## LEGISLATIVE COUNCIL

Thursday 22 September 1983

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

### PAPER TABLED

The following paper was laid on the table:

By the Minister of Health on behalf of the Minister of Agriculture (Hon. Frank Blevins):

*Pursuant to Statute*—

Highways Department—Report, 1982-83.

## QUESTIONS

### S.G.I.C.

**The Hon. M.B. CAMERON:** It is difficult to ask my question because the appropriate Minister is not here. I seek leave to make a brief explanation before asking whoever is now Leader of the Government in the Council a question about the S.G.I.C.

Leave granted.

**The Hon. M.B. CAMERON:** Members will be aware that the S.G.I.C. has announced a $15.9 million loss this year. Undoubtedly the Government will be looking at this matter because a continuation of such losses would create a very serious situation, indeed. I believe that some details should be given about matters related to the S.G.I.C., so my questions are as follows:

1. What guidelines has the Government given S.G.I.C. concerning advertising?

2. How much did S.G.I.C. spend on advertising in 1981-82, 1982-83 and how much does it plan to spend in 1983-84?

3. Of the total, how much is spent on television and radio advertising?

**The Hon. C.J. SUMNER:** I will treat the honourable member's question as a Question on Notice and obtain answers for him.

### WATER SUPPLIES

**The Hon. M.B. CAMERON:** Has the Minister of Health, representing the Minister of Agriculture, a reply to the question I asked on 10 August about water supplies?

**The Hon. J.R. CORNWALL:** The Minister of Water Resources has advised me that he has taken note of the concern expressed in relation to water supply security in high fire risk/loss of power areas and has asked the Director-General and Engineer-in-Chief to convey it to the officers investigating this matter with the request that your concern be taken into account in their considerations.

### ROADS ON PITJANTJATJARA LANDS

**The Hon. M.B. CAMERON:** Has the Minister of Health, representing the Minister of Agriculture, a reply to the question I asked on 11 August about roads on Pitjantjatjara lands?

**The Hon. J.R. CORNWALL:** My colleague, the Minister of Transport, informs me that the Government has been approached by the Pitjantjatjara and other Aboriginal communities seeking assistance with road maintenance and that these requests are under consideration.

### WASTE MANAGEMENT COMMISSION

**The Hon. M.B. CAMERON:** Has the Minister of Health a reply to a question I asked on 13 September about the Waste Management Commission?

**The Hon. J.R. CORNWALL:** This question was directed to the Minister of Local Government through me. There are 22 licensed solid waste landfill depots and three liquid waste disposal depots within the Adelaide metropolitan area and at least 284 solid waste landfill depots throughout the 95 country council areas. Due to constraints placed on the Waste Management Commission by the previous State Government with respect to increasing the Commission's fees and therefore its revenue, the Commission's total staff complement has been restricted to six since its inception. Consequently, there are only two staff employed with the responsibilities of carrying out inspections, advising on existing and proposed new depots, policing malpractices and obtaining evidence for prosecutions where operators will not comply with directions given to meet the licence requirements, reporting to the Commission through the Director, dealing with telephone inquiries from the public, and liaising with officers of the many State and Commonwealth Government agencies with an interest in, or responsibility for, some aspect of waste management.

Obviously, providing adequate supervision and control over more than 300 depots spread throughout the local government areas of the State is an impossible task for two people. The current State Government has recognised this gross deficiency, which resulted from the deliberate actions of a Government of which the Hon. Mr Cameron was a member, and has taken steps to increase the Commission's income base. My colleague the Minister of Local Government is currently considering proposals in which budgets of revenue and expenditure and the necessary fee increases required to enable the Commission to reach its full staff complement during 1983-84 have been presented.

When that position is reached it is expected that the Commission's staff will be able to carry out regular monitoring of depot operating standards and to have these upgraded quickly where they are found to fall below the required standard. However, the Waterloo Corner depots have been absorbing a great deal of the Commission staff's time in order to satisfy residents' complaints and in an attempt to have operations upgraded, and this will continue until a satisfactory standard is achieved.

With regard to the second question asked by the honourable member, the Minister of Local Government advises that two development applications, made under the provisions of the Planning Act, 1982, have been submitted to the District Council of Munno Para for approval for the use of land adjacent to existing depots for the purpose of solid waste landfill. These have been referred to the Minister for Environment and Planning, who has decided, under the provisions of section 49 of the Planning Act, that full environmental impact statements (e.i.s.) have to be prepared in respect of the proposed developments. When prepared, the e.i.s will be subjected to public scrutiny and comment and will be studied by all relevant Government agencies.

The Minister of Local Government cannot say whether the proposals can or will satisfy environmental protection criteria or whether they will ultimately receive approval to proceed, subject to the provisions of the Planning Act, Water Resources Act and the South Australian Waste Management Commission Act. The effect on underground water resources of continued disposal of solid and liquid waste in

the Waterloo Corner area is of concern to this Government, and the Minister of Local Government, being responsible for the Waste Management Commission, had initiated studies into the matter by the Mines and Energy and Engineering and Water Supply Departments and the Waste Management Commission.

It is important to recognise that the State Government is beginning a process of effective waste disposal monitoring which should have begun when the Commission was first established in 1979 but which was nobbled at the request of vested interests by the Tonkin Government.

## PROFESSIONAL NEGLIGENCE ACTION GROUP

**The Hon. J.C. BURDETT:** I seek leave to make a brief explanation before asking the Minister of Health a question about the Professional Negligence Action Group.

Leave granted.

**The Hon. J.C. BURDETT:** On 6 July last, Mrs Beryl Di Cicco, the President of the Professional Negligence Action Group, known as PRONAG, wrote the following letter:

Dear Dr Cornwall,

It was with great interest and dismay that I read a press article stating that the new Medical Board legislation was to be proclaimed on 1 August. Whilst we were aware, also from the press, that its passage had commenced through Parliament, we had no idea whatsoever that it had been finalised and we also found out today that the lay representatives to the Board had also been appointed. As you are no doubt fully aware, this is something we have looked forward to and fought for for nearly six years.

I do not think that a little communication from somebody would not have gone astray particularly as I was ready, willing and available to communicate with you when the original plans were being formulated, and some of my suggestions for the Board were acceptable and incorporated in your legislation.

If by now you are beginning to receive the message that somebody has been extremely hurt you are correct. I did not expect that it would finally be a Labor Government that would push the blade a little further. If we are good enough to handle referrals from Government agencies such as the Legal Services Commission, Women's Information Switchboard, Citizens Advice Bureau etc., when they are paid by the Government to handle these problems, I cannot understand why we are not good enough to be told when all of our work has come to fruition.

Rest assured we will not turn our backs on people needing our help but as you can imagine it is a very bitter pill to swallow after all of these years of fighting for reform without any help or recognition whatsoever.

Yours sincerely,
(Signed) Beryl Di Cicco
President
Pronag

Mrs Di Cicco forwarded a copy of the letter to her local member, the member for Ascot Park. Her letter was dated 6 July and he promptly replied on the 11th, in the following terms:

I am in receipt of your correspondence of 6 July regarding the new Medical Board and I have communicated with John Cornwall regarding it.

On 13 July Mrs Di Cicco received a letter of acknowledgement from the Minister's office, as follows:

I have been asked by the Minister of Health to acknowledge your letter of 11 July and the Minister will write as soon as possible.

She wrote again on 25 August, with a copy to the member for Ascot Park, as follows:

I would remind you of my letter of eight weeks ago dated 6 July to which I have not even had the courtesy of an acknowledgement. Would it be too much to expect a reply?

On the same day she wrote to her local member, in the following terms:

I sincerely thank you for your two communications regarding my letter to John Cornwall. I enclose a copy of a further letter I have written to him this day. Perhaps if he is eight weeks behind in his correspondence I should offer my typing skills to the Department to help out.

There was a reply from the Minister's office dated 2 September, as follows:

I acknowledge your letter of 25 August regarding your earlier letter regarding the Medical Board of South Australia. The delay in replying to you on the matter is regretted but you may be assured that the Minister will write to you at the very earliest opportunity.

On 13 September Mrs Di Cicco telephoned her local member, the member for Ascot Park, who sent her a copy of his letter dated 16 September to the Minister of Health, as follows:

Would it be possible for your office to respond to the correspondence of my constituent Beryl Di Cicco in her role as President of the Professional Negligence Action Group?

When can Mrs Di Cicco expect a reply from the Minister?

