

LEGISLATIVE COUNCIL

Tuesday 14 September 1982

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Fisheries Act Amendment,
Land Tax Act Amendment,
Referendum (Daylight Saving).

AUDITOR-GENERAL'S REPORT

The **PRESIDENT** laid on the table the Auditor-General's Report for the financial year ended 30 June 1982.

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Fences Act, 1975-1977—Regulations—Drainage Reserves.
Justices Act, 1921-1982—Rules—Forms (Amendment).
Lotteries Commission of South Australia—Auditor-General's Report, 1981.
Lottery and Gaming Act, 1936-1982—Regulations.
Pipelines Authority of South Australia—Report, 1982.
Road Traffic Act, 1961-1981—Regulations.
Stamp Duties Act, 1923-1982—Regulations—Prescribed Transfers.
Rules of Court—Supreme Court—Supreme Court Act, 1935-1981.
Companies (South Australia) Code.

Fees.

Admission Rules.

The Savings Bank of South Australia—Balance Sheet, as at 30 June 1982.

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

Coffin Bay Peninsula Land—Plan.

Pursuant to Statute—

Friendly Societies Act, 1919-1982—Regulations—Small Loans Limits.
South Australian Waste Management Commission—Report, 1981-82.
Surveyors Act, 1975—Regulations—Code of Ethics.
District Council of Port Broughton—By-law No. 25—Controlling the Foreshore.

By the Minister of Housing (Hon. C. M. Hill):

Pursuant to Statute—

South Australian Housing Trust—Report, 1981-82.

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

Pursuant to Statute—

South Australian Health Commission Act, 1975-1981—By-laws—

Hillcrest Hospital—Management of Hospital Grounds.
Health Act, 1935-1980—Regulations—Swimming Pools.
Parliamentary Standing Committee on Public Works—Fifty-fifth General Report.

South Australian Health Commission Act, 1975-1981—Regulations—Audit of Hospitals by Auditor.

Workers Compensation Act, 1971-1982—Regulations—Forms.

Noise Induced Hearing Loss.

MINISTERIAL STATEMENT: LIBERAL CLUB LIMITED

The **Hon. K. T. GRIFFIN** (Attorney-General): I seek leave to make a statement about Liberal Club Limited. I

indicate that, if leave is granted, I will seek to extend Question Time by such a period as it takes to deliver the statement.

Leave granted.

The **Hon. K. T. GRIFFIN**: On Thursday 2 September 1982 the Leader of the Opposition in the Legislative Council asked a series of questions relating to Liberal Club Limited and my involvement with that company and a sale of its property at 175 North Terrace, Adelaide. On that day I answered the question and dealt with the broader questions of taxation evasion and taxation avoidance. Yesterday, the Leader of the Opposition in the Legislative Council wrote to the Premier and, at the same time, released the letter to the media. It is now appropriate to put on the record the facts in order to answer the innuendo and smear implicit in the questions, and the impugning of my character in the letter.

Liberal Club Limited is a company formed many decades ago by citizens of South Australia anxious to provide a home for the Liberal Party. It provided that home at 175 North Terrace, Adelaide, in 1931. In 1975, Liberal Club Limited resolved to sell the property at 175 North Terrace, Adelaide, and to find new and more appropriate accommodation for the Liberal Party. At that time I was State President of the Liberal Party of Australia, S.A. Division, and was, by virtue of that office, a director of Liberal Club Limited.

On 17 February 1975, Liberal Club Limited executed an agreement for the sale of the property at 175 North Terrace, Adelaide, to 'E.C. Developments Pty Ltd or its approved nominee' for the sum of \$315 000. That contract was prepared by the solicitors for Liberal Club Limited, Murray and Cudmore. I was not the solicitor for Liberal Club Limited. That contract provided that, on payment of the deposit and the due execution of a mortgage back to Liberal Club Limited by the purchaser and the payment of the balance of the purchase price, the vendor (Liberal Club Limited) would 'at the request and expense in all things of the purchaser which shall pay all stamp duties and registration fees' deliver to the purchaser a duly executed transfer under the Real Property Act. Settlement was effected on 14 May 1975, E.C. Developments Pty Ltd having formally appointed E.C. Holdings Pty Ltd as its nominee to take the property.

At the time of the execution of the contract the directors of Liberal Club Limited had no knowledge of the form of the transfer which might be presented by the purchaser for execution by Liberal Club Limited. Just prior to settlement in May 1975, E.C. Holdings Pty Ltd presented 27 moiety transfers to the Chairman of Liberal Club Limited for signature. I am informed by the solicitor for Liberal Club Limited, Mr T. H. McFarlane, that, when the transfers were submitted to the Liberal Club Limited for execution, Mr John Coumbe, the Chairman of Liberal Club Limited, queried whether it was in order to sign them. He was advised by Mr McFarlane that collectively the transfers transferred the whole property; that the preparation of the transfers was the purchaser's responsibility and collectively they complied with the contract and therefore should be signed; that on settlement the vendor would control the registration of the transfers so as to ensure that the single mortgage would be duly registered. The multiple transfers were matters outside the control of Liberal Club Limited and were entirely at the discretion of the purchaser.

Undoubtedly, the purchaser saved some stamp duty. Liberal Club Limited did not gain any benefit or advantage at all from the saving made by the purchaser.

The price received by Liberal Club Limited was not in excess of its market value as alleged by the Hon. Mr Sumner in yesterday's letter. He refers to the annual report of Liberal

Club Limited for his justification for this statement, relying upon the comment that the property was sold for an amount well in excess of its book value. I am amazed that Mr Sumner cannot even understand the elements of accounting at the most basic level. Book value in a company's accounts does not reflect market value. Book value is the value at which an asset is brought into the accounts of a company—either its cost price or its value resulting from a revaluation of the asset. Market value is the price an asset will bring on the market. Often there is no relationship between the two figures. Obviously, the value shown in the books of Liberal Club Limited was much less than the market value of the asset.

No inference can be drawn from the difference in the figures that the price received was higher than the book value. The obligation to pay stamp duty was firmly placed upon the purchaser by the contract, which followed the normal practice. Under the Stamp Duties Act, section 5 (2) places a technical legal obligation *vis-a-vis* the Crown upon all parties who execute an instrument to pay the duty, but that is rarely invoked.

As I said on 2 September, the means of saving stamp duty by the use of multiple transfers was well known in South Australia at the time E. C. Holdings Pty Ltd presented its transfers to Liberal Club Limited for execution. Many hundreds, probably thousands, of property transfers were presented in this way for stamping. It was perfectly legal and proper. The Hon. Mr Sumner should, as a lawyer, know that this is so.

It is a well established principle of law that citizens may arrange their affairs so that they do not pay more duty or tax to the Government of the day than is required by the law, provided it does not involve any sham, fraud or other illegality. There was nothing of that in the multiple transfer schemes which were in general use at the time. Since that time the law has been amended by Parliament, but this does not make illegal or immoral practices which had been used before that change and which were then within the law.

It should also be noted that the transfers to E. C. Holdings Pty Ltd were presented to the Commissioner of Stamps for his opinion. Full disclosure of all the facts was made, and duty assessed according to the provisions of the Stamp Duties Act. This statement should put to rest once and for all the unjustified and irresponsible attempt by the Leader of the Opposition to impugn my integrity.

MINISTERIAL STATEMENT: PASTORAL BOARD

The Hon. C. M. HILL (Minister of Local Government): I seek leave to make a statement.

Leave granted.

The Hon. C. M. HILL: Honourable members may be aware that on 31 August the Hon. Mr Arnold made a statement in another place in which he said, among other things, that he had called for a detailed report on the allegations made against the Pastoral Board of South Australia which appeared in the Adelaide *Advertiser* of 28 August. I am now in a position to inform the Council that my colleague has received from his Director-General an interim report in which the Director-General stated that it will be some months before the full report as requested is completed.

