fault. The amendment refers to 'any condition that is consistent with a diagnosis of . . . '. To restate the problem, where a worker approaches a doctor and says that he has certain symptoms, if the doctor states that the symptoms the patient exhibits are consistent with the diagnosis of Q fever, brucellosis or leptospirosis, my amendment provides that it will be sufficient for the employee to obtain workers compensation. If my amendment is passed, the doctor does not have to say that it is Q fever, brucellosis or leptospirosis. He does not have to say that because, on many occasions, the doctor can say that it is one of those diseases. He cannot diagnose it. That is the problem, and the peculiarity with these diseases. In every other disease or injury one can think of there is a means whereby the doctor can diagnose it.

The Hon. R. J. Ritson: No.

The Hon. FRANK BLEVINS: Well, virtually. In this case the doctor may be able to diagnose it instantly. If he can there is no problem with workers compensation. However, if he cannot do so, the worker does not get workers compensation. The employee who works for the Commonwealth can stand alongside him and get workers compensation. They can work together, get the disease at the same time, possibly even from the same carcass, and they can both go to the same doctor and explain the same symptoms. The doctor may say that he cannot diagnose Q fever but that the symptoms are consistent with it. That is sufficient for the meat inspector to get workers compensation if he works for the Commonwealth. However, it is not sufficient for the employee to get workers compensation, because he does not work for the Commonwealth but rather comes under the provisions of this Act.

My amendment is attempting to bring the two into line so that, when the doctor says to blue collar worker Fred that he has the symptoms of Q fever, Fred can take the certificate into Samcor and receive compensation alongside his white collar mate who works for the Commonwealth and has no problem. The Minister's amendment does not do that.

The Hon. R. J. Ritson: It does.

The Hon. FRANK BLEVINS: I am delighted to hear the Hon. Bob Ritson say that. Maybe he can pursuade the Minister. I will be delighted to hear the Minister say that his amendment means that, if a doctor says the symptoms are consistent with Q fever, the worker will get workers compensation.

The Hon. J. C. BURDETT: The difference between the amendment moved by the Hon. Mr Blevins and the amendment which I have on file and which I propose to move if the Hon. Mr Blevins' amendment is defeated is the phrase in his amendment 'or any condition that is consistent with a diagnosis of brucellosis,' etc. The objection to that is that I am informed that influenza and various other conditions are consistent with such a diagnosis. The amendment I propose does refer to the diseases. Of course, the amendment would be made to the second schedule of the Act, which is a list of diseases taken to be work induced. Provided that a doctor certifies the existence of Q fever, brucellosis, and so on, that is the end of it. There is no question of having to prove that the disease was contracted at work.

The only area where I part company with the Hon. Mr Blevins is that I am informed that a condition that is consistent with a diagnosis of brucellosis and so on is also consistent with quite a lot of other diseases. I oppose the Hon. Mr Blevins' amendment and will move my own amendment to place the diseases in the second schedule. That will mean that, if there is a certificate stating that a worker has any of these diseases, there will be no requirement of proof; it is taken to be the case.

The Hon. R. J. RITSON: The Hon. Mr Blevins said that there is no other condition that is not provable. Every day doctors write certificates with diagnoses such as upper respiratory tract infection and influenza. Many of those certificates are intelligent guesses based on the history, the signs and symptoms, but with no real proof. One does not conduct expensive viral tests just to write 'influenza' on a medical certificate. These diagnoses depend not only on the symptoms but also on the history. They are often intelligent guesses. If we remove from the schedule the requirement for scientific proof, I say again that we should not be trying to spell out the way in which a doctor concludes that a person is suffering from a disease. In fact, the doctor relies on the consistency of the symptoms and takes into account a person's occupation, his history and signs, as well as symptoms.

For the Government to accept a bald certificate of diagnosis without proof is tantamount to saying that it accepts a series of intelligent guesses; that some will be right and some will be wrong; and that none of them will be based on symptoms inconsistent with the disease mentioned. Very few doctors are that bad. Even if they are that bad one cannot legislate to change that in this sort of Bill. I very much agree with the Hon. Mr Blevins' intentions. However, I believe that the Government's amendment will leave it to a doctor to make a diagnosis and will not confine him to the niceties of laboratory testing. These presumptive diagnoses are made every day. They are intelligent guesses—nothing more, nothing less. They have their faults, but no-one can make them better than can a doctor. Implicit in all of them is the fact that they would not be made if the symptoms were not the same as the stated diagnoses.

The Hon. J. R. CORNWALL: I am sure that the Hon. Dr Ritson can remember back through the dim, dark mists of time to when we were both students. We were told to hedge any certificate by writing on it 'in my opinion at the time of examination . . .' If a medical problem was referred

for a second opinion and the patient's symptoms had changed or the wisdom of the person providing the second opinion was greater than yours it did not leave you in difficulty with the certificate that had been written.

The Minister can clear this whole matter up by giving medical practitioners the right to do this. If a medical practitioner examines a worker from any of the abbatoirs and writes a certificate in the terms provided by the Minister's amendment, would that be sufficient for compensation to be paid? That is the nub of the argument; that is what we are on about. We want the Government to give a worker the benefit of the doubt because of the nature of his occupation.

The Hon. FRANK BLEVINS: I hope that the Hon. Dr Ritson is now clear about the difference between my amendment and the Government's amendment. The Hon. Dr Ritson said that he agrees with me in principle. Over the last three days I have not spoken without at least one member opposite or the Hon. Mr Milne agreeing with me in principle. I have never before seen such agreement or unanimity. However, the only trouble is that every time I have called a division I have been defeated. It really astonishes me that the Hon. Dr Ritson, the Hon. Mr DeGaris and the Hon. Mr Milne (who has agreed with me on every clause) have never voted for any of my amendments.

At least I hope the difference between the present amendments is clear. The benefit of the doubt is given to white collar workers; the benefit of the doubt is not given to a blue collar worker and will not necessarily be given to a blue collar worker after the Minister's amendment is carried. My amendment will not inhibit a doctor in any way. It does not attempt to tell doctors that they must diagnose in a certain way, but leaves doctors completely free to make a diagnosis. All the doctor has to say is that the 'symptoms are consistent with . . .'. I hope members are perfectly clear about that. I thank honourable members for agreeing with what I am trying to do.

The Hon. R. J. Ritson: I think the Government's amendment does it better.

The Hon. FRANK BLEVINS: I hope that all members are perfectly clear that the Minister disagrees with the Hon. Dr Ritson's interpretation and is completely agreeing with mine. My amendment gives the benefit of the doubt to the employee until a diagnosis can be made or where that diagnosis is made, whereas the Minister's amendment is strictly based on diagnosis. The Minister, the draftsman, and everyone else agrees with my interpretation.

The Hon. R. J. Ritson: The diagnoses is a matter of the doctor's opinion.

The Hon. FRANK BLEVINS: I think the Hon. Dr Ritson should concede that perhaps he is out of step with everyone else. We are all perfectly clear about what we are voting for. The question is left to the doctor. We are not attempting to tell a doctor how to make a diagnosis. I say, probably for the fourteenth time, that if the doctor states that the symptoms displayed are consistent with the symptoms, say, Q fever, or brucellosis, then a worker should receive compensation, just as a white collar worker does at the moment.

Everyone in the Committee understands what we are voting on. Thank you for your expressions of support for the principle that I am espousing, but those expressions of support will not do any good for the meatworkers who are suffering.

The Hon. R. J. Ritson: Yes, they will.

The Hon. FRANK BLEVINS: Those expressions will not get workers compensation under the Government's proposal. If, after the Government's amendment is passed, an employee at one of the meatworks or at a factory such as Jacobs comes to us with a sympton of Q fever, is it all right if we refer him to you as a medico who is happy to write down that he has Q fever and should get the benefit of workers compensation legislation?

The Hon. R. J. Ritson: I would do that if, on balance, I felt over the whole history that he did have it.

The Hon. FRANK BLEVINS: I advise you to expand your practice, because you will have a whole stream of workers who know that you agree with the principle, although you will vote against it. I am sure you will vote against it. Those workers will be delighted to become part of your compassion and knowledge to get workers compensation. You will be assisting them to get it.

The Hon. N. K. FOSTER: I have never heard so much from people in the Government Party to the effect that, in the amendment, we are trying to do something that is not intended. Doctor, your integrity is not attacked and your professionalism is not under threat. I am not satisfied that the Minister's amendment will give to the slaughterman the entitlement that he should have. A person working alongside him happens to be under a Commonwealth provision and gets that entitlement. I could refer the Committee to speeches by Doug Anthony and other Country Party Ministers who have administered this industry.

All I want to say to the Minister is: if you are fair dinkum and if you think that a certificate from the doctor will be accepted by Samcor, Jacobs, someone at Mount Barker, or any other company or abattoir, and if the amendment is carried and a certificate is lodged with any of those companies and the person is not entitled to workers compensation, you should introduce an amendment to provide that the worker is so entitled, because that is what you are suggesting. Do not pull the wool over the eyes of people by saying that a person could have no more than influenza. If that is so, you are implying that Commonwealth employees are getting compensation for suffering from influenza.

I have been going to the abattoirs for meetings in what is called the 'Red Square' since the 1950s and this matter has been one of contention for some time. Why do white-collar workers, who do not have contact with the beast when it is being slaughtered, have entitlement, while the person who slaughters and does everything else with the beast is not entitled? I ask the Committee to accept the amendment that has been moved by the Hon. Mr Blevins.

The Hon. J. C. BURDETT: Members opposite seem to have forgotten that the amendment which I placed on file and which I will move if this amendment is defeated involves change from the existing law and puts brucellosis, etc., into the second schedule. Therefore, if there is a medical certificate to the effect that those people have those diseases, the question of being work related does not apply. The Hon. Dr Cornwall asked whether it would be sufficient to say, 'In my opinion the symptoms are of that disease.' That is not so. That is in the amendment proposed by the Hon. Mr Blevins. Those symptoms could be consistent with various other things. I am proposing to do something that is perfectly straightforward and satisfactory. It removes any question of whether it is work related, so it will be work related and all that would be required would be a medical certificate that the person has brucellosis, etc., and this applies to any compensable disease.

The Hon. FRANK BLEVINS: In this matter, the Government has been honest. At no stage has it tried to mislead the Committee or to say that it is doing other than what the amendment states. I cannot understand how anyone would be confused about it, but it is not satisfactory. It puts these diseases in the same category as others. That is not satisfactory, because this should not be treated as the others are, for the reason that they are very difficult to recognise and the Commonwealth, having recognised that, has made a special provision for its employees in this area. While I concede everything that the Minister has said, I

object to the statement that it is satisfactory. It is totally unsatisfactory to the meatworker who will not get compensation while his mate, who works for the Commonwealth, will get it.

The Committee divided on the new clause:

Ayes (9)—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, and C. J. Sumner.

Noes (10)—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, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. Barbara Wiese. No—The Hon. D. H. Laidlaw.

Majority of 1 for the Noes.

New clause thus negatived.

New clause 31a—'Amendment of second schedule.'

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

Page 18, after line 41—Insert new clause as follows:

31a. The second schedule to the principal Act is amended by striking out the item commencing '"Q" fever' and substituting the following item:

Brucellosis, leptospirosis, or Q fever	Employment at, in or about, or in connection with, a meat works or involving the handling of meat, hides, skins or carcasses.'

This matter has already been debated.

The Hon. FRANK BLEVINS: I move:

After 'Q fever' insert 'or any other disease contracted as a result of handling animals, meat, hides, skins or carcasses.'

I do not intend to canvass the argument again. I believe that my amendment improves the proposed new clause and is a slight improvement on the present position, but in no way does the Minister's new clause, even with my amendment, solve the problem of meat employees. I express for the last time my disgust at the way the workers in the meat industry are being treated by the Government.

The Hon. J. C. BURDETT: I will not canvass the matter again. The new clause I have moved to insert is satisfactory and safeguards the interests of the worker. I oppose the amendment moved by the Hon. Mr Blevins to my new clause.

The Committee divided on the amendment to the proposed new clause:

Ayes (9)—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, and C. J. Sumner.

Noes (10)—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, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. Barbara Wiese. No—The Hon. D. H. Laidlaw.

Majority of 1 for the Noes.

Amendment thus negatived; new clause inserted.

Clause 32 passed.

Clause 14—'Place at which worker is to reside'—reconsidered.

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

Page 6, lines 14 to 18—Leave out subsection (1a) and insert subsections as follows:

(1a) A worker shall not, while receiving weekly payments, be absent from the State for a continuous period in excess of seven days unless at least three days before leaving the State he informs the employer and the executive officer of the Workers Rehabilitation Advisory Unit in writing of his intention to be absent from the State and of the duration of his proposed absence.

(1b) If a worker is absent from the State in contravention of subsection (1a), his entitlement to receive weekly payments shall be suspended as from the expiration of seven days from the time when he left the State.

This amendment actually takes into account the matter raised by the Hon. Mr DeGaris. However, it has been drafted in my name and I am pleased to move it. The matter raised by the Hon. Mr DeGaris was that the requirement in this clause was previously too harsh. This amendment takes care of that and makes the requirement more reasonable so that if an employee complies with those requirements he is still entitled to receive compensation.

The Hon. FRANK BLEVINS: This whole Bill has been nothing but an attack upon workers. Of all the vile provisions of this Bill, I think this one is possibly the vilest. I think it is the product of a sick mind. Without doubt, to restrict a person travelling within Australia (a person in the South-East, for instance, travelling a mile across the border into Victoria), from doing it for seven days continuously without first giving three days notice, is one of the sickest things I have ever heard. I thought that the previous position under this clause was bad enough, that a worker could not go overseas without the permission of the executive officer of the rehabilitation unit, and we did not like that, but this is not in the same league; this is an incredible provision. Any concept of civil liberty is violated by this obnoxious amendment. I cannot believe that the Australian Democrat supports a provision such as this. I would not have believed that the Hon. Mr DeGaris would be the instigator of such a provision as this. I wonder how much the Hon. Mr Griffin realises what is being done in the name of his Government and I strongly urge him to read this amendment. I cannot believe that he has any idea of what is being done.

I implore the Government not to go ahead with this amendment. If it does, I think it will set civil liberties back in this country an enormous degree. It will also make this Government an absolute laughing stock amongst this community and the people of Australia. What the Government is suggesting is that somebody, for example, who lives in Mount Gambier cannot go over the border for seven days unless he notifies his employer three days in advance, and also notifies the executive officer of the Workers Rehabilitation Unit. This provision is so vile, so Draconian, that it deserves more than being brought into this House at the fag end of this debate, because I can assure honourable members that civil libertarians within this community would not have a bar of it. To bring it in at this time to appease the Hon. Mr DeGaris over some quite justified, I agree, reservations about the original clause (and I have those justified reservations myself) absolutely appals me. I am, for the first time in four days, unable to speak.

The Hon. J. A. Carnie: Then sit down.

The Hon. FRANK BLEVINS: The Hon. Mr Carnie says 'sit down'. I can assure him I will not sit down and, if we have to talk this thing through for three days, we will, until such time that the people of South Australia realise just what the Government is trying to do. It is not fair to the people of South Australia to bring in such violation of their civil liberties in this way without at least informing them. That is absolutely not on. I would oppose this provision as strongly as I am at the moment even if it had been sitting here for three days. The whole of the South Australian community should have an opportunity to express a view on this matter. It does the Government no credit at this time to introduce an amendment like this merely to appease the Hon. Mr DeGaris. I will never give Mr DeGaris any credence whatsoever for being any kind of supporter of civil liberties again. As far as I am concerned, he has blackened his reputation for all time by initiating this amendment.

I will be pleased to hear his explanation of this vile, repulsive proposition and, also, the Minister's explanation. What right has the Minister to bring a proposition like this, which violates people's civil liberties—a proposition that violates those liberties outrageously without giving them the opportunity to make their comments on it? Where has this proposition been put to the community? It was not in the original Bill, so not one person in this community has had an opportunity to express an opinion on it. I am quite sure what that opinion would be. It certainly does the Government no credit to bow to the tiniest bit of pressure from the Hon. Mr DeGaris in this matter.

The Hon. J. C. BURDETT: Despite the diatribe, this amendment is not a breach of anyone's civil liberties. It does not say they cannot leave the State without giving notice: it simply says that if they want to maintain their rights to workers compensation they must give notice. There is nothing unreasonable about that, and the amendment is not more but much less Draconian than new subsection (1a) of the Bill as it stands. All this states is that if a person is to be absent he must give notice, and there is nothing unreasonable about that.

The Hon. C. J. SUMNER: I want to express my strong opposition to this clause. I think it is an appalling restriction on a person's liberty. What the Government is saying is this: just because someone happens to be injured at work and is under a rehabilitation programme or receiving workers compensation, that person's rights to travel in this country, or anywhere else, are to be restricted.

The Hon. R. C. DeGaris: No, they are not.

The Hon. J. A. Carnie: No, they are not; he just has to give notice.

The Hon. J. C. Burdett: They can travel as far as they like.

The Hon. C. J. SUMNER: Before that person can travel he has to go through a bureaucratic procedure of giving notice and, as the Hon. Mr Blevins said, if that person wished to travel from Mount Gambier into Victoria, or if someone wanted to go to Victoria for a holiday for two weeks—

The Hon. G. L. Bruce: He is not on holidays: he is on workers compensation.

The Hon. C. J. SUMNER: He might still want to go to Melbourne. The Government is trying to introduce a procedure which restricts the right of individuals to travel. If a worker does not give notice and travels, his compensation can be cut off. That is completely unreasonable. Not all workers who are on workers compensation are aware of all the fine detail of workers compensation.

In fact, not all of them have lawyers, and they may find that they want to go interstate for two or three weeks or a month. They may even wish to go overseas for medical treatment. That situation occurs often, particularly amongst some groups of injured workers. If they do any of that, they have to notify the unit, or they lose their rights to rehabilitation and workers compensation. In terms of the general rights of the community, the clause is unacceptable and should be rejected.

The Hon. J. C. BURDETT: The clause, with the proposed amendment, would require consent in certain circumstances from the employer or the executive officer of the Workers Rehabilitation Advisory Unit. The amendment takes up the point raised by the Hon. Mr DeGaris when he spoke in Committee before, but it has been drafted in my name. It is less stringent than the existing clause and simply requires notice. A worker may be going overseas or away for a considerable time and is simply required to give notice. It may be difficult for employers to be properly informed as to the worker's condition, but the amendment is reasonable and only requires the worker to give notice that he is going away.

The Hon. G. L. BRUCE: I have difficulty in interpreting the amendment. True, a worker no longer needs consent to travel, and that is an improvement in regard to overseas travel, but the amendment requires three days notice. One has to send a letter about a week before one is ready to commence travel. I can see problems. What if there is a mail strike? The unit would not get a letter within the required three days. People will only send a notification three days before travelling. That will be the interpretation, and the average worker will not see that loophole. Because a worker would have to send his notification at least a week before travelling, straight away he would be at a disadvantage because he had not given three clear days notice of his intention.

It is a provision that will be difficult for workers to comply with. Knowing how insurance companies and employers work, that would be held against a worker and there would be withdrawal of his compensation. He would have to fight on from behind to re-establish his rights. It is reasonable for the boss or the insurance company to know of his absence, but it is not right to restrict him for three days or seven days. One could be away for several days and one doctor could refer a worker to another doctor in another place. Why is there emphasis on seven days and three days? Why must it be in such a tight form?

I can accept that there should be some notification by a worker of his absence because, if there is serving of notice, they will know that at least he is not ignoring it and will be away for some time. Overall, the measure has gone too far.

The Hon. N. K. FOSTER: This is one of the most stupid things imaginable. A doctor could tell a patient that he does not want to see him for a month. A worker could be given a certificate and duly lodge it with an insurance company, which is generally more concerned about the matter than the employer.

In some cases, it takes one or two weeks to ascertain the insurance company. The employee does not always know, because he has a certificate that states that he cannot work for a month. Why does he have to give notice to an employer—

The CHAIRMAN: Order! The honourable member must not get into that sort of debate. He must address himself to the Chair.

The Hon. N. K. FOSTER: I am addressing myself to the Chair. Why do they want this? Those people have paid lip service to the Liberals for a long time, and now they are extracting their pound of flesh, like evil birds of prey, waiting in the branches for something to drop on to the plains for them to devour. They are blood suckers, feeding off injured workers, when they already get a cut from compensation, in regard to the brokerage method and the 101 other ways in which they feed off the unfortunates in the community who are hurt and injured in the factories, ware- houses, and other premises.

Those people go to their favourite political Party saying, 'What more can we extract from those frightened people who feel that they ought to do something to ensure that they remain popular with the people whom they purport to represent?' There are still cases where people on compensation are sacked by their employer if they take annual leave. They come back to a no job situation. We are sitting here at half past 10 (and perhaps later), considering whether anyone has the right to say to Ren DeGaris, 'You have a certificate for a month, but we want your presence for a month, a day or a night.' The next thing these people will want to know is what the employees are doing.

Hidden cameras are focussed in worker's backyards. Day after day, week after week, people spy on injured workers, particularly if they have had a back injury or if they have said that they have some restriction of movement. They are spied on with the aid of long-range lenses and sophisticated cameras. The insurance companies endeavour to pay neighbour to spy on neighbour, to see whether a person lifts anything. In one case on record, a photograph shows a person picking up his six-year-old daughter. The company wants to knock out his claim. What sort of employers are they? What sort of agency is involved? We have a situation of a person having a certificate. If a person is booked on an overseas tour at a cost of about $2 000 and is injured at work on Thursday prior to flying out of Sydney on Saturday, he has to get himself out of the State the night before. In this situation he will lose his money.

The Hon. R. C. DeGaris: All he has to do is advise the employer.

The Hon. N. K. FOSTER: If he is a casual employee he may not know who his employer is. I know of a case presently where a person is working for a shipping company and the company says that he is not employed by it. Many cases have gone on for years. Certain waterfront workers' cases have been argued for as long as three years. In this Parliament we are arguing as to whether the Joint House Committee actually employs people. Members of that committee have received letters suggesting that we take advice from the Minister in charge of this Bill.

The Hon. J. C. Burdett interjecting:

The Hon. N. K. FOSTER: The Minister may scoff but he knows sweet Fanny Adams about many things.

The CHAIRMAN: Order! The Hon. Mr Foster should not develop the argument too far. He is speaking to a specific amendment.