**The Hon. J.R. CORNWALL:** The short answer to the honourable member's question is, 'when it has been prepared'. The Hon. Mr Burdett had a term as a Minister. Therefore, he would know or certainly should know that it is not customary for a Minister to see every piece of correspondence that comes in—that would be quite unworkable. My office receives literally hundreds of letters every week. I am aware that there has been a letter from Mrs Di Cicco regarding the comments—

*The Hon. C.J. Sumner interjecting:*

**The Hon. J.R. CORNWALL:** I know Mrs Di Cicco very well. I had quite a lot to do with her when we were in Opposition and, more particularly and more importantly, during the campaign that I conducted for a new Medical Practitioners Act (in fact, a very much improved Medical Practitioners Act and one that I am happy to say represented a bi-partisan approach on the part of the Liberal and Labor Parties). It was certainly not my intention, as Mrs Di Cicco colourfully alleges in her letter, to 'Push the blade a little further'. In fact, I would have thought that almost all of the things that Mrs Di Cicco and her organisation, PRONAG, are seeking are incorporated in the new legislation. Members would be aware that the Act provides for a lay person, who shall be neither a medical practitioner nor a legal practitioner, to be on both the Medical Board and on the Professional Conduct Tribunal.

We have made those appointments. Naturally, Mrs Di Cicco was considered as a suitable lay person for either of those positions. However, on balance, it was my view that she would be better placed to continue her activities with PRONAG. There is certainly a useful place in the community for the Professional Negligence Action Group. I believe that her activities would have been seriously curtailed had she been appointed a member of the Medical Board or the Professional Conduct Tribunal. On balance, I made the decision to appoint other people: both of them women with outstanding qualifications to do the jobs to which they were appointed. Those appointments, of course, were ratified by Cabinet.

I am very sorry if Mrs Di Cicco has her nose out of joint over it. I would be perfectly happy to discuss the matter with her. There is no need for her to wait on a formal letter being processed through the system. If Mrs Di Cicco cares to ring my office I would be more than happy—as with anyone else who seeks an appointment—to discuss the whole of the operations of the Medical Practitioners Act. Early indications are that that Act will work very well. Mrs Di Cicco will also have a significant role to play when the Sax Committee's recommendations concerning the possibility of a no-fault medical misadventure framework is under consideration by the Government.

## ROXBY MANAGEMENT ADVERTISEMENTS

**The Hon. I. GILFILLAN:** I seek leave to make a brief explanation before asking the Attorney-General a question about advertisements by Roxby Management Services.

Leave granted.

**The Hon. I. GILFILLAN:** I believe that a letter was sent to the Attorney from the Australian Conservation Foundation, asking him to take action under the Trade Practices Act over several explicit and specific claims which were made in advertisements by Roxby Management Services recently. I also understand that he has had a letter from the Conservation Council of South Australia supporting this claim. That letter pointed out that in the opinion of the Conservation Council many of the claims made in the advertisements were provably untrue and misleading. It asked that the Attorney strongly support the request made to him by the Australian Conservation Foundation.

Also in that letter the point is made that 46 per cent of the cost of those advertisements is paid for through tax deductions or concessions. The request in this letter, of which I remind the Attorney, from the Conservation Council is that the Government should also consider the more general proposition that promotional advertising of this sort, which seeks to convince the public of a particular point of view, should not be tax deductible but should be made to compete on equal terms with all other similar advertising by public interest groups; for example, political Parties, churches, conservation, consumer and other similar groups.

Has the Attorney considered the material in those two letters? Has he any intention of taking action under the Trade Practices Act? When can we expect such action, if it is to take place; if not, why does he not intend to take any action?

**The Hon. C.J. SUMNER:** I did see the correspondence which the honourable member has mentioned, signed, I think, by Dr Coulter from the Australian Conservation Foundation. The question of misleading advertising under the Trade Practices Act is a matter for the Trade Practices Commission, which is a Federal body, not a State body.

It is doubtful whether I would have any capacity to initiate any action under the Trade Practices Act for the misleading advertising which, it has been alleged, occurred. In my response to Dr Coulter, of the Australian Conservation Foundation, I made it quite clear that I had not made any assessment of the truth or otherwise of the advertisements. It is most unlikely that there is any action that can be taken under State legislation. If action is to be taken under the Trade Practices Act, the matter is appropriate to be dealt with by Federal authorities.

## HEALTH COMMISSION

**The Hon. J.R. CORNWALL:** I seek leave to lay on the table information supporting the 1983-84 Estimates concerning the South Australian Health Commission.

Leave granted.

## TOTARO REPORT

**The Hon. C.M. HILL:** As the Minister of Ethnic Affairs indicated to the Council on Tuesday that he had in his possession the Totaro Report on the future of the Ethnic Affairs Commission, and as he claimed that a large number of ethnic people and migrant communities are vitally interested in the report, is the Minister willing, as part of the democratic process, to make the report public for scrutiny and comment before finally making his own decisions upon it?

**The Hon. C.J. SUMNER:** I have the report and it will be made public. The Government's attitude on the report will be determined at that time. It may be that the Government will indicate its attitude on certain recommendations. It may be that it will be released, although I do not really believe that there is much case for further comment. A substantial consultative process has been gone through by the review team and, therefore, I believe that the time has probably come for certain decisions to be made in relation to the recommendations of the report.

I assure the honourable member that the report will be made public and, when that happens, the Government's attitude to future courses of action in relation to the report—whether to allow a further period of consultation or to announce decisions in relation to it, is still a matter to be determined. Certainly, once the report is made public I will wish to ensure the earliest action that the Government can take in regard to the implementation of those recommendations of the report that are accepted by the Government.

## RIMMINGTON REPORT

**The Hon. M.S. FELEPPA:** I seek leave to make a brief explanation before asking the Minister of Ethnic Affairs a question about the Rimmington Report.

Leave granted.

**The Hon. M.S. FELEPPA:** Yesterday, the Minister of Ethnic Affairs, in reading out his replies to my questions of 18 and 23 August, stated:

> The Public Service Board has directed the Equal Opportunities Branch to establish an interdepartmental committee . . .

In his last paragraph, the Minister stated:

> The committee has been requested to report . . .

I am somewhat confused about the situation, so I seek further clarification from the Minister on, first, whether or not the committee has been established. Secondly, if the committee has been established, can the Minister advise the Council who are its members, how many members are on the committee and whether the committee includes any overseas-educated officers of the Public Service Board; namely, the very people who are aware of the problems raised by the Rimmington Report?

**The Hon. C.J. SUMNER:** I do not believe that the committee is in place at this point of time. The Equal Opportunites Unit is to carry out the actions that I indicated yesterday the Public Service Board had instructed it to carry out. That will involve the establishment of an interdepartmental committee report and the preparation of an action plan. When that is done, it will be made public, as I said yesterday.

## NEW YEAR'S DAY

**The Hon. H.P.K. DUNN:** Has the Attorney-General a reply to the question that I asked on 11 August about New Year's Day?

**The Hon. C.J. SUMNER:** Cabinet approval was given on Monday 5 September 1983 for Tuesday 27 December 1983 to be proclaimed a public holiday in lieu of Wednesday 28 December.

## MENTAL HEALTH

**The Hon. ANNE LEVY:** I seek leave to make a brief statement before asking the Minister of Health a question about the booklet entitled *The A.B.C. of Mental Health?*

Leave granted.

**The Hon. ANNE LEVY:** This morning, along with other members of Parliament, I had the pleasure of visiting Hillcrest Hospital and of being shown some of the programmes and facilities that are operating there. It was an extremely interesting and informative morning, and I have nothing but praise for the programmes that are being run there to inform members of the public of the facts about mental illness and what is being done for it at Hillcrest Hospital.

However, along with all the other visitors there I was presented with a small booklet called *The A.B.C. of Mental Health* which discusses various mental health questions in alphabetical order. When I turned to the centre page I found, under the heading 'Homosexuality' the following statement:

> A person who is homosexual is sexually attracted to others of his own sex rather than to those of the opposite sex. As the basic function of the sexual drive is to cause procreation and as this cannot occur as a result of homosexual drive, the homosexuality must be regarded as abnormal. The person who is overwhelmingly homosexual probably feels unable to change and may not wish to do so. For those who are homosexual and wish to change, programmes making this possible are available.

There are other such definitions in the booklet that I will not read to the Council now.

**The Hon. Barbara Wiese:** Like the definition of 'transexual', for instance.

**The Hon. ANNE LEVY:** Yes. The definition of transexual states:

> This term is applied to persons who have developed the sexual identity of the opposite sex. They are therefore sexually attracted to members of their own sex. In that sense they are homosexual.