However, in the light of that interim report, the Government has taken certain steps to ensure that this matter is dealt with expeditiously and properly. Following discussions the Director-General of Lands has had with the Pastoral Board, Cabinet has decided to recommend to Executive Council the appointment of Mr K. C. Taeuber, the Director-

General of Lands, as Chairman of the Pastoral Board. This move is supported by the Pastoral Board.

In recommending the appointment of Mr Taeuber as Chairman of the Pastoral Board, the Government was mindful of the need to ensure that, if any problems exist in the administration of the board's functions, they should be resolved and that the board's on-going administration be more effective. In his capacity as Chairman, Mr Taeuber will be in a better position to report to the Government in due course on measures that may be necessary. Mr Vickery will remain a member of the board and, as the board cannot have more than four members under the provisions of the Pastoral Act, the appointment of Mr W. J. Edwards as a member will have to be terminated. It should be pointed out, however, that Mr Edwards's appointment was of a temporary nature only.

I want to stress that the purpose of this investigation is solely to clear the air over the whole matter of the allegations that have been made against the administration of the Pastoral Board and the pastoral industry in general.

The press articles were selective in quoting only isolated examples of overstocking which have had the effect of giving a grossly misleading impression of the overall situation and reflects adversely on the many excellent lessees who have managed the arid lands with skill and dedication to the principles of conservation.

QUESTIONS

LIBERAL CLUB BUILDING SALE

The Hon. C. J. SUMNER: My questions are directed to the Attorney-General. First, was the amount of some \$200 000 lent by the Liberal Club to E. C. Holdings Pty Ltd to enable the purchase of the Liberal Club premises at 175 North Terrace, Adelaide? Secondly, was E. C. Holdings Pty Ltd a company set up specifically for the purpose of this purchase on 13 May 1975, only three days before the registration of the transfer of the sale?

Thirdly, if it is a fact that some \$200 000 was lent by the Liberal Club to E. C. Holdings to purchase the property (in other words, that it was a vendor-financed purchase in part), how can the Attorney-General maintain, in view of the fact that the purchase was partly financed by the vendor (the Liberal Club), that the Liberal Club had no option but to sign the 27 separate transfers presented to it? Fourthly, is the Attorney-General aware that the law is clear that the person who executes a transfer (in this case, the vendor) has the legal responsibility to ensure that stamp duty is paid, and that this statement of the situation in law was made quite clear in the case of the *Superannuation Fund Investment Trust v. Commissioner of Stamps* in 1978, particularly in the judgment of Mr Justice Jacobs.

Finally, in view of the fact that this was the law, namely, that the vendor, as the executor of the transfer, has the primary obligation to ensure that stamp duty is paid, how can the Attorney-General say that the Liberal Club had no option but to sign the 27 separate transfers presented to it by E. C. Holdings Pty Ltd, clearly with the intention of avoiding the payment of stamp duty to State revenue?

The Hon. K. T. GRIFFIN: The Leader of the Opposition will twist and turn to find any way in which to justify his irresponsible stand over the past two and a half weeks. He obviously demonstrates his ignorance of what happens in the real estate industry, because in many, many cases there is an agreement between the vendor and the purchaser that the vendor will leave a portion of the purchase price on loan for a fixed period of time to enable the purchaser to either refinance or realise assets to pay the balance of the price. There was nothing unusual in the agreement—

The Hon. C. J. Sumner: I appreciate that.

The Hon. K. T. GRIFFIN: The Leader does not seem to appreciate it; he seems quite ignorant of the fact that it is common practice.

Members interjecting:

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: The fact that part of the purchase price is left on mortgage is irrelevant to the insinuation that the Leader of the Opposition is making. The Leader of the Opposition can search the title and see that there was a mortgage on the title for \$200 000 at commercial rates of interest for, I think, three years. That was part of the purchase price. What is unusual about that? Nothing at all.

The Hon. L. H. Davis: It happens every day of the week.

The Hon. K. T. GRIFFIN: It happens every day of the week in many sorts of transactions.

The Hon. C. J. Sumner: The fact that you were providing the money for the purchase means that you should have had some say over whether or not stamp duty was—

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: That is nonsense, and again the Leader of the Opposition demonstrates his complete ignorance of the law. I wonder whether all the people who have been saying that he is a good lawyer know what sort of experience he has had.

The Hon. L. H. Davis: That article of Max Harris's has gone to his head a bit.

The Hon. K. T. GRIFFIN: I have seen the facial hairs.

The Hon. C. J. Sumner: I thought we might go into a class action ourselves.

The Hon. K. T. GRIFFIN: That would be the kiss of death. As I said in my Ministerial statement, section 5 of the Stamp Duties Act makes quite clear that all parties who execute instruments are liable to the Crown for the stamp duty that is payable.

The Hon. Frank Blevins: Tell us about the morality of it.

The Hon. K. T. GRIFFIN: There is nothing immoral about it.

The Hon. Frank Blevins: You claim to be a moral person—

The PRESIDENT: Order!

The Hon. Frank Blevins:—so tell us about the morality.

The PRESIDENT: Order!

The Hon. Frank Blevins: Someone stole \$7 000 from the State and you were party to it.

The PRESIDENT: Order! The Hon. Mr Blevins will come to order when he is called to order, and he will cease interjecting.

The Hon. K. T. GRIFFIN: Section 5 of the Stamp Duties Act makes quite clear that all parties who execute instruments are liable to the Crown for the stamp duty, and the normal practice in all real estate transactions is that the purchaser pays the stamp duty. The transaction between Liberal Club Limited and the purchaser of the property at 175 North Terrace, Adelaide, did not depart from that normal practice. In relation to mortgages, the normal practice is that the person borrowing the money pays the cost of the mortgage, registration fees, and stamp duty, and that is what happened in this case; there was nothing unusual at all about the transaction. The Leader of the Opposition has referred to E. C. Holdings having been incorporated three days before the transfer was registered. I have no knowledge of that. I said in my Ministerial statement that E. C. Developments Pty Ltd was the party that contracted with Liberal Club Limited, in February 1975, to acquire the property, and there was a provision in the contract that it would be E. C. Developments Pty Ltd or its nominee that would take the transfer. Prior to settlement, E. C. Developments Pty Ltd nominated E. C. Holdings Pty Ltd as its nominee to take

the transfer. It was perfectly within the terms of the contract that E. C. Developments Pty Ltd should do that.

The Hon. Frank Blevins: It smells though, doesn't it?

The Hon. K. T. GRIFFIN: There is no smell about it. It is just that the Opposition—

The Hon. C. J. Sumner: You had no control over the 27 separate transfers?

The Hon. K. T. GRIFFIN: I have indicated the advice that was given to the Chairman of Liberal Club Limited. If the Leader of the Opposition chooses not to accept that, that is his problem, not mine. The Chairman of Liberal Club Limited acted in good faith, relying on the advice given to him by the solicitors for Liberal Club Limited that he had no option but to execute the transfers, and that is where it should rest.

The Hon. C. J. SUMNER: I have a supplementary question. Does the Attorney-General agree with the statement of his Ministerial colleague, the Hon. Murray Hill, in the Legislative Council on 7 December 1976, when, in discussing this loophole, he had this to say:

I have no truck with people who have been splitting up contracts—

Members interjecting:

The PRESIDENT: Order! Did the honourable member seek leave?

The Hon. C. J. SUMNER: No. It is a question.

The PRESIDENT: Is this a question?

The Hon. C. J. SUMNER: Yes. Does the Attorney-General agree with the statement made by the Hon. Murray Hill on 7 December 1976 in the Legislative Council, when debating a Bill to amend the Stamp Duties Act, when the Hon. Mr Hill said this:

I have no truck with people who have been splitting up contracts, separating transfers, and putting documents through so as to avoid stamp duties, although as far as I know they have been acting within the law. It is wrong in principle when actions of that kind must harm genuine people who, simply because of the kind of business they are involved in, must be put at risk regarding the payment of unreasonably high and unfair duties.