The Hon. N. K. FOSTER: I have developed it on the basis that a person may not know who the employer is, let alone know the name of the insurance company. He is saying that the person in charge can do it. If an injury occurs at 10.50 p.m., before a shift knocks off at 11 p.m., a person can go to his doctor and get a certificate. The Minister can laugh with his adviser if he wants to. That has occurred all through this debate. I can do little about the person from the department. When we were in Government we gave advisers the right to sit in this Chamber. Yet, I have watched this laughing between the Minister and his adviser for three days. It has been absolutely insulting, to say the least. I draw the Committee's attention to the fact that there has been an abuse by the department during this debate. I say quite clearly to the department that it does the department no good. If Brown has to get his Bill through at all costs, let him submit it in a manner that at least leaves the workers in this country with some dignity. I have sat here in silence. I have been disgusted and could not remain in this Chamber during much of the debate.

I hope that the retribution comes down to this Government through people who will come here, cap in hand, crawling for what they want. I hope the union pulls them across the table and demands the return of these conditions. It is happening tonight in this city, and it serves the Government right. I will add my strength to it if necessary. The Government wants to put the clock back and regard those injured on the job as being less than ordinary citizens. It is not good enough in the 1980s. I suggest that the Minister withdraw the whole of clause 14. I know of no worker who has been on compensation for any length of time who has come to the union and said that there would be something wrong and that he was prepared to tell the employer. If one tries to get anything for anybody on compensation today, he must talk to the insurance company or the accountant who will then check it with the insurance company or someone acting on the company's behalf.

There is no longer person-to-person contact in respect of these matters and there has not been for a long time, yet you want to introduce legislation that makes it the employee's responsibility to do varius things. If he fails to carry that out, when he comes back if he is married and gone to Melbourne, we knock him off his compensation. That is really good! You crawl off to church on Sunday. You ought to be ashamed for submitting such an amendment and the employers also ought to be ashamed. If it is carried they ought to be man enough to tell their employees, where there ought to be some trust today. The employers should have all listened to the industrial relations arguments that were put up last week. Even those industrial relations people would not agree with the concept that has been put forward here tonight. I do not belong to the Industrial Relations Society, I have respected that body's viewpoint.

The Government is wrong in introducing legislation that kicks employees, but I am speaking for their benefit. This Bill ought to have been thrown out. It is all right for the Hon. Mr Milne to say you can do something with it. It could be four of five years before there is another chance to get back to this Parliament with a constructive workers compensation Bill. I am sorry if I have stretched your patience in respect to this matter, but I do thank you for that. Mr Chairman, I would suggest the Minister knows little or nothing about what he is doing. He is over-smart with every amendment that has been moved for the past three or four days. At least he should have dignity and should not do the peddling for the other people who sit around and listen to this debate.

The Hon. J. C. BURDETT: I would point out in answer—

The Hon. N. K. Foster: I do not want an answer from you unless you can say 'yes'.

The CHAIRMAN: Order!

The Hon. J. C. BURDETT: An injured worker under the present law does not get any compensation at all unless and until he serves a form 16 on the employer. He knows his employer and he can serve the notice on him in the same way. The only other thing I wish to say at this stage is that I do wish to refute any suggestion of other than completely proper conduct on the part of the officers of the department.

The Hon. FRANK BLEVINS: This question of the conduct of departmental officers has now intervened and I have brought it up in the debate. I do not blame the departmental officers. It may well be that they know no better. I blame the Minister, because the Minister has not accorded the Committee the courtesy of keeping his departmental officers under some kind of control while they have been sitting on the floor of this Chamber.

The CHAIRMAN: Order!

The Hon. FRANK BLEVINS: We have sat for three days—

The CHAIRMAN: Order! If the Hon. Mr Blevins wishes to take this matter up and thinks that it is a matter that ought to be discussed, and if this Council wishes to withdraw that privilage that has been granted to Ministers for a number of years, he is at liberty to do so, but it ought not be discussed in the course of this debate on this Bill. He can raise the matter at some time and we will deal with it separately.

The Hon. FRANK BLEVINS: I agree with that completely and will most certainly do so. I would point out that no other Minister that I know of has abused that privilage in the way this Minister has. I think it has been a despicable exhibition.

The CHAIRMAN: Order! The honourable member will not discuss that now.

The Hon. FRANK BLEVINS: Can the Minister say whether there has been a problem in the past in relation to workers on workers compensation going interstate without giving their employer three days notice that they were leaving? I cannot say that there are many examples of particular problems, but it is a problem that could easily occur.

The Hon. N. K. Foster: You've got to be a nut, Burdett.

The Hon. J. C. BURDETT: I am not a nut. If, for example, a worker goes overseas for two or three months without notifying his employer, the employer will not know how the employee's medical condition is progressing. This is a simple requirement to give notice.

The Hon. K. L. MILNE: The question is whether an employee should have to advise his employer that he is going away on leave. If a worker receiving weekly compensation payments does not advise where he is going he will not receive any payment. I think it is in a worker's interest to give notice of the address at which he will be living. I do not think it really matters that much. These days families are much more spread out than they used to be. A worker who is recuperating from an accident may want to go and stay with his relatives who could be living interstate or even overseas. I do not think it will matter much whether or not a worker is absent from the State. I take it that if a worker does go to, say, England or New Zealand his payments could be sent to him.

The Hon. Frank Blevins: We are not talking about other countries—I am talking about someone from Mount Gambier going 30 miles to Portland. A worker going interstate would have to give three days notice if he is going to stay away for seven days.

The Hon. K. L. MILNE: I believe the three days notice is a mistake, making it in writing is a mistake and showing the duration of a proposed visit is also a mistake. I do not think it matters much whether it is across the border into Victoria or whether it is to, say, New Zealand or to Fiji, and thousands of people visit the Fijian islands. At this stage, I think it is a hook-up. I do not think we have time to debate this matter properly. I cannot really see, if it was ever in the Act before—

The Hon. Frank Blevins: It wasn't.

The Hon. K. L. MILNE: It was not in the Act before?

The Hon. Frank Blevins: No, it was not even in the Bill; it was brought in at 10 o'clock!

The CHAIRMAN: Order!

The Hon. K. L. MILNE: I do not believe this measure is necessary. I think the Hon. Mr Foster had a point; just because a worker is hurt at work he does not become a second-class citizen. I do not believe there is any good reason, unless it is a legal reason, for the court to stop compensation payments while a worker is away. I believe a worker should be allowed to go away, and I support the Opposition's amendment.

The Hon. G. L. BRUCE: Tonight we passed a clause providing that, if a worker is receiving compensation for 52 weeks, his four weeks annual leave is included in that. If a workers four weeks annual leave is wrapped up in the workers compensation, why the hell does he have to apply to go on holidays? A worker must give three days notice to go on four weeks paid workers compensation holiday.

The Hon. R. C. DeGARIS: I think the problem I saw in the initial clause was one that I felt I could not support whereby, if a worker was going overseas, he had to apply for permission to go. I took grave exception to that measure. This amendment provides that, where a worker is going outside the State for seven days or more, he must give notice of that intention to his employer and to the executive officer of the Workers Rehabilitation Advisory Unit. While we can argue about the bits and pieces of this measure, whether a worker should give three days or 24 hours notice, and whether a worker should advise his employer or the executive officer of the rehabilitation unit does not matter very much to me. Members have a choice between what is already contained in the Bill or the Minister's amendment. As far as I am concerned I am prepared to support a change.

The Hon. Frank Blevins: A change for the worse.

The Hon. R. C. DeGARIS: If the Hon. Mr Blevins thinks it is for the worse he can support what is already contained in the Bill.

The Hon. Frank Blevins: I would sooner do that than support the amendment.

The Hon. R. C. DeGARIS: All right; that is the Hon. Mr Blevins' choice. The amendment is an attempt to overcome a problem where an employee must obtain consent from his employer or the rehabilitation unit before travelling overseas. It is just as difficult for a worker to go to northern Queensland as it is to go to, say, New Zealand or Italy. If a worker is leaving the State, I can see no reason why he—

The Hon. J. E. Dunford: It is another imposition on workers.

The Hon. R. C. DeGARIS: No, it is not.

The Hon. J. E. Dunford: What if a worker is not familiar with the Act, goes away on holidays and returns to find that he has lost his compensation?

The Hon. R. C. DeGARIS: What about the situation where a person is not aware of the Road Traffic Act and travels at 65 kilometres in the city? I do not know why a worker on compensation leaving the State should not be required to advise someone of that fact. I prefer the Minister's amendment.

The Hon. FRANK BLEVINS: I agree with the Hon. Mr DeGaris's reservations; I expressed those same reservations myself. A worker should not have to obtain permission if he wishes to travel overseas. I think that is an unnecessary restriction on a person's civil liberties. A person has a right to travel and that should not be restricted. This is not a minor problem, but we do not wish to make it a major issue. Other measures in this Bill constitute greater attacks on workers than this particular measure. In attempting to solve the problem of a worker's having to obtain permission before travelling overseas, the Hon. Mr DeGaris has taken a great sledge hammer, if not a machine gun, to this clause by saying, in effect, 'if a worker is on compensation he will not even go interstate without notifying someone three days in advance or we will stop his compensation'. It is a hell of a long way from the debate about a few workers who travel overseas to then restrict every worker receiving workers compensation from going interstate. This provision is the product of a sick mind.

Every human being has the right to privacy. Certainly within a person's country one should have the right to travel anywhere one likes without having to inform anyone else. What other law in this country, apart from someone being on a bond or the courts saying that a person is not to leave the State without permission, would provide that a resident of South Australia cannot travel interstate without notifying somebody.

An amendment like this is absurd. To bring a proposition like this into the Council at 10 o'clock at night, when nobody in the community has had an opportunity to discuss this grave intrusion into a person's privacy, is appalling. It is, as I said, the product of a sick mind. There has been no problem at all, that anybody in the Committee can state, with people moving interstate when they are on workers compensation. There is no problem to solve. This is not solving a problem; it is creating an enormous problem for thousands and thousands of workers.

As the Hon. Mr Foster said, it is making second-class citizens of people. For the Hon. Mr DeGaris to attempt to solve a problem by blowing the Bill to bits in this way is irresponsible. The Hon. Mr DeGaris knows that all he had to do was to apply this provision to overseas travel, if that was what was bothering him.

The Hon. R. C. DeGaris: You can move an amendment.

The Hon. FRANK BLEVINS: I will certainly attempt to move an amendment to the amendment of the Minister so that notification applies only in the case of overseas travel. If the Minister feels that this amendment has some worth, he can take it out in to the community and can come back with it. At 10 o'clock at night, to intrude on people's privacy and deprive them of the right to drive unfettered interstate when they have committed no offence at all, is absolutely appalling. I move to amend the amendment of the Hon. J. C. Burdett:

By leaving out the word 'State' (four times occurring) and inserting in lieu thereof the word 'Commonwealth'.

I hope that my amendment, if it is carried by the Committee, does what the Hon. Mr DeGaris was querying in relation to having to go overseas, without introducing the other position which, frankly, the Opposition thinks is absolutely appalling and ill-thought out.

The Hon. J. C. BURDETT: I accept that amendment. I am sorry that the Hon. Mr Blevins did not see fit to raise it in the first place.

The Hon. FRANK BLEVINS: The moment that this amendment hit my desk I went up the wall. The earliest I could speak to the amendment was when the Minister brought it on. I argued from the moment the Minister moved his amendment and I have hardly stopped talking since. I do not see how the Minister can say I did not mention it before.

The Hon. K. L. MILNE: Can the Minister explain what 'his entitlement to receive weekly payments shall be suspended as from the expiration of seven days from the time he left the Commonwealth' means? What if there is a valid reason for leaving? In those circumstances what does 'suspended' mean? Does it mean a worker never gets the money back or that it is not paid? Is it kept or is it given back to the worker when he returns? There may be a good explanation why that person leaves and he may be able to return and explain what has happened. I do not think that, if there is a good reason for his going, that money should be permanently deducted.

The Hon. J. C. BURDETT: In accordance with the Act, what it means is that, if payment is suspended, as would be stated in this clause, the employer would have to go to court in order to enforce the suspension. If the employer went to court the worker, of course, could explain the matter and the final result would be entirely up to the courts. There is nothing Draconian about it. The suspension could not be in force unless the employer went to the court.

The Hon. FRANK BLEVINS: To reinforce that explanation, the Opposition sees that as a fairly normal procedure. We do not feel there is any intrusion that is not already there in the Act. I thank the Minister for accepting my amendment.

The Hon. Frank Blevins's amendment carried.

The Hon. J. C. Burdett's amendment, as amended, carried; clause as amended passed.

Postponed clause 21—'Insertion of new Part VIA.'

The Hon. J. C. BURDETT: The Hon. Mr Blevins has an amendment to this clause that he has discussed. He needs only formally to move it and say anything he wishes to say about it. I oppose his amendment and have an amendment on file to this clause. I acknowledge that workers' interests ought to be looked after in some way, and therefore I have in mind an alternative to the proposal by the Hon. Frank Blevins. It is a quesiton of how one provides for representation of the workers in this matter.

The Hon. F. T. BLEVINS: I move:

Page 9—lines 5 to 17—Leave out paragraphs *(a)* to *(e)* and insert paragraphs as follows:

(a) three persons nominated by the United Trades and Labor Council;

and

(b) three other persons.

We felt when this clause was previously before the Committee that the worker's side was not sufficiently taken care of. I believe my amendment will take care of that problem.

The Hon. J. C. BURDETT: May I first canvass the amendment I have on file?

The CHAIRMAN: There is a difficulty, because it looks as though the amendments overlap and there will have to be a recommitment.

The Hon. FRANK BLEVINS: What happens if I withdraw my amendment?

The CHAIRMAN: Then we may consider the Minister's amendment.

The Hon. FRANK BLEVINS: Speaking realistically, I do not have the numbers to be successful with my amendment. I will therefore withdraw it and support the Minister's amendment because it is an improvement on the Bill, even though it is not satisfactory.

Amendment withdrawn.

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

Page 4, lines 10 to 12—Leave out the passage in parenthesis and insert '(other than exempt employers)'.

After line 12—Insert paragraph as follows:

(ca) a person who is, in the opinion of the Minister, a suitable person to represent the interests of exempt employers;'

Lines 13 and 14—Leave out paragraph *(d)* and insert paragraph as follows:

(d) two persons who are, in the opinion of the Minister, suitable persons to represent the interests of workers;.

Amendment carried; clause as amended passed.

Clause 4—'Interpretation'—reconsidered.

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

Page 2—After line 24 insert paragraph as follows:

(ab) by inserting after the definition 'employer' in subsection (1) the following definition:

'exempt employer' means an employer in respect of whom a certificate of exemption is in force under Division II of Part XA:

This amendment relates to the amendment just carried with regard to clause 21, and ties up with it.

The Hon. FRANK BLEVINS: The Opposition takes the Minister's word and, on the basis of the amendment to clause 21 having passed, and on the same basis, that we are opposed to the amendment but appreciate, as we did with clause 21, that we just do not have the numbers to defeat it, we will not divide on it.

Amendment carried; clause as amended passed.

Bill recommitted.

Clause 15—'Additional compensation'—recommitted.

The Hon. FRANK BLEVINS: I wish to move an amendment to the clause as it now stands. My amendment is identical to that which I moved earlier in regard to this clause.

The Hon. R. C. DeGARIS: On a point of order, Mr Chairman, in regard to the recommittal, is the Hon. Mr Blevins amending the Bill as amended in Committee, or do we go back to the clause in the actual Bill? That must be determined.

The CHAIRMAN: I presume that we are dealing with the Bill and an amendment to the clause of the Bill.

The Hon. FRANK BLEVINS: I move:

Page 6—

Leave out 'inserting after' and substitute 'striking out'.

After 'optician' insert (within the inverted commas) 'or on the prescription of a legally qualified medical practitioner'.

After 'subsection (2)' insert 'and substituting'.

Leave out 'or' from the last line and insert (with the inverted commas) 'by registered optician'.

The argument about whether chiropractors should or should not be within the scope of workers compensation is over, the Committee having decided that chiropractors can attend injured workers and be reimbursed without the worker being referred to the chiropractor by a medical practitioner. I have no argument with that. If a chiropractor is allowed this means of treating a patient, then the provisions should apply at least equally to physiotherapists, optometrists and chiropodists. There is no argument about the professional standing of these groups. There is still some debate about chiropractors. Chiropractors are now to be embraced within the Bill. The efficacy of the services provided by these other groups is beyond question. If the provision is good enough for chiropractors, it is good enough for these groups.

The Hon. R. C. DeGARIS: I made my position clear earlier. The position has been made complex by the way the amendment has been put. I agree with the Hon. Mr Blevins that, if chiropractors can operate without referral by medical practitioners, there is no way that we cannot include physiotherapists, opticians and chiropodists. I support the amendment.

The Hon. J. C. BURDETT: For the reasons canvassed before, if fees are to be paid for chiropody, optometry or physiotherapy, it should be on referral.

Amendment carried; clause as further amended passed.

Clause 16—'Certain amendments not to be included in earnings'—recommitted.

The Hon. FRANK BLEVINS: I move:

Page 6, after line 36—Insert the following paragraph:

(d) by way of overtime.

Earlier, the Hon. Mr DeGaris said that he believed that overtime should be included in average weekly earnings when computing worker compensation payments. He said he wanted the calculation to be based on 12 months, and not one month, which the Opposition preferred. I thought I would give the Hon. Mr DeGaris the opportunity to vote for this proposition which he supported or to at least explain what he meant in more detail.

The Hon. R. C. DeGARIS: I do not intend to explain anything in more detail. I made the qualification that I accepted the undertaking of the Minister that the matter would be examined by the Government. I am not happy about the removal of all overtime from average weekly earnings. The point made by the Hon. Mr Bruce has not been adequately answered in regard to penalty rates. That question could be looked at. I am not totally happy with the provision. I am not willing to vote for the amendment, because I accept the Government's promise that the question will be looked at.

The Hon. FRANK BLEVINS: I urge the Committee to support the amendment. The matter has more chance of being looked at by the Government if the *status quo* remains, which is what my amendment seeks to do. If the amendment is carried, the Government will consider the matter quickly. If it is not carried, the amendment will not be looked at at all, as all honourable members know.

The Hon. G. L. BRUCE: I support the amendment. There is still injustice in regard to penalty rates, as I pointed out earlier in the debate. I have referred to a person working for 40 hours and being paid for 44, and also to the reduction that would occur under workers compensation through no fault of the worker. He has no choice but to work at penalty rates on certain days but, if he is injured, that extra penalty rate which is not overtime is not included. The anomaly should be looked at now, not later, because there could be thousands of people deprived of just wages when they are on workers compensation.

The Committee divided on the amendment:

Ayes (9)—The Hons Frank Blevins (teller), G. L. Bruce, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (10)—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, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. B. A. Chatterton. No—The Hon. D. H. Laidlaw.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clause 17—'Fixed rate of compensation for certain injuries'—recommitted.

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

Page 6, after line 40 insert:

(a) by striking out from subsection (5) the passage 'the worker shall be entitled' and substituting the passage 'the worker shall, subject to subsection (5a), be entitled';

(b) by inserting after subsection (5) the following subsection:

(5a) Where a worker suffers noise-induced hearing loss, no compensation shall be payable under this section unless the percentage loss exceeds.

This amendment arises because I misunderstood the manner in which the amendment to clause 17 was put. I apologise for that. This matter relates to hearing loss. My purpose was and is to oppose the amendments which were moved by the Hon. Mr Blevins and to support the amendment which the Hon. Mr Milne had on file.

The Hon. FRANK BLEVINS: The Opposition supports the amendment. Quite obviously there was a misunderstanding. I believe that after three days the Council is allowed one misunderstanding without there being any great hassle. Whilst I certainly want nothing to do with this clause I support the amendment to rectify an inadvertent error.

Amendment carried.

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

Page 7—

Line 4—Leave out 'twenty' and insert 'ten'.

Line 5—Leave out 'twenty' and insert 'ten'.

Line 7—Leave out 'twenty' and insert 'ten'.

The FRANK BLEVINS: We will support the amendment moved by the Hon. Lance Milne, because it makes the provision a little less obnoxious. However, we are totally opposed to the principle behind this clause.

Amendment carried; clause as further amended passed.

Title passed.

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

That this Bill be now read a third time.

The Hon. FRANK BLEVINS: I oppose the third reading of this Bill. It is a deliberate and vicious attack on sick and injured workers. No justification whatever is given by the Government for this attack. There have been no figures presented to the Council as to the cost of workers compensation in relation to the provisions of the Bill and the alleged reduction in cost. Since 1974 there has been a constant reduction in the workers compensation claims in this State. Also, there has been an increase in the safety provisions applying in the various work places of this State.

On the question of hearing alone, where some improvements have been made, it is clear that there will not be the same pressure on employers to make their workplaces less noisy. Every clause of this Bill is either a direct reduction in provisions that previously applied or a reduction in the standards set in 1973. Regarding rehabilitation, it can only be described as a Mickey Mouse proposal. The most optimistic estimate of the amount of money raised is something like $40 000. It is a trivial amount and to compound that

nonsense it will be paid for by the most severely injured workers and those individual workers only. No contribution will be forthcoming from the employers and none will be forthcoming from the insurance companies. To state that this Bill is a serious attempt at rehabilitation is nonsense. Apart from the injustices involved in this Bill it will be a recipe for industrial disruption on a grand scale.

Already I have had relayed to me today that claims have been put on some employers already that if this Bill goes through they will be expected to make up the various provisions. Some employers will not be able to resist the action that workers can take in those areas. I cite as one example the airline industry. Employers in that industry cannot take the amount of industrial disruption that claims of this nature, if resisted, will create. Some industries can take it and will fight. Those industries that fight against the workers' claims for the make-up provisions will be put at a disadvantage.

Some employers will have to pay workers the extra and some will not, either because the unions will not be strong enough to enforce it or because an employer is particularly strong. Some employers will be disadvantaged by this provision. We have gone from an orderly, fair system to a system that is most unfair to the workers concerned, and it is also unfair to weaker employers. So bad is this Bill that I urge the Council to lay it aside. However, if the Bill passes the third reading and eventually becomes law I promise on behalf of the A.L.P. that the iniquitous provisions of the Bill will be rectified immediately after the next State election. In the meantime, the community, some employers and certainly all employees will suffer. We accept no responsibility for that; it is entirely of the Government's making. I oppose the third reading.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank the Hon. Mr Blevins for his contribution, but I maintain, for the reasons outlined in the second reading explanation, that this Bill is quite sound. The Bill will result in increased payments of workers compensation by employers, it will benefit workers by increasing lump sum payments and, subject to the amendments that have been made, it will implement the provisions set out in the second reading explanation. I support the third reading.