**The Hon. Barbara Wiese:** That is the offending sentence.

**The Hon. ANNE LEVY:** The definition continues:

> However, unlike the homosexual person, they are not attracted to other homosexual persons of their own sex. They are attracted to heterosexual persons of their own sex. For this reason transexual persons make determined attempts to change their sexual identity by means of plastic surgery.

There are various other matters in this booklet which, to say the least, have an air of being old-fashioned and which certainly do not reflect current thinking on this matter. As this booklet is being handed to anyone visiting Hillcrest Hospital, will the Minister say whether or not he is aware of the booklet and the use that is being made of it, and does it have the endorsement (covert or overt) of the Health Commission?

**The Hon. J.R. CORNWALL:** This booklet has only just been drawn to my attention. Among other things, I notice that it was printed in Hong Kong, which I think is regrettable in this day and age and when our printing industry is in such difficulties. It was printed in 1978, so, while I have regard to the notion of original sin, I refuse to be vested with the sins of my forbears.

However, it has now been drawn to my attention. From the passages the Hon. Miss Levy has read out, it is obvious that at least they represent an expression of opinion. At worst the information given may be factually (and I believe this to be the case) incorrect. I am not able to say whether or not the booklet has the endorsement of the South Australian Health Commission because the booklet has never previously been brought to my attention. I would be very surprised if it had the official endorsement of the Commission, and I might say that I would be very disappointed if it had that official endorsement.

I presume that the booklet is issued as part of some sort of public relations exercise under the auspices of the Board of Management at Hillcrest Hospital. I think that it is another example of boards of management taking their autonomy too literally. I will most certainly order an immediate investigation into the booklet and the veracity or authenticity of its contents, and I will ascertain under whose auspices it is being issued. I will certainly request that serious consideration be given to having it withdrawn as a publication that ought to be handed out by one of the major incorporated units under the South Australian Health Commission Act, for which I am responsible.

## NATURAL GAS

**The Hon. DIANA LAIDLAW:** I seek leave to make a brief statement prior to asking the Attorney-General, representing the Treasurer, a question about an exploration levy on natural gas.

Leave granted.

**The Hon. DIANA LAIDLAW:** Since the announcement last week that the price to be paid by Australian Gaslight Limited to purchase natural gas flowing from South Australian wells for distribution in Sydney and certain rural centres in New South Wales, would be fixed at $1.01 a gigajoule for the next three years, there has been much discussion about imposing a royalty or tax upon New South Wales consumers to bring the New South Wales price to parity with that to be paid on behalf of South Australian consumers by the Pipeline Authority of South Australia, that is, $1.62 by 1985. There has, however, been little discussion about an exploration levy. The fact is that between 1979 and 1983 South Australian consumers paid $37.805 million in a levy to provide funds for exploration for gas while New South Wales consumers paid nothing.

Does the Minister agree that, while South Australia has a short-term need for more gas, in the long term it is just as important for New South Wales consumers that further reserves be found in the Cooper Basin? If so, and considering that the quantities of gas from the Cooper Basin purchased by New South Wales and South Australia do not vary greatly, does the Minister agree that even Mr Wran should regard it as equitable that Australian Gaslight Limited, on behalf of New South Wales users, should pay a levy towards exploration during the next three years that is proportionate to the $37.805 million contributed by South Australian users over the three years 1979-82?

**The Hon. C.J. SUMNER:** I will refer the honourable member's question to the Treasurer and bring back a reply.

## CAPITAL FUNDS

**The Hon. R.C. DeGARIS:** I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about capital funds.

Leave granted.

**The Hon. R.C. DeGARIS:** I was interested in what the Premier said recently in the House of Assembly about the absorption of capital funds to balance a deficit in the recurrent budget. As this Budget transfers another $28 million from capital funds to the recurrent budget—

**The Hon. C.J. Sumner:** It's a lot less than last year.

**The Hon. R.C. DeGARIS:** I am coming to that. This means that during the past four years, if the Budget holds to that point, between $180 million and $190 million of capital funds would have been transferred to balance the recurrent deficit. From what the Premier said, it appeared to me that he might be considering some statutory restrictions on Governments being able to continue that type of operation.

I would point out that all the States of America have now adopted either constitutional or statutory requirements in relation to the Government's power to absorb capital funds. Has the Government considered similar requirements in the statutory provisions here to cover that matter?

**The Hon. C.J. SUMNER:** No, the Government has not considered that suggestion. I know that the Hon. Mr DeGaris has raised that possibility in this Council on previous occasions. The Government will attempt to wind back the transfer of capital funds to prop up the recurrent expenditure that occurred in an unprecedented way under the past three Liberal Budgets. We recognise that that was an unprecedented situation, and I certainly commented on it when in Opposition. But, given the fact that for the past three years the Budget has been predicated on that transfer of capital funds, it would not be possible in one Budget to reverse the situation completely. However, the Government hopes to be able to do that over a period of time.

The question of a constitutional barrier to the transfer of capital funds raises issues that are much more difficult, and it might be that there is a need for a certain amount of flexibility in the transfer of capital funds. That occurred, at least to my recollection, on three occasions up until the 1980-81 Budget. Although transfers had been made in one year, they were picked up subsequently or, alternatively, the transfers were so small as not to be of any great significance. Certainly, we are now into a new ball game in this area as a result of the actions of the Tonkin Government.

This Government believes that we should attempt to reverse that policy, but it will not be easy to do so, because of the difficult financial position in which the State finds itself. The flexibility may not be there, and that may be a barrier to an Act of Parliament prohibiting the practice. On the other hand, as a matter of policy this Government has adopted the position that an attempt should be made to reverse the trend.

## FLINDERS RANGES

**The Hon. I. GILFILLAN:** Has the Minister of Health an answer to a question that I asked the Minister of Agriculture, representing the Minister of Mines and Energy, on 10 August about the Flinders Ranges?

**The Hon. J.R. CORNWALL:** In reply to the honourable member's question concerning exploration in the Flinders Ranges National Park, the Minister of Mines and Energy has advised the following:

1. Four weeks of field work has been completed at a cost of $7 600. B.H.P. has contributed towards the operating costs by the provision of a caravan which is being used as a base by Department of Mines and Energy personnel. All petrographic and analytical costs at Amdel and other laboratories will be met by B.H.P.

2. The Government has previously given an assurance that mining would not be contemplated in the Flinders Ranges National Park, even subject to the most stringent environmental controls, unless issues of State or National interest were paramount, for example, as a last resort to maintain the livelihoods of the people of Port Pirie.

## IMMIGRATION

**The Hon. L.H. DAVIS:** I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of State Development, a question about immigration.

Leave granted.

**The Hon. L.H. DAVIS:** In the *Age* of 7 September, reference was made to a Victorian scheme whereby the Victorian Economic Development Corporation in conjunction with the Federal Department of Immigration and Ethnic Affairs runs a scheme to attract selected immigrants and to offer them permanent residential status in Australia. Indeed, this scheme has attracted 70 business people and about $70 million in investment since it started two years ago.

The spokesman for the Victorian Economic Development Corporation stated that there had been a good response to the scheme, particularly in West Germany, Britain and South-East Asia, and, indeed, a seminar had been conducted in Kuala Lumpur recently that had attracted 128 business men who were willing to invest a minimum of $92 million in Victoria.

Of the 128 applications, 15 have been approved to date by the Corporation. The scheme was designed to attract business people who would create employment in Victoria, and particular note was made by the spokesman of the fact that the corporation was not interested in attracting speculative investments in real estate or shares. The corporation had concentrated on business people who were already established in areas such as food processing, tourism, and especially high technology. Industries that produce goods that replaced imports, or created exports, were also encouraged.

This seems to be a very worthwhile scheme, one which, as I remember, was established initially by a Victorian Liberal Government and which has been continued more recently by the Cain Labor Government. I am not aware whether such a scheme exists in any other State, although I have been informed by one of my colleagues that such a scheme is up and running in the Northern Territory. Will the Department of State Development investigate this Victorian Scheme in order to ascertain whether a similar scheme should be implemented in South Australia?

**The Hon. C.J. SUMNER:** Yes, I will refer that question to the Minister of State Development and bring back a reply.

## EQUAL OPPORTUNITY MANAGEMENT PLANS

**The Hon. ANNE LEVY:** Has the Attorney-General a reply to the question that I asked on 31 August about equal opportunity management plans?