The Hon. K. T. GRIFFIN: On 19 August 1975 the then Premier (Hon. D. A. Dunstan), when introducing an amendment to the Stamp Duties Act Amendment Bill, stated in his second reading explanation that the practice of splitting transfers was prevalent at that time, and I have said that that was so. It was a common practice, it was within the law and it was—

The Hon. C. J. Sumner: No-one has ever said that it was illegal.

The Hon. K. T. GRIFFIN: The Leader is imputing that it was illegal.

The Hon. C. J. Sumner: Not at all.

The Hon. K. T. GRIFFIN: The Leader is doing so.

The Hon. C. J. Sumner: It was an artificial scheme to avoid tax.

The PRESIDENT: Order! The Leader has asked his question.

The Hon. K. T. GRIFFIN: It was acknowledged by all Parties that it was a common practice. As is the responsibility of the Government of the day and Parliament, legislation was introduced to no longer make that opportunity available to those who were taking advantage of it at that time. In 1980 the present Government enacted an amendment to the Stamp Duties Act which, among other things, tightened up the application of section 66ab. That section was inserted in, I think, 1976, although a Bill was introduced in 1975 by the then Premier, acknowledging that it was a wellknown and current practice.

The practice was quite legal and, as far as I know, full disclosure was made to the Commissioner of Stamp Duties and others in all those cases. There was no attempt by anyone to hide the fact that there was a splitting of the

transfers into moiety transfers. The practice was prevalent for quite a long period of time.

The Hon. G. L. BRUCE: I desire to ask a supplementary question. In today's *Advertiser* the Attorney-General is quoted as follows:

If Governments leave loopholes, individuals can take advantage of them.

Did the Attorney-General say that?

The Hon. K. T. GRIFFIN: I made my position quite clear in my Ministerial statement.

The Hon. C. J. SUMNER: I desire to ask a supplementary question. Will the Attorney-General tell the Council whether he agrees with the statement made by the Hon. Mr Hill during the debate to which I have referred?

The Hon. K. T. GRIFFIN: I have already made clear in my Ministerial statement the rights and responsibilities of members of the public and Governments.

PASTORAL BOARD

The Hon. N. K. FOSTER: My question, which is directed to the Minister of Local Government, representing the Minister of Lands, concerns a recent announcement that he made in this Council. Will the Minister of Local Government request the Minister of Lands to require the Director-General of Lands, Mr Taeuber, to consult with the 'Extra' team from the *Advertiser* about the Minister's recent announcement in the Council? Secondly, does not the Minister agree that some, if not all, of the evidence reported by the 'Extra' team is supported by other bodies? Thirdly, will the Minister require Mr Taeuber to consult with conservationists and other groups that have already made known their attitudes in relation to the previous Bill? Finally, before introducing an amending Bill, if that is the Government's intention, will it ensure that all opinions, including the opinions of those engaged in preparing satellite reports about the condition of the arid zones area in relation to fauna and flora, are considered by the department in its inquiry?

The Hon. C. M. HILL: I will refer the honourable member's questions to the Minister of Lands and bring down a reply.

PSYCHOLOGICAL PRACTICES LEGISLATION

The Hon. R. J. RITSON: I seek leave to make a brief statement before asking the Minister of Community Welfare a question about possible breaches of psychological practices legislation.

Leave granted.

The Hon. R. J. RITSON: I have before me a leaflet which was distributed in King William Street and, I believe, Rundle Mall and various other places in the city this afternoon and which states:

Free Ticket

Get your I.Q. tested

Find out how you can be happier and have peace of mind.

For a limited time you are invited to take a free intelligence and personality test.

The Hon. N. K. Foster: Did you find out?

The Hon. R. J. RITSON: I prefer to pay for the genuine article. The other side of the leaflet continues as follows:

Your I.Q., personality and aptitude determine your future.

Know them. No obligations.

Free intelligence and personality tests

Given at:

The Dianetics Centre

28 Waymouth Street,

Adelaide 5000

Telephone 212 1699

When:

Daily: 9.30 a.m.-5.30 p.m.

Evenings: 7.30-10 p.m.

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Honourable members will know that the Hubbard institution masquerades under various names. In fact, I believe that the organisation of Scientology was the subject of heated debate in the press and in this Chamber some years ago. It is an organisation that exists primarily to enrich its principals, using most unprincipled techniques.

The Hon. Frank Blevins: Say that outside.

The PRESIDENT: Order!

The Hon. R. J. RITSON: It is a dangerous and evil organisation. Will the Minister consider the legalities of these practices in terms of the Psychological Practices Act? Will the Minister also consider whether there are grounds for intervention by the Government or by the police? Finally, will the Minister consult with the Minister of Health and bring down a report about the medical view of the nature and ethics of the Hubbard organisation?

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

LANDS DEPARTMENT FILES

The Hon. B. A. CHATTERTON: Has the Minister of Local Government a reply to the question that I asked on 2 September about the fact that recommendations were hidden from the members of the Pastoral Board? On that occasion I asked the Minister about the recommendations and whether there had been any investigation into the people who were responsible for hiding these recommendations from the board.

The Hon. C. M. HILL: In a Ministerial statement on 31 August 1982 the Minister of Lands indicated that he had called for a detailed report on the allegations made against the Pastoral Board from the Director-General of Lands, Mr Taeuber. It is expected that this report will contain the information which the honourable member seeks and, until such time as this report is finalised, the Minister is unable to answer these specific questions.

TAX AVOIDANCE

The Hon. C. J. SUMNER: First, does the Attorney-General understand the generally accepted difference between tax avoidance being the use of contrived and artificial schemes (albeit, legal ones) to avoid payment of taxation, and tax evasion, which is generally considered to be the use of schemes that are illegal? Secondly, is the Attorney-General aware that the Prime Minister said when in Adelaide about two weeks ago (and that the Premier agreed with these remarks in the House of Assembly), that 'tax avoiders should leave the Liberal Party'—and one should note that the words 'tax avoiders' as opposed to 'tax evaders' were used? Thirdly, does the Attorney-General agree that people are entitled, by use of artificial schemes, to find loopholes in legislation? Finally, does the Attorney-General agree that any tax avoidance device, however contrived and artificial, is justified provided that it is not illegal?

The Hon. K. T. GRIFFIN: The Leader is getting into the realms of high theory. I certainly understand the difference between tax avoidance and tax evasion. 'Tax evasion' necessarily means that the scheme involves some sham, fraud, or other illegality. As I have said previously, and again today, the citizens of this State and of Australia must be able to take the law as they find it. If the Parliament enacts legislation in a way that does not make certain conduct

illegal or prohibited, the citizens of Australia are entitled to rely on the fact that the Legislature has not covered a particular area of the law.

Society, and indeed democracy, would be in a terrible mess if citizens could not rely on what the Legislature enacts as being the law of the land. If some other judgment was to be made about the intention of the Parliament which was not to be deduced from the enactment that has been passed, no-one would find any certainty in the law. The courts have been established as arbiters of what the Parliament means, and that is quite proper. They are independent—

The Hon. C. J. Sumner: You'll be opposing the Prime Minister's Bill then, will you?

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: What the Prime Minister will introduce no one has seen yet, and it will be appropriate to make judgments on the legislation when we see it rather than speculating on what may or may not be in it. As I was saying before I was so rudely interrupted, the courts are independent of the Legislature and the Executive and have the ultimate responsibility of determining what Parliament meant when it enacted certain legislation.

If the courts construe legislation in a particular way that makes conduct illegal, those who carry out that conduct are to be prosecuted and brought to justice. If the courts rule that the enactment of the Legislature does not cover particular conduct, the citizen is entitled to rely on the fact that the courts have so found.

The Hon. C. J. Sumner: What about the searching out of artificial and contrived schemes?

The PRESIDENT: Order!

