

HOUSE OF ASSEMBLY

Wednesday 1 October 1980

ESTIMATES COMMITTEE A

Supreme Court, \$1 506 000

Chairman:

Mr. G. M. Gunn

Members:

Mr. E. S. Ashenden
 Mr. J. C. Bannon
 Mr. H. Becker
 Mr. G. J. Crafter
 The Hon. Peter Duncan
 Mr. R. E. Glazbrook
 Mr. T. M. McRae
 Mr. J. W. Olsen

Witness:

The Hon. K. T. Griffin, Attorney-General and Minister of Corporate Affairs.

Departmental Advisers:

Mr. J. Boehm, Master of Supreme Court, Law Department.
 Mr. D. M. Porter, Accountant, Supreme Court, Law Department.

The Committee met at 11 a.m.

The CHAIRMAN: I have examined the minutes which have been circulated and, unless there is any objection, I intend to sign them as a correct record.

The Hon. K. T. Griffin: I notice that the Law Department is scheduled first on the list. Would it be possible for the Committee to deal with the Supreme Court first? The reason for that is that the Master is currently conducting an inquiry which involves other counsel, and it would be helpful if he could be here. We could deal with the Supreme Court first and we could then move to other departments.

The CHAIRMAN: Is there any objection to the suggestion of the Attorney-General? There being no objection, I declare that we will deal with the line "Supreme Court, \$1 506 000".

Mr. McRAE: Does the salary proposed for the Master take account not only of the national wage increase of 3.2 per cent but also the 4 per cent work value adjustment made during the year?

The Hon. K. T. Griffin: No, it does not take account of that.

Mr. McRAE: What will be the likely situation in relation to judicial salaries? As I understand it, by orders of the Public Service Arbitrator, the Crown Solicitor's rate has been increased by a considerable amount which takes into account the 4 per cent, and that has thrown out other relativities. As a result of that decision and the decision of the commission relating to magistrates, is it proposed to subsequently adjust judicial salaries on the same basis?

The Hon. K. T. Griffin: No decision has been taken with respect to the flow on consequences of that decision which affects directly the Crown Law officers. As I understand it, that decision has not yet been gazetted, and of course other processes may be pursued before that figure is finally approved. The ordinary practice relating to judicial salaries, which as I understand it has existed for at least 10 years, is that there is a formula which was agreed between the Government and judges which at least in recent times

gives to Supreme Court judges the national wage increases.

Judges of the lower courts get a percentage of that increase of the Supreme Court judges' salary. There have been some discussions between me and the judges about an appropriate formula review of what we believed was the current formula to ensure that judges were not disadvantaged where the base salary was increased by a percentage of the national wage increase, and judges and other judicial officers on a lesser salary, but a proportion of the Supreme Court judges' salary, get only a proportion of the national wage increase. We are currently reviewing it, but there has been no decision made on that question.

The Hon. PETER DUNCAN: There seems to be some contradiction in what the Attorney-General has just said. As I understand it, the formula which has been used for some time past relates to increases in salaries awarded to judges in other State jurisdictions and has no relationship to national wage increases at all. He seemed to imply that to his knowledge these increases were being arranged in accordance with national wage increases. Could he clarify that?

The Hon. K. T. Griffin: The ordinary practice was that the judges' salaries were fixed in relation to salaries in, I think, New South Wales and Victoria as at 1 October in each year. Mr. Duncan, when he was Attorney-General, in fact departed from that principle by awarding to the judges of the Supreme Court by way of increase an amount which related to the national wage increase, and that is an area which is presently under discussion; that is, whether the formula which had been used over a period of years but which was apparently varied in the past two years to relate more to national wage increases ought to be reviewed, or some other basis ought to be established for adjusting judges' salaries.

The Hon. PETER DUNCAN: Can the Attorney-General supply to the Committee details of when those changes were made?

The Hon. K. T. Griffin: I can indicate that regarding Supreme Court judges' salaries, I followed last year the precedent which Mr. Duncan had established in the previous year of recommending to Cabinet an increase in Supreme Court judges' salaries that was equivalent to the national wage increase. It was drawn to my attention that, whilst that may have been favourable to the judges, it was not in accordance with the long established formula. It is that which has prompted me to undertake in consultation with the judges, a review of the basis for fixing judges' salaries.

Mr. McRAE: In the considerations currently taking place of judges' salaries, is the 4 per cent work value adjustment playing a role?

The Hon. K. T. Griffin: The 4 per cent work value adjustment is one of the factors being considered.

Mr. McRAE: Has the Attorney-General reached any basis for making a recommendation to Cabinet for any proposed change in the formula?

The Hon. K. T. Griffin: Not at this stage.

The Hon. PETER DUNCAN: Has the Master's salary, in fact, been upgraded or reclassified in the past 12 months?

The Hon. K. T. Griffin: The Master's salary increased, as I understand it, to about \$40 700 on 14 July and to about \$42 000 on 19 July. That takes into account not only the national wage increase but also the additional work value increase. The question that was originally asked was whether that had been provided for in the Estimates, and my answer on that occasion was "No", and that is correct. The salary has increased, but no express provision has yet been made in the Estimates for that increase.

Mr. McRAE: As I understand it (and perhaps the

Attorney can clarify this) the decision of the Public Service Arbitrator relating to the Crown Solicitor has produced some peculiarities. The increase seems to have placed that officer, rightly or wrongly (and it may well be quite right—I do not suggest it is necessarily wrong), in a far more advantageous position than he previously held in relation, to, for instance, the Solicitor-General. Is it the Government's policy to maintain the relativity that previously existed between the Crown Solicitor and the Solicitor-General?

The Hon. K. T. Griffin: No decision has been taken on that.

Mr. McRAE: Has the Attorney a view about the matter?

The Hon. K. T. Griffin: Not a view that I have considered. I will need to consider this matter. No decision has been made at this stage.

Mr. McRAE: Has any application been made to the Attorney, as a result of the decision in regard to the Crown Solicitor, by the district court judges?

The Hon. K. T. Griffin: No application has been made to me by those judges. The district court judges drew to my attention matters affecting their salary several months ago before the Crown law officers award was announced.

Mr. McRAE: Could the Attorney give the current actual salary of the Solicitor-General and the Crown Solicitor?

The Hon. K. T. Griffin: Could I suggest that it might be more appropriate for me to answer this question when we deal with Law Department lines, because this matter does not come under the Supreme Court department?

The CHAIRMAN: The honourable member could ask his question when we are dealing with that area.

Mr. CRAFTER: I notice that the allocation for judges' salaries, wages and related payments has decreased in real terms by about 14 per cent; what practical effect does that have on the staffing of the Supreme Court?

The Hon. K. T. Griffin: It will have no effect. The larger amount last year takes into account the payments made to Mr. Justic Hogarth on his retirement.

The Hon. PETER DUNCAN: In relation to the question of the judges' personal staff, which is an interesting hoary old chestnut, why is there an increase in staff members when, as I recall it, there was in train an arrangement that would have reduced the number of staff?

The Hon. K. T. Griffin: We have the appointment of one judge. Mr. Acting Justice Williams became a full Supreme Court judge, and that would, as I understand it, account for the increase.

In conjunction with my last reply, I should also indicate that there was a rearrangement in staffing relating to the Clerk of Arraigns and Tipstaff Sections in the department. There was a need, as a result of that reorganisation, for a net increase of one. So as a result of the rearrangement, the formal positions were three tipstaves, one associate, and one steno-secretary, Grade II.

Because of the transfer and resignation of officers who were assisting in the Clerk of Arraigns Section, where there were some temporary positions, we can deduct from that a total of two. Whilst on the programme we see a net increase in one, rearrangements within the Supreme Court Department provided an additional three positions in the restructuring, that is, relative to the judges' personal staff. So, it was a restructuring, that is, within the Supreme Court Department to give some greater emphasis to Supreme Court judges' staff, which included Clerks of Arraigns and tipstaves.

Mr. McRAE: Can the Minister say whether the Chief Justice is satisfied with the current number of judges to cope with the work load of the court?

The Hon. K. T. Griffin: The Chief Justice is, I

understand, satisfied with that level. The honourable member would have noted, perhaps from the *Gazette*, periodically, that this year I have adopted the course of appointing members of the bar to take commissions at circuit courts. One appointment made earlier this year was Mr. Rice, Q.C. There will be two Circuit Commissioners for both the Mt. Gambier and the Pt. Augusta circuits. Mr. Bollen, Q.C., will be doing the Mt. Gambier circuit and Mr. Mullighan, Q.C., will be doing that at Pt. Augusta. I intend that that practice should continue. I am informed by the judges that that will relieve some of the pressure that they have had in the Supreme Court Department. At present, there is no intention of increasing the number of Supreme Court judges.

The CHAIRMAN: It would be in the interests of the Committee, if one member has a series of questions, that I continue to give that member the call.

Mr. McRAE: Accommodation has been a matter of some controversy in the Parliament. Can the Attorney indicate what are the current arrangements or what stage the current arrangements have reached with regard to additional Supreme Court accommodation?

The Hon. K. T. Griffin: The Minister of Public Works would, I presume, have been asked similar sorts of questions yesterday, because it is within his province largely that the Moore's development falls. It is envisaged that the Moore's development will relieve quite considerably the problem of limited court accommodation for both the Supreme Court and the Local and District Criminal Court, that it will bring together courts which are presently scattered over the square mile of the city, and will mean not only a better service for the public but also a better arrangement of court time tables, staffing arrangements, and all the other administrative arrangements which become quite difficult when we have criminal courts sitting in different locations, local courts sitting in different locations, and the call-over of the list in one place, with litigants, judges and magistrates, and others marching off to various parts of the city after the call-over of the list each day. The Moore's complex will relieve quite significantly the pressure presently felt by the courts in the provision of facilities for the administration of justice.

Mr. McRAE: I asked that question hoping that you would be generous, Mr. Chairman, in your interpretation. I was absent in Canberra yesterday, and I am not aware whether the Minister of Public Works was asked any questions. I looked at the Loan Estimates, and there does not appear, under the heading of "Law Department", to be any capital works programme as such. I assume that this must be because of the leasing or other arrangements which take it out. It is at the foot of page 24 of the Loan Estimates.

The Hon. K. T. Griffin: I think it is a matter for the Minister of Public Works, but I am prepared to say that it is possibly for that reason, that there will be leasing arrangements, that it does not appear. It is not my province, and I do not believe that I can take it any further.

Mr. McRAE: If there had been reference to this in the Loan Estimates, I would be out of court and would deserve your disapprobation, Sir, but in the sense that there is no reference to it at all it seems reasonable that, at least to the extent that the Attorney can talk on policy, I should be allowed to pursue that question. I am not expecting him to be involved in the area of his brother Minister in that expertise, but, in so far as the policy of the Government on the accommodation of the courts is concerned, I ask for your approbation, Sir, in pursuing this line.

The CHAIRMAN: I will not permit questions in relation to the area of another Minister. I ruled yesterday that I would not allow a member to ask the Minister being examined questions in relation to another Minister's portfolio. The Committee considered yesterday under "Minister of Public Works" his Loan programme. I will permit the question as it relates to the area of administration of the Attorney-General in a general way, but I will be listening very carefully to the honourable member.

Mr. McRAE: I am much obliged. I would like the Attorney to explain, if he can, the arrangements made between his department and the various bodies which are to fund the new premises or accommodation.

The Hon. K. T. Griffin: My department does not become involved in the funding of that project, although it is involved in the planning of the facility. The question of funding and the question of arrangements for funding really are not matters for the Law Department. I am happy to pursue this under "Supreme Court", but I would suggest that it is more appropriate under "Law Department". However, I am happy to proceed to answer questions on the broad nature, but not the detail.

Mr. McRAE: I accept that as being reasonable, and I will restrict the questions even further. Precisely what is the Government's policy as to what courts eventually will occupy Moore's premises?

The Hon. K. T. Griffin: The principal occupants of the Moore's complex will be the Supreme Court in its criminal jurisdiction, the Local Court in its civil jurisdiction, and the District Criminal Court. Other matters are being pursued in an endeavour to bring together other tribunals and courts, if after the initial planning has been completed the advice which we receive is that there is sufficient room in that building to bring other jurisdictions within it. I am really not in a position to indicate what other jurisdictions will be brought there, because that decision has not yet been made.

Mr. McRAE: Does the Attorney consider it appropriate in the overall development of the State that courts of criminal justice be next door to an international hotel?

The Hon. K. T. Griffin: There will be adequate emphasis on security arrangements for the Moore's complex. I would be surprised if persons who were in the international hotel looked out of the windows and said, "Ah, law courts", because that fact will not be particularly obvious. The intent, as I have indicated publicly from December last year, is to retain the facade of that building. The complex will, of course, have appropriate signposting for persons who work there and attend there, but I would not have felt personally (and it is only a personal view) that there was anything wrong with the law courts being next to an international hotel.

Mr. McRAE: Is it proposed to provide suitable security arrangements for judges moving from the main court complex to the Moore's building, and, if so, in what way?

The Hon. K. T. Griffin: It is proposed that there will be that security. There will be security for car parking, there will be security in respect to access, and there will be security within the building, because the current planning is directed towards separating the judiciary and their movements throughout the building from those members of the public. The intention so far as I am aware at this stage (and the planning committee has the principal involvement with the development of this project) is that, for example, there will not be much movement of judges between the old Supreme Court building and the new building. The judges will be allocated to a particular list, and if it is the civil list there will be chambers in Moore's

building which they will occupy during the course of that month's criminal list. Of course, there may be some casual and informal passing to and fro between the new building and the old building, but judges will be located in the new building for the period of their service on criminal listings. Adequate library facilities will be provided for the use of all members of the judiciary in that building, and they will have no need to move on a day-by-day basis between their principal chambers and the chambers which will be provided for them in the Moore's complex.

Mr. McRAE: It has been alleged in the Assembly that the Government is considering constructing tunnels under Gouger Street. Is that correct?

The Hon. K. T. Griffin: I understand that that is one of the possibilities which the planning committee and the architects are considering, but no decision has been made on that.

Mr. McRAE: Is it correct that consideration is being given to the construction of two tunnels under Gouger Street leading from the old complex to the new Moore's complex.

The Hon. K. T. Griffin: I am not aware of two.

Mr. McRAE: Can the Attorney inform the Committee of his long-range policy in relation to the rather derelict group of buildings which are structured around the old Supreme Court Hotel, and the wood and iron buildings behind that?

The Hon. K. T. Griffin: Currently, some consideration is being given to that site, but the Government has made no positive decisions about the use of the site and the way in which, as Mr. McRae suggests, those derelict buildings will be disposed of. Certainly the matter is being considered at the present time.

Mr. McRAE: Is the Attorney-General able to reassure the Committee that it is not his Government's policy to construct a remand centre in that area?