The Council divided on the third reading:

Ayes (10)—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, K. L. Milne, and R. J. Ritson.

Noes (9)—The Hons Frank Blevins (teller), G. L. Bruce, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Pair—Aye—The Hon. D. H. Laidlaw. No—The Hon. B. A. Chatterton.

Majority of 1 for the Ayes.

Third reading thus carried.

Bill passed.

FISHERIES BILL

Second reading.

The Hon. C. M. HILL (Minister of Local Government): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill is the product of a thorough review of existing fisheries legislation which was undertaken in consultation with interested parties, including the Australian Fishing Industry Council (AFIC), representing commercial fishermen and processors, the South Australian Recreational Fishing Advisory Council (SARFAC), representing recreational fishermen and the aquarium and fish farming trade. The Bill incorporates the Fisheries Act Amendment Bill introduced into this Council on 3 December 1981. That Bill gives effect to the fisheries part of the offshore constitutional settlement agreement. The Bill also contains the provisions of the Fibre and Sponges Act, 1909-73.

The new Fisheries Bill implements the Government's policies for the development of the fishing industry in South Australia. It recognises that fisheries management is a dynamic system which requires flexibility in management decision making. The Bill provides a sound base for the conservation, enhancement and management of fisheries, and enables the Governor to make regulations to provide for schemes of management for particular fisheries. There are a number of features of the Bill worth highlighting.

First, Part 2 of the Bill relating to Commonwealth/State arrangements enables the following management regimes to apply beyond the limits of internal waters:

1. Management of specified fisheries by joint authorities either under—
   (a) Commonwealth law applying from the low water mark where two or more States are involved or
   (b) Commonwealth or State law applying from the low water mark where only one State is involved;
2. Arrangements whereby either the Commonwealth or a State may manage a fishery under either Commonwealth or State law, that law applying from the low water mark; and
3. Continuation of the *status quo,* that is, State law applying within the three nautical miles and Commonwealth law beyond that distance where no arrangement has been entered into in relation to management of a particular fishery. It is envisaged that this provision would rarely be used especially in the longer term.

This legislation is part of a national agreement. Identical provisions have received Royal assent in Victoria, Western Australia and the Northern Territory. A Bill has passed both Houses in Tasmania. A Bill lapsed in New South Wales when Parliament was prorogued, but will be reintroduced. A Bill has been introduced into the Queensland Parliament.

Fisheries inspectors have been retitled fisheries officers, consistent with the changing functions of this group. Fisheries officers' duties now include various extension and liaison functions, in addition to their important enforcement role. The powers of fisheries officers reflect the importance of their role in ensuring that the Government's policies relating to the management and development of the fishing industry in South Australia are adequately enforced.

The provisions relating to seizure will mean that things seized shall be held by the Crown pending proceedings for an offence against the Act relating to the thing seized. There is provision for the Minister to authorise release of the thing seized upon application. In addition, there is provision for an appeal against the Minister's decision not to release a thing seized. In the context of the Bill, a thing includes a boat, equipment, gear, devices, and fish. Compensation is also payable where a thing has been seized, and the offence not proven. The Bill provides for revised provisions to enable the Minister to carry out any research,

exploration, experiments, works or operations of any kind and continues the fund known as the Fisheries Research and Development Fund.

The Bill provides for more realistic penalty provisions in keeping with the limited entry management policies which apply in South Australia's fisheries. Support for substantially increased monetary penalties has come from both AFIC and SARFAC who also strongly support the suspension or cancellation of a licence, registration or permit upon conviction for a serious offence or a second offence, together with seizure and forfeiture of gear used and fish taken. The Government supports the industry's view that it is an essential requirement of fisheries management to have the necessary authority to deal fairly and firmly with those transgressors who, while holding a privileged access right to a common property resource, have abused that privilege. The Bill fulfils the Government's promise of more effective penalties, including the application of penalties to the fishery licence.

Extensive consultation with AFIC and SARFAC regarding the desirability of offences being strengthened and more precisely described in the Act has contributed to the relevant provisions in the Bill. Careful consideration has been given to the impact and effectiveness of each penalty, and an appropriate mixture of penalties is set out in the Bill.

The Bill provides for the Governor to make regulations prescribing schemes of management for particular fisheries. Amongst other things, a prescribed scheme of management may contain matters relating to licensing, fees, and registration of devices. There will be scope for variation of policy between fisheries. However, there will be uniform requirements on each licence within a fishery. The Bill provides wider powers to make regulations—making it easier to give legal effect to a policy for each fishery (for example, transferability and vessel replacement). It is more flexible to do this than to write specific provisions into the Act. The actual policies will be contained in the schemes of management, which will describe each fishery.

Commercial licences will be issued only under a scheme of management. There will not be a general 'class A' (or 'B') licence, or separate authorities. These will be covered by 'fishery licences' (for example, the marine scale fishery or the prawn fishery) which will define the species, zone, gear, boat size, etc. All licences will show the species to be taken commercially. There will no longer be a licence to employ. If the holder of the 'fishery licence' is not required to be on board the boat, and the registered master of the boat commits an offence, the master will carry a personal penalty, and the fishery licence will be subject to suspension upon conviction for a second offence.

In respect of fishing (that is, as opposed to processing, etc.) the central concept is one of a 'fishing activity' and 'engaging in a fishing activity'. The crux of the licensing system will be the fishery licence with endorsements thereon of the registered boat and the master of the boat. The schemes of management will be contained in the regulations, setting out the matters relating to the granting of licences and registrations in respect of each fishery. Some flexibility is provided in the proposals, enabling a new or developing fishery to have a scheme of management prescribed at an appropriate time, and relevant fishery licences thereby created.

This Bill maintains existing provisions for protection of the aquatic habitat, along with updated provisions for aquarium fish, exotic species, and fish farming operations. With the growth of an aquarium fish industry, aquaculture and the stocking of waters with fish, legislative powers are required to make regulations for these operations. The new provisions will enable the application of national complementary arrangements to control exotic fish and fish diseases, particularly as they relate to fish farming. New provisions give wider powers to control fish farming and related activities, where necessary. Farm dams on private property will not be subject to the provisions in the Bill, except in the case of fish farming, fish disease outbreak, or prohibited species. The Bill empowers the Governor to make regulations declaring fish of a specified class to be exotic fish, and it regulates the introduction into the State, the possession, control, sale, purchase, consigning, delivery and transport of such fish.

Particular attention is paid to the prevention, elimination or control of disease in farm fish and the prevention of the escape of farm fish into other waters, or the release of the water in which the fish are farmed. A person keeping fish or operating a fish farm will be required by regulation to notify the director of the occurrence of disease or symptoms of disease in fish kept or farmed by that person. Measures to be taken for the recovery, eradication or containment of exotic fish or farm fish that have been released or have escaped into any waters will also be prescribed.

The Bill gives effect to most of the recommendations of the review committee on processing and marketing of fish established by the previous Government. It abolishes the category of fish dealer and establishes a broad category of fish processor for registration purposes. There are no provisions for intervening in normal market arrangements. The review committee on processing and marketing of fish completed its final report in August 1980. Whilst further discussion still needs to take place on the matter of processors holding licences in managed fisheries, the committee's recommendations were accepted by the Wholesale Fish Merchants' Association (representing major processors), the South Australian Fish Shop Retailers' Association (representing fish and chip shops, etc.) and AFIC (representing the commercial fishing industry).

The Bill provides for a person acting as a fish processor to be registered and all premises, place or boat he uses to be specified in the certificate of registration. Power is provided for the Governor to make regulations for the regulation of fish processing and matters ancillary or incidental to, or connected with fish processing; these provisions generally accord with the recommendations of the review committee. Under the provisions of this Bill a professional fisherman will not be required to hold a certificate of registration as a fish processor in order to sell unprocessed fish he has taken under his fishery licence.

The regulation powers provide for fish processors to furnish returns setting out information relating to the sale, purchase, processing, storage and movement of fish. Regulations dealing with receptacles, labelling and fees are also proposed. In addition to more realistic monetary penalties, new provisions empower the court to suspend or cancel a licence for certain specified serious offences. There is provision for the Minister to suspend or cancel licences in circumstances where an authority was obtained improperly or where a person has been convicted of an offence against any other Act relating to fishing or involving violent or threatening behaviour. The Bill provides for appeals before a local court. Appeals regarding fishery licences will be confined to the provisions of the scheme of management for the particular fishery. Under miscellaneous provisions, the Minister will be empowered to exempt a person, or class of persons, by notice published in the *Gazette*, from any specified provisions of the Act.

A new provision will require the Director to keep a register of licences and registrations available for public inspection, together with the tabling of an annual report on the operation of the Act. The Bill provides that, where a person is convicted of an offence against the Act involving the taking of fish, the person convicted shall be liable, in

addition to any other penalty prescribed by this Act, to a penalty equal to: *(a)* five times the amount determined by the convicting court to be the wholesale value of the fish at the time at which they were taken; or *(b)* $10 000, whichever is the lesser amount.

New provisions establish vicarious responsibility where the licence holder—either a natural person or body corporate—is not directly involved in fishing operations. Overall the Fisheries Bill provides a sound basis for the conservation and management of fisheries within State territorial limits (abalone, prawn, marine scale, rock lobster) as well as through the joint authority provisions for the offshore fisheries (tuna, shark). The incorporation of provisions enabling the Governor to make regulations to provide for schemes of management for particular fisheries is a positive step forward, and will enable a flexible approach to be taken to the problems of fisheries management in the foreseeable future. I commend the Bill to the Council.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Under the clause different provisions may be brought into operation at different times. Clause 3 sets out the arrangement of the measure. Clause 4 provides for the repeal of the Fibre and Sponges Act, 1909-1973, and the Fisheries Act, 1971-1980.

Clause 5 sets out definitions of terms used in the measure. Attention is drawn to the definition of 'fishing activity' which is defined as the act of taking fish or any act preparatory to, or involved in, taking fish. 'Fishery' is defined under the clause as being a class of fishing activities declared by regulation to constitute a fishery. Under subclause (2), a class of fishing activities may be defined by regulation or other statutory instrument by reference to one or more factors such as the species of the fish, the sex, size or weight of the fish, a number or quantity of fish, a period of time, an area of waters or a place, etc. Under subclause (3), a person is to be regarded as engaging in a fishing activity of a defined class if he does the act that falls within the class as defined, or if he does any of certain preliminary acts, such as using a device for the purpose of the activity, or using a boat for that purpose, or being in charge of, or acting as a member of the crew, of a boat being used for the purpose, or diving for the purpose. Subclause (6) defines the waters to which the measure is to apply, these being: *(a)* the waters within the limits of the State; *(b)* except for purposes relating to a fishery to be managed under Commonwealth law, waters that are landward of the Commonwealth proclaimed waters adjacent to the State; *(c)* for purposes relating to a fishery to be managed under State law, any waters to which the legislative powers of the State extend with respect to that fishery; and *(d)* for purposes relating to recreational fishing not involving foreign boats, waters to which the legislative powers of the State extend with respect to those activities.

Part II of the measure, comprising clauses 6 to 19, provides for Commonwealth-State arrangements with respect to the management of fisheries. Clause 6 sets out definitions of terms used in Part II. Attention is drawn to the definition of 'fishery' which is defined in terms of a class of fishing activities identified in an arrangement made under Part II by the State with the Commonwealth or with the Commonwealth and one or more other States. Attention is also drawn to the definition of 'Joint Authority' which is defined to mean the South Eastern Joint Authority (comprising the Commonwealth, New South Wales, Victorian, South Australian and Tasmanian Ministers responsible for fisheries) established under the Commonwealth Fisheries Act and any other Joint Authority subsequently established under that Act of which the Minister is a member.

Clause 7 provides that the Minister may exercise a power conferred on the Minister by Part IVA of the Commonwealth Act. Clause 8 requires judicial notice to be taken of the signatures of members of a Joint Authority or their deputies and of their offices as such. Clause 9 provides that a Joint Authority has such functions in relation to a fishery in respect of which an arrangement is in force under Division III as are conferred on it by law (that is, either Commonwealth law or, as the case may be, South Australian law) in accordance with which pursuant to the arrangement, the fishery is to be managed. Clause 10 provides for the delegation by a Joint Authority or any of its powers.

Clause 11 provides for the procedure of a Joint Authority. Clause 12 requires the Minister to table in Parliament a copy of the annual report of a Joint Authority. Clause 13 provides that the State may enter into an arrangement for the management of a fishery. The clause also provides for the termination of an arrangement and the preliminary action required to bring into effect or terminate an arrangement. Clause 14 provides for the application of South Australian law in relation to fisheries which are under an arrangement to be regulated by South Australian law.

Clause 15 sets out the functions of a Joint Authority (that is, one that is to manage a fishery in accordance with South Australian law) of managing the fishery, consulting with other authorities and exercising its statutory powers. Clause 16 provides for the application of the principal Act in relation to a fishery that is to be managed by a Joint Authority in accordance with the measure. Clause 17 applies references made to a licence or other authority in an offence under the principal Act to any such licence or other authority issued or renewed by a relevant Joint Authority. Clause 18 is an evidentiary provision facilitating proof of the waters to which an arrangement applies.

Clause 19 provides for the making of regulations in relation to a fishery to be managed by a Joint Authority in accordance with the law of the State. Part III of the measure, comprising clauses 20 to 32, provides for administrative matters. Clause 20 provides that the Minister and the Director of Fisheries are, in the administration of the measure, to have the objectives of ensuring through proper conservation and management measures that the living resources of the waters to which the measure applies are not to be endangered or over-exploited and of achieving the optimum utilisation of those resources. Clause 21 provides for the incorporation of the Minister of Fisheries.

Clause 22 continues the office of Director of Fisheries. Clause 23 provides for delegation by the Minister or the Director of powers conferred upon the Minister or Director, respectively. Clause 24 requires the Director to prepare an annual report for the Minister on the administration of the measure and provides for the report to be tabled in Parliament. Clause 25 provides for the appointment by the Governor of fisheries officers. Under the clause, the Director of Fisheries and police officers are to be fisheries officers *ex officio*.

Clause 26 provides for identity cards to be issued to fisheries officers (not being police officers). Under the clause, a fisheries officer is required, if requested to do so, to produce his identity card before exercising any of his statutory powers. Clause 27 provides that it shall be an offence if a fisheries officer has, without the consent of the Minister, any financial interest in any business regulated under the measure. Clause 28 sets out appropriate powers for fisheries officers to enter, search, seize, ask questions, give directions, etc. Under subclause (2), the power to enter premises may only be exercised upon the authority of a warrant issued by a justice unless it is being exercised in relation to registered premises of a registered fish processor or in circumstances that the fisheries officer believes warrant urgent action. Subclause (6) empowers a fisheries officer to arrest a person without warrant in appropriately limited

circumstances. Subclauses (9) and (10) provide in considerable detail for the seizure and for forfeiture of anything used in the commission of an offence against the measure.

Clause 29 provides that it is to be an offence if a person falsely represents that he is a fisheries officer. Clause 30 protects fisheries officers from personal liability for acts done in good faith in the exercise or purported exercise of a power or duty under the measure. The liability in such cases is to lie against the Crown. Clause 31 authorises the Minister to carry on research and development for the benefit of the industries to which the measure applies. Clause 32 continues the Fisheries Research and Development Fund in existence. The clause sets out the moneys to be paid into the fund, principally the charges and fees to be paid under the measure, and authorises the moneys to be applied for research and development. Subclause (4) provides for investment of the fund.

Part IV of the measure, comprising clauses 33 to 58, provides for the regulation of fishing and the other activities regulated under the measure. Division I of this Part, comprising clauses 33 to 46, provides for fisheries and fishing. Clause 33 sets out definitions of terms used in this Division. Clause 34 provides that it shall be an offence attracting a penalty of up to $5 000 if a person engages, for the purposes of trade or business, in a fishing activity of a class that constitutes a fishery unless he holds a licence in respect of that fishery, or is acting on behalf of a person who holds such a licence. Subclause (2) provides for the registration of each boat used in a fishery and the master of each such boat. The clause provides for the use of replacement boats and relief masters with the consent of the Director and subject to such conditions as he may impose.

Clause 35 makes provision for applications for licences and registration. Clause 36 provides for the grant of a fishery licence to be determined by the Director subject to and in accordance with the provisions of the scheme of management prescribed for the particular fishery by regulations under clause 46. The clause requires the Director, before registering a boat, to be satisfied that the applicant is the holder of a fishery licence and as to such other matters as may be prescribed by the scheme of management for the fishery. The clause provides that application for registration of a master of a boat must be made by the holder of a fishery licence who has a registered boat and that the proposed master must be a fit and proper person to be master of the boat. Under subclause (2), the holder of a fishery licence is to be the only person who may be registered as the master of a boat used pursuant to that licence if the scheme of management for the particular fishery so provides. Registration of a boat or master of a boat is to be effected by endorsement of the related fishery licence.

Clause 37 empowers the Director to impose conditions of fishery licences. Contravention of a condition is to be an offence attracting a penalty of up to $1 000 for a first offence, $2 500 for a second offence and $5 000 for a subsequent offence. Clause 38 provides that a fishery licence is not to be transferable unless the scheme of management for the particular fishery so provides, in which case, it is only to be transferable if the Director is satisfied as to the matters prescribed by the scheme of management and consents to the transfer. Clause 39 provides that the registration of a boat or master of a boat endorsed on a fishery licence terminates or is suspended if the licence terminates or is suspended. Clause 40 requires the holder of a fishery licence to carry it with him at all times when he is engaging in any fishing activity pursuant to the licence. The fishery licence must also be carried on a registered boat by the person in charge when the boat is being used for any purpose.

Clause 41 provides that it shall be an offence if a person engages in a fishing activity of a class prescribed by regulation. The penalty fixed for this offence is a maximum of $1 000 in the case of a first offence, $2 500 in the case of a second offence and $5 000 in the case of a subsequent offence. It should be noted that under clause 69 a court convicting a person of the offence, where fish were taken in contravention of the measure, is required to impose a further penalty equal to five times the wholesale value of the fish or $10 000, whichever is the lesser amount. The offence created by this clause is designed to cater for most of the controls on fishing, such as taking undersized fish, bag limits, closed seasons, closed waters, etc., which are separately provided for under the present Fisheries Act. This definition of a fishing activity by reference to any combination of factors achieves the necessary flexibility that is not present with the present approach.

Clause 42 provides that it shall be an offence to take fish of a class declared by regulation to be protected. The penalty for a first offence is fixed at a maximum of $2 000 and, for a subsequent offence, at a maximum of $5 000. Clause 43 provides that the Governor may by proclamation declare that it shall be unlawful to engage in a fishing activity of a class specified in the proclamation during a period specified in the proclamation. Contravention of a proclamation under the clause is to be an offence attracting the same penalties as are provided in relation to clause 41.

Clause 44, at subclause (1), provides that it shall be an offence if a person sells or purchases fish taken in waters to which this Act applies unless the fish were taken in pursuant to a fishery licence. Subclause (2) provides that it shall be an offence to sell or purchase, or have in one's possession, any fish taken in contravention of the measure of any fish of a class prescribed by regulation. The penalty for an offence against subclause (1) is to be a maximum of $5 000. The penalties for offences against subclause (2) are to be the same as those fixed in relation to clauses 41 and 43.

Clause 45 provides that it shall be an offence if a person, without reasonable excuse, obstructs or interferes with a lawful fishing activity or interferes with fish taken in the course of a lawful fishing activity. Under the clause, a person engaged in a lawful fishing activity may request a person interfering with or obstructing the activity to cease the interference or obstructive conduct and that person is to be guilty of an offence unless he complies with the request. Provision is made for a court convicting a person of an offence against the clause to order the convicted person to pay compensation for any loss resulting from the commission of the offence.

Clause 46 provides for the making of regulations for the conservation, enhancement and management of the living resources of the waters to which the measure applies, for the regulation of fishing and the protection of certain fish. The clause provides, in particular, for the declaration that a class of fishing activities is to constitute a fishery and for a scheme of management to be prescribed for the fishery. The scheme of management may limit applications for fishery licences to applications lodged during a specified period or a specified period after the Director has made a call for applications. The scheme may fix the maximum number of licences that may be in force in respect of the fishery, prescribe the qualifications that applicants must possess in order to be eligible to be granted licences, and prescribe a procedure of competitive tendering or ballots under which applicants for licences who are eligible to be granted licences may be selected for the available number of licences. The scheme may prevent or restrict the granting of licences to bodies corporate or partnerships and may provide that only the holders of licences in respect of the

fishery may be registered as masters of their boats. The scheme may authorise and regulate licence transfers, fix fees for licences and provide for any other matters with respect to fishery licences. The regulations may, in addition to prescribing schemes of management for licences, provide for the marking of registered boats, regulate the carrying or possession of fishing devices, require the registration of fishing devices and their marking, and regulate how fish are dealt with by the persons engaged in the fishing activities in the course of which they are taken.

Division II of Part IV, comprising clauses 47 and 48, provides for the protection of the aquatic habitat. Clause 47 empowers the Governor to declare that any specified waters, or land and waters, are to be an aquatic reserve. Waters that are controlled aquatic reserve under the present Fisheries Act are to continue as aquatic reserve under this measure. Clause 48 provides that it shall be an offence if a person, unless authorised to do so under the regulations, or by a permit, enters or remains in an aquatic reserve. Subclause (2) provides that it shall be an offence if a person, unless authorised to do so by the regulations or a permit, engages in any operation involving or resulting in disturbance of the bed of any waters, removal of or interference with aquatic or benthic flora or fauna of any waters, or discharge, release or deposit of any matter (whether solid, liquid or gaseous) in any waters. Under subclause (3), the Director is authorised to issue permits which may be made subject to conditions.

Division III, comprising clauses 49, 50 and 51, provides for exotic fish, fish farming and disease in fish. Clause 49, at subclause (1), provides that it shall be an offence if any person brings into the State or sells, purchases or delivers any exotic fish. 'Exotic fish' are defined by clause 5 as being fish of a class declared by regulation to be exotic fish. Subclause (2) provides that it shall be an offence if a person, on or after the expiration of six months from the commencement of the clause, has in his possession or control any exotic fish unless he has possessed the exotic fish since the commencement of the clause and obtained a permit from the Director to continue to possess them. These requirements are not to apply to exotic fish excepted by regulation.