The Hon. N. K. Foster: He doesn't shut up. It's time you tossed him out, Mr President. Pitch him out in the street. That's where he belongs.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: If there has been no court judgment, so be it. The citizen must then take his own advice on what the law means, and if it is vague he takes his chances. However, if it is clear, he is entitled to rely on the advice that he is given. As I have said, society would be in a terrible mess if we did not have that degree of certainty on which to rely. On 2 September I referred to the criminal law and posed the question whether, if the criminal law provides that certain ingredients are necessary for an offence to be established and a person commits an act that does not satisfy all those ingredients yet morally we might say that that person ought to be punished, should we bring that person before the courts and say, 'Regardless of what the Legislature has done, we judge him to be guilty.' That would be intolerable. If the Leader and the Opposition are suggesting that, let them stand up and say so, because the people of South Australia will then know that the Opposition wants not a democracy but a dictatorship and that it wants to reserve to itself the right to make a judgment as to what is or is not right, regardless of what the intention of the Legislature may be.

The Hon. C. J. Sumner: You are avoiding the issue.

The Hon. K. T. GRIFFIN: I am not avoiding the issue but putting my finger on the real issue. The Leader seeks to impose his own judgment on what citizens do, regardless of what—

The Hon. Frank Blevins: Somebody stole \$7 000.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: That is not correct, and you damn well know it!

The Hon. Frank Blevins: Somebody stole \$7 000.

The PRESIDENT: Order!

The Hon. Frank Blevins: The Hon. Mr Hill has absolutely convinced me—

The PRESIDENT: Order! If the Hon. Mr Blevins does not come to order and interjects again I will name him.

The Hon. ANNE LEVY: I rise on a point of order. The Attorney-General used a word that I think should be classed as being unparliamentary, and I ask you, Sir, to have him withdraw that language.

The Hon. K. T. GRIFFIN: That is not unparliamentary.

The Hon. Frank Blevins: What was it?

The Hon. K. T. GRIFFIN: If the honourable member was too busy mouthing platitudes to hear—

The Hon. Anne Levy: I wasn't, and I heard.

The PRESIDENT: Order! The Attorney-General is answering a question and should not debate the matter.

The Hon. N. K. Foster: Bullshit! It was not unparliamentary. What school did you go to?

The PRESIDENT: Order! That word was unparliamentary, and I ask the Hon. Mr Foster to withdraw it.

The Hon. N. K. FOSTER: I withdraw it. I hope that consoles anyone who may have been offended by it.

The PRESIDENT: I ask the honourable Attorney-General come to the point.

The Hon. K. T. GRIFFIN: With respect, Mr President, I am answering the question, and I am entitled to answer it in the way that I believe puts it into a proper perspective.

The PRESIDENT: I am merely asking the Attorney not to debate the matter.

The Hon. K. T. GRIFFIN: I appreciate that.

The Hon. ANNE LEVY: I raised a point of order, Mr President, and I do not think that the Attorney-General has withdrawn the unparliamentary language that he used.

The PRESIDENT: The honourable member said that to her mind it was unparliamentary language, but I doubt very much whether it was.

The Hon. Anne Levy: So, members are allowed to say 'damn'?

The PRESIDENT: I will ask the Attorney-General if he will withdraw that word.

The Hon. K. T. GRIFFIN: If it is your wish, Mr President, I will withdraw the word, but, with respect, it is not unparliamentary. Opposition members are suggesting by the sorts of questions they are asking that they be able to make a judgment as to what the law is. The Opposition wants to make moral judgments and to interpret the law as its members see fit to suit their own purposes. They are not concerned with what is written into the Statute Book or with the interpretations of those Statutes made by the courts. I think that that is disgraceful!

The Hon. C. J. SUMNER: I have a supplementary question. In view of the statements made by the Attorney-General, does the Attorney-General believe that it was the intention of the stamp duties legislation (which has been in existence in this State for many years) that, in the case of a transfer of property contained on one certificate of title, multiple conveyances (in this instance, 27) could be used to minimise the tax payable? Was that the Attorney-General's view of the stamp duties legislation? Clearly, it was not. Does the Attorney-General agree that the use of multiple conveyances was a contrived and artificial scheme, not intended by the Stamp Duties Act and Parliament when that Act was passed?

The Hon. K. T. GRIFFIN: I do not know what was intended by the Stamp Duties Act. One can only interpret it as it was drafted. If the Stamp Duties Act was drafted and enacted in such a way as to make certain transactions dutiable and other transactions not, that surely must be the intention of the legislation. If the Parliament enacts legislation, it has to be interpreted according to the way in which it was drafted.

The Hon. C. J. Sumner: You know that it was intended for one transfer, not 27.

The Hon. K. T. GRIFFIN: That is not correct.

The Hon. Frank Blevins: You rorted the Act.

The Hon. K. T. GRIFFIN: I did not. One can only interpret legislation according to the way in which it is drafted.

The Hon. Frank Blevins: You split the difference with Christianos.

The Hon. K. T. GRIFFIN: That is false and I ask the honourable member to withdraw it.

The Hon. Frank Blevins: That is what the Liberal Club did. Withdraw what?

The Hon. K. T. GRIFFIN: The Hon. Mr Blevins alleged that I split the difference in stamp duty with Christianos, and I ask him to withdraw that allegation.

The Hon. Frank Blevins: The Liberal Club did; everybody knows that.

The PRESIDENT: Order! The Hon. Mr Blevins has been asked to withdraw that remark.

The Hon. FRANK BLEVINS: I have no intention whatsoever of withdrawing any aspersions I made regarding the Liberal Club. Under what Standing Order do I have to withdraw any aspersion made about the Liberal Club or Christianos?

The PRESIDENT: The remark to which the Attorney has taken objection was that you, Mr Blevins, accused the Attorney-General of splitting some money with Christianos.

The Hon. FRANK BLEVINS: Obviously, the Attorney-General has a guilty conscience about this and, because it is Parliamentary form, I will withdraw the remark.

The PRESIDENT: The Attorney-General might not accept that.

The Hon. Frank Blevins: But will you, Mr President, accept it?

The PRESIDENT: The honourable member is asked to withdraw the allegation.

The Hon. FRANK BLEVINS: I have just said that I will withdraw it to your satisfaction, Mr President, not to the Attorney's satisfaction. Obviously, if the Attorney-General took it as some kind of personal slight and his conscience is so tender about the matter, I will certainly withdraw it. But there is no doubt that everyone in South Australia knows that the Liberal Club and Christianos split the difference.

The Hon. K. T. GRIFFIN: That is not a withdrawal. It is a disgraceful allegation that the honourable member makes under Parliamentary privilege. The honourable member has no evidence on which to base his scurrilous allegations, and it is typical that he makes that suggestion without any evidence under Parliamentary privilege. If the honourable member makes the allegation, be it on his own head. He has to live with his conscience, if he has one.

I categorically state, as I have said in my Ministerial statement and on many occasions, that there was no benefit or advantage to Liberal Club Limited in the signing of those multiple transfers. I say once again that the advice received by the Chairman of Liberal Club Limited was that he had no alternative but to sign the transfers on behalf of Liberal Club Limited. I hope that everyone will accept that there is no grain of truth in the assertion made by the Hon. Mr Blevins.

JUVENILE CRIME

The Hon. R. J. RITSON: I seek leave to make a brief explanation before asking the Minister of Community Welfare a question about juvenile crime.

Leave granted.

The Hon. R. J. RITSON: I was disturbed to read in last weekend's *Sunday Mail* an article under the heading 'Violent

Crime by Juveniles Soars in South Australia'. I read through that article and thought that it was confusing and contained inconsistencies. The article purported to show statistics indicating a 100 per cent increase in juvenile crime over the past 12 months. It seemed to me that that could not be right and I would certainly be alarmed if it was. Can the Minister of Community Welfare explain to the Chamber the true position regarding increases in juvenile crime?

The Hon. J. C. BURDETT: The headline 'Violent Crime by Juveniles Soars in South Australia' was quite misleading. In fact, South Australia has one of the lowest juvenile crime rates in the Western world. There is an old saying that you can prove anything with statistics. The article in the *Sunday Mail* is certainly an example of this. In fact, the report in the *Sunday Mail* acknowledges that when it says:

Some of the increase can be attributed to changes in the Children's Protection and Young Offenders Act in the past two years, allowing for 16 year olds to 18 year olds for the first time to appear before the (Children's Aid) Panels.