**The Hon. C.J. SUMNER:** In June 1982 the Public Service Board adopted the policy of equal opportunity management planning as a main frame activity to be undertaken in each department's corporate planning and, to this end, is preparing guidelines for implementation using the Public Service Board as a pilot study.

It is anticipated that work in the Public Service Board towards the development of comprehensive guidelines for implementation in departments will take some months to complete. These guidelines are being prepared in conjunction with implementation steps in three departments.

The Department for Community Welfare has established a committee to liaise with the Public Service Board and to report to the executive of that department on the most effective means of implementation of equal opportunity management plans.

The Education Department has a policy of equal employment opportunity in that department. The thrust of implementation of that policy will be the preparation of a management plan which is currently being undertaken in conjunction with officers of the Equal Opportunities Branch of the Public Service Board.

The Department of Agriculture has held discussions with officers of the Equal Opportunities Branch of the Public Service Board and will be incorporating equal opportunity management planning as a policy goal within departmental corporate planning.

## KANGAROO CULLING

**The Hon. H.P.K. DUNN:** Has the Minister of Health, representing the Minister for Environment and Planning, a reply to the question I asked on 4 August about kangaroo culling?

**The Hon. J.R. CORNWALL:** My colleague, the Minister for Environment and Planning, advises that the annual quota for the harvest of kangaroos is calculated by considering:

1. The population census from the annual aerial survey.
2. The population trend in numbers from all aerial surveys since 1978.
3. The possible climatic conditions for the year, and
4. Other information available on population dynamics.

The proposed quota is determined in November the previous year. The 1983 quota was discussed at a meeting in Peterborough between representatives of the industry and graziers. In November 1982 a proposed quota of 300 000 kangaroos, based upon a winter 1982 population census of 1.7 million kangaroos, was forwarded to the Federal Government for approval. The proposed issue of the quota was staggered with up to 50 per cent (150 000) to be issued to June 1983, up to a further 25 per cent (75 000) issued from June to September dependent upon ground counts of kangaroos across the State, and the remainder, if it was necessary, to be issued September to December 1983 dependent upon the aerial survey results available in September 1983.

This format was proposed in November 1982 because the National Parks and Wildlife Service of the Department of Environment and Planning predicted a large summer (1982-83) die off and a possible continuation of drought conditions in most of the commercial harvest area. The format was approved by the Federal Government and the first two issues of quota made. The issue of the remainder is to be considered this month as proposed. Up to the end of June 1983 the proposed quota was 150 000 animals; permits had been issued for the destruction of 156 000 animals but the processors had only nominated 113 000 animals to be killed and had only killed 86 000 kangaroos. Therefore the realised quota (or kill) until 30 June 1983 was 86 000, not the proposed 150 000.

To date the figures are:

Proposed quota until September 1983—200 000
Number of animals on permits issued—183 000
Number of animals nominated to be killed—130 000
Number of animals killed—104 000

Therefore, only 53 per cent of the quota of 200 000 has been issued to date. Representatives of industry were aware of the original format for the 1983 quota, which was established at the Peterborough meeting. This format of 50 per cent of the quota by June, 25 per cent from June to September and 25 per cent from September to December, was dependent upon ground and aerial counts during the period June to September. Representatives were also aware that, should a reduction occur in the kangaroo numbers due to the drought, the quotas from June to September would be reduced accordingly. The National Parks and Wildlife Service is closely monitoring the situation. A discussion meeting between departmental officers, representatives of the industry and graziers to examine the proposals for 1984 is being planned for October this year.

## EQUAL OPPORTUNITY MANAGEMENT PLANS

**The Hon. ANNE LEVY:** I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about equal opportunity management plans.

Leave granted.

**The Hon. ANNE LEVY:** I have now had a chance to read the reply provided by the Attorney a few moments ago in relation to the development of equal opportunity management plans within the Public Service. I would now like to ask a supplementary question to the answer that I received. Will the Attorney ascertain from the Premier when the Public Service Board expects to complete the guidelines and when it will begin implementing them, either in the Public Service Board or anywhere else? The answer provided by the Attorney a few moments ago suggests that implementation is only being considered in three Government Departments, namely, Community Welfare, Education, and Agriculture. When the management plans are introduced, will implementation of the guidelines be limited to the three Departments that I have named or is the implementation planned for all Departments?

**The Hon. C.J. SUMNER:** I will obtain the information for the honourable member.

## PUBLIC HOSPITAL STAFF LEVELS

**The Hon. R.J. RITSON:** I seek leave to make a brief explanation before asking the Minister of Health a question about public hospital staff levels.

Leave granted.

**The Hon. R.J. RITSON:** My question refers to the relationship between the levels of staff who actually treat patients and the type of staff who support them in terms of clerical, administrative and hotel services. It is a genuine question: I do not have the answer and I hope that the Minister can supply it. I am attempting to determine whether Parkinson's Law may be operating. Members will recall that Professor Parkinson graphed the tonnage of British shipping at sea against the number of non-uniformed clerical personnel employed by the Admiralty. The two graphs crossed and provided a dramatic effect which indicated that the fewer ships at sea the greater the clerical task force in the Admiralty.

Since there have been no recent bed closures, I assume that the 'shipping' has remained reasonably constant over the years. I would particularly like to know what changes, if any, have occurred in major teaching hospitals in terms of staffing levels in relation to the clerical and hotel services areas. What were the clerical, administrative and hotel services staffing levels in each of the past six financial years for each of the major public hospitals? Further, in all of the various reports and recommendations that must be received by the Minister from time to time about ways of economising in relation to hospital services, do people from medical administration ever recommend that their own Departments should be reduced?

**The Hon. J.R. CORNWALL:** I regret to inform the Council that I do not have the exact figures for the past six financial years immediately to hand. I am trying to recall them as I rise to my feet, but they escape me. Therefore, I ask that the honourable member's question be placed on notice.

## CHIROPRACTORS

**The Hon. H.P.K. DUNN:** I seek leave to make a brief statement before asking the Minister of Health a question about chiropractors.

Leave granted.

**The Hon. H.P.K. DUNN:** It has been drawn to my attention by an Eyre Peninsula resident that Commonwealth health benefits are not paid to patients treated by chiropractors. The people I am concerned about are primarily

engaged in farming and other physical pursuits which tend to cause back pain and the like, resulting in their seeking relief from chiropractors. Chiropractors are recognised in this State, as we have legislation controlling their operations. However, there is no reimbursement for chiropractic treatment at the moment, nor is it envisaged under the new system of Medicare. Will the Minister inform honourable members whether he has canvassed this problem with the Federal Minister and, if he has not, will he do so with the aim of having chiropractors added to the list so that patients can receive Commonwealth health benefits?

**The Hon. J.R. CORNWALL:** Obviously, this matter has also been drawn to my attention. Chiropractors have been running a vigorous campaign Australia-wide to be included under the new Medicare arrangements. However, if that occurred we would immediately have to include many other paramedical people. Of course, one must then decide where to stop, and one could also include podiatrists.

**The Hon. R.J. Ritson:** Iridologists.

**The Hon. J.R. CORNWALL:** No, I think that iridologists are considered to be part of alternative medicine.

**The Hon. M.B. Cameron:** Naturopaths?

**The Hon. J.R. CORNWALL:** I do not want to canvass alternative medicine. Of course, chiropractors provide a legitimate service. A range of paramedical people are not included under Commonwealth health benefit arrangements and it is not intended to include them under the new Medicare arrangements. The good reason for excluding them relates to the matter of dollars and cents.

The community can have as much cover as it likes if it is prepared to pay a lot of money. The simple fact with Medicare is that it will cover what currently exists. Patients and people will still be able to insure with the health funds for extras, whether for dentists, physiotherapists, podiatrists or any other paramedical people for whom coverage is currently offered by the health funds. In fact, Dr Blewett has specifically urged the health funds to make sure that they maintain—or, preferably, expand—their coverage in these areas.

It is not the Federal Government's intention to expand its cover, for the reason that I have given; that is, primarily cost. It is not my intention that I should urge Dr Blewett to do otherwise, because we all have a duty to try to contain costs. We are obviously in a situation of considerable dilemma: on the one hand, we are quite rightly urged to maintain the excellence of our hospitals, in particular, and our institutional and non-institutional health care areas generally. We are quite rightly urged to do that and to face up to that in this morning's *Advertiser*. On the other hand, we are strongly urged to be good managers and to get into cost management, not to raise taxes and charges, and so forth. The two do not have to be incompatible, but there has to be a line of best fit and common sense somewhere in the middle. For that reason, I believe that Dr Blewett and the Federal Government have acted quite rightly, and I support Dr Blewett's position.