The Hon. K. T. Griffin: I am not able to give any assurance with respect to what will be on that site. I have indicated that a variety of matters have been considered in relation to the site, but no decisions have been made by the Government.

Mr. McRAE: The Attorney-General referred to library facilities for judges in the Moore's complex. Is this to be a further duplication of the Supreme Court library, or exactly what is envisaged?

The Hon. K. T. Griffin: I would not envisage an extensive duplication but there will need to be at least a basic library for various judges, as well as for the use of practitioners. At present, judges, in particular the Supreme Court judges, have a basic library. I cannot from memory recollect the extent of that, but they do have a library. I think the Local and District Criminal Court judges also have a basic library, but of course if the criminal courts are all functioning in the Moore's building there will be a need for something more extensive than the basic library, particularly related to criminal law matters. I really cannot pursue that question to give any greater detail than that. I think that as a matter of policy and as a matter of principle the judges who work in the Moore's building (and there will be a considerable number of them) ought to have an adequate library. Whilst it will not be as extensive as the Supreme Court library, it ought to provide ready access to the sorts of law needed in the civil jurisdiction of the local court and in the criminal jurisdiction.

Mr. McRAE: I think the Attorney-General would be aware that in Sydney there is a joint Federal-State court complex. I also believe a similar complex has been provided in Perth. Has the Attorney-General considered seeking from the Federal Government co-operation in a

Federal-State joint venture in relation to the construction of court premises?

The Hon. K. T. Griffin: Yes, there have already been some discussions with the Commonwealth in relation to sharing some facilities. At this stage the discussions are only preliminary, but the Commonwealth has indicated that it is favourably disposed to a sharing of at least some facilities.

Mr. McRAE: Does that mean that it would be envisaged that the Commonwealth and the State jointly would construct a building that would be used partly by the Commonwealth and partly by the State?

The Hon. K. T. Griffin: I cannot even take it that far. Everyone knows that there is a block of land on the corner of Wright Street and King William Street that is owned by the Commonwealth Government, and it has always been, at least within the profession, recognised as being for Federal court purposes. I have no indication of when the Commonwealth might build there but, in long-term planning, particularly in the light of the Moore's development, it was important for us as a Government at least to raise the long-term possibilities of sharing at least library facilities and perhaps other facilities. There is a lot of good sense in that. It does not presume that within the next two or three years, or any particular period, there will be a Federal court building on that site. It certainly is a matter being explored between the State and Federal Governments.

Mr. McRAE: Has the Attorney-General inspected the joint Federal-State court complex in Sydney?

The Hon. K. T. Griffin: No, I have not.

Mr. McRAE: Is the Attorney-General aware of the general layout of that complex?

The Hon. K. T. Griffin: Yes, I am; I have had information about it. Whilst I do not have to make any apologies, my usual practice is to get into an interstate capital on the last available flight and to get out on the first available flight.

Mr. McRAE: The point I wanted to make was that it did seem to me that a building of that nature in the long term could very well be of much greater advantage to the State and the criminal justice system than the Moore's complex which the Government has been proposing.

The Hon. K. T. Griffin: With respect, I do not agree with that, in the short term. There is a critical need for additional court accommodation, both additional court-rooms and facilities and centrally located facilities. The Moore's proposal provides the best available opportunity for that to occur within the next two or three years. I have no idea when the Commonwealth intends, if it does intend, to build a Federal court complex, but it is more in the medium to longer term than in the short term. I do not disagree that the sharing of court facilities with the Commonwealth is a good idea. I think it is commendable, and I have indicated that it is one of the things that we have been considering in a preliminary way in some initial discussions with the Commonwealth. I do not agree that the Moore's complex should be put to one side in the perhaps long-range hope that there might be some shared accommodation with the Commonwealth, because that will not meet the immediate need.

Mr. BANNON: Can the Attorney tell us who are members of the planning committee in relation to the Moore's court complex?

The Hon. K. T. Griffin: That was noted in Parliament at the beginning of this year. The Chief Justice is the Chairman and, until his recent retirement, the Director-General of the Law Department was the Chief Executive. He has now been replaced on that committee, because of his retirement, by the Crown Solicitor. The Master of the

court is a member, together with a representative of the senior judge of the Local and District Criminal Court, a representative from the Public Buildings Department, and representatives from the firm of private consultants who attend to share in the discussions of that planning team. There were also to have been representatives from the Superannuation Fund Investment Trust, but I understand that they have not been appointed. Input from the superannuation trust is at a different level but in conjunction with the Public Buildings Department. The Sheriff also attends, since he is vitally interested in the planning of these facilities.

Mr. BANNON: I take it that the Public Service representatives are able to address this Committee?

The CHAIRMAN: Yes. All questions must be directed to the Minister and the Minister has the right to answer himself or to invite one of his officers. I must point out to the Leader that all questions must be directed to the Minister.

The Hon. K. T. Griffin: Public servants do in fact have an opportunity. The Master is on the committee, a representative from the Public Buildings Department is there, and there has been input from a security planning team which comprises public servants. There has also been consultation with those persons and bodies who will use the Moore's complex, and that includes people such as the Sheriff, the reporting service and the Law Society. We are endeavouring to get the greatest possible involvement in planning the complex, so that we can accommodate all views, if possible.

Mr. BANNON: I think the Attorney misunderstood, although I thank him for his response. However, I was referring to this Committee, where it may well be easier to allow the Public Service representative who has the information to impart it, rather than going through intermediary channels.

The Hon. K. T. Griffin: I will answer questions, Mr. Chairman. If I cannot answer, I will take some advice.

Mr. BANNON: The Government set up a study group or working party to look at the overall development of Victoria Square in view of the decision to establish the court complex. What role and relationship did that have to the planning committee to which the Attorney has referred?

The Hon. K. T. Griffin: That is a committee that has responsibility to the Premier and I think any question with respect to that ought to be directed to him. The planning team is a team which has as its principal objective consideration of the courts and ancillary services requirements in the Moore's complex.

Mr. BANNON: So there is no direct relationship between the Premier's group and this group?

The Hon. K. T. Griffin: I am not aware of any, because I think the functions are quite different.

Mr. BANNON: Is it the Attorney's view that the deliberations of this planning committee will not affect the broader interests of the traders?

The Hon. K. T. Griffin: No. The planning team is responsible for looking at the facilities which should be available for the courts. If the consultative committee has any particular recommendations certainly, in the broader planning context of Moore's building, they will be taken into consideration.

Mr. BANNON: It was mentioned by the Premier, I think, that there would be in the Moore's building, a ground floor retail component facing the International Hotel to which my colleague has already adverted. Is that intention still proceeding and, if so, surely the broader traders' consultative group established by the Premier

should have some input into the planning committee in respect of that area of the Moore's complex?

The Hon. K. T. Griffin: With respect, I do not agree with the Leader. The planning team is concerned with looking at the facilities and needs of the courts with respect to planning the Moore's complex. The consultative committee, which is responsible to the Premier, reports to the Premier on a much broader area of interest. There is also within the Public Buildings Department a project team which has the overriding responsibility for the development of the Moore's site, and the question whether there should or should not be shops in the Moore's complex on the northern facade is ultimately a question for the Public Buildings Department in consultation with me but acting on and taking into consideration any recommendations of the consultative committee. The question whether or not there should be shops in some part of the northern facade is not something that has been ruled out but it is not something that is really within my area of responsibility.

Mr. BANNON: I put it to the Attorney that his committee, which is planning facilities, must know the area over which they are planning, the amount of space available to them, and the size and shape of the building. If part of it is to be used for shops, surely that is a very relevant consideration. Can he say what advice he gives his planning committee on that matter?

The Hon. K. T. Griffin: The planning committee is not an architecturally-based committee.

Mr. BANNON: I understand that.

The Hon. K. T. Griffin: The architectural and structural initiatives are the responsibility of the Minister of Public Works. The planning team is identifying the needs of the courts, the optimum areas, the best planning of judges' chambers, access to courts by judges, public and staff, and matters such as those. The question whether or not there will be any retail development on the ground floor northern facade of Moore's building is largely irrelevant to that consideration. It impinges upon the architectural work for which the Public Buildings Department has a responsibility. It will not impinge to any significant extent on the planning, if there is a decision that there should be some retail development, because that is only a very small part of the floor space that will be available in the building.

Mr. BANNON: Is the Attorney saying that he does not regard that retail shopping component as being incompatible with the court use of the complex?

The Hon. K. T. Griffin: I did not say that.

Mr. BANNON: Could he offer to the Committee an opinion on that?

The CHAIRMAN: It is entirely up to the Attorney.

The Hon. K. T. Griffin: There are conflicting views on the compatibility of some shops on the northern facade of that building. I really do not want to become embroiled in that type of debate when the consultative committee is still meeting, when it will undoubtedly be reporting to the Premier, and when there will be discussions between that Committee, the Premier, me, and the Public Buildings Department when some recommendation is made. I certainly do not wish to pre-empt whatever recommendations might come.

Mr. BANNON: Has the Attorney seen plans which have been drawn up by Hassell & Partners for the complex?

The Hon. K. T. Griffin: Yes, I have.

Mr. BANNON: Do they include two tunnels?

The Hon. K. T. Griffin: I have no recollection of two tunnels. I indicated earlier that one of the considerations was a tunnel. Whether it is one or two, I have no idea.

Mr. BANNON: Do they include a shopping complex or a shopping component?

The Hon. K. T. Griffin: I cannot remember. I have only briefly seen possible alternatives. I really think that type of question should be directed to the Minister of Public Works, because he has responsibility for the structural design.

The CHAIRMAN: I cannot permit discussion to continue on that line unless it refers directly to the responsibility of the Attorney. Those questions should have been raised with the Minister of Public Works, and those areas which come under the Premier can be raised with the Premier when he is before the Committee.

Mr. BANNON: I agree. I am only questioning the Attorney in relation to his responsibility, which is adequate provision of well provided courts so that the administration of justice can be adequately carried out. I think my questions have been devoted to that point and to that point alone. Is the Attorney-General in receipt of opinions from the judges in relation to the Moore's complex and its appropriateness for criminal courts in particular and, if so, what are those opinions?

The Hon. K. T. Griffin: Mr. Chairman, I hesitate to embark upon a discussion of what judges tell me as Attorney-General. I think that all I would be prepared to indicate would be that I have heard no opposition from anybody to the use of the Moore's building as a criminal court complex.

Mr. BANNON: Is the Attorney confident that the security of prisoners, or of the public against prisoners, will be maintained in the operation of this complex?

The Hon. K. T. Griffin: On the advice which I have, I am satisfied, yes.

Mr. BANNON: Has he ascertained the views of prison officers on this matter?

The Hon. K. T. Griffin: I have not done so personally, but I understand that the planning team, as part of the consultative process to which I have earlier referred, has sought opinions from a variety of people who will be involved, and prison officers have been consulted.

Mr. BANNON: Could he advise what their views are?

The Hon. K. T. Griffin: I am sorry. I am referring to the Department of Correctional Services, which of course is the relevant body. I do not know the response. I have not been intimately involved with that discussion. As I say, this is part of the responsibility of the planning team to gain responses and to take them into account in working up final propositions for the court complex, including matters of security.

Mr. BANNON: Will the Attorney say whether this project, which is fairly expensive and problematical, will provide all of the necessary space?

The Hon. K. T. Griffin: I am informed that it will.

Mr. BANNON: Presumably, all criminal courts can be accommodated there.

The Hon. K. T. Griffin: All of the district criminal courts and the Supreme Court will be accommodated in that building. That is the basis of the plan. As I indicated, the core courts that will go into that building are the local courts, civil jurisdiction, the district criminal courts and the Supreme Court criminal jurisdiction.

The Hon. PETER DUNCAN: I refer to some of the aspects of the proposed Moore's building development that relate to—

The CHAIRMAN: I point out to the honourable member that there is to be no repetition; I hope that his question will not relate to matters that have already been covered.

The Hon. PETER DUNCAN: My questions will not be repetitive, except as they relate to the answers given by the Attorney. I was interested to note the Attorney's expressed concern for long-term planning in relation to the

Commonwealth. Members will know that the history of Liberal Governments in providing court accommodation in this State has been of the most slipshod nature. One has only to think of the appalling decision—

The Hon. K. T. Griffin: The previous Government did not do much better.

The CHAIRMAN: That matter should not be canvassed at length. I ask the honourable member to return to his question.

The Hon. PETER DUNCAN: With respect, Mr. Chairman, I ask how that is out of order? Surely I am entitled to canvass the building programme that has led to the current situation, which, I suggest, supports the comment I have just made.

The CHAIRMAN: The honourable member may continue; I will listen carefully to what he says.

The Hon. PETER DUNCAN: I was about to refer to the fact that the Playford Government was responsible for the appalling decision to build the Supreme Court library building, so-called. Commonwealth Liberal Governments have been responsible, over a number of years, for vacillation about what they intend to do with the site on the corner of King William Street and Wright Street. On numerous occasions, approaches have been made to the Commonwealth seeking to have it either sell that building to the State or, alternatively, advise of proposed development plans.

As the Minister will know, a quite elaborate plan for a new Supreme Court building was developed under a committee chaired by the then Mr. Justice Bright; that was subsequently cut down by the Public Buildings Department to a level that, it was felt, was within the State's financial resources at that time. Subsequently, we now have this proposal for Moore's building which, in the view of many people (and I am surprised to hear the Minister say that he has not heard any expressed opposition to the proposal), is an absolute disaster in terms of long-term planning.

The situation as it is now developing indicates that we will end up with a higgledy-piggledy complex of court buildings spread from Wright Street virtually to North Terrace. That is an unsatisfactory situation, and I believe that the Moore's building alternative, while in the short term it may be a temporary expediency that will ensure that more courtrooms are provided, will, in the long term, emerge as a planning disaster. I ask the Attorney what detailed consideration was given to the needs for courts before the decision was made in regard to the Moore's building.

The Hon. K. T. Griffin: It has not been until recently that there have been sufficient Federal courts in Adelaide (the Family Court and the Federal court) to warrant a decision being made by the Commonwealth to erect, at taxpayers' cost, a substantial building on the corner of Wright Street and King William Street. If Mr. Duncan reflected, he would realise that it was his Government that made appalling decisions to build various courts spread over the square mile of Adelaide, such as the Sturt Street court, the Grenfell Street court, the Wright Street court, and industrial courts in the I.M.F.C. building. If one is considering records, one must also consider the hotch-potch development that was encouraged by the previous Government.

Regarding the western courts building, the occasion should not be allowed to pass without my saying that it was the previous Government that took the decision not to proceed with that very expensive exercise and, in fact, I indicated publicly at the end of last year when we were debating the question of Moore's building that the estimate of costs, from memory, for the western courts

complex was about \$30 000 000, which could not be justified in terms of State finances. We must remember that the previous Government had in mind that it would acquire Moore's building and, in fact, it had well-advanced plans to execute a contract for its purchase at the time of the last election.