Clause 50 provides that it shall be an offence if any person releases, permits to escape or deposits in any waters any exotic fish, any farm fish or any fish that have been kept apart from their natural habitat. Under the clause, the Director may issue a permit authorising a person to release fish of a class prescribed by regulation into waters specified in the permit subject to conditions specified in the permit. Clause 51 empowers the Governor to make regulations for the control of exotic fish, the regulation of fish farming and the control of disease in fish.

Division IV of Part IV, comprising clauses 52 and 53, provides for the grant of leases or licences to farm or take fish. Clause 52 defines 'fish' for the purposes of Division IV to include the fibre of sea grass and sponges. Clause 53 authorises the Minister to grant a lease or licence for a term not exceeding ten years in respect of an area consisting of land or waters, or land and waters, conferring rights to occupy and use the area for fish farming or to take fish from the area.

Division V of Part IV, comprising clauses 54 and 55, deals with fish processing. Clause 54 requires any person who acts as a fish processor to be registered and for the premises, places, boats and vehicles used by him in that operation to be specified in his certificate of registration. Clause 55 authorises the Governor to make regulations with respect to fish processing and matters ancillary or incidental to, or connected with, fish processing. Division VI of Part IV, comprising sections 56 and 57 makes provision for the suspension or cancellation of authorities, that is, any licence, registration, lease or permit under the measure.

Clause 56, at subclause (1), empowers a court convicting the holder of an authority of an offence against the measure, in addition to imposing any other penalty, to order the suspension or cancellation of the authority. Subclause (2) provides that, where the holder of a fishery licence is convicted of one of a number of offences specified in subclause (9), the Director is to cause the conviction to be recorded on the licence. Subclause (3) provides that, where a court convicts the holder of a fishery licence of one of those offences and that person has previously been convicted of such an offence, or there is recorded on the licence a conviction for such an offence, committed during the preceding period of three years, the court must suspend the licence for a minimum period of three months during which fishing pursuant to the licence would otherwise have been lawful. Where the holder has been convicted of two such previous offences, or two such previous offences are recorded on the licence, the convicting court must cancel the licence. A previous conviction recorded on a fishery licence is to be taken into account in relation to an offence committed by the holder of the licence whether or not the previous offence was committed by that person or a previous holder of the licence. This is necessary in order to ensure that there will be little incentive to transfer licences in order to avoid suspension or cancellation. Subclauses (4) and (5) provide that these provisions do not apply in relation to an offence that the convicting court has certified to be trifling.

Clause 57 empowers the Minister to suspend or cancel an authority if he is satisfied that it was obtained improperly or that the holder of the authority has been convicted of an offence against any other Act, whether an Act of this State, another State, a Territory or the Commonwealth, being an offence related to fishing or involving violent or threatening behaviour and of such a nature that the Minister is of the opinion that the authority should be suspended or cancelled. Division VII of Part IV, comprising clause 58, provides for review of decisions of the Minister or Director.

Clause 58 provides for review by a District Court of a decision of the Director refusing an application for an authority, or the transfer of an authority, or imposing or varying a condition of an authority, or a decision of the Minister refusing an application for the release of anything that has been seized and is being held pending the determination of proceedings for an offence, or by a decision of the Minister under clause 57 suspending or cancelling an authority. Part V, comprising clauses 59 to 72, contains miscellaneous provisions.

Clause 59 empowers the Minister to grant exemptions from compliance with provisions of the measure. An exemption may be made subject to conditions determined by the Minister. Clause 60 empowers the Director to require the holder of an authority to return the authority if it is suspended or cancelled, or for the purpose of varying or revoking a condition of the authority, or imposing a further condition, or, in the case of a fishery licence, for the purpose of recording a conviction on the licence. Clause 61 provides for the surrender of an authority. Clause 62 provides for the issue of duplicate copies of authorities. Clause 63 prohibits misuse of authorities. Clause 64 makes provision with respect to the holding of authorities by partnerships.

Clause 65 requires the Director to keep a register of authorities and to make it available for public inspection. Clause 66 provides that where a person is convicted of an offence involving the taking of fish, the court shall, in addition to imposing any other penalty prescribed by this Act, impose a penalty equal to five times the amount determined by the convicting court to be the wholesale value of the fish at the time they were taken, or $10 000,

whichever is the lesser amount. Clause 67 contains evidentiary provisions. Clause 68 provides that it shall be an offence if a person furnishes information for the purposes of the measure that is false or misleading in a material particular.

Clause 69 provides that, where a body corporate is guilty of an offence, every member of the governing body of the body corporate is guilty of a similar offence unless he proves that he could not by reasonable diligence have prevented the commission of the offence. Subclause (2) makes a principal liable for an offence if his agent commits an offence while acting as his agent. Subclause (3) makes the holder of a fishery licence guilty of an offence if his registered boat is used in the commission of the offence. Clause 70 provides that proceedings for an offence against the measure are to be disposed of summarily and may be commenced within twelve months of the day on which the offence is alleged to have been committed. Clause 71 provides for the service of documents. Clause 72 provides for the making of regulations.

The Hon. C. J. SUMNER secured the adjournment of the debate.

POLICE INQUIRY

The Hon. C. J. SUMNER (Leader of the Opposition): I move:

That the reports commissioned by the Hon. K. T. Griffin, Attorney-General, South Australia, into alleged corruption in the South Australian Police Force, laid on the table of this Council on 1 April 1982, and the accompanying Ministerial statement be noted, and while affirming its confidence in the South Australian Police Force this Council believes that in view of continuing public doubts about the nature of the inquiry and report, a Royal Commission should be established with the following terms of reference:

(i) Review the findings of the internal inquiry into alleged police corruption and conduct such further inquiries as it may deem necessary.

(ii) Review internal police administrative procedures referred to by Sir Charles Bright.

(iii) Review the recommendations of the Mitchell Committee into Criminal Investigation and the Australian Law Reform Commission into complaints against the police in the light of its findings on police corruption, police/community relations and circumstances in South Australia at present.

(iv) Consider whether the Ombudsman or some other independent authority should have power to investigate complaints against the police.

(v) Consider proposals to establish a permanent Crime Commission to investigate and advise on organised crime and corruption in the criminal justice system.

(vi) Consider existing laws particularly in relation to drugs and their effect on police corruption

and

(vii) Advise whether or not police powers are adequate to deal with organised crime and drug offences.

It is appropriate that the Council should debate this report, which was tabled last Thursday. I think it is a great pity that the Council is debating this important matter at such a late hour. Debate on this matter in another place proceeded this morning as the first item of business. I think that debate on this matter should have been the first item of business in this Council to enable it to be considered at an early time, which I believe was its due.

The Government has been forced into allowing this debate because we were brought back to the Parliament today. I gave notice last Thursday that I would move for this debate to come on today. Even if the Government had not decided to come back today to debate other matters, I had moved last Thursday that the council reconvene to enable a debate to proceed.

Mr President, I was disappointed, to say the least, that the Government, when the report was tabled, point-blank refused to allow a debate in this Chamber or in the House of Assembly. When a report of this kind is tabled in the Parliament, I believe there is an obligation on the Government to facilitate Parliamentary consideration of it. We now have that Parliamentary consideration, but it is certainly no thanks to the Government.

There are many issues to be convassed, and I trust that they will be canvassed carefully and rationally. The Opposition recognises the importance of an efficient and well respected Police Force which has the confidence of the South Australian public. The report tabled last Thursday unfortunately does not dispel all doubt and fears in the community, nor does it offer any positive suggestions as to how matters of this kind can be dealt with in the future.

To commence the debate I wish to assert certain things that the Opposition is not saying about the report. First, the Opposition is not questioning the personal integrity of the officers and Sir Charles Bright: that is not in question. Further, there is little doubt that many of the allegations have not been substantiated and would be unlikely to be substantiated in a wider inquiry.

On the evidence we have, there is unlikely to be any widespread corruption in the Police Force. However, the Opposition says that doubts remain about certain allegations in the report and other allegations, and about the *modus operandi* adopted in the report. In particular and very importantly, the Opposition says that important issues for the future have not been resolved and should have been resolved by resort to a Royal Commission.

What the Opposition says and maintains is that the report is inadequate in a number of ways. We say that the Government must take responsibility for the limited nature of the inquiry. It was an internal inquiry and some potential informants and lawyers refused to co-operate. The Opposition says that there was no protection or privilege for witnesses. We say that Sir Charles Bright was wrongly used to give a status to the report which was not warranted. We say that the inquiry was established, but then its *modus operandi* and composition changed in mid-stream.

The Opposition says that Sir Charles Bright was appointed to carry out his review in secret, without the public or the Parliament being advised until the day the report was tabled in this Chamber. The Opposition wants to know how many potential witnesses refused to co-operate with the inquiry or provide statements. That information should be provided to the Council. The Opposition says that there remains doubt and suspicion in the community, not just about the allegations that were dealt with by this inquiry, but surrounding a number of matters that have occurred within the Police Force in recent times.

The situations involving former police officer Creed, who is wanted on serious criminal charges, and the unfortunate death of police officer Whitford who, at some time, was involved with, I understand, some of these inquiries and involved in the Drug Squad, are two such matters. There have been other cases in recent times where police have been prosecuted on charges of illegality: one in relation to S.P. book makers in Whyalla and another regarding the possession of marihuana in Adelaide.

So, despite this report, some doubt and suspicion does remain in the community, not just in relation to these allegations, but also in relation to the general situation within the Police Force. The Opposition has consistently adopted a responsible and careful attitude to the allegations. Until last Friday, we have refrained from calling for a Royal Commission. We were prepared to await the report which was tabled last Thursday. It is interesting to recap-

itulate that the report was ordered in September of last year.

In fact, initially, the report was ordered in secret when the *Advertiser* journalists made some allegations to the Attorney-General. It was only some time after that, I believe 8 October, that the fact of the report became public. At that time, the Attorney-General said, 'I am informed that a significant part of the report has been completed.' He was also reported as having said at that time that he expected the report to be in within two weeks. He has denied that subsequently—

The Hon. K. T. Griffin: And consistently.

The Hon. C. J. SUMNER: —and I accept that denial. What he did say (and he certainly gave that impression in October) was that the report was nearly completed. I quote again what he said, as reported in the *Advertiser* at that time, 'I am informed that a significant part of the report has been completed.' That was in October, yet the report was not tabled until early in April, so there was concern, and legitimate concern, in the Parliament by the Opposition and in the press about the delay in the report.

I think some of the criticism of the report at the moment stems from the problems I see that the Government had with this report—the fact that it gave the impression that initially a report was nearly ready and then delayed for some time. I believe it got into trouble with what it thought would be the end result of the report, and therefore called in Sir Charles Bright to give it, as I said, a status which I do not believe it deserved. Throughout that period until the report was tabled, the Opposition adopted a consistent attitude of not supporting calls for a Royal Commission that were made. It waited to see what the report came up with, even though the tabling of the report to our mind and the public mind was delayed for several months.

Why do we believe a Royal Commission is neccessary? First, there is the nature of the report—it was internal. Mr Cramond was apparently appointed as a person who was supposed to give an independent perspective to the report, yet he is hardly mentioned in the report. Apparently, the degree of independence that he could give to it was not satisfactory to the Attorney-General, so Sir Charles Bright was then brought in in secret. In his Ministerial statement to the Council, last Thursday, the Attorney-General said that at the outset he had in mind some independent person should ultimately review the report which might be presented to him. If he had that intention at the outset, it is a legitimate question to ask why, when he announced the inquiry in October, he did not give that information to the public or the Parliament. Why did he not tell the Parliament that he was then going to bring in a former Supreme Court judge to overview the evidence that was collected? I believe that he realised earlier this year that he was getting into trouble with the independence of the report and then decided to approach Sir Charles.

The Attorney must answer a number of questions. I have already put one to him, namely, how many people refused to co-operate with or provide statements to the inquiry. When did he approach Sir Charles Bright, and why was that approach not announced and Sir Charles's role in the inquiry made public? I believe that the fact that it was not made public has very severely affected the credibility of this report. It is possible that, had people known Sir Charles Bright was involved in the report in the role in which he was involved, more people who had allegations to make may have come forward. Of course, no-one, the public or the Parliament, knew of his involvement. I think that that is a very serious criticism of the *modus operandi*—the nature of Sir Charles Bright's involvement and the composition of the inquiry team.

Let us turn to the report itself. First, I think that anyone who has read the report must be disappointed about the mode in which that report has been presented. To anyone coming to the report as an outsider with little knowledge of the issues (as many members might, and, indeed, as members of the public certainly would), the report is disjointed and confusing. There is little order in it and, in order to study the report and come to grips with the various allegations, it is necessary to do quite a detective job on the report. What we have is only a page and half of actual report from Sir Charles Bright and then, subsequently, we have his comments. His comments are repeated. In part 2 they are his review of the various allegations, but in that part the actual allegations do not appear.

In part 3 of the report, one sees the allegations and Sir Charles Bright's comments on them. Quite frankly, I cannot understand why the report was presented in such a disjointed and confusing fashion. I do not know why, for instance, there was any need for part 2. All the information in part 2 of the report is contained in part 3. Why was there not just a part 3, unless the Government was setting out deliberately to confuse people who wished to read the report. I believe that the Government inserted part 2, with Sir Charles Bright's review of the accusations and allegations, in that form in a separate part so that they could be seen as one piece without the actual allegations and without the investigating team's considerations of those allegations. I make that criticism because I think it very justified in the light of what I believe was a disjointed and confusing report in the manner in which it was presented. I do not know who was responsible for presenting the report in that way. It was, I believe, ultimately the Attorney-General's report, so he must take full responsibility for that very disappointing presentation.

The second comment I make about the report is that it is definitely not a complete vindication of the officers concerned in some of the allegations. There is no way in which any analysis of the report can come to that conclusion. There remain serious doubts about the number of questions that I will outline shortly. The third point I make is that Sir Charles Bright could not assess the credibility of one witness referred to in the report. He has reviewed evidence collected internally without being able to make any indirect assessment of the credibility of any witness or any person who gave statements to the inquiry.

I believe that that is a severe limitation on the authority which should be given to Sir Charles Bright's review of the report. If Sir Charles had been able, as he would be as a Supreme Court judge or Royal Commissioner, to see witnesses and assess their credibility, obviously his independence and that of the report would have been greatly enhanced. However, while his role was only to review evidence collected by the investigating team and while he had no opportunity to personally assess credibility, there must be grave doubts about the independent status of the report.

I now wish to take the Council through some allegations in the report that I believe firmly establish the inadequacies of the report on the one hand and certainly establish that the report is not a complete vindication of all the police officers involved. If members turn to page 1 of the report, they will see that Sir Charles Bright states there that he made a decision not to see Deputy Commissioner Giles, who was one of the investigating team, but he had discussions with Assistant Commissioner Hunt. In addition to the other questions I had asked, I want an explanation from the Attorney, and he must respond. There may be an innocent explanation, but this throws doubt. We had a bald statement that, because of a decision by Sir Charles Bright, he did not see Deputy Commissioner Giles. What is the reason for

that? Surely he should not make that bald statement in the report but should have given an explanation for it. Further, in his 2½ pages of report, Sir Charles states:

In many cases, indeed most, it is highly unlikely that the allegations are true. In a few I am left with residual suspicions and, in one, my suspicions are considerable.

I will deal with those considerable suspicions later. Thirdly, Sir Charles Bright deals with administrative procedures in the force and, while he maintains that these are best dealt with internally, he outlines a number of areas to which constant attention needs to be given, such as security of information, protection of personnel, security of property, supervision of personnel, public opinion and information, training procedures, and the like. In his initial 2½ pages, Sir Charles refers to procedures for complaints against the police. He does not make any specific recommendation, beyond saying that he favours some method that allows a member of the public to read the newspapers and decide whether a matter should be left to the police or to some independent tribunal.

Sir Charles refers to a number of matters which we believe ought to be investigated more fully and which are contained in our terms of reference, and with methods of dealing with complaints against the police, whether they should be dealt with by the Ombudsman, to try to minimise opportunities for impropriety. We believe that those matters should be further investigated. We believe that a Royal Commission is the appropriate way to do that, with members of the public and members of the Police Association being able to make submissions on what they consider to be the best method of dealing with complaints against the police and the best method of dealing with the administrative arrangements that I have mentioned.

Finally, in his 2½ pages of report, Sir Charles Bright concludes that the evidence taken as a whole does not justify taking proceedings against anyone. He refers to the evidence as a whole and to a justification for taking proceedings, but that does not mean that it is a complete vindication of all the officers who are mentioned in the report, nor does it mean that there are not suspicions and doubts about some of the allegations. As I go through the report, members will see that there do remain a number of very serious and unanswered questions. The first point I wish to make, getting on to the body of the report, is referred to on page 11 and deals with allegations against police officers 'I' and 'L'. Sir Charles Bright states:

I would start with declaring that I have long been acquainted with ———— the father of the person under investigation, and have always had the highest opinion of him. I would, in the absence of anything to the contrary, readily accept any statements that he makes regarding advances and gifts made by him to his son.

There is no evidence in the investigation in file 1 of whether this gentleman made any gifts to his son. The allegation was that he had a house that was perhaps grander than it should have been for a person on his salary. I find it unsatisfactory that Sir Charles Bright is apparently prepared to rely on a personal acquaintance with the father of a police officer to come to the sort of conclusion to which he comes. Surely that is not an appropriate method of coming to conclusions.

Certainly, it would not be a method that was acceptable in a court of law, and I do not believe that it is an acceptable method in this rather different sort of review. So, that sort of statement highlights, I believe, the defectiveness of some of the review that was carried out by Sir Charles Bright.

I turn now to file 3 on page 15 of the report, which contains a statement that should disturb every member of Parliament. Sir Charles states:

It is quite possible that one or more members of the Police Force, not necessarily at present in the Drug Squad, have an interest in growing marihuana. If they are not in the Drug Squad however, they are less likely to be able to give protection to the grower.

Sir Charles says that it is possible that one or more members of the Police Force have an interest in growing marihuana. The word 'quite' means 'very', so he is saying that it is very possible that one or more members of the Police Force have an interest in growing marihuana. That is a serious accusation to make, but it does not seem to be taken much further. It seems odd that, if a policeman is involved in growing marihuana, it seems to be more justifiable if he is outside the Drug Squad than if he is in it.

As the law stands at the moment, growing or cultiviating marihuana is an offence, but here, in paragraph 8 of file 3, is this disturbing comment that it is possible that one or more members of the Police Force have an interest in growing marihuana. That appears to be a bald statement, and apparently the Government is willing to accept that statement without any qualms or doubts. Personally, I believe that the statement is enough to give grave cause for concern to the Council. Further, in file 3 paragraph 10 provides:

Who was the first senior officer to know of the allegations against Senior Police Office 'A' and what, if anything, was done? If nothing was done, why was it not done? What motivated the investigation at the end of 1981? Did that come out of a dead file or were any inquiries continuing in the meantime?*

The asterisk at the end of that paragraph leads to this comment:

I have now been supplied with answers to these questions. The decision was made by Senior Police Office 'B', not by Senior Police Office 'A' and the answers to my questions do not implicate Senior Police Office 'A'. My comments in paragraphs 1 to 9 stand. Nevertheless, I think the administrative response to the allegation against Senior Police Officer 'A' in 1979 was a too ready decision to do nothing.

Again, in terms of the administrative procedure within the Police Force that is a criticism that deserves some consideration. I repeat that our call for a Royal Commission deals with administrative procedures. There are a number of other examples in the report where the administrative procedures are criticised by Sir Charles Bright, and that is one of them.

The Opposition's proposal for a Royal Commission would enable these procedures to be examined more thoroughly in the light, of course, of what the police consider to be the most efficient way, and what view the Police Association may have on them, but bearing in mind the ultimate responsibility to ensure that it is the community interest with which we are concerned. The next criticism of the report is in file 8. Again, I ask the question about the following statement from Sir Charles Bright:

Lawyer 'B' is to be interviewed on this and other matters and I will deter a final opinion until I see the result of his interrogation.

That is the end of it. Apparently, there was no interrogation. There is certainly no comment that Sir Charles Bright has seen the interview of lawyer 'B'. That is a further question that I wish to put to the Attorney-General: what has happened on file 8? Has Lawyer 'B' been interviewed? What was Sir Charles Bright's opinion after Lawyer 'B' was interviewed? We now turn to file 13, where the following statement from Sir Charles Bright appears:

I am left unable to dismiss these allegations. They may be true. If so, Police Officer 'A' and Police Officer 'Q' were risking their careers and their bodies in behaving as alleged. If the drug scene is as violent and savage as it is painted, they would have been likely to be 'dealt with' as a lesson to others. There is much in common in all accounts—

and I emphasise this—

On the whole I think it more likely that the allegation that Police Officer 'A' and Police Officer 'Q' received the money is untrue than the contrary.*

It is more likely, but not conclusive. He then goes on to say:

This is an illustration of the need to examine administrative procedures. If the allegations are false the file shows how difficult it is to prove falsity satisfactorily.

Then an asterisk to those statements is this:

I am disturbed, however, by the tape machine incident which may be 'mere corroborative detail' but does tend to support Informant 'J's' story.

So, again we have a proposition from Sir Charles Bright in which he says that he is unable to dismiss certain allegations and in which he believes that administrative procedures were unsatisfactory. I now deal with file 15. On page 32, the following statement appears:

... I agree with Mr Cramond's comments on the impossibility of refuting the allegation because of failure to observe proper administrative procedures.

Again, we get the fact that there are problems with internal administrative procedures. Further, in file 15, the following appears:

The specific allegations made should not be taken further but this file illustrates the importance of proper administrative procedures as mentioned in my report.

Finally, in terms of going through the report, I wish to deal with file 14. This is, of course, the most serious matter that appears in the report. It deals with Informant 'D' and the allegation of Informant 'D' that as a result of information received Informant 'D', then in custody on a charge of armed robbery, was interviewed. He made statements claiming that over a period Police Officer 'O' had supplied him with quantities of heroin both of his own use and for sale.