## SCHOOLTEACHERS' HOUSING RENTS

**The Hon. M.B. CAMERON:** I seek leave to make a brief explanation before asking the Minister representing the Minister of Education a question about rents of schoolteachers' housing in the country.

Leave granted.

**The Hon. M.B. CAMERON:** I do not particularly want to identify the school which is involved in this question, but the examples that have been given to me from this school are quite outstanding examples of a difficult problem with rents of Teacher Housing Authority houses near the school. In one case, the teacher involved was at the beginning of this year charged $44 a fortnight for rent. He was recently advised that his rent would rise to $71 a fortnight, and then in the past few weeks he has been further advised that his rent will rise to $89 a fortnight.

In another school the teacher was charged at the beginning of this year $40.50 a fortnight; he moved to another house and was charged $35.50 a fortnight. Recently, his rent was increased to $71 a fortnight and even more recently again—certainly during the past few weeks—his rent has been increased to $91 a fortnight. A similar person was charged $36 a fortnight and has been recently advised that her rent would rise to $72 a fortnight, and even more recently to $92 a fortnight.

One of these teachers received a document headed '1983 Rent Review'. It stated:

> Increases in the rental of South Australian Teacher Housing Authority houses will come into effect on 7 October 1983. It should be noted that no increases have been applied since September 1981. Consequently, you are advised that the new rental rate applicable to your residence will be $91.00 per fortnight.

I must say that the teacher was somewhat surprised to find that no increases had been applied since 1981 when, in fact, the rents had doubled since earlier this year. Can the Minister of Education investigate rental increases in Teacher Housing Authority houses to ensure that teachers are not being charged exorbitant rents well above the increases that have recently been advised (in these cases, increases of 100 per cent)?

**The Hon. C.J. SUMNER:** In the absence of the Hon. Mr Blevins, I will refer the question to the Minister of Education and obtain a reply.

## LYELL McEWIN HOSPITAL

**The Hon. J.C. BURDETT** (on notice) asked the Minister of Health:

1. Was a substantial sum transferred by direction of the Health Commission into the operating account of the Lyell McEwin Hospital at 30 June last from another account to offset an over-run?

2. If so: *(a)* Was the amount approximately $180 000 and, if not, what was the sum? *(b)* Was the sum subsequently repaid to the other account? *(c)* What was the account from which the sum was transferred?

**The Hon. J.R. CORNWALL:** The answers are as follows:

1. No. On 29 July 1983 the Commission transferred $190 769.92 to Lyell McEwin Hospital to meet the deficit on its operating account for 1982-83.

2. Questions *(a)*, *(b)* and *(c)* are not applicable.

## LICENSING ACT AMENDMENT BILL (No. 2)

In Committee.

(Continued from 20 September. Page 905.)

Clause 2—'Commencement.'

**The Hon. C.J. SUMNER:** I asked the Committee to report progress so that I could ascertain whether any specific response had to be obtained to the Hon. Mr Burdett's second reading contribution. I do not think that there is anything of a specific nature which has to be replied to, except for two very brief points. The honourable member was critical of the fact that insufficient action was taken to oppose some of these permits, and opposition to the permits might have been an answer to the problem. My information is that some of the permits were opposed, both by other

objectors and by the Superintendent of Licensed Premises, but the ultimate decision, of course, rests with the court. This is only a moratorium, and that can be pursued further following the presentation of the Licensing Board review.

The second question deals with whether the amendments proposed contain any conditions and whether more specific guidelines could have been designed. That might be possible. That might be one of the propositions which the review recommends. I cannot say that, but the development of such guidelines should occur within the context of the general review of the Act which is proceeding. For that reason, a moratorium is considered the most appropriate action to take at this time. I emphasise to the Committee that it is just that: a moratorium. It does not mean that subsequently there will not be amendments to the Act following the review.

Clause passed.

Clause 3 and title passed.

Bill read a third time and passed.

## BUDGET PAPERS

Adjourned debate on motion of Hon. C.J. Sumner:

That the Council take note of the papers relating to the Estimates of Receipts and Payments, 1983-84.

(Continued from 14 September. Page 820.)

**The Hon. L.H. DAVIS:** In speaking to the Budget Papers tabled earlier this month, I will not attempt to review the Budget strategy, or comment on the controversy surrounding the $57.1 million deficit on Consolidated Account and the savage taxation measures which were introduced to counter this deficit. Rather, I will address my remarks to the subject of superannuation. At page 27 of the Financial Statement tabled on 1 September the Treasurer states:

> The provision for the Government's contribution to the South Australian Superannuation Fund has been increased from $45.2 million in 1982-83 to $53 million in 1983-84. This reflects an increase in pensions in line with the increase in the consumer price index, an increase in the number of pensioners and the difference between the pension levels of those receiving pensions for the first time and those whose pensions cease.

This proposed payment in 1983-84 of $53 million is 17.2 per cent in advance of the 1982-83 payment of $45.2 million. On 31 May 1983, in speaking to minor amendments to the Superannuation Act, I reviewed the South Australian Superannuation Fund and illustrated the rapid escalation in its cost over the past decade. I have updated this statistical information from the 1983-84 Budget Papers and the Auditor-General's report for 1982-83 on page 427 and following, and seek leave to have inserted in *Hansard* a table of a purely statistical nature relating to the South Australian Superannuation Fund without my reading it.

Leave granted.

TABLE I
SOUTH AUSTRALIAN SUPERANNUATION FUND

| | 1973-74 $'000 | 1974-75 $'000 | 1975-76 $'000 | 1976-77 $'000 | 1977-78 $'000 | 1978-79 $'000 | 1979-80 $'000 | 1980-81 $'000 | 1981-82 $'000 | 1982-83 $'000 |
|---|---|---|---|---|---|---|---|---|---|---|
| *Pension and Supplementation Payments By—* | | | | | | | | | | |
| State Government | 6 618 | 10 336 | 14 637 | 14 585 | 18 421 | 22 909 | 26 902 | 31 887 | 37 435 | 44 029 |
| Commonwealth Government* | — | — | — | — | 1 901 | 6 193 | 7 306 | 8 666 | 10 011 | 12 025 |
| Public Authorities | 284 | 483 | 736 | 6 385 | 5 431 | 1 746 | 2 134 | 2 657 | 3 400 | 3 854 |
| Other | — | — | — | — | — | — | 8 | 35 | 55 | 116 |
| | 6 902 | 10 819 | 15 373 | 20 970 | 25 753 | 30 848 | 36 350 | 43 245 | 50 901 | 60 924 |
| | (71%) | (79%) | (81%) | (82%) | (84%) | (85%) | (86%) | (85%) | (86%) | (87%) |
| Fund | 1 812 | 2 928 | 3 660 | 4 580 | 4 955 | 5 363 | 5 801 | 7 372 | 8 309 | 9 314 |
| | (29%) | (21%) | (19%) | (12%) | (16%) | (15%) | (14%) | (15%) | (14%) | (13%) |
| *Total Pension and Supplementation Payments* | 9 714 | 13 747 | 19 033 | 25 550 | 30 708 | 36 211 | 42 151 | 50 617 | 59 210 | 70 238 |
| Per cent Increase in Pension Payments | 42% | 38% | 34% | 20% | 18% | 16% | 20% | 17% | 19% | |
| *Made up of* | | | | | | | | | | |
| Basic pension | 9 159 | 10 603 | 13 661 | 17 611 | 19 874 | 22 988 | 26 387 | 30 792 | 35 182 | 40 843 |
| | (94%) | (77%) | (72%) | (69%) | (65%) | (63%) | (63%) | (61%) | (59%) | (58%) |
| Supplementation | 555 | 3 144 | 5 372 | 7 939 | 10 834 | 13 223 | 15 764 | 19 825** | 24 028** | 29 395** |
| | (6%) | (23%) | (28%) | (31%) | (35%) | (37%) | (37%) | (39%) | (41%) | (42%) |
| | 9 714 | 13 747 | 19 033 | 25 550 | 30 708 | 36 211 | 42 151 | 50 617 | 59 210 | 70 238 |
| Commutation (Paid by Fund) | — | 1 151 | 1 400 | 2 189 | 3 984 | 6 086 | 6 086 | 10 970 | 6 145 | 11 107 |
| Fund Investments (Value at 30 June) | 89 728 | 96 710 | 107 881 | 120 882 | 136 719 | 154 320 | 175 958 | 198 164 | 229 810 | 263 699 |
| Income Received | 5 575 | 6 624 | 7 822 | 9 395 | 11 236 | 12 868 | 15 102 | 18 619 | 23 540 | 27 428 |
| Contributions Received | 7 030 | 6 704 | 8 989 | 12 398 | 13 997 | 16 166 | 18 122 | 20 298 | 22 634 | 24 547 |
| Number of Contributors | 18 682 | 18 674 | 19 572 | 20 788 | 21 714 | 21 927 | 22 094 | 22 024 | 21 744 | 21 411 |
| Number of Pensioners | 6 915 | 7 277 | 7 612 | 7 903 | 8 146 | 8 441 | 8 797 | 9 195 | 9 496 | 9 824 |
| Annual Cost of Living Adjustment to Supplementation Payments | — | 15.27% | 18.19% | 11.77% | 14.82% | 7.61% | 8.2% | 10.97% | 8.81% | 10.32% |

*Following the transfer of country railways to the Commonwealth a portion of pensions of former railway employees is met by the Commonwealth Government.