Mr. BANNON: Fair go!

The CHAIRMAN: Order! The Attorney is answering a question. The Leader will have an opportunity to reply or comment when the Attorney has completed his answer.

The Hon. K. T. Griffin: The Government, at the time it made the decision to acquire Moore's building, recognised that there was a hotch-potch development of courts around the square mile of Adelaide and that there was a very real pressure on the Local and District Criminal Court and on the Supreme Court for facilities, which were urgently required, and, rather than continue with the *ad hoc* court development that had previously been undertaken, we took the decision, on advice received, that Moore's building would provide a valuable site that could be developed to meet the needs of the courts for years ahead. It was on that basis that the decision was taken and, in the planning since then, indications have been that the decision was correct.

The Hon. PETER DUNCAN: From whom was the advice received?

The Hon. K. T. Griffin: I am not prepared to indicate from whom I receive advice; I am prepared to indicate that a variety of people were involved in that decision.

The Hon. PETER DUNCAN: I believe that we in this State will live to rue the day that this decision was made, and I am certainly not alone in branding the decision as a disaster. The Attorney has given no indication of how many courts he expects—

The Hon. K. T. Griffin: You have not asked me.

The Hon. PETER DUNCAN: I will come to that. The Attorney has not indicated how many courts he proposes to set up in this building, notwithstanding the fact that the member for Playford asked him specifically what courts would be accommodated there. I understand that a number of the Supreme Court judges are very unhappy about the situation but they, of course, have no alternative but to go along with the decision. Many members of the Local and District Criminal Court are also unhappy about the decision; in fact, I believe that most members of the judiciary in that court are opposed to this proposal.

Prison officers have also expressed opposition to the use of Moore's building, because they believe that it will be virtually impossible to convert an old building of that sort to courts with adequate security. In fact, one prison officer stated, in relation to the siting of the building next to the proposed international hotel, "Good gracious, people will come from the hotel and will not know whether to get into a Black Maria or a black cab." I think that that is the sort of problem which will emerge if this proposal is proceeded with.

How many courts does the Attorney-General envisage will be established in this building, and what guarantees can he give that security will be adequate to ensure that there will be no danger of prisoners being brought to and taken from court getting at large and being a menace to the public?

The Hon. K. T. Griffin: If any of the judges (whether Supreme Court or intermediate court judges) or prison officers are unhappy with the proposals, they have had ample opportunity to make those views known. Representatives of the Supreme Court judges and the Local Court judges are on the committee. The advice which I have received indicates that they are not unhappy with the proposals; in fact, to the contrary—they are

enthusiastic about the prospects in Moore's building. So, I say to the honourable member that, whilst he may make his own assessment of this matter, the fact is that none of that concern, on the advice which I have received, has been communicated to the planning team, or even to me, and that, if people are concerned about it, they ought to make their thoughts known promptly. They have no excuse for not having done that, because they have been aware that a planning team has been in operation for a good part of this year.

Regarding security, there is a courts planning security group, which has been working on security within the courts, not just Moore's complex, but particularly in relation to Moore's complex. The team's recommendations are being implemented by the people who will be responsible for the structural and architectural work. Certainly, security there will be much better than it has been before, when the previous Government did nothing to improve the quality of security in the courts system. Regarding the number of courtrooms (I am now speaking from memory), my recollection is that there are some 10 criminal courtrooms and at least 17 civil courtrooms. There may be other courtrooms, but I would be prepared to inquire from my officers about that detail and let the Committee have an answer. A substantial number of additional courtrooms is being made available in the complex. One must not lose sight of the fact that there will be tremendous advantages in having courts centralised, from the public's point of view, from the Judiciary's point of view, from the court staffing point of view, and from the point of view of the reporting service, the Sheriff, the jurors, the prison officers, and the prisoners. Instead of wasting considerable time, and not knowing where people are going around the square mile of Adelaide, there will be a central location within reach of every member of the community.

The Hon. PETER DUNCAN: Has the Attorney-General received any representations from any of the judges in relation to the original decision to use Moore's building and not to proceed with any variation of the western courts building?

The Hon. K. T. Griffin: No. The only approaches I have had have been favourably disposed towards the decision that we took.

The Hon. PETER DUNCAN: Have any judges made representations in relation to the position in which they will find themselves whereby they will be required to leave their own chambers and take up residence in a common chambers attached to a court for the duration of a trial or hearing?

The Hon. K. T. Griffin: I am not sure what the honourable member means by "common chambers". They will be not shared chambers but individual chambers set aside for a particular judge serving a particular court. I am not aware of any representations. It may be that judges, through their representatives, have made some comment to the planning team, but I am not aware of it.

The Hon. PETER DUNCAN: Has the Government now dropped the plan to establish courts in the new State Government Insurance Commission building?

The Hon. K. T. Griffin: The previous Government, as I understand it, had some plans for courts in that building; certainly, we have no intention of proceeding with that. The facility in that building, if it had been proceeded with, would have meant courts below standard and not suitable for the task.

The Hon. PETER DUNCAN: Still on the matter of court accommodation, has the Attorney considered making greater use of the circuit courts at Mount Gambier and Port Augusta than is made at present? As he is aware,

particularly in relation to civil matters, many matters that could be held at Port Augusta or Mount Gambier are held in Adelaide. Clearly, if greater use were made of the Supreme Courts in the country, there would be some reduction in the demand for court accommodation in Adelaide.

The Hon. K. T. Griffin: It is really up to the litigants themselves to take the decision whether or not they want a matter listed in a circuit list. I really have no control over that matter, and I do not think that the Master really has any control, except by representation to the counsel for the litigants. Whatever cases are listed, both criminal and civil, at circuits are dealt with in the circuit courts. Ordinarily, the Commissioners who conduct those circuit courts stay until the list has been completed. I think that they have sat for up to four weeks; on rare occasions, a circuit has gone for some five or six weeks. The Commissioners are available for such periods as are necessary to complete the list in the circuit courts.

I certainly have not considered widening the range of matters that can be heard at circuit courts in the Supreme Court area. If the honourable member has any particular and specific proposals, I am certainly prepared to listen to them. On the material I have at present, it does not appear that it is necessary to consider the widening of the range of matters heard at those circuit courts.

The Hon. PETER DUNCAN: I would be pleased if the Attorney-General would have a look at that matter, because my understanding is that, not infrequently, plaintiffs and defendants (and I am talking particularly about civil matters) who would prefer to have their matters dealt with in the circuit courts are forced to come to Adelaide, because the parties or the other party prefers to have the matter dealt with in Adelaide. The reason, more often than not, why one of the parties prefers to have the matter dealt with in Adelaide is that the bulk of the bar is located in Adelaide. The convenience of the parties ought to be the primary concern in such matters. I ask the Attorney to have a look at the possibility of, for example, setting up a geographical jurisdiction line that requires such matters, except possibly with special leave, to be dealt with in the circuit courts.

The Hon. K. T. Griffin: There is power in the Supreme Court Rules for a party who wants to change the venue to apply by summons, returnable before the Master, and, if the parties or the party making the application can satisfy the Master that there is merit in the proposal, the Master has jurisdiction to order a change of venue. It is up to the litigants, not up to the court, to take that decision. If one party sets it down for Adelaide, and the other party would prefer to have it heard in the circuit list, that party has the remedy in his or her own hands by applying to the Master for a change of venue. If it is justified, the Master will exercise his discretion.

The Hon. PETER DUNCAN: In relation to the matter of commissioners on circuit, I have been quite surprised by the Attorney's policy on this matter, because I recall that he was opposed to the use of practitioners and others as magistrates. There seems to be a complete contradiction in his attitude of appointing silks or other members of the bar to accept commissioners to go on circuit, as compared with his attitude to allowing persons who are legal practitioners and who are special magistrates to sit in the Magistrates Court.

The Hon. K. T. Griffin: There is no inconsistency. My attitude with respect to commissioners in the Supreme Court is that appointments are from the bar, the separate bar, and, if one understands the nature of the responsibilities of the bar, they include being officers of the court, but, more particularly, they do not have any

continuing tie with clients. They accept briefs, deal with them and return; they are really on call. They are in a different category from the part-time magistrates that the previous Government was considering.

The previous Government had a proposal and, in fact, called applications from practitioners who might serve as part-time magistrates. They were practitioners who were not from the bar, but, generally speaking, they were from firms, and they had a continuing responsibility for solicitors' as well as barristers' matters. The problem with part-time magistrates is that they would be called on for, say, two or three days a week or a week at a time to deal with matters and in courts in which they more frequently appeared, and where they were more likely to have conflicts.

It was a somewhat unsatisfactory proposition because, from the listing requirements of the Magistrates Courts, there was no certainty in the arrangements and attendance of these part-time magistrates. So, the decision which I took was that it was inappropriate for practitioners who probably more frequently appeared before the Magistrates Court and were more likely, because of their relationship to firms of solicitors, to be in situations of conflict, to be part-time magistrates. I have used retired magistrates in particular, on a part-time basis, and those magistrates demonstrate an expertise which should not be lost to the administration of justice.

The Hon. PETER DUNCAN: The Attorney has struggled valiantly to try to distinguish the two cases, but he has failed. One has only to consider the position of Mr. Mullighan, whom he has appointed to go on circuit. As well as being a Q.C., Mr. Mullighan could hardly be considered a member of the independent bar, given that he is in private practice in partnership with a Mr. Jordan.

The Hon. K. T. Griffin: He practises solely as a barrister.

The Hon. PETER DUNCAN: Nevertheless, he is in partnership, and therefore has clients, and in any situation must be seen as being in practice as a solicitor, as well as a barrister. He has the obligation of having a trust account and all the rest of the obligations that go with being a solicitor. It is fallacious for the Attorney to try to justify it on that basis. Mr. Mullighan is a person, as are the rest of the members of the bar, who is virtually all day every day in court, and therefore is in a position where decisions made on circuit could quite easily be under challenge by other judges before whom he appears from time to time.

On the other hand, as I understand the proposition in relation to magistrates, it was intended to appoint some persons who would not be put in a position of conflict. I can think of a couple of instances where there clearly would not be the conflict that so obviously exists in relation to the circuit commissioners. The appointment of Mr. Gordon, for example, as a special magistrate, is a case in point. To my knowledge, he rarely appears in court, except possibly as a witness from time to time. Mr. Elliott Mills is another case in point. I doubt whether he has appeared in the Magistrates Court in a long time as a solicitor or counsel. These sorts of person, I would have thought, were quite ideal for the sort of proposal that was put forward.

The main point of my argument is that there is this impossible contradiction in the Attorney's argument, and I think the precedent of appointing barristers to undertake commissions is quite an unfortunate one, and it is one which I personally am sorry to see created in this State. I think the previous practice of appointing acting judges from amongst the Judiciary of the Local and District Criminal Court was far preferable and should have

continued, if the independence of the bar and the Judiciary was to be thoroughly protected.

The Hon. K. T. Griffin: The judges of the Supreme Court, under the Supreme Court Act, must approve a person to whom a commission is to be granted, so the judges themselves have an opportunity to say that this practice should not be followed. On each occasion it would not have been proper for me to have proceeded with the appointments unless I had the approval of the judges of the Supreme Court.

The honourable member is not aware that Mr. Mills has been used on a number of occasions, in the Coroner's Court in particular, and as a magistrate. I wonder what the reference to Mr. Gordon was intended to mean—that as Director-General of the Law Department and a senior public servant he would have been available to sit in court as a magistrate. If that were the case, I would see it as a very serious matter that would raise very grave questions of conflict between the responsibilities of the magistrate and the Crown, represented through the police prosecutors or by the Crown Law Department, for which Mr. Gordon had responsibility. The fact that he has now retired is a different matter, but 12 months ago, when the present Opposition was considering the appointment of part-time magistrates, Mr. Gordon was a senior public servant.

The honourable member has not referred to any other persons. Certainly in the notice calling for applications there was no indication that any conflict of interest should or would be avoided, and it was obvious to me, from the number of applications and the persons who applied, that there was more likely to be conflict of interest.

The other point in relation to Mr. Mullighan is that, on taking silk, he undoubtedly would have been required to give an undertaking that he would practise only as counsel, and I think all of the silks in Adelaide give that undertaking. Now there is the additional requirement that anyone who applies for silk must give an undertaking that he or she will relinquish any partnership interest.

The CHAIRMAN: I draw to the attention of the Committee that we are dealing with the Supreme Court, and I think we are probably getting a little away from that vote. I ask members to conclude their questioning on the Supreme Court, because they will have an opportunity, under the Law Department, to raise the matters they are presently raising. I do not want to be unduly restrictive.

The Hon. PETER DUNCAN: The question of the appointment of commissioners is clearly a matter under the Supreme Court Department, as I am sure the Attorney would agree. In relation to Mr. Mullighan, the Attorney is getting himself deeper and deeper into hot water with the way he is carrying on. Mr. Mullighan, on my information, has given no such undertaking. He is well known as being strongly opposed to a separate bar.

Indeed, he obviously must give an undertaking to the Master when the trust account records are put in each year. Quite clearly, he is in practice as a solicitor, and I think the Attorney has just led himself up the garden path and that it would be better to drop this ridiculous justification that he is trying to put before us before it gets him into any more strife.

Finally, I want to raise a question which was raised earlier by the member for Playford in relation to the question of tipstaff. Many people in the community believe that the ancient fashion of the judges in the Supreme Court, in effect, having manservants, is rather quaint and antiquated in this day and age. While I was Attorney, I spent a considerable time gently trying to convince the judges that it was about time that they gave up this practice in favour of a more efficient method of

providing services to themselves, namely, by appointing research officers. No doubt the Master would be able to give a very valiant defence of the institution of tipstaves, as my friend and colleague, the member for Mitcham, refers to them from time to time. However, when one strips the matter down to the bare bones, they are nothing more than manservants; they carry books from the library to the judges' chambers; some of them make a pot of tea at the appropriate hour in the morning; others have been known to make the necessary arrangements to have the judges' dry-cleaning done, to look after the judges' robes and gowns, to do the shopping for the judges, and to assist the judges in robing and disrobing (which raises some interesting matters in relation to Her Honor). I have no doubt that Justice Mitchell manages quite well to robe and disrobe without the assistance of her male tipstaff, so that is hardly a justification that can be used by the rest of the judges.

The situation would be quite laughable if it were not so serious, in that there is a large amount of State funds involved in this matter, and I am disappointed to see that the Attorney has apparently changed the policy which I had implemented and which was designed eventually to phase out tipstaves. We did not want to be too brutal and unkind to the staff who have given such loyal service over many years in most instances, and accordingly proposals had been suggested to phase out tipstaves over a number of years. It seems from his comments earlier that the Attorney has gone back on that proposal and that the judges will continue to have this quaint antiquity dating from about the seventeenth century continuing for some years yet.