If one compares crime statistics from one year to the next, one should operate from the same base. The *Sunday Mail* article quotes apparently alarming increases in crime and acknowledges that there have been major changes in the law since 1976-77, yet quite unfairly talks about crime soaring. Among the major changes to the law since 1976-77 are:

1. Children's Aid Panels on 1 July 1979 included children up to 18 years, instead of 16.

2. Screening panels commenced on that date comprising of a senior police officer and a senior community welfare worker to decide who went to a Children's Aid Panel or Children's Court.

3. The Criminal Law Consolidation Act changed the definition of rape to include carnal knowledge.

If we use the old terminology for rape, for example, the actual figures show that rape cases have decreased by 21 from 56 cases in 1976-77 to 35 cases in 1980-81. Using that correct base, the total of all violent and common assault convictions were 352 in 1976-77 and 404 in 1980-81. During that period the population in that age group has increased also.

Overall, the number of children who commit violent offences has fluctuated over the past years. The figures for each year from 1976-77 are: 68, 88, 65, 65, 84, with an average of 74. The actual total drug offences were 263 in 1976-77 and 321 in 1980-81.

The Hon. R. J. Ritson: It has not actually soared?

The Hon. J. C. BURDETT: That is correct. The figures used in the article were only the Children's Aid Panel numbers which, as already mentioned, have increased mainly because they now take more responsibility for the 16 to 18 year olds. The sub-heading in the article 'under 10's' 'not guilty' was also misleading.

The simple fact is that the age of criminal responsibility is 10—a situation that has existed for many years in South Australia, and one which I strongly support. Equally, the article refers to children being allowed free because of 'legal technicalities'. Children in South Australia are given the same legal rights to defence as adults, a situation which I am sure all responsible members of the community would support.

The question of a confession being given freely by a defendant is more than just a technicality: it is essential to our system of justice. The courts have long been careful about the weight given to confessions, and in the case of unaccompanied minors they are, rightly, particularly concerned.

The Government is concerned about juvenile crime in our community but it is also concerned about keeping the situation in its true perspective. The headline for the *Sunday*

Mail article was incorrect, and does nothing to add to that perspective.

CHILD CARE

The Hon. K. L. MILNE: Has the Minister of Community Welfare a reply to the question I asked on 26 August in relation to child care?

The Hon. J. C. BURDETT: Most of the existing child care services which were previously funded through the Childhood Services Council are now funded through the Department for Community Welfare, and sponsors have been advised of procedures for payment of grants. These services are:

Parkside Community Child Care Centre, Goodwood Community Child Care Centre, Orana Inc. Child Care Centre, Adelaide College of Arts and Education Child Care Centre, Tynte Street Baptist Child Care Centre, Naracoorte Day Care Centre, Tilbrook House, Millicent Child Care Centre, Lower Murray Community Child Care, St Mary's Home for Children, St Peter's Women's Community Centre, S.A. Association of Subsidised Child Care Centres, Brompton Parent/Child Centre, Campbelltown Parent/Child Centre, Thebarton Parent/Child Centre, child care in 10 women's shelters, Play Group Association, play groups at Port Pirie, Mount Gambier, Thebarton, services for children of offenders, Adelaide Women's Community Health Centre.

My department has in the past administered and will continue to administer grants for the Nangwarry Parent/Child Centre, for the social or ethnic worker salaries at the Early Childhood Family Services Centres at Elizabeth West, Christies East and Alberton, and for family day care.

Organisations wishing to apply for new child care grants from the Office of Child Care can apply direct to the Department of Social Security (Subsidies Section) in Adelaide. Submissions can also be sent to the Chairman of the Community Welfare Advisory Committee on Early Childhood Care. The committee is always anxious to know of emerging needs in child care. There is a close liaison between the committee, my department, and the Department of Social Security Office of Child Care on these matters. This is very necessary to ensure that services are directed to families most in need and not on a 'first come first served' basis.

Recently, I have had a meeting with Senator Chaney to discuss child care issues in South Australia. It is not yet known exactly how much money will be available for new initiatives, but I have requested that further details of the Federal Budget be forwarded to me.

PHARMACY CHARGES

The Hon. J. R. CORNWALL: I seek leave to make a short statement before directing a question to the Minister of Community Welfare, representing the Minister of Health, concerning charges for pharmaceuticals for chronic long-term patients.

Leave granted.

The Hon. J. R. CORNWALL: Since 1 September last year, pharmacies in South Australian public hospitals have been obliged to charge chronic long-term patients for prescriptions dispensed. This has caused widespread confusion and hardship. The hardship has been worst for families with two or more chronic patients.

The Hon. N. K. Foster: Question!

The Hon. J. R. CORNWALL: Is the Minister aware that often an adult and one or more children are affected and that in other cases two or even three children in the same

family are involved? Is the Minister aware that when this matter was raised as a public issue late last year the Minister of Health, in the *Advertiser* of 1 January 1982, stated:

The S.A. Health Commission is currently reviewing the hospital pharmaceutical special charge scheme and will report to me early this year on charges which should assist those who have chronic illness requiring continuous medication.

Is the Minister aware that on 19 April the Minister of Health said, in reply to a constituent's query:

I am grateful that you drew my attention to the case of a two-member family with long-term chronic illnesses. Following the issue of new guidelines, which is anticipated in the near future, the problem associated with the cost of two-monthly pharmaceutical charges should be alleviated.

Is the Minister concerned that guidelines concerning family units do not appear to have been circulated and certainly have never received any publicity? Is the Minister also aware that, 12 months after the introduction of the scheme, the same confusion and hardship persist—

The PRESIDENT: Order! Call on the business of the day.

The Hon. K. T. GRIFFIN (Attorney-General): I move: That Standing Orders be so far suspended so as to enable Question Time to continue until 3.25 p.m.

Motion carried.

The Hon. J. R. CORNWALL: Is the Minister aware that, 12 months after the introduction of the scheme, the same confusion and hardship persist, and that apparently the Minister has put the whole issue in the 'too hard' basket?

The Hon. N. K. Foster: Did he indicate that he was asking a question?

The PRESIDENT: Apparently the honourable member has a series of questions.

The Hon. J. R. CORNWALL: Is the Minister aware that some discretion is exercised by individual hospitals if pressed by patients? However, because they have no firm guidelines, the interpretation varies between hospitals and with individual counter staff at the same hospital. Is the Minister aware of the widespread difficulty and confusion which still exist for chronic long-term patients requiring multiple medication? Is the Minister aware that at most public hospitals the charges for families with two or more members requiring multiple medication are still made on an individual basis? Have hospitals been officially informed as to what charge should be made for a family in any month? Is there a direction concerning family unit charges? What arrangements are made when two or more hospitals are involved, for example, the Adelaide Children's Hospital and the Royal Adelaide Hospital?

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

INTERPRETING AND TRANSLATING SCHOOL

The Hon. M. S. FELEPPA: I seek leave to make a brief explanation before asking the Minister Assisting the Premier in Ethnic Affairs, representing the Minister of Education, a question on the subject of the interpreting and translating school.

Leave granted

The Hon. M. S. FELEPPA: This question follows a previous one I asked on 1 September. Since then, a number of events have taken place that require a more definite answer from the responsible Minister. I refer to the recently announced reduction in staffing levels at the South Australian College of Advanced Education. According to information I have received, the college administrators have decided

that cuts in staffing should take place from the 1983 scholastic year, and something like 40 contract positions have been eliminated. New contract staff positions that were requested by departments for growth or maintenance of new and existing courses in areas such as design, education, business studies, nursing, and so on, have been denied or only partly fulfilled. One area that has been hit particularly hard is the school of interpreting and translating, where four contract positions have been eliminated. This would cause the closing down of the department of interpreting and translating because of insufficient staff.