**The fund contributed towards the cost of supplementation for the first time in 1980-81—($'000, 1980-81, $959. 1981-82, $1 475. 1982-83 $1 910).

Source: Auditor-General's Reports, 1974-83. South Australian Superannuation Board Annual Reports, 1974-82. State Budget Estimates of Payments, 1983-84.

**The Hon. L.H. DAVIS:** All public sector pension payments are fully indexed for increases in the cost of living (this is called supplementation) and the first line of this table (hereafter Table 1) indicates that the amounts that the State Government contributes to pension and supplementation payments increased by nearly $7.5 million to $44.9 million in 1982-83—that is, an increase of 20 per cent.

Another significant statistic is that the Superannuation Fund is contributing less each year to total pension and supplementation payments; in 1982-83 the fund contributed only 13 per cent, and the South Australian and Commonwealth Governments and public authorities contributed a massive 87 per cent. Up to 30 per cent of the pension can be commuted on retirement and the fund pays all commutation payments. After my observations in May criticising the spiralling cost of the Superannuation Fund, I received a letter from a most unexpected source. I intend to read this letter which is dated 10 June 1983 and which states:

Dear Legh,

I congratulate you upon your forthright condemnation of the superannuation scheme applicable to public servants (Adelaide *News*, 5 June 1983). It is indeed a scandal!

It was, in fact, the *Sunday Mail* of 5 June. The letter continues:

For years now, public servants throughout Australia have been playing the Commonwealth or one State system off against the other until they have now reached the point that non-public servants are being bled white to meet the extravagant pay and perks going into the pockets of overpaid and underworked bureaucrats. At the hands of weak and/or dopey Ministers (Liberal and Labor), public servants are now virtually fixing their own pay and perks.

When I was Minister for Labour, it was estimated that if every member of the public was to receive the superannuation entitlements going to those who pose as 'servants' of the public, it would be necessary to increase taxation by another $5 billion per year. It would be more now!

Commonwealth public servants receive a superannuation pension of 50 per cent of their final salary which is automatically indexed by the full percentage movements in the consumer price index. And, in addition, they are given a lump-sum return of all their contributions plus compound interest. The 5 per cent superannuation levy on their salary is a fraudulent attempt to fool the public and Parliamentarians into the belief that they contribute towards their 50 per cent (fully indexed) superannuation pension. They contribute nothing! What's more, they claim these levy payments as a tax deduction each year; and now complain because the Hawke Government won't exempt the lump sum from taxation as well. And, if I may say so, your Party in Canberra hasn't put on a very creditable performance over this issue.

We have now reached the stage where the only solution to this, and the exorbitant costs of social security, lies in the introduction of a national superannuation fund based upon the benefits received by our servants and financed by a separate levy on their salaries as well as everyone else's that will be sufficient to make social security self-supporting. It will cost a lot of money; but the present social services bill amounts to billions of dollars a year anyhow.

You are on the right track in exposing the Public Service ramp—morally correct and clever politically, because Government bureaucrats are really on the nose with the average voter. They are seen as being arrogant, incompetent, lazy and over-pampered. In fact, the first Party (a Party in Government won't do it) that has the political acumen to fight an election on Public Service excesses, will sweep the board with those who might be sufficiently naive to defend the way public servants are ripping the dough from those they are paid to serve. I'm still trying to understand the rationale behind the recent decision to increase the salaries of top public servants by $5 000 a year, right in the middle of the wage pause.

He is referring there to the State Government decision of earlier this year to increase salaries of top public servants by $5 000 a year. The letter concludes:

You are free to quote my views on this question. Or, for that matter, reproduce this letter in full.

Yours faithfully,
Clyde R. Cameron

I felt it appropriate to make public this letter from Mr Clyde Cameron following the release of the Budget Papers and the Auditor-General's Report which confirmed the views I expressed in May of this year regarding the cost of the South Australian superannuation scheme. Although Mr Cameron has a different political philosophy from mine, he shares my view that this public sector nettle must be grasped, however painful that may be.

Clyde Camerón has used typically colourful language in describing the extraordinarily generous provisions of public sector retirement benefits and the rapidly spiralling costs which must be borne by the taxpayer. My argument should not be construed as an attack on public servants, nor do I wish to comment on the merits or demerits of a universal national superannuation scheme as against the retention of a mix of superannuation and needs-based welfare payments. I am primarily concerned with the inequity between public and private sector superannuation schemes which will be exacerbated by the decision of the Hawke Labor Government to tax lump-sum retirement benefits accruing after 1 July 1983.

There is little merit in the *ad hoc* approach by the Hawke Government to the undoubtedly important question of providing adequate retirement benefits and/or welfare payments. Australia suffers from having two separate retirement paths: the lump sum invariably with no pension option, which is the norm in the private sector, and the pension fully indexed for cost of living movements, invariably with full or partial commutation offered by Commonwealth or State superannuation schemes. This masks the fact that public sector retirement benefits *in toto* are dramatically better than private sector retirement benefits. I illustrated this on 31 May in *Hansard* on page 1681. This observation has been confirmed by Mr D.F. Roach of Consulting Actuaries, E.S. Knight & Co., in a review of the Commonwealth superannuation scheme and released in July 1983. This review had been commissioned by the Federal Liberal Government.

The report noted that for a typical private superannuation scheme the employee contribution is 5 per cent of salary, with the employer contributing 9 per cent. However, in public sector schemes, the employee contribution is 5 per cent to 6 per cent of salary, with the Government as employer contributing in excess of 20 per cent of salary. Furthermore, 96 per cent of Government schemes are based on salary in final year or at retirement, compared with only 16 per cent of private sector schemes, which are generally based at the average salary of the last three years before retirement.

Another actuary, Mr Bruce Cook, in April this year was reported as advising the Victorian Government that the State faced an explosion in superannuation costs. In fact, he reported that the Victorian State Superannuation Board scheme was three times the cost of a typical fund in the private sector. The University of New South Wales has recently disclosed an unfunded superannuation and long service liability of $40 million. In July, the Queensland Government announced it was introducing legislation to remove a provision which incredibly permitted the spouse of a Government employee who had elected to take a lump sum on retirement to receive a pension on the death of the spouse. Understandably, this had been referred to as the 'Merry Widow's Provision'.

Therefore, it can be seen that the cost of public sector superannuation schemes more than ever before has become a matter of public interest. And so it should be. Private superannuation schemes seek to be fully funded; that is, benefits accruing to members are secured against assets equal to the value of those benefits. However, public sector superannuation schemes are unfunded: they are open-ended with the burden to be borne by future generations of taxpayers. To that extent, of course, public sector employees have a lower level of security over their retirement benefits. Certainly, high inflation rates coupled with retrenchments

have made it difficult for some private sector superannuation schemes to meet heavy payouts in recent years.

I return to the South Australian superannuation scheme. As can be seen from Table I, pension and supplementation payments by the State Government have almost doubled in the past four years—from $22.9 million in 1978-79 to $44.9 million in 1982-83.