I wish to quote as quickly as I can some of the findings in relation to this allegation. I refer, first, to some findings of the investigative team, as follows:

On the face of the accounts given by Informant 'D' and his father Person 'M' and Person 'N', one would have little hesitation in concluding the allegations have been sufficiently substantiated to justify a *prima facie* finding that they were true.

So, on the face of it, the investigating team believes that there is a *prima facie* case that the allegations were true. Sir Charles Bright reviews those findings and comes to these conclusions:

There is no doubt, as the investigators said, that the evidence against Police Officer 'O' is amply sufficient to make a *prima facie* case against him that he was supplying Informant 'D' with heroin in 10 gram lots originally at $500 a lot and later at $1 000 a lot, the idea being that Informant 'D' would use some, sell the rest at a profit and so keep in credit.

Evidence comes from Informant 'D's' father, who knew very little about it directly but had heard a lot and had discussed with the late Police Officer 'S', from Informant 'D's' girlfriend (Person 'M') who claims to have seen Police Officer 'O' actually pass over heroin to Informant 'D' or at least to have been present when Informant 'D' left his car, he not then having any heroin, went to see Police Officer 'O' and then returned to his car with heroin in his possession. If she is a credible witness I do not see how any of the later material to be mentioned can refute the allegations against Police Officer 'O'. Then there is Informant 'D's' grandmother with whom Informant 'D' left a sum of money loose. The grandmother counted the money and found it to be $700. Police Officer 'O' came along to collect it and was a bit upset. He said, 'Is this all?' She said, 'Yes', and she said, 'Were you expecting more?' and he said, 'Much more'. She is quite positive the amount was $700. Police Officer 'O' agrees that he collected some money but says it was $450 to $500 and certainly not as much as $700. It is extraordinary to think that Police Officer 'O' and other persons in the Drug Squad would lend Informant 'D' even as much as $500. Yet $500 is spoken of as being merely a balance. I find it very difficult to believe that this is true.

This is an important statement:

Even if Police Officer 'O' is telling the truth, which I gravely doubt, I think he was extraordinarily foolish to keep on meeting Informant 'D' on his own. I recognise that Informant 'D' was an informer and that he was the only available informer in a case against a man called Informant 'B', but it seems extremely unwise to have repeated meetings on his own.

It further states:

Even so I find it hard to understand where, at the time he left for Darwin, he could have obtained $700 or even $500, being the money that he left with his grandmother, and I find it difficult to disbelieve her account of Police Officer 'O's' dismay when he found that the sum which had been left was only $700 and not much more.

It continues:

I do not say that the allegations would succeed if a charge were brought against Police Officer 'O' but there is sufficient against him, coupled with his own imprudence and coupled with what I see as the inherent unlikelihood of his explanation, to leave me with a view that the allegations may possibly be true and even are likely to be true.

So, Sir Charles Bright comes to the conclusion on the balance of probabilities that the allegations made in file 13 that Police Officer 'O' had supplied Informant 'D' with quantities of heroin for his own use and sale is more likely to be true than not. That file is very deceiving because, on the face of it, Sir Charles' comments mean that, although not beyond reasonable doubt but on the balance of probabilities, it is likely to be true that Police Officer 'O' had supplied Informant 'D' with quantities of heroin. That is a very disturbing allegation and it is contained in the report and substantiated by Sir Charles Bright.

What I find somewhat disturbing about this file is that the Attorney-General apparently referred the file to the Crown Prosecution section of the Attorney-General's Department, to a Deputy Crown Prosecutor who is not named. I ask the Attorney-General why the file was not referred to the Crown Prosecutor. There may be a perfectly simple explanation; for example, he may have been on holidays. However, I would have thought that a matter of this importance, where a former Supreme Court judge has found that it is more likely than not that the allegations are true, would have been referred to the most senior prosecution officer in the Attorney-General's Department. However, it was not.

The matter was referred to a Deputy Crown Prosecutor, and that matter should be responded to by the Attorney-General. The advice from the Deputy Crown Prosecutor was as follows:

In my opinion, there is insufficient evidence of an apparently credible nature to justify charging Police Officer 'O'. Such evidence as does exist is riddled with important inconsistencies and contradictions. The sources of such evidence have every motive to lie, and the sequence of events points very strongly in the direction of fabrication.

That is a much stronger statement than that made by Sir Charles Bright. If Sir Charles Bright came to the conclusion, on reviewing the evidence, that it was more probable than not that the allegation was true, then surely that person should have been put on trial. Surely an incident which one considers to be true more probably than not constitutes a *prima facie* case. If a *prima facie* case is established for the prosecution, then the prosecution should proceed and a jury should decide whether or not a person on trial is guilty.

I believe that if the Attorney-General reviewed any file in his office and was told that, on balance, a case would succeed, he would instruct a prosecutor to go ahead, but in this case he has not done that, despite the clear statement from Sir Charles Bright that the allegations against Police Officer 'O' were more likely to be true than not. He states that 'the allegations may possibly be true . . .', and goes further by saying that they are 'even likely to be true'. That statement means that more probably than not the allegations were true, yet the Attorney-General did not take any action on that particular file: we have to know why.

I have dealt with the difficulties of administrative procedures; I have dealt with the most unsatisfactory nature of the Attorney-General's actions in relation to file 14. I now want to deal with one or two other matters. First, in another place this afternoon, the Deputy Premier launched

an attack on Mr Bleechmore, a barrister. If the Government has any complaint about the actions of Mr Bleechmore from a legal or ethical point of view, then it knows that those complaints can be forwarded to the proper quarters, but the Deputy Premier chose to attack Mr Bleechmore and his comments on the report. What I want to point out is this: Mr Bleechmore was a member of the St Peters council until recently; he is a lieutenant in the Army Reserve; he was a lieutenant in the infantry and served in Vietnam for 1½ years; and he was on the University of Adelaide Council. To dismiss his views and comments and to attempt to ridicule his opinions in this area does not do the Government any credit.

Mr Bleechmore has also advised me that there are other matters about which he has information which need to be considered. He has advised me that he is aware of at least another eight individual episodes of substantial dishonesty, which involve moneys which were taken from different transactions, totalling something in the area of $250 000. Secondly, he maintains that he has information to indicate that even during this inquiry heroin and money to the value of $3 000 was seized by police, and the person from whom it was seized heard nothing more about it.

I do not wish to comment on those allegations except to say that they have been made. While allegations of that kind are made we then have an extremely difficult situation in relation to the Police Force. We have a situation that there is a continuing suspicion about this report and about allegations of impropriety within the Police Force.

To summarise on the report itself, it is clearly established from the report that certain administrative procedures were defective. Sir Charles Bright says in one file that he is unable to dismiss certain allegations. In another file he says that police officers could be cultivating marihuana. In file 14 he comes to the conclusion that more probably than not police officer 'O' was in receipt of money in relation to a heroin transaction. So, in the face of those comments in the report—and that is on the record in the report—we cannot come, and I do not see that the Attorney-General can come to a clear cut 'No' to allegations of impropriety on the past of some police officers—and I emphasise that it is very much only some police officers.

We add to that the doubts that surrounded the disappearance of police officer Creed, and the unfortunate death of police officer Whitford. I should point out, if it was not already obvious to everyone else, that police officer Whitford was the one mentioned as deceased in file 14, about which file Sir Charles Bright had such severe doubts. On the face of it, I believe that that police officer was involved in file 14 and the allegations contained therein. If that is not the position, then the Attorney-General should make it very clear to the Council, because that is certainly the suspicion that is abroad, and the information I have.

If that is not the case then I again put the question to the Attorney-General that he should refute that allegation. Unfortunately, that is one area where the fact that the police officer is deceased does tend to readily identify him. We do know that this police officer was involved in the Drug Squad, and apparently was mentioned in connection with these investigations. So I add to the statements in the reports and the situation relating to Creed the situation relating to the unfortunate death of police officer Whitford.

I refer to the other matters which have unfortunately cropped up over the last year or so, where police officers have been prosecuted. Further, I think there were some quite disturbing comments in the report of the Ombudsman, which was tabled last year. In the *Advertiser* on 19 November there are certain statements from the Ombudsman, Mr Bakewell. The report is as follows:

Mr Bakewell confirmed Mr Millhouses's remark that the Ombudsman's annual report had said 40 complaints against specific police officers had been received from individuals and registered in his office's files. 'But for each one of those 40, we received another 10 which were not registered or passed on to police,' Mr Bakewell said 'In most cases people phone in and we tell them we cannot investigate complaints against police. 'If they want the matter continued with, we tell them to complain directly to the police who take their names and carry out their own investigation. 'But most drop their complaints when they learn that they have to give their names to police and have police investigate the matter'.

That is a fairly disturbing comment from the Ombudsman. It indicated that, in a number of areas of public complaint, people do not proceed with complaints because they realise that an internal investigation is involved. I believe that that should be added to one side of the scale in deciding whether or not a Royal Commission is justified.

On the basis of the matters I put to the Council, we say that there is a case for a review of the evidence that was taken by the investigating team. That evidence should be reviewed with all of the powers of a Royal Commission. I wish to make clear that our proposition is not that there should be a witch hunt throughout the force. Our proposition is not negative in the sense of merely looking at these allegations: it has many positive aspects. I put the following scenario to the Council: what happens in a month, when everyone thinks that the issue has disappeared, if another allegation of impropriety, which can be substantiated, arises? What will the Government do then? We will then have to go through this whole procedure again.

The suspicion and doubt that surround this report and the actions of a minority of police officers will be raised again. A Royal Commission has the advantage of clearing the air once and for all, and I suspect that investigations into the specific allegations would not be a particularly mammoth task. The considerations of the inquiry that has already been carried out could be used. There is a need to clear the air completely in this matter, not in a negative way but in a positive way. That is why my motion and my call for a Royal Commission contain very carefully thought out terms of reference, which deal not only with specific allegations but also with administrative procedures.

I have indicated that there is sufficient concern for this, even in the report, to look at methods of dealing with complaints against the police, some of which were referred to in the Mitchell Committee Report and the Law Reform Commission Report, and to consider the role of the Ombudsman and the proposal for the establishment of a permanent crime commission in this State. I have no firm view on that at this time, but that matter has been raised by a former Police Commissioner of Queensland, Mr Whitrod, who apparently supports the suggestion of a permanent law commission to investigate allegations of corruption in the criminal justice system and organised crime.

Further, it may be that the laws relating to drugs contribute to the opportunity for impropriety and corruption. I know that the recommendations of the Royal Commission into drugs, which was carried out in this State and which reported in 1979, and the Australian Law Reform Commission reports point to the problems of marihuana and the fact that the illegal use of marihuana in this community means that a lot of people are thrown into a drug subculture. A lot of money is involved, and the opportunities in regard to corruption are enhanced by those laws that relate to drugs. I suggest that the inquiry should review the situation relating to drugs and their effect on police corruption. It should update our knowledge in that area. Finally, the inquiry should deal with whether or not the police powers of investigation require any clarification and whether they are adequate to deal with organised crime and drug offences.

On the basis of this report and the fact that it has not completely dispelled the doubts and suspicions that have arisen out of certain allegations in relation to certain police officers, I believe that there is a case for a Royal Commission. However, it should not be a Royal Commission only in relation to those allegations, but a broader commission where the public can be involved through community groups such as the Council for Civil Liberties, the Police Association, the Liberal Party or anyone else.

An independent inquiry should be established to take evidence in relation to all these matters. We could then have a basis for Parliament to work on in the future to try and establish procedures to ensure that the opportunity for impropriety is reduced to a minimum. The Opposition has put forward a positive proposal which deserves the support of the community and Parliament. I believe that the Government should clear the air once and for all in relation to this matter and set up such an inquiry.

The Hon. K. T. GRIFFIN (Attorney-General): Let me refute right from the start any reflection upon deceased Inspector Whitford. The Leader of the Opposition—

The Hon. C. J. Sumner: I did not reflect on him.

The Hon. N. K. Foster: No-one reflected on him.

The ACTING PRESIDENT (Hon. J. A. Carnie): Order!

The Hon. N. K. Foster: Which one does he mean? Two police officers were involved.

The ACTING PRESIDENT: Order!

The Hon. N. K. Foster: No allegations were made by the Leader.

The ACTING PRESIDENT: Order!

The Hon. N. K. Foster: Both of them were killed in unusual circumstances.

The ACTING PRESIDENT: Order!

The Hon. K. T. GRIFFIN: It seems that I am not to receive the uninterrupted hearing that this side was prepared to give to the Leader of the Opposition. Perhaps that says something about the sensitivity of the Opposition's own position in relation to this important matter. The Leader of the Opposition referred to file No. 14. In so doing, he suggested that deceased Inspector Whitford was the police officer named in that file.

The Hon. C. J. SUMNER: Mr Acting President, I rise on a point of order. I did not make such an allegation.

The Hon. K. T. Griffin: You did.

The Hon. C. J. SUMNER: I did not make that allegation. Police officer 'O' is the officer referred to in file No. 14. I am surprised that the Attorney did not realise that.

The ACTING PRESIDENT: Order! The Leader does not have a point of order.

The Hon. C. J. Sumner: The Attorney has misrepresented a statement that I made.

The Hon. K. T. GRIFFIN: The Leader can check *Hansard* tomorrow. The Leader said in relation to file No. 14 that Inspector Whitford was the police officer referred to. We can check *Hansard* tomorrow to see who is right. There can be no reflection upon—

The Hon. C. J. Sumner: I was not reflecting on him.

The Hon. K. T. GRIFFIN: I am just making my position perfectly clear.

The Hon. N. K. Foster: Who has blown it out of all proportion now?

The ACTING PRESIDENT: Order!

The Hon. N. K. FOSTER: Mr Acting President, I rise on a point of order. If the Attorney's allegation against the Leader is correct, and the Attorney has made it doubly obvious why he made the allegation, he is more 'criminal' than the person he alleges—

The ACTING PRESIDENT: Order! There is no point of order.

The Hon. K. T. GRIFFIN: If there has been some misunderstanding about what the Leader said I want to make it perfectly clear to all members that there can be no reflection by anyone on deceased Inspector Whitford in relation to anything that is referred to in this report. I think it is important to make that clear in the event that there has been a misunderstanding about that particular police officer.

Let me say also in respect of Mr Bleechmore that, if he has substantive information about other allegations, then he has a public duty to make those allegations known to the investigating team. Mr Bleechmore is an admitted practitioner of the Supreme Court, an officer of the Supreme Court, and is obliged by virtue of that office to make known any allegations of substance with respect to breaches of the criminal law. His only protection is in respect to those matters which are subject to solicitor and client privilege, which of course his clients can waive, to allow him to make particular comment about those allegations. He has an obligation to make those allegations known and enable them to be fully investigated by the investigating team.

It has been quite unfortunate that, in the last five days since tabling the report, there has been many with vested interests who have sought to discredit the reports, and thus the persons conducting the inquiry and Sir Charles Bright. Although the Leader of the Opposition said that the Opposition did not in any way reflect upon the personal integrity of those persons, I suggest that the very moving of this resolution and the terms of it do reflect upon their personal integrity, the way in which the investigating team carried out their investigations and the way in which Sir Charles Bright conducted his review of the reports of the investigating team.

It is unfortunate that those with vested interests in the illegal drug area, and others who seem to be seduced by the attractiveness of their allegations, rely on false and vague allegations and webs of fabrication. They do more than reflect upon police officers, the investigators and Sir Charles: they put, from a practical point of view, police officers in fear of their own positions to the extent that they are unlikely to put themselves in situations of risk in order to gain evidence if there is a real threat of a smear by criminals taken up by others who might be attracted to the openings which are circulated by those persons of criminal intent.

The police in this very difficult and shadowy area can only be effective by using under-cover officers, agents, informers and such techniques to infiltrate the enemy. On many occasions police officers will have to operate alone in this regard, whether as under-cover men or women or in dealing with informers. They will, therefore, always be vulnerable to allegations made by informers and criminals. Clearly, it is in the interests of those involved in organised crime to create a climate where police officers are afraid, because of their vulnerability, to become involved in this sort of operation.

I suppose a most recent court case could be regarded as a classic example. It is well known publicly because of the report of that case in the media in the last few days and relates to a person called Colin Conley, who has been convicted of heroin offences. He was convicted on four counts of trading in heroin and on Monday 6 April was sentenced to a total of 15 years imprisonment for these offences.

Had the police not been prepared to work with informants and, indeed, an *agent provocateur*, Conley would never have been brought to trial. One may only guess as to how many more people would have become addicted to heroin whilst he reaped the profits. Clearly, it is in the interests of people like Conley to endeavour to hamstring the police by one

means or another. The greatest threat which is posed by criticism by the Opposition and by nameless lawyers, by those who have been prepared to be named, like Mr Bleechmore, and the unnamed alleged contacts who are alleged to have further information, is the weakening of the will of police officers who deal with informants on a one-to-one basis, or to use *agents provocateur*.

However unpalatable that may be to ordinary citizens, it is nevertheless critical, if the real threats to society, those with a criminal intent, are to be apprehended and brought to justice. With the recent sentence of 15 years imprisonment imposed on Connelly there was an incentive to twist and turn, fabricate and discredit, and with that at stake one can see that the stakes are indeed high. With the amount of money involved in this area of illegal drug trafficking, again there is added incentive to twist and turn and fabricate.

One of the main causes for concern in some areas of comment in the past few days is that, although many allegations have been made, no police officer is to be charged with an offence. I find it difficult to believe that this is a sadistic wish to see a sacrificial offering, but rather is an example of people being used to throw enough mud and some will stick. It is immature thinking that persuades them that there must be some truth in the allegations.

The fact that one hears the same allegations from a number of sources convinces some that there must be some truth in them. There is a well known historical figure who played that technique very effectively during past years, Dr Goebbels. The fact of the matter was that an investigation showed this: that rumours were passed around the underworld which had no foundation in fact but which were repeated by a number of different people. Many of those rumours have been circulated in this way for many years. In fact, the reports that I attacked refer to several allegations which go back some 11 years but, in fact, the stories do not come from a series of different sources; they originate with people of a criminal background but then are widely spread among their associates.

There is, of course, strong evidence to suggest that in the case of Connelly, for example, stories of this type were deliberately spread in order to discredit police with resulting benefits to certain individuals in their criminal trials. The point should be emphasised that, despite what people like Bleechmore might think, police officers against whom criminal misconduct is alleged have the same rights as any other citizens. They are innocent until proven guilty, and it is for him who makes the allegation to prove what he said. The attitude taken by some persons in this community is that once an allegation is made the police officer must prove his innocence, and that instead of a *prima facie* case being made out before a prosecution is instituted, in fact, such a prosecution should be instituted unless the police officer can prove his innocence. As Sir Charles Bright comments, fair-minded persons recognise that it is difficult to prove innocence when broad allegations are made.

The motion moved by the Leader is significant. As I have already indicated, there is a basic inconsistency in the motion, because one cannot have confidence in the police yet still want the finding of this report referred to a Royal Commission. I think it is important, also, to recognise that, although the honourable Leader of the Opposition in his first proposed term of reference refers to an internal inquiry, this inquiry was very much removed from that.

It is correct that the two most senior police officers in our Police Force were directly involved but, in addition, we had the Deputy Crown Solicitor involved and a Federal Police officer, Winchester, was also involved. Then there was the total overview by Sir Charles Bright, so it is very far removed from an internal inquiry. I suggest that the very fact that it is proposed that a Royal Commission be established in itself conflicts with the basic assertion by the Opposition that it does not seek to make any personal reflections on the investigating team, other officers involved, or Sir Charles Bright.

The other six terms of reference referred to in the main are really policy development proposals and are not for a Royal Commission. They are designed for people to get down and do some research and development work, and they have no relevance to allegations of corruption. There are a number of points I want to canvass in respect of a Royal Commission because I think that the Leader of the Opposition has not even touched them, let alone glossed over them. First, it has been suggested that the statements of witnesses before a Royal Commission are privileged. Presumably it is proposed that witnesses should have the opportunity to make defamatory statements concerning the police without fear of actions in defamation. If it is contemplated that those allegations are published—

The Hon. C. J. Sumner: There is no need to have them published. You can have 'in camera' inquiries.

The Hon. K. T. GRIFFIN: I will deal with that point, too, but if the question of privilege seeks immunity from actions in defamation, I cannot see why witnesses should be afforded this opportunity. On the other hand, if such allegations are to be made in 'in camera' hearings, the witnesses are afforded no greater protection by a Royal Commission than they have been by the present inquiry. There has been no publication of allegations in a manner which would found an action for defamation. In any event, statements made to the then Deputy Commissioner Giles and Assistant Commissioner Hunt would enjoy the benefit of qualified privilege because they were made by persons with a duty to convey them to the investigating officers, and the investigating officers have a coterminous duty to receive the information.

Perhaps there is another view that witnesses may be compelled to give evidence before a Royal Commission while the investigating team lacked this power. A number of people have advanced this as being a sufficient reason for involving a Royal Commission. With all respect to such persons, the view is quite naive. One would assume that witnesses who would not co-operate without a subpoena would be subpoenaed before a Royal Commission by counsel assisting the Commission. This contemplates, first, that counsel assisting the Commission is by some means aware that the witness is in possession of information that would assist in the inquiry. In most cases, that would require the taking of a brief by counsel assisting. How counsel assisting would be able to obtain proofs of evidence from such witnesses has not been explained.

Clearly, the type of detective work done by Deputy Commissioner Giles and Assistant Commissioner Hunt is more likely to achieve results. Operating with the flexibility they had, they were able to take statements of witnesses whenever and wherever they could be located. They had the opportunity to interview people in the security of their homes, which was more conducive to obtaining information. Faced with a Royal Commission and a court-room-like atmosphere, it is most unlikely that many of those witnesses would co-operate. Further, even if counsel assisting was able to obtain a proof of evidence from a witness, that witness if reluctant to give evidence would still need to be served with a subpoena, and in many cases action taken to enforce the subpoena. Each of those steps involves the proposition of the informant being able to be located. This is particularly difficult, having in mind that many of the people in question do not have fixed and permanent places of abode.

It has also been suggested that many proposed witnesses were frightened to say what they knew. If that is true, they

might be frightened of retaliation by members of the Police Force or they might be afraid of retaliation from the underworld by a number of persons who have been referred to in the report.