The irony of this situation lies in the fact that the Tertiary Education Authority is in the process of finalising its decision on the proposed B.A. in interpreting and translating. This decision would upgrade the current diploma course to that of a degree course. In preparation for this change, the college has nominated and employed a senior lecturer and co-ordinator in interpreting and translating, in accordance with the recommendation to the Tertiary Education Authority of the advisory committee which has reviewed the submission by the college. I come to the question, Sir, before you ask me to do so. Consequently, we are now faced with the ironical situation where the department of interpreting and translating consists of only two full-time lecturers and a number of part-time lecturers from other departments. Clearly, it could not have been the intention of the advisory committee to recommend as essential for the degree the employment of an extra member of the staff at the senior level when at the same time four lecturers are dismissed. The department of interpreting and translating will therefore be forced to close down. In the light of these facts, I ask the Minister to tell the Parliament whether he was consulted on the staffing cuts, and to say whether he is aware of the consequences of these cuts in regard to the department of interpreting and translating.

Will the Minister inform the Council how the Government will ensure that facilities are available in South Australia for the training of interpreters and translators at NATI Level 3? Will the Minister inform the Council how the destruction of the interpreting and translating course coincides with the Government's often stated commitment of adequate provision of interpreting and translating services to migrants? Finally, will the Minister tell the Council what action the Ethnic Affairs Commission has taken or will take to ensure that the present training courses for interpreters and translators in South Australia are maintained and/or improved?

The Hon. C. M. HILL: All the honourable member's questions, apart from the last one, must be dealt with by the Minister of Education. In relation to the honourable member's earlier questions on the same subject, I have informed him in this Council that I have passed them on to the Minister of Education. I have not yet received replies to those questions but, in view of the honourable member's new concern, I will endeavour to expedite those replies. I will also stress to the Minister of Education the honourable member's concern, which he has repeated today, in relation to this matter as it applies to the relationship between the Minister of Education and the South Australian College of Advanced Education.

In relation to the final part of the honourable member's question, which comes within my portfolio, about the Ethnic Affairs Commission, I point out that the commission is very concerned about this particular turn of events. For the honourable member's benefit I will read to the Council a copy of a letter sent by the Chairman of the Ethnic Affairs Commission to Dr Greg Ramsey, the Principal of the South Australian College of Advanced Education. I am sure the Hon. Mr Feleppa will agree that the commission is concerned about this matter and is endeavouring to liaise directly with this particular college of advanced education to see whether

there can be any improvement in the present situation. On 3 September the Chairman of the Ethnic Affairs Commission wrote as follows:

I would appreciate if a meeting could be arranged at your convenience, so that we could discuss several matters of mutual concern relating to courses in languages and multicultural education, including interpreting/translating, the proposed post-graduate course in multicultural studies, and the possible development of courses for bilingual workers in welfare and related areas. An article in today's *Advertiser* (3 September 1982, page 6) claims that 80 contract positions in your college staff are going to be cut. As the School of Community Languages (and particularly the interpreting/translating course) depends on contract appointments, I should like to discuss with you the consequences of any possible cuts in that area.

Further, the commission has been approached by members of the staff of the college seeking support for a post-graduate course in multicultural studies. I note that the tentative course proposal has languages as electives and not as 'core' or 'professional' subjects. Our discussion could include the above matters and the possibility of developing formal links between community language courses and welfare/social work courses. The commission, I believe, would be interested in supporting the development of courses for ethnic information officers, bilingual counsellors/welfare workers/domiciliary care workers and bilingual administrators.

Yours sincerely, B. Krumins.

I have no information about the receipt of any reply from Dr Ramsey. I know that Mr Krumins will pursue this matter and that he will have further communication with Dr Ramsey in an endeavour to improve the situation, thereby satisfying him, the commission and ethnic people, including the Hon. Mr Feleppa. When I obtain further information from Mr Krumins about a reply from Dr Ramsey, I will make it available to the honourable member.

REPLIES TO QUESTIONS

The Hon. ANNE LEVY: I ask the Attorney-General when replies will be given to the following questions:

1. Ageing Citizens, asked on 20 July 1982;
2. Youth Advisory Panel, asked on 28 July 1982;
3. Traffic Lights, asked on 17 August 1982;
4. Council Prosecutions, asked on 18 August 1982;
5. Abortion Statistics, asked on 18 August 1982;
6. Carcinogens, asked on 19 August 1982;
7. *Hansard*, asked on 19 August 1982;
8. Access Facilities, asked on 19 August 1982;
9. *Rheobatrachus silus*, asked on 25 August 1982;
10. Abortion, asked on 26 August 1982;
11. Water Charges, asked on 26 August 1982.

I have received notification that replies to three of those questions are available. I did not have an opportunity to ask for those replies earlier this afternoon. I ask my question in relation to the eight questions still awaiting replies.

The Hon. K. T. GRIFFIN: Several replies are available today and some others will be available tomorrow. I suggest that the Hon. Miss Levy ask this question in its present form on Thursday, when I will have an indication of how many questions remain unanswered.

PASTORAL LEASES

The Hon. B. A. CHATTERTON (on notice) asked the Minister of Local Government:

1. What action has the Minister of Lands taken to enforce covenants of the lease covering Waiwera Station?
2. What action has the Minister of Lands taken to enforce covenants of the lease covering Strathearn Station?
3. What action is the Minister of Lands taking to ensure that the lease of Devonborough Downs Station is not sold on 16-17 September?
4. Is the Minister aware that this lease is for sale?
5. Has the Minister had a report concerning the condition of this lease?

6. If not, will the Minister of Lands take action to obtain a report of the condition of this lease before agreeing to its sale by the current lessee?

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

1. Nil. The lessees of pastoral lease 2465, 'Waiwera' are not currently in breach of lease covenants.

2. Pastoral lease 2232, 'Strathearn', is currently subject to the requirements of a notice issued under the provisions of section 44a of the Pastoral Act. The notice is initially applicable over a five-year time interval and the lessee is complying satisfactorily therewith.

3. Nil. It is not the policy of this Government to capriciously interfere with, or prevent, the transaction of interests in either fee simple estates or tenures held from the Crown.

4. Yes.

5. Yes.

6. Not applicable, having regard to affirmative answer to 5. above.

JULIA FARR CENTRE

The Hon. J. R. CORNWALL (on notice) asked the Minister of Community Welfare:

1. What were the actual amounts raised and the gross profit shown by the Julia Farr Centre for the Miss Industry Quest in 1980 and 1981?

2. What was the actual net profit in each of those years after deducting incentive prizes, salaries and costs of public relations officers, accounting expenses and all other operational and incidental costs in the conduct of the quest in those two years?

3. (a) Were any of these costs paid from the general budget of the Julia Farr Centre?

(b) If so, what were the amounts involved?

4. (a) By what amount did income exceed expenses in the conduct of the kiosk at the Julia Farr Centre in the calendar years 1980 and 1981?

(b) Were these amounts added to the gross profit of the Miss Industry Quest in statements of funds raised?

5. (a) Were any additional operating costs (including wages and salaries for kiosk staff, cleaning costs, maintenance staff costs and any other expenses) not included in arriving at the gross profit of the kiosk?

(b) If so, what were these amounts and were they drawn from the general budget and operating costs of the Julia Farr Centre?

6. What were the combined total net profits or losses incurred by the conduct of the Miss Industry Quest and the Julia Farr kiosk in 1980 and 1981?

The Hon. J. C. BURDETT: The replies are as follows:

1. Total amounts raised were:

1980	\$233 625
1981	\$245 622

A gross profit was not calculated for either year.

2. Net profit for 1980 was \$3 410.88. Net profit for 1981 was \$19 377.91.

3. The whole of the costs were met from the general budget in 1980. The total amount was \$230 205. From 1 July 1981 new accounting arrangements were made for the quest, and funding is now made from a separate account. In 1981, \$28 616 was paid from the general budget and \$197 629 was paid from the new separate account.

4. (a) The gross profit for the kiosk for the calendar years 1980 and 1981 was \$62 954 and \$64 294, respectively.