Has this dramatic increase in superannuation costs been expected? The South Australian Superannuation Fund Investment Trust reports each financial year, although the 1982-83 report is not yet available. In addition, the Public Actuary undertakes a triennial actuarial review of the fund, and this is scheduled for the financial year just ended with the report being available presumably within the next three or four months. And, finally, there was a report on the long-term projections of costs of the South Australian Superannuation Fund which was tabled in another place on 16 July 1981 but rather remarkably was not printed. What do these various reports tell us? To put it crudely, the forecasts of the Public Actuary over the past five years on future costs of the South Australian Superannuation Scheme would barely match the predictions of a crystal ball gazer on side-show alley. The various forecasts have constantly understated the cost to Government of this superannuation scheme.

For instance, in his triennial review of the scheme, in a report dated 2 October 1978 (that is, just five years ago) the Public Actuary states:

I estimate that the cost of the scheme to the Government (including Statutory Authorities) for the year ending 30 June 1988, will be $57 million.

However, the Budget estimates indicate that in 1983-84 the cost of the scheme to the Government will be $57 million (State Government, an estimated $53 million plus Public Authorities, an estimated $4 million), four years earlier than the forecast of five years ago. In this report tabled in another place on 16 July 1981 the Public Actuary examined the long term projections of the cost of the Superannuation Fund. I have incorporated his estimates from Appendix B on page 20 of that report in a table of a statistical nature which I seek leave to have incorporated in *Hansard.*

**The PRESIDENT:** Is the information purely statistical?

**The Hon. L.H. DAVIS:** Yes.

Leave granted.

SOUTH AUSTRALIAN SUPERANNUATION FUND
PROJECTED AND ACTUAL COSTS TO GOVERNMENT

| Year Ending 30 June | Public Actuary's 1981 estimate of Government cost in constant 1980-81 dollars | Public Actuary's 1981 estimate in money terms | Actual cost to Government | Overrun between actual cost and estimate |
|---|---|---|---|---|
| | $m | $m | $m | $m |
| 1981 | 31.2 | 31.2 | 31.9 | 0.7 |
| 1982 | 32.6 | 35.5 | 37.4 | 1.9 |
| 1983 | 34.3 | 41.2 | 45.2 | 4.0 |
| 1984 | 35.5 | 47.7 | 53.0 (Budget Estimate) | 5.3 |
| 1985 | 35.6 | | | |
| 1990 | 38.5 | | | |
| | | | Total Overrun | $11.9m |

**The Hon. L.H. DAVIS:** This table clearly demonstrates that a forecast of only two years ago has significantly understated the cost of the fund. In fact, in constant 1980-81 dollars the estimated cost in 1983-84 is $39.4 million, yet the Public Actuary two years ago was claiming that the cost in 1990 would be only $38.5 million in constant 1980-81 dollars. This table also illustrates that there has been an overrun between actual cost and estimated cost to the Government of the South Australian Superannuation Fund of nearly $12 million in the period 1981 to 1984 inclusive.

Certainly, I can appreciate that variations in wage increases, rates of inflation and retirement levels can make long-term forecasting difficult, but it seems extraordinary that projections made only two years ago understate the cost by such a large margin. In fact, the Public Actuary in his 1981 report appears quite confident. On page 15 he states:

For some time, concern has been expressed in several quarters... that the unknown ultimate cost of the scheme to the Government might prove an unmanageable burden.

... the projections clearly demonstrate that the first concern is unfounded.

On page 14 the Public Actuary asserts the following:

If employees in the private sector want higher superannuation benefits it is up to them to negotiate an appropriate redesign of their total salary package with their employers.

I would prefer to think that the boot could be on the other foot. Only last week Mr R.W. Champion, a consulting actuary with E.S. Knight and Company, said public sector superannuation benefits should be reduced as part of a total package to control the overall cost of superannuation and welfare. This is, of course, a complex subject, and at this stage I would prefer to think the State superannuation scheme should be reviewed. For example, I fail to see why, in some circumstances, a widow can receive almost the same benefit as she and her spouse had been receiving before his death. A person on, say, a final salary of $30 000 could retire on an annual pension of $20 000 or an annual pension of $14 000, plus a lump sum of $34 840. However, if that person elects to take the $14 000 pension and $34 840 lump sum and thereafter dies the spouse obviously retains the lump sum and is also entitled to two-thirds of $20 000, that is, $13 333, just under the initial benefit of $14 000. I await with interest the 1982-83 annual report of the South Australian Superannuation Fund Investment Trust and the Public Actuary's triennial review, and in particular I trust that the Government will closely scrutinise any projections as to the taxpayer's future commitment to meet the cost of the fund.

**The Hon. DIANA LAIDLAW** secured the adjournment of the debate.

## LOTTERY AND GAMING ACT AMENDMENT BILL

In Committee.

(Continued from 20 September. Page 907.)

Clause 2 passed.

Clause 3—'Agreements in relation to gaming void.'

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

Page 1—

Lines 22 and 23—Leave out 'is illegal and void' and insert 'shall be deemed to have been made for an illegal consideration'.

Lines 25 and 26—Leave out 'illegal and void by virtue of this section is also illegal and void' and insert 'deemed to have been made for an illegal consideration by virtue of this section shall be deemed to have been given for an illegal consideration'.

Line 28—Leave out 'void' and insert 'deemed to have been made for an illegal consideration'.

Line 30—Leave out 'void' and insert 'deemed to have been given for an illegal consideration'.

I hope that the Attorney-General will agree that these amendments will clarify or improve the original Bill and will clarify the question of illegality in regard to widening contracts. The purpose of the amendments is to preserve the situation so that there is no suggestion that there is any criminality or illegality, but that such contracts remain as being for an illegal consideration and, therefore, unenforceable. The last three amendments are consequential on the first amendment.

**The Hon. C.J. SUMNER:** The Government does not believe that there is any difficulty with the Bill as it was originally drafted. There is nothing in the drafting to suggest that we are trying to render such contracts criminally illegal, as was suggested by the Hon. Mr Griffin in the second reading debate. There is a distinction in law between that which is a criminal offence and that which is affected by a civil illegality. For the commission of a criminal offence a penalty will apply that is generally in the nature of a fine or prison term. Under this clause there is no penalty that applies to the provision, which relates to agreements in relation to gaming being void. I would have thought it would be fairly obvious that the Government was therefore not attempting to establish criminal illegality.

The nature of the illegality that may affect a contract varies almost infinitely in seriousness. Treitel in his book *The Law of Contract* lists 22 types of illegal contract, which are not illegal in the criminal sense but which nonetheless are illegal in the sense that they are unenforceable. A contract affected by illegality may sometimes be enforceable by one party and sometimes by both parties. If it is wholly unenforceable, it is said to be void. The illegality spoken of in the context of the law of contract has no criminal connotations—the illegality attaches to the contract itself and not to the persons who are party to it. The new section as drafted and introduced in the Bill does not impose a criminal liability, just as the Imperial law did not impose a criminal liability.

A number of contracts are considered to be illegal contracts, as I stated. In fact, 22 types are listed by Treitel in his consideration of this topic in *The Law of Contract*, and they include such matters (as will be known, I am sure, to the Hon. Mr Burdett) as contracts in regard to trade, public policy, marriage broking, contracts on agreements to commit a legal wrong, or contracts to finance litigation in the courts. They are all deemed to be illegal contracts, but there is no suggestion that they are criminally illegal. They are referred to by the law and by commentators as illegal contracts.

The Government cannot see any need for the amendments moved by the Hon. Mr Burdett, but if it ensures the speedy passage of the Bill we are prepared to accept them, because in our view they make not one iota of difference to anything. Whether the Hon. Mr Burdett's wording is used or whether the words in the Bill introduced by the Government are maintained makes no difference.

So, in a conciliatory mood, and to avoid a bitter argument with the Hon. Mr Burdett (and as the President's dinner is to be held this evening), we are prepared to accede to the honourable member's amendments, believing that it does not make any difference whether the honourable member's words or the words as contained in the Bill are used. The amendments pick up the wording from some (but certainly not all) of the Imperial Statutes. Only one Imperial Statute picks up the wording used by the Hon. Mr Burdett. Being of the opinion that it does not make any difference, we are prepared to accept the amendments.

**The Hon. J.C. BURDETT:** I thank the Attorney for his conciliatory approach. We believe it puts the matter beyond any question of doubt if the term 'for an illegal consideration' is used rather than making the contract illegal, and for these reasons we believe that the amendments will help.

Amendments carried; clause as amended passed.

Clause 4—'Insertion of new schedule.'