Whatever the source of the fear, the protection which could be given by a Royal Commission is illusory. True, a Royal Commission has power to hear evidence 'in camera'; however, only the naive would suggest that that fact would placate a frightened witness. Section 13 of the Royal Commission Act provides that any person giving evidence before the Royal Commission is entitled to be represented by a solicitor or counsel. It is obvious that counsel for many persons who would be vitally involved in such an inquiry would be present at the Royal Commission throughout the proceedings. Apart from counsel assisting the Royal Commission, other counsel who would be expected to be present throughout would be counsel for the Police Commissioner and the Government, counsel for the Police Association, counsel for individual police officers, counsel for people who might have a criminal record, and possibly counsel for the *Advertiser* in view of the allegations made against the *Advertiser* by the Police Association.

It is therefore quite apparent that, whether a Royal Commission be held or not, any witness who was afraid of information getting back to the police would not have his fears allayed, nor would a witness afraid of details of his evidence getting back to persons with criminal records feel anymore secure. It is clear that it would not be difficult for either a police officer or for a member of the underworld to learn who had been giving evidence to the Royal Commission and, indeed, the content of such evidence. Mr Millhouse, M.P.—

The Hon. C. J. Sumner: Q.C.!

The Hon. K. T. GRIFFIN: Mr Millhouse, M.P., Q.C., has advanced a reason for a Royal Commission, that it would be public. It is true that a public hearing has advantages, particularly that of allowing it to be seen that justice has been done. Equally, however, there are considerable dangers in allowing allegations which may have no substance at all to be made against police officers in public. It is no answer to suggest that such a police officer has nothing to be afraid of if he has committed no wrong. It would, in my view, be quite improper to provide a vehicle for members of the underworld to make whatever allegations against police that they saw fit and have those allegations publicly promulgated. If enough mud is thrown some will stick.

It should be noted that in the letter from informants circulated by Mr Bleechmore (I refer to the report tables, page 36) the signatories propose that their evidence should be given 'in camera' and that publication of their names be suppressed. No doubt such persons, however, contemplate that the nature of their allegations will be made public, together with the names of the police officers against whom such allegations are made. That really does seem to be a very one-sided exercise that is proposed.

Perhaps another reason, and one that certainly has been advanced is that a Royal Commission is independent. I suggest that the involvement of Sir Charles Bright clearly answers this suggestion to any fair-minded person. It should be noted however that Mr Bleechmore, when speaking on *Nationwide* on the evening of 1 April, stated that Sir Charles Bright's statement at page 11, that he knew the father of a police officer being investigated and held a high opinion of him (the father), provided evidence of the shortcoming of an internal inquiry by comparison with a Royal Commission. This, of course, is a serious slight against the character of Sir Charles, but it should be borne in mind that it was the officer's father that was known to Sir Charles, not the police officer himself. In any event, unless the Government proposed importing from some distant part a Royal Commissioner, many police officers and others who would give evidence must of necessity be known to the Royal Commissioner.

A reason which has been advanced is that evidence before a Royal Commission is given on oath. Perhaps that is an advantage, although I would suspect these days it often does not seem to make much difference. There is also a suggestion that there are many informants who have refused to make statements to the investigators but who would in fact make those statements to a Royal Commission.

To some extent I have already dealt with that allegation. Let me deal with it in further detail, because it impinges on the question of the Leader of the Opposition as to who refused to co-operate or to give statements to the investigating team. Apart from the persons named by Sir Charles Bright, to whom I will refer in a moment, I do not really know who those so-called informants referred to by Mr Bleechmore and others might be. The signatories to the letter circulated by Mr Bleechmore are well-known criminals. All of them, except two who refused to give information, made statements to the investigators. However, there was nothing to suggest that they had any knowledge of any of the matters under investigation. One of them made statements in regard to some matters but not in relation to others.

Let me deal with those persons listed by Sir Charles Bright who, for one reason or another, did not make statements or refused to make partial statements. In respect of file No. 1, the conclusion reached was that the persons referred to there were not thought to have been of great importance in the investigation and could only have commented on some very vague allegations. In fact, one of the persons referred to was interviewed and did not support the allegations in respect of which that person was spoken to but did hint that that person could say other things if the police were prepared to do a favour for that person. The conclusion reached was that it was highly unlikely that either of those persons could even advance the cause of the investigation very much at all.

In respect of file No. 2, the person referred to was a solicitor acting for an accused person in relation to drug charges. There was no reason to believe that that solicitor had information which, to any extent, would assist the inquiry. In any event, he could not give evidence to a Royal Commission without first having his client waive professional privilege. In respect of file No. 5, the person referred to claimed that he had hearsay information as to who the police officer was who was allegedly involved in the drug transaction at Virginia. That person was not prepared to name the police officer. I emphasise that in respect of this person he claimed only to have secondhand information as to the allegations. It is likely that in fact the evidence was not even secondhand, as was found to be the case with many of the rumours travelling about the underworld. It should be noted that the person referred to in file who declined to give extensive information was not the actual informant in relation to that matter.

In file No. 12 allegations were made by a person against two officers, alleging that they had solicited bribes from that person. The person had made the allegation but declined to make a recorded statement. The allegation was thoroughly investigated and the police officers were exonerated. There is nothing to suggest that that person's failure to make a recorded statement or to answer follow-up queries detracted from the result of the investigation.

File No. 15 was an allegation by a person against two police officers. A statement was taken from that person, although he refused to have it recorded on tape. His allegations were fully investigated, and the investigation was not prejudiced by any lack of co-operation on his part.

Again, another reason for suggesting that a Royal Commission would be appropriate is that a number of lawyers know of allegations but have not come forward to the investigating team. I do not know whether or not that is true. I have already indicated that, if there are lawyers who have information that is not subject to legal professional privilege, they have a duty as officers of the Supreme Court to bring that information to the attention of the appropriate authorities. I think it is impossible to believe that any lawyer of reputation and integrity would not come forward at least to the Attorney-General and make known any information that he might have of corruption in the Police Force.

There are many lawyers whose clients have, from time to time, alleged that police have behaved improperly, for example, by planting evidence on the accused, and so on. Clearly, the Government would not be justified in authorising further investigations of any type without information of some substance being placed before it that warranted further investigation.

In the *Advertiser* on 3 April it was stated that this inquiry relied on one man to ensure impartiality, referring, of course, to Sir Charles Bright. My answer to that is, 'So what?'. How many men of reputation and integrity does it take to ensure impartiality? Is it suggested that a Royal Commission with only one Commissioner lacks impartiality, or that a court presided over by only one judge lacks in the same way? It has also been suggested in the media that the inquiry that was conducted was, in essence, an inquiry into allegations that had been made rather than a general inquiry into the question of whether there was corruption in the Police Force.

The Leader of the Opposition has made some reference to this also by suggesting that the report is inadequate in a number of ways and perhaps suggesting that it ought to be a wider investigation. Although the investigators did not close their eyes to anything that arose in the course of the investigation and consequently the original allegations were expanded to 34, nonetheless they did not, nor were they instructed to, institute any general inquiries of their own. If any such general inquiry were to be undertaken, I suppose that there would have to be some other mechanism for doing it. However, one cannot embark on an investigation without some material of substance, unless it were to be something in the nature of a fishing expedition or a witch-hunt. The Government did act responsibly in appointing this investigating team to examine specific allegations. That is all that we would be prepared to do in any similar case in the future.

There is only one other aspect that relates to whether or not a Royal Commission should be held. It has been suggested by Mr Bleechmore that witnesses at a Royal Commission would be afforded immunity from prosecution in respect of anything that they said. No doubt that reason is advanced due to his relationship with a number of persons in the underworld, particularly in the drug field. It is easy to see why he advocates immunity from prosecution for informants who are criminals: namely, to have the best of both worlds—that is, getting the police but protecting the client.

The report by the Hon. Sir Charles Bright and the investigating team are clear and unequivocal. The Deputy Premier in another place has identified the conclusions reached by Sir Charles Bright in each of the 15 files and his general conclusion with respect to the general investigation.

In view of the lateness of the hour I will not canvass those matters again. However, I draw honourable members' attention to the conclusions, because they are important. The Leader of the Opposition raised some questions about the involvement of Sir Charles Bright. I have already dealt with that matter in my Ministerial statement where, at the outset, I indicated that I had in mind that in addition to the team investigating the allegations some independent person should ultimately review the reports which might be presented to me. I made that quite clear to the investigating team when it was established, so it was aware that someone such as Sir Charles Bright would review its work.

It was only a short time after the team was established that Sir Charles was approached, and later he accepted the brief. There was no need for him to be involved at the initial stage because it was essentially a matter for detectives and police officers to be involved. When I wrote to Sir Charles I offered him an open brief as follows:

> I confirm that when the investigating team reports to me, those reports will be made available to you with a view to you assessing independently the quality of those reports and reporting to me in such terms as you deem appropriate as to any other inquiries which you believe should be made, or any other action which you believe is necessary. To assist you in making your assessment and report, you will have access to the investigating team and such other persons as you request and will have access to such other information and documents as you see appropriate. When your report is received, it is intended to release it publicly.

That was the widest brief possible without involving Sir Charles in a duplication of the investigating team's task.

The Leader of the Opposition referred to a number of matters, and asked particularly why part 2 was tabled. Part 2 was tabled because it was part of Sir Charles Bright's report. Rather than risking any reflection upon me, the Government or anyone else it was deemed appropriate to table everything that was received from Sir Charles.

The Hon. C. J. Sumner: It was repeated in part 3.

The Hon. K. T. GRIFFIN: That is correct. However, I could take no chance that someone might challenge me for mischievous reasons for not tabling all of Sir Charles' report. It was tabled as it was received except for the deletion of names, and in my Ministerial statement I have already given the reasons for doing that. In relation to file No. 14, the Leader asked why it was referred to the Deputy Crown Prosecutor. That was done because the Crown Prosecutor was on leave. That follows the normal pattern in the Crown Prosecutor's office, that on a daily basis the Crown Prosecutor examines briefs from a variety of sources to determine whether or not it is reasonable to institute prosecutions. In this case it was treated no differently. The Deputy Crown Prosecutor was given all the material relating to this particular file, plus further information. The Deputy Crown Prosecutor's report was a categorical view that there was no basis upon which it would be reasonable to institute proceedings.

It is correct that Sir Charles Bright referred in each of the findings to administrative procedures to which he had access, and all of the statements taken by the investigating team. It is also correct that he adverted to some policy developments being required in relation to future investigations of allegations against police. I have already dealt with the Government's stand on that in my Ministerial statement where I specifically refer to the Government's decision to immediately have the Chief Secretary, who has the initial responsibility for the police, undertake a review of the matters raised by Sir Charles and also to have the Acting Commissioner undertake reviews of the proposals which have been made in relation to administrative procedures. That is now under way. It is the best way that those matters can be resolved. I do not believe that the Leader's motion should be supported in its present form. Therefore, I move:

> Delete all words after 'noted' and insert:
> 'and that this Council reaffirms its full confidence in the South Australian Police Force, in the investigating team and in Sir Charles Bright.'

The Leader of the Opposition has received a copy of my amendment, just as he was kind enough to allow me to have access to a copy of his motion, which he sought to move in amended form. I believe that my amendment should be supported and that the call for a Royal Commission should be denied.

The Hon. N. K. FOSTER: I support the call for a Royal Commission. Members on this side will recall that I closely questioned the Attorney-General for some time before the Government decided to set up this inquiry. The Attorney and I debated across this Chamber over a number of weeks the question of whether he ought to accept an invitation from the Prime Minister to join a Federal inquiry. The Prime Minister extended an open invitation in Canberra when he set up the Stewart Royal Commission to investigate the Mr Asia drug ring. In fact, the Prime Minister almost insisted that all States join in that inquiry. Victoria, Queensland and New South Wales joined the inquiry. However, when this matter blew up in South Australia the Attorney-General was determined that South Australia would not join in with the Stewart Royal Commission.

I believe that the Attorney has had some dealings with personnel from that Royal Commission. However, I do not propose to say anything tonight which would indentify anyone who could support that. Certain people have requested that I do something in relation to some of the allegations I have received, but only if a Royal Commission is established. It is all right for the Attorney-General to stand in this Chamber tonight and put on false airs of emotionalism in relation to one particular police officer. The Attorney could have gone much further than he did. However, the Attorney is going to deny the Council the benefit of his knowledge in relation to this matter, which is not covered in the report.

Let me briefly turn to the basis of this report on page 1. Sir Charles Bright casts aside—and it seems somewhat surprising to me that a judge learned in law would do this in an inquiry involving people who are involved in drug trafficking, dealing and the like—informant 'B' and informant 'A' because they both have criminal records.

When Clark (he was Mr Asia) was arrested in the United Kingdom it was the body found in a quarry that led to that long drawnout trial. When there is an inquiry, trial or Royal Commission, one does not cast aside people because it is considered by any one of a number of people that they may have some form of criminal record. The judge setenced these people upwards of 30 years in gaol and fined them millions of dollars in respect of costs. All the people convicted were known criminals who had been convicted of crimes over a period of some 5 to 10 years and, in respect to some of them, much less.

I support a Royal Commission. I do not suggest that the Attorney should not be allowed some area of manoeuvring in respect to this very serious matter, but the air has not been cleared by the report itself. I do not propose to go into any detail on that because that has already been done on two occasions during this sitting. I feel that the Attorney-General ought to accept the offer that is still standing in respect to the Stewart Royal Commission, which has had before it witnesses from South Australia.

When the Attorney-General speaks of Mr Bleechmore, he speaks of that lawyer in isolation. The Attorney knows there were many more people prepared to support the evidence and give evidence if there was a complete and absolute understanding regarding identity, if there would be no explanation of it, and if there would be protection in respect to the finding. It seems to me that the matter ought to be put to rest.

If there were villains within the community, they have not been taken to task. For the small number of villains that may well be in the Police Force, they have not been taken to task. It is wrong for the inferences to be drawn tonight, as has been suggested in this Parliament by members of both political persuasions (and there are differences of opinion between the people on the different sides of the Council), in regard to any aspersions directly on any member of the Police Force at all. That, of course, is the conclusion drawn by this amendment. If you, Mr President, were presiding at any other than a Parliamentary session, you would rule the amendment out of order, because it is in direct contradiction to the motion itself.

The Hon. C. J. SUMNER (Leader of the Opposition): In reply I wish to deal with one or two matters briefly. First, I wish to deal with the question of file 14, which involved police officer 'S' who committed suicide and who, it is obvious from the report to anyone in the Chamber, is Inspector Whitford. What I said in my speech to the motion was, I believe, that Inspector Whitford was involved in the allegations in file 14. I think I used the word 'involved'. At no time did I say that Inspector Whitford was the police officer against whom allegations were made in file 14. That should have been obvious, because the allegations were made by informant 'D' against police officer 'O'. Yet, it is clear from the report that Inspector Whitford is the late police officer 'S' referred to in file 14.

I want to make it quite clear, in case it was not clear earlier, that there is no question of the allegations in file 14 being made against the late Inspector Whitford. What I thought I had said, and would like to repeat, is that police officer 'S' (that is, Inspector Whitford) was involved in the matters mentioned in file 14, not in the sense of any allegation, but in the sense of having discussions with one of the informants, I believe, and some of the other people involved in file 14. An extract from file 14 says:

> There appears to be no reasons of doubt that person 'B' came forward of his own initiative to make the statements concerning informant 'D'. In this regard it is pertinent to note that he was apparently motivated to do so as a result of the much publicised suicide of the late police officer 'S' and his belief that informant 'D's' alleged earlier revelations somehow were connected with that event.

This was included in the findings of the investigating team. In the review comments of Sir Charles Bright, police officer 'S' is again mentioned. The review comments say:

> Evidence comes from informant 'D's' father who knew very little about it, but had heard a lot and had discussed with the late police officer 'S' from informant 'D's' girlfriend . . .

I quoted this when I moved the motion. The point I was making was that police officer 'S', who it is obvious from the public record and the reference to the much publicised suicide is Inspector Whitford, was involved in that particular file. I was surprised that the Attorney-General said I had made a reflection against the late Inspector Whitford—that he was a person against whom the allegation was made in that file. Clearly that is not the case. I would have thought that the Attorney-General was aware of that, because the allegtion was against police officer 'O', not against police officer 'S'. The point I was trying to make when I made that reference was that there have been a number of matters, apart from the special allegations that were investigated in the report, which tend to create an atmosphere of doubt and suspicion surrounding the police officers. The fact of Inspector Whitford's suicide was one of those things.

There was a lot of community speculation about that. We then find that he is one of the persons involved in the most important and significant investigations of this investigating team, not involved in any improper sense, but as being one of the officers who had some contact with the informants in that file. That was the point I was making.

There was no question on my part of any reflection against the late Inspector Whitford.

I mentioned here in that context—and it is obvious from the quotation that I read—that he must be the person referred to in file 14. The Attorney-General has answered some of the questions I put to him, and other questions were not answered. I am not sure that they are particularly germane to the central issue we are debating. For instance, I do not believe that the Attorney-General explained why Sir Charles Bright felt that he could not speak to the Deputy Commissioner, Mr Giles.

That may not be a major issue when it is all boiled down, but there were certain matters that were unexplained in the report that should have been explained for it to be a complete account of what went on. The Attorney-General has said that there is an inconsistency in the motion I have moved. There is no question that on this side of the Chamber we affirm our confidence in the South Australian Police Force.

I believe that this investigation, in so far as it went, did successfully reject and do away with a number of the allegations that were made against police officers and it is clear that we are dealing with a very small number of police officers with these allegations. There is no question that, as far as we are concerned on this side of the Council, we have confidence in the South Australian Police Force. What we are concerned about is that this report did not put to rest all the doubts that exist in the community. We believe that there is a case for looking at matters such as those I have mentioned—complaints against the police and administrative procedures. A Royal Commission ought to provide guidelines and regulations for reform of the law in these areas.

The problem is just as we had with the prisons situation, that until you announce a Royal Commission, which can clear the air, the suspicion lingers on and you only have to have one more allegation of this kind which might bob up and be substantiated in a month or so and you will then get further doubts and suspicions in this area. One way to clear that up is to have a Royal Commission and once and for all fix up past allegations, look to the future and establish laws and regulations and guidelines which mean that opportunities for impropriety within the force are reduced to the minimum. If we did that, I believe that we would be doing a service to the public of South Australia and, indeed, to the Police Force. There is no internal inconsistency in my motion. My motion affirms our confidence in the force, but affirms it in a positive way, that there is a need to investigate certain matters and to come up with some proposals for reform of the administration and the law in this area. I ask the Council to support my motion.

The Council divided on the amendment:

Ayes (9)—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, and R. J. Ritson.

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

Pair—Aye—The Hon. D. H. Laidlaw. No—The Hon. C. W. Creedon.

Majority of 1 for the Noes.

Amendment thus negatived.

The Council divided on the motion:

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

Noes (9)—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, and R. J. Ritson.

Pair—Aye—The Hon. C. W. Creedon. No—The Hon. D. H. Laidlaw.

Majority of 1 for the Ayes.

Motion thus carried.

LICENSING ACT AMENDMENT BILL

Returned from the House of Assembly with the following amendment:

Clause 8, pages 2 and 3—Leave out the clause.

Consideration in Committee.

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

That the House of Assembly's amendment be disagreed to.

The amendment does two things. First, it strikes out clause 8, which provides for a limited amount of Sunday trading. There has already been discussion on this matter and the Committee has agreed to it. It also seeks to strike out proposed new subsection (6) which provides for conditions to be placed on a full publican's licence. The Hon. Mr Blevins and others have referred to problems with noise emanating from licensed premises and other matters, and this proposed new subsection provides for the imposition on a full publican's licence of conditions which otherwise would not be possible.

Therefore, if we are serious about wanting to cut out undue noise from such premises, the Committee must support the motion. At the present time there is no provision to impose conditions on a full publican's licence. Sunday trading has been canvassed in this Chamber and was accepted with no division, although comments were made that it was not a full measure of Sunday trading. I urge the Committee to support the motion.

The Hon. C. J. SUMNER: I support the motion. I will state my position, as another place has decided that an amendment relating to full Sunday trading would not be accepted and that limited Sunday trading based on a tourist licence would also not be permitted. The Bill is returned to this Chamber without any provision for Sunday trading.

Personally, I do not care whether there is Sunday trading or not. It is most unlikely to affect me personally. I may go to a hotel if it is open on Sunday or I may not, but I certainly do not feel any compelling desire to go to a hotel on Sunday. So, from a personal viewpoint, what happens to hotels on Sunday is of absolutely no relevance to me. I do not have any particular moral objection to hotels opening on Sunday. On the other hand, from a personal viewpoint, I can see no compelling reason for them to open, either. As far as I am concerned, it is a matter of complete indifference. The position I take is that, if there is community demand, if all sections of the industry are agreed to it, and the community supports it, I am prepared to go along with it.

When this Bill was introduced, on behalf of the Labor Party and with the assistance of the Hon. Mr Bruce, I contacted those organisations involved in the liquor industry. The clubs and associations were contacted. The Hotels Association was contacted, as was the Liquor Trades Union. They were most directly concerned with the legislation. Some doubts were expressed by the Liquor Trades Union as to whether or not, in the tourist facility licence, proper award conditions could be payable, and an amendment was moved which was accepted by the Government.

Some concern was expressed by the member for Norwood in relation to the noise that might emit from premises which were granted late night permits. On that basis I moved an

amendment that would require the local government authority to be notified when an application for a late night permit was applied for.

With those two qualifications, no-one in the industry was opposed to the Bill. On that basis, I supported the Bill as it was introduced. I do not really think that the Bill is a satisfactory way to resolve the Sunday trading issue. I made the point in my second reading speech that this limited trading, using tourism as the peg on which to hang the hat, is a rather curious way of going about it. However, I came back to the point that, if industry groups want it that way, so be it. That was the position I took. From a personal viewpoint, I considered whether there was likely to be detriment to anyone else in the community and concluded that, given the current nature of trading on Sundays, it was unlikely to be any major detriment to consumers and that in fact many consumers might be advantaged. On that basis I supported the Bill in its original form, despite the fact that I personally believe that, if the Government really wants Sunday trading, it should grasp the nettle and go for Sunday trading instead of this half measure.

With those doubts I was eventually swayed by the fact that the industry was satisfied with the Bill. Others in the Chamber expressed doubts about the position. However, I make my position quite clear: I negotiated with all industry groups. I discussed the matter fully with all industry groups, including the Liquor Trades Union. I gained the full approval and support for my position from all those groups. I want that to be firmly on the record in this place. It was on that basis that I voted for the Government's Bill, despite my general attitude to the question of Sunday trading. On that basis, I can see no compelling reason why the agreements which I had with all those bodies should now be set aside.