(b) No. However, the amounts of \$49 932 and \$62 563 for the excess of receipts over payments for the goods sold for 1980 and 1981, respectively, were shown in the centre's annual accounts under donations and fund-raising.

5. (a) Yes.

(b) The direct wage cost for kiosk staff (\$47 418 and \$56 574 for 1980 and 1981, respectively) and indirect costs such as cleaning and maintenance staff, air-conditioning and other overheads (estimated to be between \$22 000 and \$25 000 in 1980 and 1981). These costs were met from the general operating budget of the centre.

6. There is no point in combining the net profit of the Miss Industry Quest with the loss of the kiosk. In 1980 the net profit of the quest was \$3 411 and the estimated net loss of the kiosk was approximately \$22 000. In 1981 comparable figures were \$19 378 and \$25 000, respectively.

SCHOOL DENTAL SERVICE

The Hon. J. R. CORNWALL (on notice) asked the Minister of Community Welfare:

1. How many dentists and dental therapists were employed on a full-time equivalent basis in the School Dental Service in the financial years 1977-78 to 1981-82?

2. How many static and mobile clinics are involved in the School Dental Service?

3. What is the estimated capital value of these clinics, including equipment?

4. What were the budgets of the School Dental Service in the financial years 1977-78 to 1981-82.

5. What was the percentage increase or decrease in real terms in the budgets of the service in these years?

6. What inflation rate has been used in each of those years in making calculations?

7. How many children were examined and/or treated by the service in the financial years 1977-78 to 1981-82?

8. What was the average number of children—

(a) examined per dentist;

(b) treated per therapist;

in the financial years 1977-78 to 1981-82?

9. What percentage of South Australian primary school-children were examined and/or treated by the service in the financial years 1977-78 to 1981-82?

The Hon. J. C. BURDETT: The replies are as follows:

1. How many dentists and dental therapists were employed on a full-time equivalent basis in the School Dental Service in the financial years 1977-78 to 1981-82?

The numbers of dentists and dental therapists in the School Dental Service are calculated on a calendar year basis to correspond with the school year.

After allowing for dental therapists on leave without pay and *aecouchement* leave and for those redeployed in dental assisting duties for a proportion of their time, the number of full-time equivalent dental therapists at the chairside was estimated to be:

1977	142.6
1978	164.1
1979	164.0
1980	162.9
1981	153.0

The number of full-time equivalent dentists employed by the Dental Health Services Branch was estimated to be:

1977	45.3
1978	51.2
1979	54.8
1980	54.1
1981	52.0

These totals include dentists involved in administration and other than School Dental Service activities including administration of the Commonwealth Government's dental benefits scheme for persons of Aboriginal descent, the provision of limited services to pensioners and financially disadvantaged persons in selected country areas, general oversight of the

dental services at the peripheral pensioner clinics and administration of the pensioner denture scheme.

2. How many static and mobile clinics are involved in the School Dental Service?

102 static clinics

15 mobile clinics.

3. What is the estimated capital value of these clinics, including equipment?

\$9 000 000 approximately.

4. What were the budgets of the School Dental Service in the financial years 1977-78 to 1981-82?

This information is a matter of public record and the effort required to extract the information is not warranted.

5. What was the percentage increase or decrease in real terms in the budgets of the service in these years?

The time and effort required to make these calculations is not warranted.

6. What inflation rate has been used in each of those years in making calculations?

Not applicable in light of answer to 5. above.

7. How many children were examined and/or treated by the service in the financial years 1977-78 to 1981-82?

Treatment statistics are calculated on a calendar year basis to correspond with the school year. Details are as follows:

1977	80 989
1978	105 938
1979	134 168
1980	146 074
1981	148 042

8. What was the average number of children—

(a) examined per dentist;

(b) treated per therapist;

in the financial years 1977-78 to 1981-82?

(a) Aggregate figures for the number of children examined by dentists are not readily available. However, it is School Dental Service policy that children receive an examination by a dentist during their initial course of care, in their final year of primary school and at least every alternate year. The actual frequency of dentists' examinations is based on an assessment of children's individual needs.

(b) The number of children treated per operator (dental therapists and field dental officers) was as follows:

	Fluoridated Areas	Non-Fluoridated Areas
1977		(549)
1978		(611)
1979	837	537
1980	916	717
1981	1 021	722

9. What percentage of South Australian primary schoolchildren were examined and/or treated by the service in the financial years 1977-78 to 1981-82?

Separate statistics are not collected on the number of primary and pre-schoolchildren treated by the School Dental Service. However, the estimated percentages of primary schoolchildren treated were:

1977	46 per cent
1978	60 per cent
1979	77 per cent
1980	84 per cent
1981	86 per cent

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

The Hon. C. M. HILL (Minister of Local Government):
I move:

That the time for bringing up the report of the select committee be extended until Thursday 14 October 1982.

Motion carried.

BUDGET PAPERS

Adjourned debate on motion of Hon. K. T. Griffin:

That the Council take note of the papers relating to the Estimates of Payments and Receipts, 1982-83.

(Continued from 1 September. Page 888.)

The Hon. R. C. DeGARIS: In addressing the papers tabled on the Budget, I do not intend analysing the Budget in full for 1982-83. It appears that most honourable members, in addressing the question, intend to say their piece when the actual Bill comes before this Council which, of course, is after the House of Assembly Estimates Committees and the passage of the Bill through that House. It does take a long time to analyse the Budget properly, and probably there is some sense in the attitude adopted in making only a small contribution at this stage. However, I do intend to raise two important points. The points that I intend raising are ones that I have spoken on previously in previous debates.

I begin my contribution by referring to the question of accountability. Accountability is the essence of any democratic form of government: accountability, in theory, should flow from the Public Service through a Minister to Parliament, and ultimately to the people of the State. The chain of accountability begins with the Parliament and eventually ends with the Parliament. In the simplest terms, the beginning of the chain of accountability is the presentation of the annual Budget to Parliament. As Parliamentarians, we need to consider means of improving the accountability factor of the Parliament. Unfortunately, in Australia, Parliament is more under the domination of the Cabinet, or if one likes to say it, under the domination of powerful Party machines, than most other Parliaments of the Western world.

Therefore, we need to consider means of improving the Parliamentary processes to expand Parliament's ability to be the beginning and end of accountability. For example, the work of the Public Accounts Committee is important as part of that accountability chain, but it needs to be expanded in its role and expanded in its responsibilities. To restrict it to a review of expenditure after, at times, two years has passed appears to me to be the most ineffective role for such a committee.

Also, the Legislative Council should be involved, not excluded, as it is at the present time. It is interesting at this stage to point out that improvements in budgeting methods and reporting techniques have often been forced upon Governments, in most cases by Legislatures. Parliamentary action rather than Government action has improved the ability of the Parliament to be an effective beginning and end to the question of accountability. One has only to examine the work of the Senate in relation to its standing committees to see the illustration of that particular point. The question that we should be examining here is how can this Parliament improve its position.

As far as the Legislative Council is concerned there is a limit to what it can do in relation to the actual Budget. Following the 1857 Compact Agreement between the two Houses, the role of the Council in the actual handling of the Budget—or to be more precise, the passage of the Appropriation Bill—is restricted. I would like to quote from Blackmore on the question of compact arrangements in relation to money Bills and the Budget, as follows:

That it shall be competent for this Council to suggest any alteration in any such Bill (except that portion of the Appropriation Bill that provides for the ordinary annual expenses of the Gov-

ernment); and in case of such suggestions not being agreed to by the House of Assembly, such Bills may be returned by the House of Assembly to this Council for reconsideration—in which case the Bill shall either be assented to or rejected by this Council, as originally passed by the House of Assembly.

That this Council, while claiming the full right to deal with the monetary affairs of the province, does not consider it desirable to enforce its right to deal with the details of the ordinary annual expenses of the Government. That, on the Appropriation Bill, in the usual form, being submitted to this Council, this Council shall, if any clause therein appear objectionable, demand a conference with the House of Assembly, to state the objections of this Council, and receive information.