This Government was elected on a policy of financial management, tight budgetary controls and the like, and I would have thought that the opportunity to save 13 positions would have been taken up with some enthusiasm by this Government. Let me remind the Committee that the daily tasks of the judges of the Local and District Criminal Court (who by and large have the same duties to perform as the Supreme Court judges, although they do not sit in appeal courts) are in physical terms very similar to those of the Supreme Court judges. Yet, these judges do not have tipstaves and do without a manservant. I might say that they did put in a bid for them at one stage; they felt that their status was somewhat lacking because of the fact that they did not have such servants. Nevertheless, Mr. Justice King, as he then was, and later, myself, held out against this pressure and, as I say, the Local and District Criminal Court judges manage quite well without tipstaves. As I have said, I think it is about time that they were phased out; we started to do that, but it appears that the Attorney, no doubt under pressure, has gone back on this arrangement, and I would be most interested to hear what his policy is in relation to this matter, and what the Government's attitude is to these 13 employees who, in my view, are relatively superfluous in the modern age.

The Hon. K. T. Griffin: If I am being led up the garden path in respect of Mr. Mullighan, it is a preferred garden path to that which, undoubtedly, the member for Elizabeth would have wanted to follow. Of course, I do not accept that I am being led up that garden path. I believe it is a path which is reasonable and which can be justified, and whatever the honourable member seeks to criticise, he has to stand or fall on that criticism.

I think the question of tipstaves demonstrates a lack of understanding of the position, and in fact introduces a measure of hypocrisy. The member for Elizabeth might remember back to the time when he was a Minister himself when, I think from memory, he had some four Ministerial officers, plus research staff in his own office, and he had

that staff to assist him in performing his public functions. Of course, there is a very strong argument that judges of the Supreme Court who exercise a very wide jurisdiction, including appellate jurisdiction, and who interpret the law which affects all South Australians, ought at least to have reasonable facilities and reasonable staff available to enable them to discharge their function responsibly.

The former Government did have a policy of reducing the number of staff available to the judges but, on the information that I have, there was no suggestion that the staff numbers should remain at three per judge, and that one of them should be a research officer. In fact, to the contrary, the move was to remove a tipstaff so that there were then only two staff available to each judge. The compromise that the former Government reached was that those judges who then had a tipstaff, which gave them three members of staff (a secretary, a tipstaff, and an associate), could retain them, but that all new appointments would be entitled only to a secretary and an associate. That decision was not at all kindly received by any of the judges of the Supreme Court, contrary to the view which the member for Elizabeth has expressed about at least some judges supporting that decision.

The present position is that those judges who presently have tipstaves will keep them, and that there is a pool of other tipstaves who are available for the remaining judges. In all, there are 11 tipstaves, five in the pool and six attached specifically to particular judges, plus one senior tipstaff. From my involvement with the courts in private practice alone, I take the view that there is a need for judicial officers, who are exercising a very responsible function, to have adequate staff available to them. The honourable member is only seeking to throw some scatter shot and attempting to make some allegation that this would be an ideal way of cutting back on staffing. The Government's policy with respect to staff cuts is that they are made if they are necessary. However, I do not believe that staff of judges of the Supreme Court ought to be cut back below the present arrangement for the provision of services and facilities to those judges.

I do not intend to withdraw from the policy which I am currently implementing, and that is that tipstaves from a pool situation will be available to sit in court with the judges, to undertake particular functions within the courts, in addition to the responsibilities, which are separate and distinct, for associates and judges' secretaries. I think that it is nonsense to try to make some criticism of my policies and the Government's policies when so many of the former Attorney's policies were quite unrealistic and unreasonable.

Mr. McRAE: My Leader is currently consulting with the member for Mitcham. As I understand it, the Master of the Supreme Court is required this afternoon for court duties. It may well be that, if I can do it, I could move an extension of this sitting of the Committee until 1 p.m. and adjust the rest of the day's sittings accordingly.

The CHAIRMAN: This is a difficult situation; according to Sessional Orders, we do not have that authority. The Sessional Orders provide:

An Estimates Committee shall meet for the despatch of business on Tuesdays, Wednesdays and Thursdays at 11.00 a.m. and shall adjourn by 10.00 p.m. on Tuesdays and Wednesdays and 5.30 p.m. on Thursdays. If a Committee is sitting at 12.30 p.m. or 6.00 p.m. the sitting shall be suspended for one hour and a half.

Mr. McRAE: With respect, I think the Committee must have control of its own destiny, in relation to suspension anyway. In fact, I think that did occur yesterday, because sittings were suspended to enable coffee breaks.

The CHAIRMAN: I have to rule that question as being a

different matter, because at a that period there was a changeover of Ministerial advisers. In my view, the Committee has no authority to continue its sittings, and the Committee should resume at 2 p.m.

Mr. BECKER: On a point of order, Mr. Chairman. Would it be appropriate to move a suspension of Sessional Orders until 12.45 p.m.? If so, I will so move.

The CHAIRMAN: The Committee cannot suspend Sessional Orders made by the House. I have to declare that the Committee is not in session. Sessional Orders are quite clear. This is not a decision that I take lightly.

[Sitting suspended from 12.32 to 2 p.m.]

The CHAIRMAN: Are there any further questions?

Mr. BANNON: I move:

That in the opinion of this Committee the Attorney-General stands condemned for failing to provide adequate and accurate information and for treating this Committee with contempt, and accordingly the Committee censures him.

The CHAIRMAN: Does the honourable member wish to speak to his motion?

Mr. BANNON: Yes, Mr. Chairman. Unfortunately, we do not have the *Hansard* record available to us at this stage, so I am unable to identify precisely the questions and answers provided by the Attorney-General this morning on the matter around which this motion is being moved, but I think the memory of his answers will be fairly clear in the minds of members of the Committee. These relate to a series of questions we were asking him about the proposed development of Moore's retail store for court accommodation. The Committee is well aware that this is a matter of considerable concern, at least to members on this side of the House, and, I suspect, to the more informed members on the other side, in particular the member for Hanson, who has probably examined it, and has been in touch with the retailers and others involved.

The questions, of course, related to the Attorney-General's administration of the courts and the provisions for which he is responsible, the adequate provisions for judges and others, and therefore quite properly they come within his purview and within his knowledge. In addition, the Attorney-General was accompanied by his officers, as is appropriate in this Committee. He chose not to ask them to provide information to the Committee. He preferred on one or two occasions simply to have a whispered aside conversation with them and then reinterpret whatever they said to him in his own way to put before the Committee. Again, we recognise that that is the Attorney-General's prerogative, but he cannot claim that he had no knowledge of these matters or that he was unable to establish knowledge of these matters, because he had appropriate officers with him who were intimately involved in the development of Moore's complex.

The Committee rose for the luncheon adjournment, and my attention was drawn to a copy of today's *Adelaide News* in which the headline read "Remand centre proposed on city block—Tunnel link to law courts". Then there was an extended article describing these proposals and a diagram attached, with considerable detail of the redevelopment of the central courts and law complex in Victoria Square.

Mr. McRAE: Which were part of the questions and answers this morning.

Mr. BANNON: All of these matters, as my colleague the member for Playford says, were the subject of questioning of the Attorney-General by this Committee. All of them should have been within his knowledge, because one would hope that as the chief law officer in the Government

he would have been actively involved in the development and analysis of these proposals; as a member of Cabinet he certainly should have been. In any case, even if he personally had no knowledge, one would have thought he could have called upon the knowledge of those who were involved in the planning committee to which he referred.

This Committee was treated this morning to considerable evasion by the Attorney-General. For instance, when asked specifically about the plans, drawn we understood by Hassell and Partners, the Attorney-General conceded that he had indeed seen the plans, but he was very vague indeed about what they contained. He could not answer any specific questions about them. He said they were apparently plans he had simply viewed hurriedly one day and the details of them had gone from his memory. He did not respond to those questions by asking the appropriate officer whether he would like to advise the Committee on the details of the plan which were in his knowledge. He simply in effect refused to answer the questions before the Committee.

Constantly throughout that questioning we asked him specifically about the remand centre, on the nature and type of courts that would be going in to Moore's retail centre, on whether or not shops would be provided, on whether or not there would be tunnels, on questions of security, and on questions of judges' chambers and their facilities, and on all of them the Attorney was totally unforthcoming. If this Committee procedure is to have any value at all to members of Parliament, and in the spirit of what the Premier said when introducing it, we must expect those who appear before the Committee to be full and frank in their answers, and the Attorney patently has not.

The article referred to details proposals for the redevelopment of the entire block comprising a new remand centre. It proposes certain specific options in terms of the timescale of development, but it makes it quite clear that, whatever timescale operates, here is a plan that the Government has under active consideration, and the Attorney-General, in his contempt for this Committee, chose to pretend that he did not know anything about it, and on more specific questions that he could not respond to them.

Detailed on that plan, which was prepared, as we suggested, by Hassell Planning Consultants for the Public Buildings Department, is shown, for instance, in relation to the Moore's centre, that there will be retailing. It is detailed on the plan on that northern facade. Recorded as being in the Moore's centre are local and district courts, appeals tribunals, administration, and the Sheriff's Office. We understood that the purpose of the Moore's building was to be criminal courts. There is no reference to that in that plan. We were not told of the possible administration offices being housed in that building, but it is shown on this plan.

We find the caption reading "The dotted lines go to underground tunnel in long-term option No. 2". This underground tunnel goes from the remand centre which is proposed, right through, presumably underneath the complex into Moore's building. Why one would need it from the remand centre when there are no criminal courts one is not too sure. Perhaps it is a mistake on the diagram. We asked about shared Federal and State facilities. We note in one corner we have "shared Federal and State library", and "Supreme Court administration probate office" recorded.

Obviously, there are detailed development plans which the Attorney simply chose not to take this Committee into his confidence over, not to refer to, and in fact left us completely in the dark. So we, as members of Parliament, leave this Committee after a morning's questioning of the

Attorney-General to read in our daily newspaper a release from the Government in which it has answered or confirmed many of the questions which we were asking and which the Attorney-General chose not to have any truck with.

We had this same situation yesterday when, in this same Committee, the Minister of Industrial Affairs simply sat there and made political policy speeches. He refused to allow his public servants to address the Committee. He refused even to consult them on information that they could provide. So, that was a complete dead loss.

This went on in the adjoining Committee, with the Deputy Premier behaving in almost exactly the same way. It is true that he allowed his officers on occasions to address the Committee and to provide information, and that was indeed useful, but when it came to the crunch, when it came to important matters that were being taken up, he did not allow the Committee to question or debate a motion but simply spoke in order to ensure that nobody else would have the opportunity to make a contribution.

The CHAIRMAN: I have to remind the honourable Leader that currently we are discussing the Attorney-General's responsibility, and I do not really think that it is the concern of this Committee how another Committee carries out its functions. Therefore, I ask him to refer entirely to the motion he has moved, and not to discuss what has taken place before another Committee.

Mr. BANNON: I am speaking of the contempt in which this Committee has been held by the Minister who is, supposedly, coming before us to provide information, the total contempt with which we have been treated, and the way in which the Attorney-General has not permitted his officers or advisers to present their information to the Committee in the way that was envisaged.

I remind the Committee of the promises made by the Premier. One of the Committee members who deputises in the Chair is not following this debate, and I believe that it is important that he do so, because, if that is the attitude of those on the other side, and if those Ministers who come before the Committee continue to treat the procedure as a farce, I suggest that we go back immediately to the old system, the full Committee of the House, and deal with these matters in the way that we all know and understand.

The CHAIRMAN: Order! We are not dealing with Sessional Orders. I am seeking advice in relation to certain matters, and the Leader should not refer to the member of the Committee from whom I am receiving certain information. I ask the Leader to continue.

Mr. BANNON: I suggest that you could request those officials who are available to give advice to the Committee to give you advice, because I believe that the Committee member's attention should be concentrated on my remarks. Certain promises were made by the Premier in regard to this process; it was said that we would be able to obtain information and to question in detail, and it was also said that the Minister would not be able to resort to the ploy of saying that he did not know a certain thing, because his officers, who would be present, would know the answers and would be able to speak before the Committee. Yet, after about an hour or so of detailed questioning this morning, which led us very little along the path, during which time the Attorney affected not to know about certain things or not to be able to provide specific answers, we read in our daily newspaper far more frankly about far more detailed proposals that have been broadcast to the public and to which we in this Parliament have not been privy. That is a scandalous situation.

I notice that the member for Todd has left; when I began speaking, he started to scoff, and I suggested that, if he took his responsibilities seriously, he would listen to

what I was saying and then decide whether my comments were to be scoffed at. The honourable member has chosen not to listen and to leave the Committee. He has gone from consideration. I suggest to the member for Hanson, whom I know is concerned about public expenditure, about whether Government policy is working effectively, and about the major issue of court accommodation, that what I am saying is valid and, in fact, in dealing with the sort of matter for which this Committee was set up to deal in depth, we have been treated with absolute contempt. The upshot is either to say that we may as well pack up our books, go home and forget about it (as we were forced to do last night in Estimates Committee B) or the Government must have a change of attitude. The Premier's comments in regard to these Committees and their purpose should be considered and matters should be dealt with fully and frankly.

Members opposite could not get away with this kind of thing in a court of law; they would be under strict rules concerning perjury and the giving of frank information, and they would be on oath. I would not have thought that there was a need for a Minister of the Crown to be on oath, because he knows the procedure and his obligations. Why is the Minister not fulfilling his obligations? As I have said, this is the pattern that we have seen over the past day or so. This exercise has been a farce in terms of provision of information to members of the Parliament, and the sooner we are done with it, the better, unless there is a major change of attitude, and that is what this motion seeks to express.

Mr. McRAE: I second the motion. This morning I questioned the Attorney-General in the general area of information because, as all members will recall, I have referred to this matter on many occasions in the House of Assembly and I have expressed my concern at what I thought was a crazy option adopted by the Government. We spent two-thirds of the time this morning on this matter. Members will recall that I asked a question as to whether certain tunnels were proposed; originally, the Minister thought that there might be one, there might be two, but he was not terribly certain. Questions were asked about the stage that planning had reached, and the Minister said that he might have seen a plan drawn up by Hassell & Partners; in fact, I believe that he said he had seen a plan drawn up by Hassell & Partners, but he was not too sure of the detail.

The article in the *News* exposes an absolute disgrace, because it is impossible in the Westminster system of Government for the Attorney to say that he is unaware of a major proposal of this kind that must have gone through Cabinet.