**The Hon. C.J. SUMNER:** In regard to the schedule of Imperial Acts that are to have no further force or effect in this State, I understand that the Hon. Mr Griffin in the second reading debate referred to Statute 12 George II, chapter 28 (1738) and pointed out that the South Australian Law Reform Committee in its report suggested that it might be necessary to enact portions of this Imperial Statute into substantive South Australian law. In consideration of this recommendation, regard was had to the existing provisions of the Lottery and Gaming Act. All lotteries and sweepstakes, except authorised and exempted lotteries, are unlawful in South Australia under section 5 of the Lottery and Gaming Act.

It is considered that these provisions are broad enough to catch the lotteries and sweepstakes referred to and dealt with by Statute 12 George II, chapter 28 (1738). After consultation between the Attorney-General's Department, the Department of Recreation and Sport and the Lotteries Commission, it was believed that there were no problems regarding the repeal of this Imperial Statute in view of current sections of the Lottery and Gaming Act.

**The Hon. J.C. BURDETT:** The second schedule refers to the Acts of amendment, the first being 33 of Henry VIII, chapter 9, the second being 2 and 3 of Philip and Mary, chapter 9. Will the Attorney explain the reference to Philip and Mary, there having been no King Philip, as far as I am aware? Obviously, this does not refer to William and Mary, because it comes before Charles II. I presume that this refers to the Philip who was the King Consort or the Regent at that time.

**The Hon. C.J. SUMNER:** I have no ready reference. The short answer is that I do not know why the citation appears in that form when there was no King Philip of England. I can only suggest that that was the method of citation used at that time.

**The Hon. J.C. BURDETT:** Following the passage of this Bill, will the Minister provide me with an explanation in writing?

**The Hon. C.J. SUMNER:** I will pursue the point, although I am sure that the honourable member concedes that it is of historical interest only. However, I must admit that my curiosity also has been aroused. I will certainly obtain an explanation.

Clause passed.

Title passed.

Bill read a third time and passed.

## ESTIMATES COMMITTEES

A message was received from the House of Assembly requesting that the Legislative Council give permission for the Attorney-General (Hon. C.J. Sumner), the Minister of Health (Hon. J.R. Cornwall), and the Minister of Agriculture (Hon. Frank Blevins) to attend and give evidence before the Estimates Committees of the House of Assembly on the Appropriation Bill (No. 2).

**The Hon. C.J. SUMNER (Attorney-General):** I move:

That the Attorney-General, the Minister of Health and the Minister of Agriculture have leave to attend and give evidence

before the Estimates Committees of the House of Assembly on the Appropriation Bill (No. 2), if they think fit.

Motion carried.

[*Sitting suspended from 3.56 to 5.12 p.m.*]

## JUSTICES ACT AMENDMENT BILL

Returned from the House of Assembly with the following amendments:

No. 1. Clause 5—Leave out the clause.

No. 2. Clause 6, page 2, lines 33 and 34—Leave out paragraph *(c)*.

Consideration in Committee.

**The Hon. C.J. SUMNER:** I move:

That the House of Assembly's amendments be agreed to.

**The Hon. C.M. Hill:** What is your personal view?

**The Hon. C.J. SUMNER:** My personal view is that the Bill introduced by the Government was satisfactory, but the Government has decided to delete the clause of the Bill to amend the Justices Act which established a register of justices of the peace and prescribed a fee to be paid by justices of the peace to enable the register to be kept up to date. That amendment was moved in the House of Assembly by the Minister of Community Welfare, Mr Crafter, on the Government's behalf.

The Royal Association of Justices supported the register. However, it appears that many justices of the peace objected to paying the nominal fee of $5 every two years to provide the costs of keeping the register up to date. The proposal was primarily structured to assist justices of the peace and the community to have a complete and up-to-date register of those people who were still justices of the peace. Unfortunately, in the past no such register was kept and many justices of the peace who had died or left the State permanently still were on the roll.

As the register and fee appear not to be acceptable to many justices of the peace, the Government has decided to withdraw this clause for the time being. We will refer the matter to the Royal Association of Justices to see whether an alternative to the register can be devised. One other alternative (as is practised in New South Wales) might be to require an initial fee to be paid when a person becomes a justice of the peace. The legislation as it is or alternative proposals may be introduced at some time in the future after discussions have been held.

However, I believe that the other clauses of the Bill should not be held up as they involve the power of justices to imprison and they have implications in the outback of the State. If these negotiations had had to proceed while the Bill was still before the Parliament, the other matters which I believe are important and which have some urgency could not have proceeded. So, for the moment, the Government has withdrawn that clause and will hold further discussions with the Royal Association of Justices about the proposition, given that the Association supported the register and the fee to enable its implementation.

**The Hon. J.C. BURDETT:** I support the motion, and I am pleased to note that Government members in the House of Assembly have more sense than those in this Council. To make the matter quite clear, I point out that the Bill as introduced in this Council required justices to complete a return so that a register could be kept. The Opposition did not object to that, and it still does not object to that course. However, the Bill also provided that justices should pay a fee on the lodgment of the return, and the Opposition objected violently to that, as expressed by the Hon. Mr Griffin, by me, by the Hon. Mr Milne very forcefully, and by the Hon. Mr Gilfillan.

It seems to me to be quite basic that people should not have to pay for the privilege of serving the community. Justices will be out of pocket in any case, although they receive travelling, telephone and other expenses. As the Hon. Mr Milne so eloquently stated, justices must be available 24 hours a day, seven days a week, 52 weeks a year. They are out of pocket, although they receive some recompense for travelling expenses. However, that recompense is not adequate, and for them to have to actually pay for the obligation of having to lodge a return is disgraceful. I said previously that it was disgraceful, and I still believe that.

**The Hon. C.J. Sumner:** It is only $2.50 a year.

**The Hon. J.C. BURDETT:** How much will it cost the Government to pick up the bill? The sum is infinitesimal really when one has regard to the enormous amount of work that justices perform. When the Bill was before the Council previously, the Attorney stated that the Royal Association of Justices did not disagree with the proposal. It is obvious that the pressure of justices, in general the people who count at the grass roots and the people who do the work, has caused the Government to have a change of heart, and I am very pleased that it has done so. This makes the position of the Australian Democrats rather ambiguous, because both members of that Party in this Council stated, in effect, that they believe that justices should not be charged a fee for the lodgment of a return.

However, a few minutes after the Hon. Mr Gilfillan spoke, both members of the Australian Democrats voted with the Government, in favour of charging the fee. But now they have lost their cause, anyway, because the Government has at last had more sense than they had and has changed its mind and decided that at least for the time being it will not charge a fee. I doubt whether the Government will change its mind, because, while the fee might be very small as far as justices are concerned, the total amount of revenue and administration costs is also very small as far as the Government is concerned.

**The Hon. M.B. Cameron:** I hope this is the end of the proposition.

**The Hon. J.C. BURDETT:** I hope so, too. As a matter of principle, whatever the amount, to actually make people pay for lodging a return in respect of their carrying out a public and a judicial duty is extraordinary, disgraceful, and quite wrong. I am very pleased that the Government in the other places had the sense to move this amendment. I support it, and I support the motion.

**The Hon. I. GILFILLAN:** I have been able to discuss this matter with my colleague, the Hon. Mr Milne, who, unfortunately, is absent from the Chamber today due to illness. We are pleased that the Government has taken this step, and we congratulate it on being responsive to the feeling in the community. I think that the Government's action reflects good government. Obviously, it is the Opposition's right to lay-on the stick now. I suppose that the Government is made of sturdy enough stuff to take it without wilting. I cannot say the same for the Democrats: I believe that we deserve to be chastised. I accept the Hon. Mr Burdett's criticism, because I felt quite unhappy about voting for something that I felt was wrong in principle, and I make no excuse for so doing. I believe that our error in judgment was in proportion to the significance of this aspect of the overall legislation, particularly as the Association had no strenuous objections.

**The Hon. C.J. Sumner:** It supported it.

**The Hon. I. GILFILLAN:** I have been approached by justices, as I am sure the Government has. Both the Hon. Mr Milne and I have spoken on this matter, and the Hon.

Mr Burdett recognised that our contribution was clear and forthright. I make it clear that we were not comfortable with the position in which we found ourselves, and we are relieved that the decision has been altered. It gives me great pleasure to support the motion, because we believe that the amendments will provide a fairer reflection of the contribution made by justices in the community.

Motion carried.

## POLICE OFFENCES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

## PRISONS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

## CORRECTIONAL SERVICES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

## ADJOURNMENT

At 5.25 p.m. the Council adjourned until Tuesday 18 October at 2.15 p.m.