The Hon. K. L. MILNE: I could never understand the strange business about hotels serving tourists being allowed to open and other hotels not being allowed to open. This matter also does not affect me, but I cannot see the logic in having clubs open on Sunday and hotels shut. It seems quite one-sided. However, it is too late in the night and in the session to go into a lot of detail. I do not agree with the Hon. Mr DeGaris's amendment. There is a grain of truth in it but some of it is not acceptable.

The Hon. R. C. DeGaris: Where do you disagree?

The Hon. K. L. MILNE: Why are you cutting out new subsection (2b)? I think the Government has to grasp the nettle. Either we have Sunday trading or we do not. South Australia is rather childish about liquor laws—we are far too restrictive. I do not mind controls, but any sophisticated country does not tell licensed premises when they can open—they open when they like. I do not think this provision is suitable, and I do not believe the Government has grasped the nettle.

The Hon. M. B. DAWKINS: In discussing the matter the other day, I stated that I did not think that anybody in this Chamber would be surprised that I am opposed to clause 8. I adhere to that situation. The House of Assembly has, to my surprise, rejected the clause. There is no way I could be a party to reinstating that clause because, as I said previously, I opposed the clause, although I did not divide.

With regard to Hon. Mr DeGaris's further amendment, I do not think that it varies a great deal from his original amendment. At the time, I believed that his amendment was marginally worse than what I considered to be the untidy proposal of the Government whereby we had a two-hour session, at least two hours break, and another two-hour session. That would be very untidy and very hard to police. I am opposed to the amendment moved by the Hon. Mr DeGaris and am opposed to the reinstatement of the clause.

The Hon. G. L. BRUCE: I made my position clear previously. I could not see the mileage in the two-hour split shift. I support my Leader and say that all parties concerned were contacted. There was no violent reaction to two hours on, two hours off and two hours on. I could not see that that was good. I spoke my piece and said that I could not see the situation working in regard to tourist hotels. I believe that when the first hotel is knocked back, all hell will break loose. Hoteliers will not sit back and watch customers go into a hotel down the road which has a tourist licence. The Minister has not consulted with the industries concerned.

The Hon. J. C. Burdett: I did.

The Hon. G. L. BRUCE: On Sunday trading?

The Hon. J. C. Burdett: Yes.

The Hon. G. L. BRUCE: I understand that up to last week the Government was denying that it would do anything about Sunday trading. I asked what was happening and received a shake of the head. The first I knew and the first the industry knew of Sunday trading was when this Bill was introduced into the Parliament.

The Hon. J. C. Burdett: The industry was aware of that.

The Hon. G. L. BRUCE: What section of the industry was aware of it?

The Hon. J. C. Burdett: I spoke to every section of the industry, including the union, in relation to Sunday trading, and asked for their views.

The Hon. G. L. BRUCE: In relation to this particular situation?

The Hon. J. C. Burdett: Not in relation to this particular matter, but on the general question of Sunday trading.

The Hon. G. L. BRUCE: That it was coming in?

The Hon. J. C. Burdett: I asked them for their views on Sunday trading.

The Hon. G. L. BRUCE: That is rather airy fairy. This Bill provides for Sunday trading working two hours on and two hours off over a nine-hour spread. I do not believe that the Minister has done his homework in relation to this matter. I think it is deplorable that workers will have to work two split shifts. I have already voiced my disapproval in relation to this measure. I suggested a four-hour spread. While this wedge in the door exists, the industry itself will come to a consensus of opinion and will draw the battle lines in relation to whether it believes that full Sunday trading should operate. The Government's proposal is only a stop-gap measure.

Sunday trading will come. The Government cannot make fish of one and fowl of another. I do not believe the industry is violently objecting to Sunday trading, because I have not heard any objections, but I urge the Government to let the industry sort itself out before full Sunday trading becomes a fact of life. I believe we will have Sunday trading very shortly, but I do not believe that this Bill will work only in the tourist industry.

I thought that the Hon. Mr DeGaris's amendment was quite honest; at least it does what the Government tried to do by stealth. I believe that this issue is very confused. I do not intend to change my attitude towards this Bill. I have mixed views about this measure. I do not believe that this Bill will assist workers. There should have been more consultation and better penalty rates for workers. A permanent employee may not receive any work on Sundays; there could be two lots of split casuals instead of one person doing a straight shift. The industry made no approach to have this matter rectified.

Two clean-up periods will be required, so I do not understand why the hotels would support it. I do not understand the union's supporting this measure either, because there has been no agreement in relation to penalty rates. Having said that, I am still left with the position I was in last

Thursday when this Bill was passed. In my mind nothing has changed since then.

The Hon. R. C. DeGARIS: I seek your guidance, Mr Chairman. The Minister has moved a motion disagreeing to the amendment moved by the House of Assembly. I have circulated an amendment to the clause. Do I wait for the motion to be moved by the Minister? Is the matter completed at that stage, or should I move my amendment first?

The CHAIRMAN: If the Committee agrees to the House of Assembly amendment, that reinstates the clause in the Bill and that will give the Hon. Mr DeGaris an opportunity to move his amendment.

The Hon. K. L. MILNE: I do not believe that this measure has been properly thought through. I have not had time to consider the matter properly. It has been a heavy session, so I will move that the debate be adjourned until the next day of sitting.

The Hon. J. C. BURDETT: The Hon. Mr Milne is attempting to take the business of this Chamber out of the Government's hands.

The CHAIRMAN: Order! I do not think the Hon. Mr Milne was attempting to do that. The Hon. Mr Milne could ask that progress be reported; he cannot really adjourn it.

The Hon. K. L. MILNE: I apologise for that, Mr Chairman. I think it would be in everyone's interest if the Government looked at this matter again. There is tremendous groundswell from various interests. If it is more courteous, I will certainly ask the Committee to report progress.

The Hon. J. C. BURDETT: I oppose that request. Of course, it is taking the business of this Chamber out of the Government's hands. Many important parts of this Bill ought to come into operation forthwith, of which members of the community shall not be deprived. I would rather the motion be defeated than defer it until June. I think it would be far more appropriate, if the Hon. Mr Milne is opposed to Sunday trading—

The Hon. K. L. Milne: I am not opposed to it.

The Hon. J. C. BURDETT: I do not know what the Hon. Mr Milne wants. This matter should be resolved. It was placed on the Notice Paper about three weeks ago, and it was there during the two weeks we were in recess. There is no reason why any member should be taken by surprise, and there is no reason for reporting progress. The Hon. Mr Milne has sought to take the matter out of the hands of the Government. Of course, that can be done, but it is unusual. It would also be wrong and quite improper.

The Hon. Frank Blevins: What is wrong and improper with it? The Liberal majority in this Chamber did it when it was in Opposition.

The Hon. J. C. BURDETT: I do not recall its ever being done.

The CHAIRMAN: Order! I draw the Minister's attention to the fact that he is debating the motion. Did the Hon. Miss Levy wish to speak to the motion itself?

The Hon. ANNE LEVY: Yes, Mr Chairman. What stage have we reached?

The CHAIRMAN: If the Hon. Mr Milne wishes to move that progress be reported, we will deal with it.

The Hon. ANNE LEVY: The Hon. Mr Milne has not yet moved that motion?

The CHAIRMAN: That is correct.

The Hon. ANNE LEVY: I will speak to the Minister's motion. I did not take part in the debate when the Bill was before the Council earlier, because other members adequately expressed my views. First, I have no moral feelings at all in relation to Sunday trading. I have no disapproval of Sunday trading. It would not worry me from a moral point of view if hotels and other licensed premises were to open 7 days a week, 24 hours a day. Having made that point clear, I support the view that the proposals for Sunday trading put before us have the agreement of all sections of the industry and, as such, are an adequate beginning for Sunday trading in this State.

I was very happy to go along with that. I agree with comments that have been made by other speakers that the idea of a tourist facility is a sham, that there is no definition of what a tourist facility is and, if the licensing authorities do not interpret that extremely broadly, there will be cries of discrimination, favouritism and much unrest. If the court adopts a very broad definition of a tourist facility, one might just as well not include it in the Bill and just have the rules applying to all publicans in this State. The suggested amendment by the Hon. Mr DeGaris still maintains this sham regarding tourism.

The Hon. R. C. DeGaris: Indeed, it does not.

The Hon. ANNE LEVY: It is subsection (2a) that talks about tourism; the amendment still leaves subsection (2a), which, as I read the amendment, defines tourism. Therefore, this particular hypocrisy is being maintained.

However, as I say, I was prepared to go along with this hypocrisy as the beginning, if you like, to Sunday trading and hope that it would work out through liberal interpretation and, if it did not have a liberal interpretation placed upon it, we would soon have amendments to the Act to remove this sham. What has always concerned me about clause 8 is that the split shifts, with the two hours on and two hours off, seem to me grossly unfair to the workers concerned. For a worker to work two hours, then be told to sit in a corner for two hours and then come back means, in effect, that people are going to be away from their own pursuits for a minimum of six hours (maybe nine hours) during which time they will only receive four hours pay. Whether that pay is at time and a half, double or triple time, it is still, to my mind, a gross imposition for workers to be paid for four hours only while having between six and nine hours of their time taken up.

However, as I have stated before, because agreement had been reached and this did seem to be satisfactory, I was prepared to go along with it. At this stage I am still prepared to go along with it. Although this is reinforced by the fact that the House of Assembly has refused to accept full Sunday trading, I feel that that is not an alternative which is likely to give a workable solution to resolve any conflict between the two Houses.

On the other hand, if the House of Assembly insists on its amendments and we come to a conference, I would hope that a conference might be able to achieve something along the lines of Sunday trading for four hours only for any one hotel with those four hours being any four hours between certain limits, such as between 12 noon and 8 p.m., but that the four hours must be continuous. This will then ensure that workers do not have the split shifts which are so inconvenient and unfair to them. I am perhaps going ahead too far as the Bill may not come to a conference and a conference might not agree to such a proposal, but this seems to me to be something which has not been canvassed and which would have been a profitable thing to perhaps deal with in a conference where different points of view from the different Houses could be discussed and an approach to a compromise thus followed. I certainly would not like to oppose the motion moved by the Minister as to do so would be appearing to be against Sunday trading and I would hate to have a wowser image ever associated with me. At this stage, I support the Minister's motion whilst disagreeing with the split shift which it contains, but feeling that at this stage of the proceedings this is the best thing to support, while I hope sincerely that a conference may result in avoiding split shifts which are so disadvantageous to workers.

The Hon. FRANK BLEVINS: If this particular motion comes to a division I will vote against it. My understanding when I spoke earlier in the debate on this issue was that the Parties concerned, the union and the A.H.A., had come to some agreement about payments for their workers. I am no longer sure that this is the case. I stated quite clearly earlier in the debate that I would go further than the Hon. Mr Sumner. He does not mind if pubs are opened on Sundays or not. I do not mind if they are open on any of the other six days or not. It does not bother me at all if they are closed seven days a week or open seven days a week 24 hours a day—it is utterly irrelevant to me. The only thing that concerns me is the workers in the industry. I know that the workers in this industry are treated appallingly by the employers (by the A.H.A.) who, as I said during the second reading stage, have been protected by licensing legislation seemingly forever. For this protection they have given workers in the industry absolutely nothing. I am tired of, during the past seven years, looking after the A.H.A. and I give fair warning that this is the last time that I will do it. So far as I am concerned, I do not give two hoots about my image, whether it is a wowser image or anything else; that does not bother me at all. I feel that within the next few weeks the liquor trades union must, to coin a phrase, get its act together.

We do not want a repetition of the shambles that occurred in regard to this Bill. The Minister made some comments about the provisions in the clause relating to the imposition of conditions on a full publican's licence. That problem has been around for a long time, and it would not particularly concern me if it was around for another eight weeks. I cannot see that a further eight weeks will make a lot of difference in regard to what people have apparently had to put up with for so long. Because I am not convinced that the industry and the unions have an agreement, if there is a division (although I will not call for a division), I will certainly vote to support the House of Assembly in its desire not to have that quite ridiculous proposition inflicted on the workers in the industry in this State.

The Hon. R. C. DeGARIS: I want to assure the Hon. Anne Levy that there is a misprint in regard to new subsection (2a). The amendment I moved to the Bill was exactly the same as the amendment I intend to move at this stage—to leave out new subsections (2a) and (2b). New subsection (2a) has been omitted. I had no intention of continuing the farce in regard to tourism, to which the honourable member referred.

The Hon. J. R. CORNWALL: I spoke against this clause when the Bill was before us originally, and I cannot see any reason to change my attitude. In fact, I said at the time that it was a farce and that the Government should have the courage of its dubious convictions. If the Government wants Sunday trading, it should have done something along the lines of the amendment of the Hon. Mr DeGaris. Had the Government genuinely had the courage of its convictions, it would have supported the Corcoran amendment in the House of Assembly. Instead, in a so-called conscience issue, the Government put the whip on its members, and there were only three defectors. They want us to get them off the hook. I, for one, am not prepared to be in it.

The Hon. J. E. DUNFORD: I do not like to repeat myself, but I must put the case that I put previously. Since than, I have talked to a few hotel workers, who have indicated that they do not want to work seven days a week, and that is what the amendment or the motion would require. I have not spoken to managers recently, but I believe that a lot of the managers to whom I spoke previously were not pleased about working even six days a week because, when the pub closes, their job does not automatically cease. They must count the tills, in some cases the wife does the cleaning, and they must clean the pipes. That takes a fair bit of Saturday night, especially with late night closing. To me, a manager is similar to a glorified barman. He does not get a great deal of money, but he is responsible for the good management of the hotel and he is just as likely to be sacked as is a barman or a barmaid.

The Hon. Frank Blevins: Quite often, they are worse off.

The Hon. J. E. DUNFORD: That is so; they do not have the protection of the trade union. They must negotiate with their employers for a common agreement.

The few managers that I have known who have worked for large hotels have been dissatisfied after they have ceased their employment. They have told me that, if they say anything while they are employed, they will be turfed out. Some hotel managers have told me that hotel working conditions are bad. I do not have strong views on Sunday trading because, if one wants a drink, it is easy to get in a hotel, but one must have a meal. Some workers would like to drive to Victor Harbor and similar places and have a drink, but they are concerned about the enormous cost of a meal. However, the same workers are not strong on Sunday trading, because they can get a drink at their clubs.

Many hotel owners have told me that they are pleased about the club arrangement because the clubs sell their beer for them, and they do not have to bring in their staff on a Sunday. Other hotelkeepers have told me that they do not want to lose their staff, whom they respect.

The Government has not considered the people in the industry who would be required to work seven days a week. A large percentage of South Australian hotels would be run by managers. This provision would suit the breweries and the people who own a dozen hotels. Also, as the Hon. Mr Blevins pointed out, hotels do not care much about their customers. Service is generally bad, and facilities seldom are improved.

In regard to the cry against the Government in opposition to random breath testing, I believe this came from the A.H.A. which incited hotelkeepers to act against this matter. I have never known hotelkeepers to discourage people from excessive drinking. Instead, they grab the money, send the patron home drunk and wait for his arrival the next day to get more of his money. Hotelkeepers do not have the general support of the public.

If we had a spread of hours as set out in the clause, people would patronise a hotel for two hours in the morning, perhaps buy bottles and drink them on the beach or somewhere and wait until such time in the afternoon when the session recommenced for the next two hours.

I believe that, as a result of this, there will be more road accidents because I relate accident and death on our roads to drinking and driving. That is another matter that has to be considered by legislators. Do we honestly believe that Sunday trading will increase the number of road fatalities? We have just brought in legislation that I hope will reduce the road toll. I believe, from reports I have received, that at the Royal Adelaide Hospital casualty section the list of people who need treatment as a result of road accidents has been reduced.

I have given a lot of thought to this Bill. If my Party had a different attitude, I would have to consider what it decided to do. However, because I have a conscience vote, my conscience would not allow me to inflict seven days a week on the workers. In the Liquor Trade Union, as has been stated by its President, nearly 90 per cent of those people objected to Sunday trading. The amendment provides for a straight run of hours that would solve some of the problems. Were those people polled on the fact that they would have two hours on and two hours off and be required to work a broken shift?

If the proposition was put in the wrong way, there might have been nearer to 100 per cent of the workers in that industry rejecting Sunday trading as outlined in clause 8. I guess that the union did not poll the managers of the hotels. I do not suppose that it has any right to do that but I have information that the managers of hotels also oppose Sunday trading, so we have a proposition where the people in the industry, the workers, do not want this sort of thing. Until I am satisfied that they will accept this kind of trading, I will not support the Bill. Workers who travel a long way to work on Monday to Saturday, with one day off, would be considering leaving the industry, but there is nowhere to go. This would be imposing something on people who cannot leave the industry.

It is all right during the term of a Labor Government, when times are good and people can change their occupation. If I was an employee in an industry that did not suit me, I would leave and find another job. In my working life I have been fortunate, as jobs were available. There are problems with the legislation, and the amendment proposed by the Hon. Mr DeGaris is straightforward and comes down to whether we ought to vote in conscience for this Bill.

The Hon. BARBARA WIESE: I have found it very difficult to make up my mind on this issue. Like many other people in this place, I have no objection to Sunday trading. I have no strong feelings one way or another, so it is not an issue for me. However, I have decided not to support the Minister's motion. It seems, in the final analysis, that the Bill is ill-conceived and that the conditions under which workers are going to have to work if this legislation is implemented are appalling. It seems that no agreement has been established at all. The matter should be postponed until June, during which time negotiations can hopefully take place between the employers and employees and some satisfactory agreement can be reached. Hopefully the Government can then bring back a piece of legislation that is more sensible than the Bill currently before us.

The Hon. G. L. BRUCE: It looks as though the matter is coming to the crunch, and I would like to make my opposition perfectly plain.

The Hon. J. C. Burdett: You've made it fairly plain.

The Hon. G. L. BRUCE: I have been prepared to go along with the voices. If it is going to a crunch decision I am going to vote against Sunday trading. I am prepared to go along with the voices if it goes that way and the Council wants to take it through to a conference. However, if we divide I will show members where I stand. I do not believe that there should not be Sunday trading, because it is already there. It is hypocritical to say that hotels should not have Sunday trading because, I believe they should and already do. However, the ground rules should be laid down before it comes in. One can go anywhere in the country on Sunday and get a drink. For the Liquor Trades Union to go around and ask whether people want Sunday trading is hypocritical, because I believe it already exists. They should be asking what conditions should prevail in the industry if it is introduced. Sunday trading for Liquor Trades Union members already exists, and it should exist for the Hotels Association, too. Having said that, I believe the ground rules must be laid down before we take this step.

The Bill is ill-conceived—nobody can doubt that for a minute. I do not believe that the Minister was completely honest when he said that the industry had been consulted. I believe he may have sounded them out and said, 'What is your view on Sunday trading?' but I do not believe he said, 'We are going to introduce Sunday trading on a 2/2/2 basis. The Minister was not completely honest when he said he sounded out the industry.

The Hon. J. C. Burdett: I was quite honest when I responded to your question.

The Hon. G. L. BRUCE: But I did not think the industry had any idea that that would be the situation. I want to clear up where I stand on the issue: if it comes to a division I will be voting against the motion. That stand is not because I believe that we should not have Sunday trading. However, I believe that the rights sought by the trade should be given to it, but the ground rules should be well laid down before we enter into that situation.

The Hon. N. K. FOSTER: I repeat what I said last week. The first we heard of this matter was a headline in the Murdoch press. There has been no consultation with the industry. One of the worst industries in this State is the hotel industry, but in this case there are two areas of blame: one is the ill-conceived manner in which the Government has floated this legislation, and the other is the ill-conceived Bill that it has attempted to push through both Houses in the past week. There has been no proper understanding of what is involved by the Government or the A.H.A.

One of the first considerations is that, if there is a wish in the community for this service on a Sunday, the community must pay for those who have to work. That must be enshrined in the rates of pay, and it will not be made on a promissory note torn in half, with one half going to the union and the other somewhere else. I said last week that the only way in which I would support this measure would be by a letter of intent. If I were a union representative, I would want that letter of intent lodged with the union, with the Registrar, and in a bank vault. Only then would I consider that I had sufficient breathing time to consult the membership so that a decision could be made on the matter.

No-one can suggest to me that there is sincerity in the half-and-half proposal that was the Government's original intention, with no straight shift time, people being exploited, and so on, because the interests of tourism must be promoted. That was what appeared in the Bill produced to us last week. Until the unions and the industry get their act together and register it as they should, I shall be against this measure. No union with an 80 per cent casual rate can possibly police the conditions imposed on employees by individual unscrupulous employers. Most employees are women, and they are not in a position to complain to the union because they know what will happen.

I refrained last week from mentioning the name of a hotel that has changed owners and managers. These employers called people in on a weekday at noon to serve two tables. They then had to sit down and go off the pay-roll for 10 or 15 mins. When four other people came in and booked a table they worked for 15 minutes, then sat down for another 10 minutes. Because the employers got away with that state of affairs for a fortnight, they then expected the employees, when they were off the pay-roll, to perform kitchen duties. Such people get nothing from me. Let them get their act together and register a proper agreement and a proper understanding before the Industrial Commission. Any Government that introduces a measure offering no protection for the underprivileged does not deserve the support of anyone on this side, including the member who is to follow me in this debate.

The Hon. C. J. SUMNER: I feel almost as though I should make a public recantation. I can see the Minister looking agitated, and I feel that way because there seemed to be differing viewpoints on this side of the House.

My problem is that the Chamber seems to be catching Milne-itis. I am worried that if I stay here much longer I might catch it. Changing one's mind seems to have become fashionable, if not endemic, in this Chamber over the past couple of hours. Unlike other members, I am quite well inoculated against this disease, which seems to have infected a number of members of this Council. On balance, and in

the end result, I do not believe that I will make a public recantation and change my mind as well.

I make quite clear that I intend to support the motion. However, I am concerned about the allegation that, by supporting this motion, I will somehow or other be depriving workers in the industry of certain rights or that I will be adversely affecting the interests of workers in the industry. It is a matter of some considerable concern to me that that point has entered this debate. However, I have a simple solution. I believe that workers in the industry are represented by the trade union to which they belong. I consulted that union before dealing with this matter in the second reading debate. I had no fewer than three separate discussions with that union in relation to this Bill. The union had no objection to the Bill, apart from one clause where it wished to protect the award conditions of members in a tourist facility licence. There was adequate time for members and all groups in the industry to consider the Bill, including the Hotels Association, clubs and the Liquor Trades Union.