I do not think that any member of the Committee could deny that these proposals set out in the *News* must have gone through Cabinet. If they did not go through Cabinet, that is an indictment of the Government and the way in which it is conducting itself. Assuming that it did not go through Cabinet, the Attorney-General, as the principal law officer of the State, must have been aware of the various options.

He could simply have said, "Look, the situation is this; I understand what you are talking about," because he knows the court complex debate as well as I do. He knows the disgraceful state of the buildings in the court area, in addition to the risks that appertain. He could have said, "There are a number of things which are under consideration, and we are not certain at the moment as to what we are going to choose. However, in the policy of free and frank and open discussion, I will outline to you the various options that are available." If he had done that, this Committee would have been completely

satisfied—perhaps not with the options, but at least with the frankness of the Attorney. However, he did not do that. He dodged, avoided and evaded questions the whole morning. Well may he grin, but it is disgraceful that the principal law officer of the State is dodging and avoiding questions in the same way in which I have seen witnesses do it in a law court. My Leader was correct in referring to a law court. This is a law court: the high court of Parliament; there is no higher court. It may have to be investigated whether the Attorney, in coming into the House of Assembly, is in breach of the privileges of this Parliament, under the Constitution Act.

The Hon. K. T. Griffin: I'll withdraw, if you like.

Mr. McRAE: That is entirely up to the Attorney. As my Leader has said, if the Government is going to treat us with such contempt, let the Attorney withdraw. I take up his challenge and say, "Go, unless you are going to be frank." I hope that this motion will be a salutary lesson to every Government Minister who appears before the Committee. The members of the Australian Labor Party are not going to be treated with such contempt. We are not going to have Ministers avoiding, evading and dodging questions all the morning, when simple and frank answers could have been given, and other Ministers trying to evade what could have been unfavourable publicity by slipping out news releases. This is one of the most disgusting, disgraceful and worst unparliamentary exhibitions I have ever seen in this place, and I have seen some bad ones. I hope that members opposite will consider this motion seriously. I can see, by the expressions that some of them have adopted, that they realise its seriousness, and I am glad about that. I know that, under their very own strict Party rules (they used not to have these, but they have a Caucus now), they will be caught with the number system. They even link both Houses together now.

The CHAIRMAN: Order! The honourable member will refer to the matter before the Committee.

Mr. McRAE: I will immediately come back to order. I believe that I have adequately seconded the motion which, I believe, is self-explanatory and which should have the support of every member of the Committee.

The CHAIRMAN: Does the Minister wish to reply?

The Hon. K. T. Griffin: I do, but I am not sure of what is the procedure. I am happy to reply, and I am prepared to do that now, or give the other side of the Committee an opportunity to speak to the motion.

The CHAIRMAN: The member for Norwood may speak, if he wishes. I intend to invite the Attorney to speak, when he wishes to do so, as I will invite members on my right to speak. Does the member for Norwood wish to speak at this juncture?

Mr. CRAFTER: No, I will speak later.

The CHAIRMAN: The matter must be brought to a conclusion.

Mr. BECKER: I oppose the motion. I think Opposition members have used the Estimates Committee to waste the time of the Parliament. It is a disgrace and a discredit to them that they have sought, time after time, to move motions in the various committees.

Mr. BANNON: On a point of order, Mr. Chairman; the member for Hanson is now reflecting on members on this side in an unparliamentary way and is ignoring Sessional Orders, especially No. 4, which provides that the report of the Committee may contain a resolution or an expression of opinion of the Committee. It is a quite proper procedure for the Opposition to move such a motion, and any reflection on members on this side by the member for Hanson I believe to be out of order.

The CHAIRMAN: I cannot uphold the point of order.

The member for Hanson was expressing an opinion, and he was not using unparliamentary language.

Mr. BECKER: Considering the amount of documentary evidence before the Committee and the subjects it has to deal with, I would have thought that time was the essence of the exercise. Members on the Government side, as well as other members of Parliament, must be concerned with the allocation of funds as provided in the Budget, to ensure that the taxpayers are given value for money. That is what it is all about, and that is what we are trying to do. I cannot support the motion, because I believe that the Attorney-General has answered questions put to him, has explained the answers, and has provided the Committee with information. I cannot account for the questions asked by Opposition members. If they are not competent and capable of asking financial questions on matters relating to the various lines, it is not the responsibility of anyone else to do the work for them. I suggest to Opposition members that their line has not been, in my opinion, the way in which to obtain information.

If my recollection is correct, Moore's building was purchased by the State Superannuation Fund, and therefore any plans and provisions would be with that organisation. It is extremely difficult at this stage to find out the final all-up cost, the detailed planning, and so on, in relation to the proposal. The Public Accounts Committee, with which I am involved, can look at the situation only after the matter has occurred. I think that is unfortunate, and that is why we were pleased to see the setting up of the Estimates Committees. As I understand it, it would be extremely difficult at this stage for the Attorney-General to give every concise detail in relation to the proposal. I do not want to take up the time of the Committee further, because I think we have more important matters to deal with, and I would rather the Committee got on with those matters.

Mr. CRAFTER: I support the motion, and I reinforce the words used by my colleagues on this side about the seriousness of the matter brought to the attention of the Committee. We have spent most of the morning seeking information—not in precise detail, as the member for Hanson has just indicated, but even general information, and that was not forthcoming in itself. Last week in this Chamber we spent some time discussing the dismissal of the former Police Commissioner who "pulled" answers to this Parliament, or, in his own words, gave rubbery answers. That is the situation we have here. We have had rubbery answers given to this Committee this morning.

The position is that if this Committee continues in this vein it will be necessary to call the editor of the *Adelaide News* to the bar of this House to get the information we require, or to call the Minister's staff or whoever it is who is giving the newspapers this information in preference to this Committee. This morning we should have had here officers who have been involved in the planning of this court complex. It is obviously an integrated programme involving very much the administration of justice in this State, and one would have thought that the Attorney would be well on top of this situation. It is a massive relocation of the criminal justice system in this State, and it will affect very much the way in which our courts carry on their business for many years to come. It is indeed disappointing that this information, and the costs to the State have not been provided to this Committee this morning.

I presume that the reason why we have formed these Committees is so that Parliament can exercise a much more useful function during this period when we consider the Budget. If Parliament is going to have any role at all, it must have before it factual information. When we read the

Hansard pulls that will be made available, we will find that that information clearly has not been provided or that the answers are quite at variance with information which is obviously publicly available on the very same day that we have been seeking it. This is a most undesirable situation and, as my Leader has said, it casts a slur on the role of these Committees. I shall just mention one aspect of this news release, namely, the reference to shared Federal-State library facilities. That is precisely an area in which we were seeking information this morning.

An honourable member: You got it.

Mr. CRAFTER: No, we did not. Obviously there have been discussions between the Federal and State Governments in some detail on this matter. This is a matter of cost saving to this State, of better facilities for the bar, for the judges, and hence for the public. There have been discussions and presumably they were discussions within the sphere and responsibility of the Attorney, and detail of that should have been provided to the Committee. So, I join with members on this side in expressing the severest censure on the Attorney for the way in which he has treated the Committee this morning and for his inability to provide information which obviously was within his knowledge, or most certainly should have been, and which would enable this Committee to work as it should.

Mr. OLSEN: I oppose the motion. In doing so, and in looking at the motion put forward by the Leader, I draw to the attention of the House a grouping of five words, namely, "treating this Committee with contempt", which basically make up the essence of the motion: I do not think anyone could rightfully draw that conclusion from the presence of the Attorney-General and his advisers here today. Quite obviously, he has attempted to answer the questions that have been asked by Opposition members. The Attorney-General has not treated the House with contempt. In a forthright, positive, and direct manner he has responded to the questions specifically put to him by members of the Opposition. I remind members of the Opposition of the resolution moved in the House, I think, on 25 September last, wherein the Deputy Premier moved that we ask the three Ministers from the Legislative Council to attend sittings of the Estimates Committees to give advice and to report to the Estimates Committees of the House "if they think fit", and I stress the four words "if they think fit". The Attorney-General has accepted that invitation to be here in the House and respond to the questions put forward by Opposition members. For the member for Playford to cast an aspersion on the Attorney-General that he is here in breach of the Constitution in contempt of privileges of this House, I believe is a disgraceful slur on the invitation that this House issued in the first instance for the Attorney-General to be here and give evidence before the Estimates Committees of this House.

I believe that is politicking of the grandest order, grandstanding. Instead of spending this time asking penetrating questions and proceeding with the purpose of the Estimates Committees, we are wasting time in debating issues such as this for the benefit of tomorrow morning's press. We saw an example of that last evening, when the Opposition pulled a similar tactic in Estimates Committee B. We are in a sorry state when a motion of this nature has to take precedence over so-called penetrating questions that the Opposition had the opportunity to ask but failed to ask because it did not have the capacity, the ability, and the numbers to do so.

Mr. Chairman I draw your attention to the fact that the Government, in establishing Estimates Committees for the first time, has prepared for the benefit of members of this

House a 640-page document that indicates the basis of programme performance budgeting and the estimates that are applicable for each department and, resulting from that, the actual Estimates laid on in the Budget papers which form the basis for debate and for questioning in this House. I believe the Attorney-General has given due credence to this House by attending in the first instance to give evidence. He has in a forthright manner presented evidence to this House and responded to questions from the Opposition. I would have thought it was in the interests of the Opposition and the interests of the Estimates Committees as a whole, as a result of this worthwhile viable alternative to the Committee structure we have had in past years, rather than waste time on this sort of motion, to get about the business of the Estimates Committee and start putting penetrating questions in relation to those matters they want to ask of the Attorney-General.

Mr. McRAE: I could not get an answer.

The CHAIRMAN: Order! The honourable member for Playford will not interject.

Mr. ASHENDEN: I rise to speak against the motion and support the remarks made by the member for Rocky River. I believe the exercise into which the Leader has entered in this instance is nothing better than politicking at its worst. The questions asked this morning were not designed to seek information but were purely and simply an attempt by members opposite to score political points. It is my opinion that the Attorney-General has answered well the questions put to him. The article to which the Leader referred said that certain things "may" happen. The article states that a remand centre may be built. It goes on to say that these proposals will be put forward for public comment; no decisions have been made.

Mr. OLSEN: It was announced as a decision by the Minister of Public Works, not by the Attorney-General.

Mr. ASHENDEN: That is right. The questions put to the Attorney-General this morning were answered well, the information sought was given. To support my belief that it is politicking, last evening the same sort of thing was done, and I believe the Leader was present in the Committee at which that occurred. It is my opinion that this Committee is an opportunity, for members opposite particularly, to gain financial information about the Budget, but all we have seen here is a wasting of 35 minutes which could have spent dissecting the Budget and getting information. I therefore speak very strongly against the motion, because I think it is an exercise in politicking, and nothing else.

Mr. GLAZBROOK: I speak against the motion. This morning I listened with interest to the questions posed by the member for Playford and also to the answers. The answers which were given were specific answers to specific questions. What the member for Playford is trying to say now is that the Minister did not answer other questions associated with the one question which was asked. Of course—

Mr. McRAE: On a point of order, Mr. Chairman. You were in the Chair the whole morning and you will realise that I asked questions for 45 minutes, not just one question. That is a reflection on me, and I ask that you request the honourable member for Brighton to withdraw his remarks.

The CHAIRMAN: I cannot uphold the point of order.

Mr. GLAZBROOK: Thank you, Mr. Chairman. As my colleagues have said, the Minister answered the questions which were asked. Now, of course, for the sake of politicising the matter, it is stated that the release that has been attributed to the paper today is something that the Minister should have added to all his statements. If one

looks carefully at the report, it can be seen that it was issued by the Minister of Works. I say quite categorically that it was a proposal released by the Minister of Works, not by the Attorney-General. It is obvious from the Estimates of Expenditure that, in asking the questions it asked this morning, the Opposition was looking for loopholes, because where on earth in the Estimates of Expenditure (which are only estimates) is there a mention of what is happening here? The Opposition was looking for different things to hang its hat on. I commend the Attorney-General for the way in which he answered the questions this morning.

Mr. McRAE: Why don't you move a motion accordingly?

The CHAIRMAN: Order! There are too many interjections.

Mr. GLAZBROOK: The article stated that it was referring only to "short-term options". The Opposition did not ask whether there were any options; it asked specific questions, to which the Minister gave specific replies. I am sure that when members opposite look carefully at *Hansard* tomorrow they will see that they asked specific questions to which the Minister gave specific answers.

Mr. McRAE: Send along the press secretaries; they will give us more information.

The CHAIRMAN: Order!

Mr. GLAZBROOK: I suggest you wait until tomorrow morning, when you will be thinking that you have made yourselves look a bit silly, but that would be nothing new. I commend the Minister for his answers, and I speak against the motion.

The CHAIRMAN: Does the honourable Attorney-General wish to reply?

The Hon. K. T. Griffin: Yes.

The CHAIRMAN: There is no objection: I invite the Attorney-General to reply.

The Hon. K. T. Griffin: I think it is important to recognise, and particularly for representatives of the media to recognise, that the statement made by the member for Norwood, that it will be necessary to call the newspaper editors to the bar of this House, is, I believe, a very significant matter that ought not go unrecognised. For that step to be taken, it would reflect very seriously on the credibility of the media, and of the Opposition in particular.

Mr. BANNON: And the Minister.

The Hon. K. T. Griffin: If you want to call the newspaper editors, that is up to you, but I believe that that would be a disgraceful exercise, because newspaper editors are generally there to report on what they would regard as news. Various members have spoken of the responsibility of Ministers before these Committees. Those responsibilities are similar, whether they are Ministers from the House of Assembly or from the Legislative Council. I think that members of the Opposition ought to count themselves lucky that on this occasion they have opportunities to ask Ministers from the Legislative Council questions on their respective lines. After all—

Mr. BANNON: If we got full information, that would be all right.

The Hon. K. T. Griffin: After all, these are Estimates Committees; we are meant to be talking about the Estimates (what happened last year in the financial affairs of the State and what is going to happen in the current year), and the projections which some members of this Committee have sought to make with respect to policies which have not yet been determined indicates to me that they are using these Committees not so much as Estimates

Committees but as political forums in an endeavour to make political mileage. A perusal of *Hansard* tomorrow will indicate quite clearly that the questions which were asked were answered specifically.

The questions were directed to policy decisions, and I indicated, on a number of matters with respect to Moore's, two things: first, that it is not an area which is within my portfolio responsibility but is the Minister of Public Works' responsibility; secondly, that decisions have not been made. Within the area of courts administration, I indicated what some of the likely planning would be. Mr. Bannon has referred to some question about shops. Let me just read *Hansard* when I gave an answer with respect to shops.