It is quite clear that the Council's role in relation to the Budget is limited, although it can force a conference with the House of Assembly on a clause of the Appropriation Bill. However, a lot of work can be done in recommending new approaches in the handling of State finances. Looking for a moment at the American political scene, one sees that there is, for example, a strong and vigorous lobby group in both American major Parties at the Federal level to place a limit on public expenditure as a proportion of the g.d.p., thus making public programmes compete under the proposal for the limited funds. At the present time, public expenditure in Australia is between 30 per cent and 40 per cent of the g.d.p. This is a frightening figure. I saw figures recently which pointed out that public expenditure in Australia is greater than the total expenditure by public companies in this country.

While the American idea is an interesting one—a restriction on public expenditure with a percentage ceiling of g.d.p.—it really is the concern of the Federal Parliament and not of the States. However, one interesting development at the American State level is of interest to the State Parliament. All American States now have either constitutional or statutory provisions to prevent the Government from continuing to use Loan funds to bolster revenue deficits. There is in these constitutional and statutory provisions a number of variations ranging from a requirement to present a balanced Budget in recurrent expenditure to providing that, if Loan funds are used, the next year's Budget must repay to Loan funds the money that has been used.

I drew attention last year to the question of Loan funds being used to bolster a deficit recurrent Budget, and, having studied the position in the American States, I believe that it is not a question that we should ignore in the Australian scene. Over many years all Governments have at times used Loan funds to bolster deficit recurrent Budgets. But, the amount transferred by the present Government in its four Budgets is the highest amount in our history. Arguments in favour of this policy are put forward by the Government. One is that the previous Government had committed huge sums to certain developments that were creating huge losses to the State. Another is that the State needed to encourage development in the private sector so taxation needed to be cut drastically to encourage private sector development. While these may be valid arguments, nevertheless, we as a Parliament should not be favouring this means of financial management.

The question to me is clear: how much longer can the Parliament continue to pass Budgets that utilise Loan funds for recurrent Budget deficits? If there is a change of Government, for instance, in 1983, will the next Government also continue with that type of policy? If the new Government does follow the same policy, what criticism can be directed against that policy? While the Parliament is the beginning of accountability, the beginning of financial responsibility, the Legislative Council as part of the Parliament is restricted conventionally and constitutionally in the handling of the lines of the Budget. Therefore, the only way in which we can use our influence is to recommend statutory provisions to restrict the power of Governments to use financial policies

that could eventually create severe financial problems for the State.

I will deal with an analysis of the Budget when the Appropriation Bill comes before the House. However, at this stage I will say that I believe that this Budget, although transferring another \$42 000 000 of Loan funds, may not require that size of transfer this year. Nevertheless, it must be of concern that such huge amounts are at present anticipated by the Treasurer, and that this is the fourth Budget in a row that follows such a policy. There are, of course, other policies introduced by Governments that also have created serious financial problems for future Governments.

On previous occasions I have drawn attention to the future financial problems from superannuation policies. Although we do not know a great deal about the problem in this State, we do know some of the problems facing the Commonwealth. Senator Peter Rae's Senate committee is at present carrying out a major inquiry into Government costs in Government and statutory authority superannuation schemes. A study was also carried out by the Australian Government Actuary, and it is available to anyone who wants to read it. A recent Government study shows that costs to the taxpayer will treble in the next 20 years—at constant money values. This may more than treble with inflation.

The evidence before Senator Rae's committee indicates that Government schemes are extremely generous compared to private industry. The average private industry scheme is mainly on a \$1 for \$1 basis. The most generous is a 2:1 scheme—\$2 being contributed by the employer and \$1 by the employee. The superannuation scheme for Federal Parliamentarians is on a 2.3:1 basis. The superannuation scheme for Federal public servants is on a 5:1 basis, while the Defence Forces Retirement Fund is on an 11:1 basis. General revenue meets the costs of the employer's contribution.

In 1981-82, the taxpayer's contribution to the Federal superannuation fund was \$454 000 000, or 11.1 per cent of total salaries paid. By 1986-87, at constant 1981 dollars, it will be \$591 000 000, or 12.5 per cent of salaries paid. By 1991-92 it will be \$748 000 000, or 13.7 per cent of salaries paid. At the end of the century it will amount to \$1 151 000 000 on 1981 dollar values, which is equal to 15.7 per cent of salaries paid. The Senate committee says that these projections may well be conservative. We do not have figures available for South Australia, but I suggest that they would match the Commonwealth position. We have multiplied our taxpayers' contribution nine times in the past, and for 10 years already in South Australia. In other words, the contribution to superannuation in South Australia has risen from \$15 000 000 10 years ago to \$44 000 000 today. In this year's Budget, the increase is 17.5 per cent in superannuation commitments—an increase from \$37 500 000 to \$44 000 000. Before I pass this point I should say that, from looking at the Parliamentary Superannuation Fund and the Auditor-General's Report, which was tabled today, it is interesting to note that the South Australian Parliamentary superannuation scheme is based on a \$1.25 to \$1 contribution ratio.

The Hon. C. J. Sumner: It is closer to private enterprise.

The Hon. R. C. DeGARIS: That is if one takes into account the Parliamentarians' contributions and the interest earned on interest and the cash balance at Treasury when compared to the contribution by the Government. It is \$1.25 to \$1 on that basis. If one says that the interest on the funds is a Government contribution also, the contribution is about the same as the Commonwealth contribution, namely, about \$2.30 to \$1. I would say, having looked at that quickly today, that by comparison the Parliamentary superannuation scheme cannot be criticised by the taxpayer when one compares it to the schemes that are available in

the private sector and at the Federal level, where the contribution to the Public Service Superannuation Fund is 5:1.

The point I wish to emphasise is that Governments like to adopt policies when their responsibilities are not immediate, but some Government of the future must meet the commitment. Whether the problem is the use of Loan funds to bolster a continuing recurrent deficit or not funding schemes until some years later (as in superannuation), the Parliament should be taking legislative action to restrict such policies introduced by any Government.

The next general comment I wish to make is that on two previous occasions I have advocated that the appropriation of moneys for the operation of Parliament should be a separate appropriation under the control of a Parliamentary committee. As the Federal Government has now agreed to the recommendations of the Senate committee, and as the Federal Parliament's appropriation will, in future, be handled in this way, it is strange that the very few Parliaments in the world that do not control their own finances are the State Parliaments of Australia.

In other words, it does not matter where one looks, whether in the English Parliamentary system, the Western European Parliamentary system, the Eastern European Parliamentary system, the American Parliamentary system, or in Australia now (the Federal Parliamentary system), Parliaments are in control of their own finances. The only Parliaments in the world that are not are the State Parliaments of Australia. As the Federal Government has agreed to the recommendations, it is now time that this State also takes action in relation to this matter.

I commend the research work by the Senate committee which made the first recommendation. I also commend both the Federal Government and the Federal Opposition

for their acceptance of the recommendation. I hope that the present Government and the present Opposition in South Australia both strongly support such a change in South Australia, because it is a fundamental principle in any democratic system that the ultimate authority—the Parliament—should be in control of its own financial destiny.

The total expenditure of the recurrent Budget in 1982-83 is proposed to be \$1 926 000 000, an increase of \$159 000 000, or 9 per cent. The total expenditure in the Budget of a capital nature is \$236 000 000, an increase of \$56 000 000, or 30 per cent over 1981-82 figures. Both those amounts, of course, are now put into one account, which is known as the Consolidated Account and which has therein a total of \$2 162 000 000, or an increase overall of 11 per cent.

The Budget this year is, I believe, a more careful document than it was in 1981-82. I believe that the 1982-83 financial year will, before it is concluded, show that the proposed \$42 000 000 transfer from Loan funds to recurrent expenditure is more than will be utilised in the balance of the current Budget. I will have more to say when the Appropriation Bill is before the Council, as I will then have a better analysis of the Budget.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

ADJOURNMENT

At 3.54 p.m. the Council adjourned until Wednesday 15 September at 2.15 p.m.