The Liquor Trades Union represents the interests of hotel workers, and consultations with that union were extensive. I believe that the interests of workers in the industry are represented by that union. The indication I received from the union, as from other groups, was that they had no objection to the Bill as it passed in the amended form, given the information that I had at the time I supported the Bill in the first instance and given that no further indication had come to hand to indicate any changed circumstances. I therefore support the Bill as it passed the Chamber last week.

The Hon. J. C. BURDETT: For once I agree with the Hon. Mr Sumner. I support his remarks and congratulate him on his contribution. I do not think that the Hon. Mr Sumner will recant, notwithstanding the fact that I agree with him. The Government agreed and was determined to introduce this limited measure for Sunday trading to support the tourist industry in tourist areas. However, the Government was not prepared to introduce Sunday trading across the board, but considered that this was the correct way of going about the matter, namely, by providing that where in areas there is a tourist demand the Licensing Court should have power to grant the authorisation, which is the term used in the Bill.

The Hon. J. R. Cornwall: You know, and the A.H.A. knows, that that is a load of cods wallop.

The Hon. J. C. BURDETT: It is not cods wallop; it is perfect common sense. The Government was giving the court the power to give an authorisation for Sunday trading in certain circumstances. The matter had to go to the court, and it was a reasonable thing to do. I point out again that if what I have moved is not carried by the Council it will mean that any measure of Sunday trading is out the window. However, quite apart from that, and more important, clause 8 (6), which had nothing to do with Sunday trading, but which gives power in regard to imposing conditions on a full publican's licence, will not be carried. This related particularly to noise control, which is an important matter. The main thing that I am saying is that I suppose that it does not concern me personally very much whether or not what I have moved is passed and whether or not we have this limited measure of Sunday trading. I am saying that the Government decided to introduce by way of this Bill this limited form of Sunday trading. We have tried to do that and we have done it: if this Council or the other House does not want Sunday trading, that is all right. This matter has been regarded as a conscience measure, which is quite proper. It is no skin off my nose, and it will not worry me if it is not passed. However, I am saying that the Government has introduced this limited form of Sunday trading for a good and proper cause, namely, to promote tourism, and, if the Parliament does not want to endorse that, that is all right. However, that is what the amendment is all about. For those reasons, I support that which I formally moved, that is, that the amendments moved by the House of Assembly be disagreed to.

The Hon. R. C. DeGARIS: I think that we are in a rather peculiar position, when one analyses this whole process.

The CHAIRMAN: I can tell the honourable member how to resolve it—by putting the question.

The Hon. R. C. DeGARIS: Yes, after I have put this viewpoint. When the Bill was before the Council I moved an amendment for Sunday trading to be operational from midday until 8 p.m., on the application of any hotel for those hours. I was the only voice that called in favour of it. There was a move by the Labor Party in the Lower House in the form of a motion moved by Mr Corcoran to follow exactly my amendment, but that was defeated in the House of Assembly.

The Hon. J. R. Cornwall: The South-East Mafia.

The Hon. M. B. Cameron: It was a Millicent move.

The CHAIRMAN: Order!

The Hon. R. C. DeGARIS: One may call it that if one likes, but at least the South-East Mafia has some degree of logic, which is more than one can say for the Mafia of the other side or of the rest of the State. I oppose the clause as drafted. It is a foolish clause, which I believe does not deserve to be on our Statute Book. However, to achieve the end that I want to achieve, I must vote for it.

Therefore, we have gone through a full circle of negotiations in trying to reach a certain position. I believe, and every person who has thought about this would agree, that the Bill is not satisfactory and that the amendment I have moved is reasonable and logical. I ask that the Chamber support the Minister's motion that we disagree with the amendment moved by the House of Assembly and that it then makes the logical move and supports the amendment I intend moving straight afterwards.

The Committee divided on the motion:

Ayes (12)—The Hons J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, B. A. Chatterton, L. H. Davis, R. C. DeGaris, K. T. Griffin, C. M. Hill, Anne Levy, K. L. Milne, R. J. Ritson, and C. J. Sumner.

Noes (8)—The Hons Frank Blevins, G. L. Bruce, J. R. Cornwall (teller), C. W. Creedon, M. B. Dawkins, J. E. Dunford, N. K. Foster, and Barbara Wiese.

Majority of 4 for the Ayes.

Motion thus carried.

The Hon. R. C. DeGARIS: I move:

Leave out subsection (2) and insert subsection as follows:

(2) The court may, by endorsement on a full publican's licence, authorise the licensee to sell and dispose of liquor under the licence on a Sunday:

(a) between the hours of twelve o'clock noon and eight o'clock in the evening;

or

(b) during such shorter period or periods between those hours as the court fixes.

Leave out subsection (2b).

Leave out from subsection (5) *(b)* the passage 'periods that he is so authorised' and insert 'period or periods to which the authorisation relates'.

I do not think there is any need to canvass the issue again, except to say that my amendment is logical, and everyone has said it is logical. The change is to leave out subsection (2) and (2b). The Hon. Mr Milne, by interjection, asked why I proposed to leave our new subsection (2b). I do not mind leaving that provision in, if that would satisfy the Hon. Mr Milne. Quite clearly, the clause as it is drafted is unsatisfactory, and I would suggest the Council agree to my amendment.

The Hon. J. C. BURDETT: I do not agree with the amendment for the reasons that have been adequately canvassed before.

The Hon. FRANK BLEVINS: I disagree with the amendment for two reasons. First, there has been, to my knowledge, no agreement between the Liquor Trades Union and the A.H.A. regarding any rates of pay for Sunday trading. As soon as that is agreed, I will support the opening of hotels on Sunday. I would not support an amendment such as the amendment of the Hon. Mr DeGaris, which is far too restrictive; I see no reason why hotels should be restricted on Sundays to the hours outlined by the Hon. Mr DeGaris. The A.H.A. and the union will have to come to some agreement to cover workers working for longer hours than these. To say to anybody who wants a drink on Sunday, 'You cannot have it until midday and you have to finish at 8 o'clock' is almost as much nonsense as is the tourist hotel business. If anyone is thinking of introducing Sunday trading when the agreement is concluded between the union and the A.H.A., if they want my support I suggest that they do not have restricted hours of trading.

The Hon. J. R. CORNWALL: Subject to subsections (2) and (2b) being left out, I am supporting the Hon. Mr DeGaris on this occasion. I did not do so on the last occasion, but I certainly have thought about it at length. I still thought there was time for the Government to get its act together in the Lower House. Unfortunately, that did not happen. I am far more attracted to the idea of opening between midday and 8 o'clock for a particular licence to be able to be endorsed. In other words, it is optional for the publican to get that licence endorsed. Once it is endorsed the publican has to open. That seems a far more rational way of going about things, and it seems to me to be a much better way to organise a staff from the employer and employee point of view. This is the sort of proposal the Government should have put up in the first place. It is not the sort of thing that the Hon. Mr DeGaris should have had to put up for the Government. All else having failed, I support this amendment.

Amendment negatived.

The following reason for disagreement was adopted:

Because the amendment is contrary to the principles of trading and the object of the Bill.

TRADING STAMP ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

COMMERCIAL TRIBUNAL BILL

Returned from the House of Assembly without amendment.

TRADE MEASUREMENTS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

OFFENDERS PROBATION ACT AMENDMENT BILL (1982)

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

The Hon. C. M. HILL (Minister of Local Government): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The object of this small Bill is to delete reference to the office of Director of Correctional Services, and to substitute the more flexible expression of 'Permanent Head', the terminology used in the recently-passed Correctional Services Act. As everyone is now well aware, it is proposed that the newly created office of Executive Director will have the position of Permanent Head of the Correctional Services Department, and it is therefore necessary to vest certain statutory functions and duties under this Act in that office. Clause 1 is formal. Clause 2 provides for the commencement of the Act upon proclamation. Clause 3 defines 'Permanent Head'. Clauses 4 to 7 (inclusive) delete all references to 'Director' and substitute the passage 'Permanent Head' wherever necessary.

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

WORKERS COMPENSATION ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1, 2, 4 to 8, 13 to 22, and 24, and had disagreed to the Legislative Council's amendments Nos. 3, 9 to 12, and 23.

Consideration in Committee.

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

That the Legislative Council do not insist on its amendments Nos. 3, 9 to 12, and 23.

After all, most of the amendments have been accepted by the House of Assembly in a spirit of compromise, and I believe that the Council need not insist on the other amendments. The amendments have been canvassed adequately in debate, and I see no point in canvassing them at this stage.

The Hon. C. J. SUMNER: I would have to ask that the Council quite firmly insist on the amendments. These amendments were made only a short time ago during the Committee stage and I believe that some changed circumstances must be demonstrated in order for the Council to change its mind. Clearly, nothing has changed. The Council voted on these amendments in Committee during the debate today and last week, and the Minister has given no evidence of changed circumstances that should lead the Council to change its mind.

While I appreciate that some members of the Council were afflicted with Milne-itis and changed their minds in the previous debate, in this matter there can be no justification for the Council not insisting on these amendments. If, during the course of this consideration, the Minister can put any cogent reason why we should not insist on the amendments, I will consider that proposition. Just as I did not change my mind midstream in regard to the previous Bill, I have absolutely no intention of changing my mind on this matter. Having voted for these amendments so recently, with nothing having happened to indicate why I should change my mind, I intend to insist on the amendments that were previously supported by me.

The Hon. FRANK BLEVINS: I support what the Hon. Mr Sumner has said. Rather than accept these amendments the Government is attempting to pressure the Hon. Mr Milne into agreeing to overturn all the good work that he has done over the last three days. I doubt that another

place really wants a conference on these issues. I believe that most of these measures have been agreed to by a nod and a wink, or whatever system of communication exists between the Hon. Mr Milne and the Government.

The amendments involved include such important issues as defining the place of abode, the preposterous proposition to impose a 5 per cent levy for the rehabilitation until after 12 weeks, where this Committee believed 26 weeks a more appropriate period. Also, where there is no question of rehabilitation, this Committee decided that there was no point in any worker being levied to pay into a rehabilitation unit from which he could obtain no benefit.

A further amendment deals with the provision in a work place of a notice stating that the employer has insurance for his employees, and the name of the insurance company has to be listed. That is not a great imposition on the South Australian industry. How serious is the Government about a conference? The reason given by the House of Assembly for disagreeing to the amendments is that "The amendments destroy the purpose of the Bill." That is another joke. The amendments merely tamper with the Bill in a minor and trivial manner.

I would have been delighted if this Chamber had moved amendments that had destroyed the purpose of the Bill, so that we could have had a worthwhile argument. When the Opposition agreed to some of the amendments, we did so only on the basis that they made the Bill slightly less obnoxious, and certainly not on the basis that they did much of a positive nature to improve it.

In my opinion, there is no reason for the Committee to alter its position. We have done nothing of consequence to the Bill. The few things that the Hon. Mr Milne wanted are, in the context of the numbers in the Committee, reasonable. I am appalled that the House of Assembly has seen fit to put this lie on the bottom of its message and claim that our amendments destroy the purpose of the Bill. I urge the Hon. Mr Milne and other members of the Committee to insist on our amendments, minor as they are.

The Hon. K. L. MILNE: I think I should declare myself now and let the Committee decide what to do next. I would not insist on amendment No. 3.

The Hon. R. C. DeGaris: We should take them *seriatim*.

The Hon. K. L. MILNE: I am saying what would happen if we got to a conference. I would not insist on amendment No. 3. I would not insist on amendment No. 9, because I have been informed that the reason for the objection to amendment No. 12 (they go together) is that we have stated that the worker will produce to his employer a certificate by a legally qualified medical practitioner, and I understand from the Minister that it is the court's responsibility now, and that this really confuses the issue. Amendment No. 10 is not necessary. It is not necessary to insist on that as it was in the old days, because now there is a lender of last resort.

The Hon. Frank Blevins: What are you on about?

The Hon. K. L. MILNE: The Government wants to insert the provision for 12 weeks again. I do not agree. We did not agree with taking so much money from so many people. The Government would take a similar amount from each person but from more of them, and it knows that that is against our wishes. We believe that money will be taken from the 26 weeks onwards, but we agree to that. I would not agree to put 12 weeks back. I think that is despicable and that it asks me to go back on a strong principle that was supported here. I think it is nonsense to say that we cannot finance a rehabilitation unit without that money.

The Hon. Frank Blevins: We can't finance it with the money.

The Hon. K. L. MILNE: No. I would not insist on the others, but I ask the Government to concede that money be taken from people on workers compensation only after 26 weeks. Other than that, the reasons for rejection are plain to me. If the Government would insist on amendments 10 and 11, I would be less miserable.

The Hon. R. C. DeGARIS: I suggest that we deal with the amendments one by one, as the Hon. Mr Milne has differing views on each one. I know it has not been the Government's policy to vote on amendments individually but I believe it could change its view on this matter to facilitate members to vote on the amendment as they see fit.

The Hon. J. C. BURDETT: I do not disagree with that if it comes to the point, but I would be prepared to insist on amendments Nos. 10 and 11, if that would satisfy the Hon. Lance Milne.

The CHAIRMAN: I put the question 'That amendment No. 3 be insisted upon'.

The Committee divided on the question:

Ayes (9)—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, and Barbara Wiese.

Noes (10)—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, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. C. J. Sumner. No—The Hon. D. H. Laidlaw.

Majority of 1 for the Noes.

Question thus negatived.

The CHAIRMAN: I put the question 'That the Committee insist on its amendments Nos. 9 and 12.'

The Hon. FRANK BLEVINS: I would appreciate the Hon. Mr Milne explaining to us again what his problem is with amendments 9 to 12, which he assured us were linked. Also, can the Minister explain to the Committee what happens to this Council's proposition where there is no possibility of rehabilitation of a worker? Will there be a refund of all payments made to the rehabilitation fund? What happens to that principle if the Committee does not insist on its amendments?

The Hon. J. C. BURDETT: The procedure is set out in amendment No. 12, to which the House of Assembly has disagreed. If that sets out a procedure for refund of moneys, I suggest that that should be followed.

The Hon. K. L. MILNE: I understand the reason why the House of Assembly disagreed to the amendment was not concerned with the refund of money in a hopeless case, but that it was usurping the jurisdiction of the court. If that is the case we want to provide that, where the court issues a certificate, there is no reasonable likelihood of a worker being rehabilitated—

The CHAIRMAN: We have no power to amend the amendments now; we can only vote upon them as they came to us.

The Hon. K. L. MILNE: Be it on the Government's head—it will come up sooner or later. It will not come up often, but it will come up.

The Hon. FRANK BLEVINS: I do not know whether it is necessary for me to repeat my question in this vacuum that is occurring at the moment. I think the proposition is quite simple; and it should be cleared up. This Committee has decided that, where there is no possibility of rehabilitation, any levy that has been paid should be returned. I think the Minister is obligated to tell us that that will occur if this amendment is lost.

The Hon. J. C. BURDETT: Amendment No. 9 has been linked to amendment No. 12. They are two amendments to which the House of Assembly has disagreed. Amendment No. 12 has left it up to a medical practitioner to determine whether or not the money should be refunded. The role

properly rests with the Industrial Court, and that will apply if this amendment is disagreed to. It is properly the role of the Industrial Court and not the medical practitioner to determine whether the money should be refunded. I think that is a matter which concerned the Hon. Mr Milne. He was concerned to see that it should be the Industrial Court which determines this matter, and that it should not be based simply on the production of a certificate. If amendments Nos 9 and 12 are disagreed to, that will be the result.

The CHAIRMAN: Does the Committee wish to link amendments Nos 9 and 12?

The Hon. FRANK BLEVINS: That is certainly my wish. While I am not that fussed whether it is a medical practitioner or the court who decides, it is quite clear that the Minister has not answered my question. If amendments Nos. 9 and 12 are defeated, is there another provision in the Bill which allows the levy paid by a worker who cannot be rehabilitated to be refunded to that worker?

The Hon. J. C. BURDETT: That would be determined by the Industrial Court. If the money has been paid, it is established that it cannot be used for the rehabilitation of the worker and the court will determine what happens to the money. In that situation, it would be proper to refund the money to the worker.

The Hon. Frank Blevins: Which part of the Bill provides for that to occur?

The Hon. J. C. BURDETT: I cannot answer that. However, if the money cannot be used for the rehabilitation of a worker it must be applied. The application of the money will be determined by the court.

The Hon. FRANK BLEVINS: The Minister said that it must be applied. Where is the compulsion in the Bill for that to occur?

The Hon. J. C. BURDETT: I am not able to point that out.

The Hon. FRANK BLEVINS: It is quite clear that it does not apply. It is perfectly clear that, if this amendment is lost, there is no other provision for this measure. This type of thing has occurred right through the Bill. If the House of Assembly is saying that it believes that what we did was wrong, that we are being over-generous to an injured worker, it should say so. The Government, through the Minister, should not mislead the Committee. The Minister has not been able to refute the fact that the principle behind this very worthwhile amendment will disappear. If the Government wants it to disappear let it say so, and then let the Committee decide. I am totally opposed to that principle disappearing.

Obviously, if an injured worker has no possibility of being rehabilitated back into the work force, then any money that has been taken from him for that purpose should be refunded. A worker should enjoy that right under this measure. Unless the Minister can indicate just where this principle is picked up elsewhere in the Bill, I strongly urge the Committee to insist on amendments Nos. 9 and 12.

The Hon. J. R. CORNWALL: Have we all gone off our rockers owing to the lateness of the hour? It is 3.45 in the morning. This Bill has been debated at enormous length over four days. The amendments have been very vigorously fought for and each one has been voted on; they do not appear in the Bill by accident. Members in another place have disagreed with these amendments. Are we really going to go through these amendments one by one, clause by clause?

The CHAIRMAN: Hopefully, the Committee will not go over the debate again, but it has decided to deal with the amendments one at a time.

The Hon. J. R. CORNWALL: The Committee has gone off its collective rocker. There is no rationale for that at all. Why don't we have a conference of managers?

The Hon. FRANK BLEVINS: I think I have made the position quite clear. The Minister has said that the principle that lies behind these two amendments remains, that the court will decide and not a qualified medical practitioner. That is a fine point and I am not fussed about it, provided that it is automatic after six months, when it would be apparent that a worker cannot be rehabilitated. After that time will that be done automatically?

The Hon. J. C. Burdett: No.

The Hon. FRANK BLEVINS: Does the principle remain somewhere else in the Bill?

The Hon. J. E. Dunford: No.

The Hon. FRANK BLEVINS: The Minister has already told me that it does. Does the Minister now agree that the principle is not contained anywhere in the Bill?

The Hon. J. C. Burdett: Yes, I agree with that.

The Hon. FRANK BLEVINS: We now come to the nub of the question. If this amendment is lost, the concept is lost along with it. A worker receiving workers compensation who cannot be rehabilitated, when there is a redemption of weekly payments, will have to pay 5 per cent toward the rehabilitation unit for nothing. At 3.45 in the morning we have reached the ultimate absurdity. This will be a Mickey Mouse rehabilitation programme, apparently financed on less than $40 000. That money is found by levying the sickest and most severely injured workers receiving compensation for the longest time. On top of that, they are workers who will probably never work again because they cannot be rehabilitated in any way.

In the House of Assembly, whoever worked it out to send this amendment back has rocks in his head because, if this Chamber at this stage agrees with the proposition, I say we may as well all go home. If we are going to unload the cost of rehabilitation on workers who will never work again and who have no hope of rehabilitation, I give up.

The Committee divided on the question:

Ayes (9)—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, and Barbara Wiese.

Noes (10)—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, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. C. J. Sumner. No—The Hon. D. H. Laidlaw.

Majority of 1 for the Noes.

Question thus negatived.

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

That the Legislative Council insist on its amendments Nos. 10 and 11.

Motion carried.

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

That the Legislative Council do not insist on its amendment to No. 23.

The Hon. J. R. CORNWALL: Has the Council virtually become a surrogate conference of managers for the two Houses? Is the Minister trying to avoid a conference of managers?

Members interjecting:

The CHAIRMAN: Order!

The Hon. J. R. CORNWALL: I am entitled to ask the Minister what he is about. Is that why we are sitting here? Have we become a surrogate conference of managers, with the Democrat selling out after four days of argument, so that the Minister can try to short-circuit the matter and eventually conclude the business of the Council at the cost of paraplegics and quadraplegics?

The Hon. J. C. BURDETT: The answer is 'No'.

The Hon. J. R. CORNWALL: Is there to be a conference on amendments Nos. 10 and 11?

The CHAIRMAN: We have not dealt with amendment No. 23 at this stage.

The Hon. J. R. CORNWALL: With respect, Mr Chairman, I asked a question of the Minister. We have just seen the Hon. Mr Milne sell out on the totally and permanently incapacitated workers of this State.

The Hon. Frank Blevins: So that he can get to bed half an hour earlier.

The Hon. K. L. Milne: That is not true and you know it.

Members interjecting:

The CHAIRMAN: Order!

The Hon. J. R. CORNWALL: Will the Minister answer the question I asked? Is that his intention, or is it necessary that we go to a conference of managers? Is it the case that, by selling out on these hard fought amendments, which took four days to insert, we all go home at 4 o'clock and say, 'Hurrah, we have a clear conscience. We have saved one or two hours by not going to a conference?'

The Hon. J. C. BURDETT: There is no question of selling out. It was decided by the Committee to put the amendments *seriatim*, and that has been done.

The Hon. J. R. CORNWALL: Will there be a conference?

The CHAIRMAN: We will decide about a conference afterwards.

The Committee divided on the motion:

Ayes (10)—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, K. L. Milne, and R. J. Ritson.

Noes (9)—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, and Barbara Wiese.

Pair—Aye—The Hon. D. H. Laidlaw. No—The Hon. C. J. Sumner.

Majority of 1 for the Ayes.

Motion thus carried.

Later:

The House of Assembly intimated that it did not insist on its disagreement to the Legislative Council's amendments Nos. 10 and 11.

LICENSING ACT AMENDMENT BILL

The House of Assembly intimated that it did not insist on its amendment, to which the Legislative Council had disagreed.

ADJOURNMENT

At 4.38 a.m. the Council adjourned until Tuesday 1 June at 2.15 p.m.