Mr. BANNON: On a point of order, Mr. Chairman. If *Hansard* has been made available to the Minister, can all members of the Committee have a copy? If you recall, I did refer to the fact that we were not able to check the *Hansard* record. It would have been extremely useful if we could. Now, apparently, the Minister is to have the privilege of doing so, and not the members of the Committee.

The Hon. R. G. Payne: A swindle from the beginning.

The Hon. K. T. Griffin: I object to that remark, Mr. Chairman.

The CHAIRMAN: Order! It is obvious that the Attorney-General has been provided, as is the normal practice, with the first release of what he said for checking purposes, and it would be my understanding that that would be available to other members on request. Order! I will not have people speaking when I am addressing the Committee. There have been far too many interjections already from unofficial members when other members have been speaking. I will take the sternest action if it continues. I suggest to the honourable Leader that he has the same right as anyone else to approach *Hansard* and, if the material is available, I see no reason why he should not be in a similar position.

The Hon. K. T. Griffin: It is quite noticeable that the Hon. Mr. Payne, who interjected with "It's a swindle from the start", has left before I could make any response to that and was not prepared to remain to face the criticism that I would undoubtedly make about that sort of allegation, because my approach to this Committee is to indicate answers to areas of concern which they have raised on questions of fact. It is not within my province to debate possible alternatives on which decisions have not yet been made. We were dealing with the question of shops, and I note from the first print from *Hansard* that in relation to that question I said:

The question whether or not there would be shops in some part of the northern facade is not something that has been ruled out, but it is not something that is really within my area of responsibility.

I went on to indicate that the planning team in particular was concerned with the question of what were the needs of the courts in terms of the court complex and not all the fringe matters such as shops which might be included. I went on to say in another part that, in respect of the shops:

In any event that is only a very small part of the floor space that will be available in the building.

I indicated that on those sorts of questions it was more appropriate to refer them to the Minister of Public Works than to me. Then the Leader of the Opposition asked questions about the security of prisoners, and he asked whether I was confident that the security of prisoners or of the public against prisoners would be maintained in the operation of this complex. I answered:

On the advice which I have been given I am satisfied, yes.

On the question of tunnels, in answer to a question from the Leader of the Opposition, I said:

I have no recollection of two tunnels. I indicated earlier that one of the considerations was a tunnel; whether it is one or two I have no idea.

I have not been misleading nor have I been evasive to the Committee, and I reject completely the allegations that the Opposition is making for political purposes.

Mr. BANNON: May I exercise the right of reply?

The CHAIRMAN: The honourable member may speak.

Mr. BANNON: I do not wish to delay the Committee much longer, but I think we have been discussing a matter of very important principle about the operation of these Committees which, if it is not resolved here today, will continue to haunt us throughout the next two weeks and make the whole Committee proceedings a farce. I could agree with a lot of what was said by members opposite about the purpose and nature of these Committees. I would certainly agree with the member for Rocky River when he said at least we have the advantage of a Minister from another place coming before us directly in a way we did not have under previous procedures, but they may appear if they think fit. Certainly, I agree with all of that and the advantages it is supposed to bring.

But where we part company and the reason for this motion is that there is absolutely no point for a Minister, whether from this place or another place, coming before us if he is not going to be frank with the Committee. We can ask all the questions, penetrating or otherwise, in the world and that will not matter unless they are answered honestly and frankly before this Committee. That is really what we are talking about at the moment. We have heard nothing, no questions at all, from the members of the Government side of this Committee. That is their prerogative. If they do not believe there are things to be questioned about in relation to the law administration of the Government, fair enough: they are quite happy with that. But we on this side have asked a number of questions about a matter which we believe is of public importance, involving public expenditure, and within the purview of the Attorney-General.

In relation to court provisions for judges and criminal jurisdictions and other jurisdictions in this State, the Attorney-General and his department are the clients, and the Public Buildings Department is the construction authority. Time and again on the Public Works Committee that is made clear to members who are examining expenditures referred to that committee. The Public Buildings Department is the constructor and the Minister and his operative department are the clients. They lay down the specifications, they say what is required, and they are actively involved in the planning and development of those proposals.

All that was conceded by the Attorney-General. He outlined the planning committee membership. A number of his officers are on that committee. He himself has had a personal and active interest in the promotion of this scheme and the development of these proposals. The very least he could have done was take us into his confidence on what sort of options the Government had under consideration, and he did not do so. Selective quotations from his advance copy of *Hansard* do not overcome that fact, a fact that is known not only to us but also I am sure to members opposite, who happen to be supporting the Attorney in this instance. I am sorry they are. They are supporting him for the wrong reasons; they are doing so because they feel some sort of loyalty, perhaps, and recognise that he at least has come before the Committee and been prepared to answer questions. What they are overlooking is that those answers by and large have been

absolutely useless. How was it that a report has been prepared? The newspaper article states:

For this reason the study released today had been prepared. It would be open for public comment until 17 October.

How is it that a detailed report has been prepared and released for public comment, unbeknown to members of the Committee who are questioning about it, and the Attorney does not have a copy with him and does not apparently know anything about it? The Master of the Supreme Court, who has been involved on the planning committee and who has a key role to play in ensuring adequate provisions, presumably had some knowledge at his disposal which he was not able or allowed to give to this Committee. All this indicates a contempt for this Committee, as expressed in the motion. It is pointless for us to go on with an exercise when the Minister is not going to treat that exercise seriously. That is what has happened today, and that is why we are moving this motion.

The CHAIRMAN: The motion before the Committee is the motion moved by the Leader of the Opposition. As one member of the Committee is absent, I intend to ring the bells.

The bells having been rung:

The CHAIRMAN: If members are satisfied to indicate their vote by a show of hands, I am prepared to accept that.

Ayes (3)—Messrs. Bannon, Crafter, and McRae.

Noes (4)—Messrs. Ashenden, Becker, Glazbrook, and Olsen.

Majority of 1 for the Noes.

Motion thus negatived.

Mr. McRAE: In the statement released by the Minister of Works today, the following was indicated by the *News*:

The Government needed a long-term plan for the development of the law courts area to be considered by the City of Adelaide Planning Commission when it looked at the Moore's project . . .

For this reason the study released today had been prepared. It would be open for public comment until 17 October.

The study, prepared by Hassell Planning Consultants for the Public Buildings Department, lists five options—three short-term and two long-term proposals.

When evidence was given this morning, did the Attorney have available a copy of that report?

The Hon. K. T. Griffin: I did not have that report with me.

Mr. McRAE: Have you ever seen that report?

The Hon. K. T. Griffin: I have seen it.

Mr. McRAE: Are you aware whether the Master of the Supreme Court has seen that report?

The Hon. K. T. Griffin: The Master has not seen it.

Mr. McRAE: He has never seen it?

The Hon. K. T. Griffin: The Master has not seen it.

Mr. McRAE: At all?

The CHAIRMAN: Order! The honourable member must direct his questions through the Chair! I point out to the honourable member that he must not cross-examine; he can seek information from the Attorney-General.

Mr. McRAE: That is what I have been trying to do. At the time that I asked questions concerning the development of the law courts area, were you aware that that was a controversial issue in the profession and in the public eye?

The Hon. K. T. Griffin: What was a controversial issue?

Mr. McRAE: The redevelopment of the law courts area in Victoria Square.

The Hon. K. T. Griffin: I was not aware of any

controversy about this issue, except the public controversy that involved the traders in that area.

Mr. McRAE: Were you aware of any controversy within the legal profession concerning the redevelopment of the law courts area in Victoria Square?

The Hon. K. T. Griffin: There was no controversy in the legal profession about this.

Mr. McRAE: You say that you have never had a complaint?

The CHAIRMAN: I ask the honourable member to direct his questions through the Chair.

Mr. McRAE: I apologise, Mr. Chairman. I ask the Attorney, through the Chair, whether, at the time that he gave evidence this morning, he was aware of the three short-term options and the two long-term options that were provided for?

The Hon. K. T. Griffin: I was aware that a planning study had been undertaken by the Minister of Public Works which involved the courts. I was aware that there would be options, which would be suggested. The questioning this morning related to decisions, and I indicated that the Government had made no decisions with respect to the area of the Supreme Court, to which the honourable member referred as comprising, from memory, tin sheds and other derelict buildings, and I indicated that no decision had been made in respect of them.

Mr. McRAE: In view of the fact that your colleague was about to release this statement, why did you not simply volunteer to the Committee the knowledge that you had?

The Hon. K. T. Griffin: It is up to members of the Committee to ask me questions.

Mr. McRAE: Is it the Attorney's attitude that he will not disclose any information unless that information is specifically required of him by a specific and direct question?

The CHAIRMAN: Order! Before the Attorney answers that question, I point out to the honourable member that the Minister is not required to answer questions in any particular way. The honourable member is not permitted continually to repeat similar questions in an effort to have the Minister answer to his satisfaction.

The Hon. K. T. Griffin: I cannot foretell what answers honourable members want. I will answer questions asked.

Mr. McRAE: Is it the Minister's policy to provide only the information that is specifically requested by question?

The Hon. K. T. Griffin: I do not know the policy of other Ministers, but I have indicated that I will answer questions that are asked. It is not for me to give the kinds of answers that the honourable member may want in regard to questions that he has not asked. It is up to him.

Mr. McRAE: Will the Attorney explain why, in view of the great interest that was shown by the Committee throughout the morning, he, at no stage, made a reference to the options now apparently under consideration?

The Hon. K. T. Griffin: I answered questions that were asked of me, and I answered them factually and correctly.

Mr. McRAE: Will the Attorney indicate whether the judges of the Supreme Court are aware of the five options, short-term and long-term, that were announced in today's statement?

The Hon. K. T. Griffin: I do not know whether the judges know about them. The Chief Justice will receive a copy of this report.

Mr. McRAE: Will the Attorney indicate whether it is now the Government's policy not to use Moore's building as a criminal courts complex?

The Hon. K. T. Griffin: No, I have indicated that it is the Government's present intention (and I was questioned repeatedly about this matter this morning) to use Moore's

building for criminal courts, both Supreme Court and district criminal courts, and for the civil jurisdiction of the local court.

Mr. BECKER: I indicate, for the benefit of the Leader of the Opposition, that we have allowed members opposite free run to ask questions in the hope that they may come across something and display their ability to ask questions on financial matters; obviously, they have failed. Did the previous government propose to build a multi-storey law courts building with four lifts costing tens of millions of dollars, and why did this project not proceed?

The Hon. K. T. Griffin: I indicated this morning that the building, which was named the western courts building, was proposed by the previous Government. I indicated also that, when we considered the question of the Moore's site, we took into consideration that estimates to build the western courts complex showed that the cost would be at least \$30 000 000, I think (I am trying to recall that figure), which was beyond the capacity of the State to fund. It would not serve the needs of the courts in the way in which the Moore's complex will.

Mr. BECKER: Is that why the previous Government did not proceed—because it did not have the money?

The Hon. K. T. Griffin: I suspect that it was because it did not have the money, but I have no recollection of the reason why it discontinued it. Its decision was taken several years before it left office, as I understand it.

Mr. CRAFTER: The Premier, in his Budget speech, referred to the decision taken to have police officers removed from court-orderly duties. What effect will that have in the Supreme Court jurisdiction, particularly in respect of the duties of tipstaves?

The Hon. K. T. Griffin: With respect to tipstaves, it will not have any bearing at all. The courts security planning group has looked at this question, because we were concerned that, if civilian orderlies were replacing police officers, that might reflect some lessening of security facilities. We are taking steps to ensure that, when this system is implemented in those courts where there is likely to be any risk to any officers or spectators at court, there should be a police officer as an orderly in that court. The release of police officers and the replacement by civilian court orderlies does not mean that there will be no police officers in court. In some courts, they will remain. What we are seeking to do is to ensure that the maximum number of police are released, but replaced with civilian orderlies in those courts where security is not a problem.

Mr. CRAFTER: Page 134 of the yellow book indicates that fees of courts and fines are estimated to rise to \$600 000, whereas only \$365 000 was collected in the previous financial year. A substantial increase in court fees occurred in the past year. Is it to be anticipated that there will be another increase in court fees?

The Hon. K. T. Griffin: The fees were increased as at 1 April 1980, and the maximum impact of that will flow into the current financial year. That is the principal reason for the substantial increase. Regarding any further increases, I am not able to predict what will occur. It will depend on the advice which comes from the head of that department, namely, the Master.

Mr. CRAFTER: Has the Attorney or have his officers considered the impact of the abolition of succession duties on the work of the probate registry and, if so, what is the likely impact on that office?

The Hon. K. T. Griffin: There will not really be any significant impact on the probate office as a result of the abolition of succession duties. One must remember that, in the processing of deceased estates, there were really two steps: one was the obtaining of a grant of probate of the will of the deceased or a grant of letters of administration

of an estate of the deceased, and that entitled someone to deal with the estate; it was representation approved by the probate office. The abolition of succession duties did not impinge on that; that is another matter. Those who administer estates in most cases will still need to obtain grants of representation to be able to administer the estates.

Mr. CRAFTER: My question was whether an assessment had been made of any indirect impact that might flow.

The Hon. K. T. Griffin: There has been no assessment, largely because it is believed that there is little, if any, impact on the probate registry as a result of the abolition of succession duties.

Mr. CRAFTER: I think that the Attorney, in answer to a question this morning, said that the Government did not propose to lease any of the office space that would become available in the S.G.I.C. building in Victoria Square. Has any money been expended by the Supreme Court Department or by any other department in planning to use that office space?

The Hon. K. T. Griffin: I did not say that the Government did not intend to use any part of the S.G.I.C. building. I was asked the specific question whether or not we were going to continue with the proposal to put courts in the S.G.I.C. building, and my answer to that was "No". There is presently no decision about any Government offices going into the S.G.I.C. building in lieu of courts or otherwise. The question of the accommodation for the Law Department has not been finally resolved.

Mr. McRAE: The release by the Minister of Public Works this afternoon refers to one long-term option, suggesting that all court buildings be grouped around a courtyard in the northern half of the Supreme Court block. Earlier in the statement, it was indicated that public comment was sought on five different proposals. Are we to understand from the Attorney that the first long-term option, that is, the grouping of the court buildings around the courtyard in the northern part of the Supreme Court block, is an option open to the public?

The Hon. K. T. Griffin: Open to the public for comment?

Mr. McRAE: Yes.

The Hon. K. T. Griffin: As the newspaper report indicates, these matters are all open for public comment. Whatever option is defined in the report is a matter which is open for public comment.

Mr. McRAE: What I was trying to put (and, in view of the Attorney-General's policy, I will have to put it specifically), is this: is the Government in the position where it may accept that first long-term option I have described rather than the Moore's project?

The Hon. K. T. Griffin: It is purely speculative, and I am not in a position to say whether or not the Government may or may not. If it is an option, we will consider it. As I indicated earlier this afternoon and this morning, no decisions have been made.

Mr. BANNON: I refer the Attorney-General to his statement this morning that the planning team is concerned with looking at the facilities and needs of the courts with respect to planning the Moore's complex. The whole discussion that went on from that point (and there had been an earlier discussion involving the member for Playford) was concerned with the fact of a Government decision involving the member to develop the Moore's court complex. Now, the Attorney is throwing some doubt on it by suggesting that the public may comment on an alternative option that does not involve the use of Moore's.

The Hon. K. T. Griffin: I am afraid that the Leader of

the Opposition is way off track. The planning team is looking at the needs in respect of the Moore's building. The Moore's building will be developed as a courts complex, and that undoubtedly will be covered by any option which is available for public comment. The fact is that Moore's will be developed as a courts complex.

Mr. BANNON: Was the Attorney-General aware of the study prepared by Hassell & Partners, planning consultants, which has been released by his colleague today?

The Hon. K. T. Griffin: I have indicated that I was aware that there was a planning study of the whole of the courts complex, and I have indicated that Moore's is central to a consideration of long-term options.

Mr. BANNON: But—

The Hon. K. T. Griffin: Just let me finish. I have indicated that the decision to develop Moore's is an irreversible decision. The need is there, and it is in the context of that development that Hassell & Partners are looking at the wider needs of the courts in the administration of justice.

Mr. BANNON: The Attorney told us this morning that criminal courts would be located in that building, and yet the plan published today—

The CHAIRMAN: I suggest to the Leader that it is quite clear in the Sessional Orders that repetition is not in order. I have been very tolerant, but it is my view that questions are starting to become repetitious, and I ask the Leader not to engage in such repetition.

Mr. BANNON: The Attorney said that he was aware of the proposals. In this morning's proceedings, when asked specific questions, he indicated to us that his memory of the proposals was so vague that he could not give information to members.

The Hon. K. T. Griffin: I did not.

The CHAIRMAN: Order!

Mr. BANNON: I am afraid that that is clear. Since the Attorney's policy is apparently to answer a question only in so far as it is legally required of him to answer (he will not treat it in any general way or proffer to the Committee any information whatsoever), we must extract information question by question. Nevertheless, he said, on certain specifics—and enough of them—to indicate that he had a hazy memory of the proposal. Was he aware that his colleague was releasing this report today?

The Hon. K. T. Griffin: I was asked a question whether one tunnel or two tunnels were being considered, and I said that I had no recollection of two tunnels. I indicated earlier that one of the considerations was a tunnel. Whether it is one or two I have no idea—and that is correct. I was asked questions about shops, and I indicated that the question of shops was a matter being considered but that, because it had a minimal impact on the planning for the courts complex, it was not something I had concerned myself with and, if the Leader of the Opposition wanted to ask questions about the structure and design, he should direct his questions to the Minister of Public Works.

Mr. BANNON: In relation to shops, the Attorney-General said, "I cannot remember." That was on that specific point in relation to a fairly important aspect of the brief, because it does influence the nature and type of court accommodation that could be planned for. He went on to say, "I have only briefly seen possible alternatives." There can be no conclusion other than that the Attorney was not fully cognizant of the brief or, if he was, he was choosing not to inform the Committee that he knew more than the Committee did, and he was not going to let us know. That is the point, and it is fundamental to the way in which the Attorney chooses to answer questions.

The CHAIRMAN: I will have to rule that the debate is becoming repetitious. The Leader has canvassed at great length the matters to which he is now referring; the matter has been raised on a number of occasions. I point out to the Leader that the Minister is not required to answer questions in any way. An honourable member is not permitted to continually repeat a question in an attempt to have the Minister answer it to the honourable member's satisfaction.

Mr. BANNON: I am simply asking, not that I get the answer I want in the sense of knowing in advance what the answer will be, but that we get factual and full information, and the Attorney-General this morning plainly misled the Committee, and certainly did not provide full and factual information. Surely that is relevant.

The CHAIRMAN: Order! We have already debated that question, and the Committee has made the determination.

Mr. McRAE: As I understand what the Attorney said a moment ago, he said that the Moore's project is going ahead, that it is an irreversible decision. Can we be clear on that?

The Hon. K. T. Griffin: If the honourable member does not listen to the answers I give, I will repeat that the Moore's complex is going ahead.

Mr. McRAE: What we are trying to establish—

The Hon. K. T. Griffin: Ask your question properly.

Mr. McRAE: I do not want to be told by the Attorney-General from another place how a member of this Committee should behave. I will take my discipline from you, Sir, and from no-one else.

The CHAIRMAN: The member for Playford will continue.

Mr. McRAE: Why, if the decision on Moore's is irreversible, has the public been given five options on which to comment?

The Hon. K. T. Griffin: There is a lot more in the options than just the question of Moore's.

Mr. McRAE: I could not hear the answer.

The Hon. K. T. Griffin: There is a lot more in each of the options than the question of Moore's.

Mr. McRAE: Is the Attorney-General prepared to make available to this Committee the report of Hassell and Partners?

The Hon. K. T. Griffin: I think that is a matter to be referred to the Minister of Public Works. It is his report, and he is responsible for it, not I.

Mr. McRAE: Has the Attorney-General this afternoon got a copy of the report with him?

The Hon. K. T. Griffin: No.

The CHAIRMAN: The Attorney has indicated his answer to that. I directed earlier that, if matters come within the administration of another Minister, I will not permit questions on them.

Mr. CRAFT: I am seeking clarification of what was said this morning in relation to the criminal jurisdiction of the Supreme Court. When the Moore's complex is completed, will it be the home of that jurisdiction of the Supreme Court?

The Hon. K. T. Griffin: That is correct.

Mr. CRAFT: I ask the Attorney-General next whether the Committee has considered whether No. 2 Supreme Court, in particular, and other Supreme Courts also that have some heritage value as criminal courts will be left in their existing situation when they are no longer required as criminal courts.

The Hon. K. T. Griffin: It is not a matter I have considered. The principal concern has been with the Moore's complex.

Mr. McRAE: I seek your clarification, Sir. The difficulty

the Opposition is experiencing at the moment is that the Attorney apparently has in his possession the only copy of this morning's proceedings. I have checked that with the Clerks. Apparently, we are not sure whether the Attorney has my questions. Perhaps you could clarify the situation to see whether we can find out how we can get this material.

The CHAIRMAN: I understand that the honourable member can have the first proofs that are available. He should consult *Hansard*. I have to repeat the point that the function of the Committee is not to engage in repetition. If members continually refer to this morning's proceedings, clearly they are engaged in repetition, and I rule that that cannot continue. I have been most tolerant, but I believe that the Committee will become bogged down if I allow continual repetition. Are there any further questions?

Mr. McRAE: With great respect to you, Sir, the only point I make is that it is very difficult when we have before us a Minister who has given a clear indication that he will answer only in precise legalese. If I do not have the documentation from this morning, I am in great difficulties in checking his answers this afternoon against this news release. Surely there must be some way amid modern Parliamentary procedure by which I can get hold of a typed record.

The CHAIRMAN: I point out to the member for Playford that whatever *Hansard* has available will, I believe, be made available to the member for Playford. The Chair does not have a record of this morning's proceedings. There is really nothing the Chair can do, and I point out to the member for Playford that, if it were within my power, I would make it available, but I must repeat what I said earlier, namely, that repetition is not in order. The Committee has engaged in continual repetition, and I must rule that the Committee may not continue along those lines.

Mr. BANNON: In order to expedite this matter, would it be in order for us to adjourn consideration of the Supreme Court Department lines and proceed to the Law Department lines, which are the next lines that we are to look at, and then revert back to the Supreme Court Department lines when the appropriate transcript becomes available? I think that would certainly save the Committee time, and it would be the best way to expedite the matter.

The CHAIRMAN: The request of the Leader suggests that the Committee will be engaging in continual repetition, which is not in order. Therefore, I must ask members of the Committee to proceed with their questioning, as I do not believe that it is in accordance with the Sessional Orders to adjourn a particular vote half-way through proceedings.

Mr. BANNON: The Committee accorded the Attorney and his officers the courtesy of considering the Supreme Court Department vote ahead of the Law Department vote. In fact, we modified our procedure in order to assist him and his officers at the start of today's proceedings. I would have thought that it would be only reasonable that we adjourn this consideration at this point of time and revert to our questioning on the Law Department lines, which would get on with the job there. We are not seeking repetition; we are simply seeking a record so that my colleague, the member for Playford, will be able to ask one or two further questions of the Attorney in light of that record—not for the purposes of repetition but for the purposes of seeking information. I think we have accorded a courtesy earlier today on this matter, and surely a similar procedural courtesy could be arranged on this occasion.

The CHAIRMAN: It is my understanding that the *Hansard* was made available because a motion was

moved. I am advised that normally it would not be made available, and I would therefore suggest that, if members have further questions to ask in relation to the vote, they proceed to do so.

Mr. BANNON: If you recall, Mr. Chairman, *Hansard* was made available to the Attorney, and it was only before the motion was being debated after notice had been given of the motion and only when the Attorney began his response to that motion that we realised that he was in fact in a position to quote from the record, and we were not afforded similar access to the record. Since then we have been supplied with a partial copy of that record. My colleague has a number of information-seeking questions which devolve around the existence of that record, and if it is clearly stated that the record will not be made available at all, we should move on to the Law Department lines. However, if there is a possibility of its being made available, I suggest that we adjourn this consideration, and I would so move, if necessary, that we adjourn for further consideration the Supreme Court lines and move to Law Department, and then resume consideration of those lines on motion. I so move, Mr. Chairman.

The CHAIRMAN: In relation to the transcript being made available, it is my understanding that the Leader has access to the same material as the Attorney-General has. As I understand it, the normal practice is that the daily *Hansard* proofs are made available for all members as soon as the Government Printer has prepared them. Also, it is my understanding that a member is given access as soon as possible to an abridged set of the transcript for his information and correction. I understand that that particular information is available to the Attorney-General and to the Leader. Inherent in the Leader's suggestion is that the Committee engage in repetition, which is out of order. Therefore, I suggest that the Committee members ask any further questions that they desire in relation to this particular line.

Mr. BANNON: Mr. Chairman, I suggest that you cannot make a ruling in anticipation; that you can only judge whether questions are repetitious or out of order when you hear the questions. You are not in a position to do that, and to say that it is your feeling or your apprehension that they may be out of order is quite wrong. If that is the basis of your ruling, I suggest that you should reconsider, Sir.

The CHAIRMAN: I have not ruled any questions out of order at this stage. I have only suggested to honourable members that repetition is out of order, and therefore I have invited further questions. I have not prevented any member from asking any questions.

Mr. BANNON: I move my motion, Mr. Chairman.

The CHAIRMAN: The honourable member may move his motion. I suggest that he put it in writing.

Mr. BANNON: My motion is as follows:

That consideration of the Supreme Court lines be adjourned on motion and that consideration of the Law Department lines commence forthwith.

I do not intend to speak to the motion as I think the reasons are clear.

Mr. McRAE: I second the motion.

Mr. BECKER: I oppose the motion. This is turning the Committee into a farce. I believe the purpose of the Committee is to get on with the job of examining the Budget Estimates. Whether Opposition members consider one way or the other is immaterial as far as I am concerned. Opposition members have had the opportunity to ask questions and to pursue them. Mr. Chairman, you have been extremely lenient in the way you have dealt with Opposition members today. Therefore, I think that we should now get on with putting this line that we are dealing with so that we can get on further with the whole

vote. Therefore, I strongly oppose the motion, which I consider to be another attempt at pure politicking of the whole episode.

The Hon. PETER DUNCAN: I will have a few words to say in support of this motion. I will not take up too much of the Committee's time. This motion is an important motion in one respect, namely, that earlier today the Attorney-General sought the Opposition's concurrence, or courtesy, if you like, in dealing with the Supreme Court lines before the Law Department lines. Opposition members, in a spirit of co-operation, agreed to that. Now, Government members know full well (there is no secret about it) that we would seek to question the Attorney further when we have had the opportunity of referring to certain matters in *Hansard*. Government members know that full well.

The request that they made this morning to have us deal with the Supreme Court lines out of turn was reasonable; we now make a reasonable request in return. I suggest that, if Government members choose to oppose this motion and to force the further consideration of these lines, that will be time wasting, but, more importantly, it is in the Government's interests, and I think that slowly but surely this message is sinking through Government members' thick heads.

The CHAIRMAN: Order! I suggest that the honourable member rephrase that.

The Hon. PETER DUNCAN: I am prepared to rephrase that on your request Sir, but it is interesting to note that none of the gentlemen referred to bothered to raise the matter. However, I withdraw that remark on your request. I think the message is getting through to Government members that it is in their interests to the greatest degree possible to co-operate with the Opposition.

Lack of co-operation in this place does not put the Opposition at any great disadvantage, but it certainly places the Government at a great disadvantage. We offered courtesy to the Government this morning and now we are seeking courtesy in return, but no, the numbers are likely to be used to steamroll things through. Well, I suppose that is the Government's choice and the matter is in its hands but, as I made the point, we offered the courtesy this morning and it is little enough to expect that that courtesy would have been returned, but apparently that is not going to be the case, if the member for Hanson's comment is any indication. I suggest the Government ought to rethink its attitude to this question and agree to have this line deferred, adjourned, or whatever, until we have dealt with the Law Department line. It is not as if this is asking a great deal. Officers are waiting, but only one Supreme Court officer is now here, and I do not think it would be too much to ask him to wait until a little later in the afternoon before we proceed with the Supreme Court lines.

The CHAIRMAN: The question before the committee is the motion moved by the Leader of the Opposition:

That consideration of the Supreme Court lines be adjourned on motion and that consideration of the Law Department lines proceed forthwith.

Those in favour say "Aye", against say "No". I think the "Noes" have it. All members of the Committee being present, it will not be necessary to ring the bells. Those members supporting the motion please indicate by raising their hands. Those members opposing the motion please indicate by raising their hands. There being 4 Ayes and 4 Noes, I am therefore required to give a casting vote. I give my casting vote in favour of the Noes because there can be no guarantee that the *Hansard* record will be available by 10 p.m. this evening.

Committee members can ask any further questions they desire about this vote.

Mr. McRAE: I would like to get clear from the Attorney-General whether one of the options is that the use of Moore's complex will be short-term and that at some time in the future there will be another long-term solution to the redevelopment of the law courts.

The Hon. K. T. Griffin: I have indicated that Moore's complex will be used for criminal courts, both Supreme Courts and District Criminal Courts, and for the civil courts of the Local Court. What happens in the future over a period of years is not for me to speculate upon.

Mr. McRAE: Is it the Government's policy that Moore's complex be used for law courts for 20 years?

The Hon. K. T. Griffin: That is impossible to predict. In what we would regard as the foreseeable future, at least the next decade and possibly longer, we intend to have Moore's complex used as courts, and I am not able to predict any time when it will not be used for that purpose.

Mr. BANNON: Is it not true that the agreement between the Superannuation Fund and the Government is for a 40-year lease of that building?

The Hon. K. T. Griffin: It is for a long period of time; I cannot recollect with accuracy the exact period.

Mr. McRAE: Has there been any discussion with the planning committee about the possibility of using Moore's for, say, 10 years or a similar time and then to revert Moore's to some other use and proceeding with some of these long-term options set out in the press statement today?

The Hon. K. T. Griffin: I am not aware of any consideration of Moore's complex turning to some other use. It is the Government's intention in the short term and in the long term that Moore's should be used as a court complex.

Mr. McRAE: In view of that answer, can the Attorney-General say why his colleague made specific reference to two long-term options each of which would appear not to encompass Moore's?

The Hon. K. T. Griffin: I am not aware that they do not encompass Moore's: my understanding is that they do.

Mr. McRAE: So members of the public, in making any comment on these options, should understand that all options in one way or another include the Moore's complex?

The Hon. K. T. Griffin: That is my understanding.

Mr. CRAFTER: With respect to the payment of the commissioners of the Supreme Court, I ask the Attorney-General whether it is his view that this should be a permanent aspect in the supplying of the court with judges? Is he aware of the problems that may arise in a small senior criminal bar with respect to some of the senior members moving on to the bench and then off it and returning to the bar, first, with respect to ethical considerations but, more importantly, with respect to the independence of the judiciary and there being a tradition that members of the judiciary leave the bar and do not return to it.

The Hon. K. T. Griffin: I cannot believe that there will be any ethical problems with the policy I have indicated. As I said this morning, the judges of the Supreme Court themselves must approve any appointment of a commissioner before it is made by the Governor in Council, and the judges do not, as I understand it, oppose the course which I am following. In fact, both the legal profession and the judges are in favor of the policy.

Mr. McRAE: Can the Attorney-General say why the State appears to be paying for work done for the Federal Government? Under the heading "Honoraria to officers performing work for High Court of Australia" is a

provision for \$750.

The Hon. K. T. Griffin: The \$750 is paid as an honoraria to officers of the Supreme Court Department who perform extra work during a visit of the High Court of South Australia.

Mr. McRAE: Can the Attorney-General indicate why the Commonwealth should not meet those expenses?

Mr. BANNON: Let the officers speak for themselves.

The CHAIRMAN: Order! That is a matter entirely for the Attorney-General to determine.

The Hon. K. T. Griffin: The \$750 comes out of an amount of \$1 500 paid by the Commonwealth to the State for the use of State facilities during a visit by the High Court. It is not being paid by the State. It appears in the State Budget but it actually comes out of funds supplied by the Commonwealth and paid to the State.

The Hon. PETER DUNCAN: Did I understand the Attorney-General to say that the policy of sending Q.C.'s and other members of the bar on circuit had the support of the judges, or did he intend to say that the policy of sending persons other than judges on circuit had the support of the judges?

The Hon. K. T. Griffin: I did not indicate anything about other members of the bar. I was talking about silks, and the policy of granting to silks a commission to undertake circuit courts is a policy which is approved by the judges of the Supreme Court. As I have indicated and repeat for the third time, Mr. Chairman, the judges of the Supreme Court under the Supreme Court Act must approve each particular appointment before it is presented to the Governor-in-Council for approval.

Mr. CRAFTER: I was aware of the attitude of the senior bar and I appreciated the Attorney's comments on the attitudes of the judges towards those appointments. However, my concern was for the public's view of the independence of the Judiciary where it is possible that on one day they could have a man appearing for them as a barrister, and a little time later he could be appearing in front of them as the judge. My concern was whether that was desirable, not from the profession's point of view or from the Judiciary's point of view, but from the public's point of view.

The Hon. K. T. Griffin: I have considered that, and I do not believe that the public would perceive that it is undesirable.

Mr. CRAFTER: The final question is one which the member for Mitcham asked whether I would put to the Attorney. It is not one of great concern to me but it is to him. It relates to the provision of bicycle racks at the Supreme Court. It appears that one of his fellow Q.C.'s had his bicycle stolen yesterday. This seems to be a matter of great concern to the member for Mitcham and I ask the Attorney whether consideration has been given towards overcoming this problem?

Mr. Becker interjecting:

The Hon. PETER DUNCAN: Surely the Chairman of the Public Accounts Committee was not advocating it was a good thing that somebody's bicycle had been stolen?

The CHAIRMAN: Order! That sort of comment is not required.

The Hon. K. T. Griffin: The member for Mitcham did raise this informally with me and with the Master of the Supreme Court prior to the luncheon adjournment. The Master of the court has indicated that he will look into the matter with a view, provided funds are available, of making those facilities available.

The CHAIRMAN: There being no further questions, I declare the examination of the vote completed.

Law, \$9 852 000

Chairman:

Mr. G. M. Gunn

Members:

Mr. E. S. Ashenden
Mr. J. C. Bannon
Mr. H. Becker
Mr. G. J. Crafter
The Hon. Peter Duncan
Mr. T. M. McRae
Mr. J. W. Olsen
Mr. J. K. G. Oswald

Witness:

The Hon. K. T. Griffin, Attorney-General.

Departmental Advisers:

Mr. L. K. Gordon, (formerly) Director-General, Law Department.

Mr. M. N. Abbott, Chief Administrative Officer, Law Department.

Mr. McRAE: Could the Attorney indicate the boards and committees referred to under "Office of Minister", for which \$20 000 is allocated?

The Hon. K. T. Griffin: The committees are the Sex Discrimination Board, the Land Acquisition Rehousing Committee, the Children's Court Advisory Committee, the Training Centre Review Board, the Law Reform Committee, the Criminal Law Reform Committee, and the Committee on the Rights of Persons with Handicaps.

Mr. McRAE: Is it the policy of the Government to establish a full-time Law Reform Commission in South Australia?

The Hon. K. T. Griffin: It is in Government policy when finances permit. It has not been judged at this stage that finances will allow that to occur.

Mr. McRAE: Is it likely to occur next year or the year after?

The Hon. K. T. Griffin: I am not able to indicate any time.

The Hon. PETER DUNCAN: Will the Attorney advise the Committee, not necessarily now but at a later time, the current membership of those committees that he mentioned?

The Hon. K. T. Griffin: I will obtain those details.

The Hon. PETER DUNCAN: What is the salary of the Crown Solicitor?

The Hon. K. T. Griffin: The salary of the Crown Solicitor is \$42 191. Under the recent award, it will be \$46 500. The Crown Solicitor also obtains an allowance of \$2 500 per annum.

The Hon. PETER DUNCAN: Is that an expense allowance?

The Hon. K. T. Griffin: It is for performing special duties. This has been awarded since 14 May 1979.

The Hon. PETER DUNCAN: What are those special duties?

The Hon. K. T. Griffin: As I understand it, the Public Service Board made a recommendation at the request of Mr. Duncan in January 1979, and determined that an allowance of \$2 500 a year be paid for the performance of special duties from 14 May 1979. The material that is presently available does not specify those special duties.

The Hon. PETER DUNCAN: What is the current salary of the Director-General?

The Hon. K. T. Griffin: The Director-General's salary, as from 19 July, is \$46 195.

The Hon. PETER DUNCAN: Therefore, the Crown Solicitor is paid more than the Director-General of the department?

The Hon. K. T. Griffin: Yes, on the basis of the recent award.

The Hon. PETER DUNCAN: What is the present salary of the Solicitor-General?

The Hon. K. T. Griffin: The Solicitor-General's salary is \$47 015.

The Hon. PETER DUNCAN: Does the Solicitor-General receive any allowance for expenses or special duties, or anything of that nature?

The Hon. K. T. Griffin: Not to my knowledge.

The Hon. PETER DUNCAN: Is the Attorney-General satisfied with the relativities that now apply within the upper echelons of the Law Department?

The Hon. K. T. Griffin: I have not applied my mind to that matter. The question of the award that was made to Crown law officers recently is a matter that is the province of the Public Service Board and, whilst it has not yet been confirmed, I believe that it would be premature to speculate on relativities. The Solicitor-General's salary, from memory, is related to the salary of a Local Court judge.

Mr. McRAE: Has the Attorney-General or one of his officers available the current annual salary of a District Court judge?

The Hon. K. T. Griffin: The current salary of a senior judge is \$47 015; for other judges of the Local and District Criminal Court it is \$41 917. As the honourable member asked earlier a question about Supreme Court judges' salaries, I point out that the Chief Justice's salary is \$56 295, and the puisne judges' salary is \$51 087.

The Hon. PETER DUNCAN: Do I understand the Attorney-General to say that the Solicitor-General is receiving the same salary as the senior judge?

The Hon. K. T. Griffin: As the senior judge. That was fixed before I became Attorney-General.

The Hon. PETER DUNCAN: That salary is fixed under—

The ACTING CHAIRMAN (Mr Olsen): I ask that all questions to the Attorney-General be directed through the Chair.

The Hon. PETER DUNCAN: Is the Attorney satisfied with the relativities within his office given that, traditionally, the Solicitor-General has received considerably more than the Crown Solicitor, particularly in light of the fact that the Crown Solicitor in the past has always received something less than the Director-General?

The Hon. K. T. Griffin: All I can say is what I said earlier. I have not applied my mind to that question and, because of that, I am not prepared to give an off-the-cuff reaction to it.

Mr. CRAFTER: What is the current complement of articulated clerks in the Crown Law Office, and is it the intention of that office to allow articulated clerks to train at the workshop course and, if so, who will do the work that they perform in the Crown Law Office?

The Hon. K. T. Griffin: I believe that the number of articulated clerks in the Crown Law Office is six. Their duties are the normal duties of an articulated clerk, but possibly with greater responsibility in the Crown Law Office by virtue of the nature of the work undertaken there and by virtue of the fact that other staff are available for some duties which, in other legal offices, might be undertaken by an articulated clerk.

Mr. CRAFTER: Is it the intention to phase out articulated clerks, as is the intention of the profession, to allow them to do their practical training at the workshop course rather than in articles?

The Hon. K. T. Griffin: The present position with respect to those graduates who desire to be admitted to practice is that they should either complete the one-year course at the Institute of Technology that leads to a Diploma of Legal Studies, I think, or, alternatively, complete one year's articles. The present Rules of the Supreme Court relating to admission require a priority to be given to the Institute of Technology course, for which a ballot is undertaken. If a student is balloted out (meaning that there is no room for that student in the Institute of Technology), articles are the second option available, necessary to qualify for admission. The general trend within the legal profession is towards undertaking that course at the Institute of Technology. Regarding the Crown Law Office, the present intention is not to phase out completely articulated clerks, but to retain some positions which would enable students seeking to gain admission to obtain their qualification.

The Hon. PETER DUNCAN: What delays apply within the courts in South Australia at present, and has the Attorney-General any up-to-date information on such delays?

The Hon. K. T. Griffin: The delays in the Supreme Court are minimal (I think something from two to three months from setting down). In the criminal jurisdiction the picture is somewhat brighter. On the latest information I have available to me, there were longer delays in the Local Court. In the full jurisdiction there was approximately a seven-month delay. In the limited jurisdiction, the delay was longer. In the criminal jurisdiction, there is not a significant delay more than a matter of one or two months, as I understand it.

Mr. CRAFT: I notice in the structure of the Crown Law Office, and the allocation of moneys to it, that there has been a 7½ per cent reduction, in real terms, in money available to it. Where will that reduction be absorbed, and will it affect the level of prosecutions conducted by the department?

The Hon. K. T. Griffin: Could I ask the honourable member to what page he is referring?

Mr. CRAFT: I am referring to page 121 of the yellow booklet.

The Hon. K. T. Griffin: The provision for the Crown Law Office, in financial terms, is an increase over last year. In terms of staffing, there is a net decrease of one, on the average. As I understand it, there will be no reduction of services within the Crown Law Office.

Mr. CRAFT: I notice that one fewer investigations staff member is anticipated for this year. Will that result in fewer investigations being carried out and, hence, less activity in that area of the department's office?

The Hon. K. T. Griffin: One of the investigators is due to retire during the current financial year. One would expect that that may take some time to fill. When one balances that against other staff fluctuations and possible delays in replacing staff who are retiring or moving to other divisions, that accounts for the overall annual position.

Mr. CRAFT: Once again, there seems to be a reduction in real terms in the allocation to the Office of Crime Statistics, whereas there are increases in a number of other areas; for example, allocations to legal aid and the Administration and Finance Section in the Minister's office. Given the high level of activity of the Office of Crime Statistics and the obvious importance of the information it provides to the community, does that reduction mean that there will be less activity by that office?

The Hon. K. T. Griffin: Some of the costs for 1979-80 relate to the establishment of systems which, now that they

have been established and are rolling, will not need to be funded as extensively in the current year as in the previous year. That accounts for the difference in real terms. The volume of work will be the same. The same sort of ongoing programmes as were established last year and are running will be carried through this current year, with some possible extra work, particularly in the area of the servicing of the victims of crime inquiry committee.

Mr. CRAFT: Referring to page 121 of the programme document, my calculation is that the prosecution element of that section of the Budget amounts to 14.8 per cent of the total allocation in that area, whilst the civil component amounts to 47.2 per cent. On my calculations, there is a slight decrease in real terms in the funds available to the Prosecution Section. Given a steadily increasing level of crime in the community, is not that an indication that less funds are available for the criminal prosecution area in the Crown Law Office?

The Hon. K. T. Griffin: Some of the officers involved in the civil jurisdiction also have an involvement in the criminal jurisdiction, and the advice I have is that, where there are peaks of activity in the Prosecution Section, they can be adequately covered by resources currently being employed in the civil jurisdiction. There is in fact an overlap, and there is not the prejudice which the figures at first view might suggest.

Mr. CRAFT: Has there been a direction or is it by accretion of time that some areas of minor prosecutions by the Crown Law Office now have fallen by the wayside, or are all recommendations for prosecution that come to the Crown Law Department considered as such and proceeded with?

The Hon. K. T. Griffin: I am not quite sure of the thrust of the question.

Mr. CRAFT: I seek to know whether the Crown Law Office is not able to continue prosecuting in some areas of administration of the various Acts that generally come to it.

The Hon. K. T. Griffin: Where the Crown has a responsibility to initiate prosecution under any legislation, those prosecutions are initiated by the Crown. If the honourable member has any specific instance in mind, I would be happy to direct my attention to it, but I am not aware of any change in the Crown Prosecutor's office which would suggest that he is no longer taking up prosecutions which are his responsibility.

Mr. CRAFT: I seek, without mentioning a specific example, to know whether there is a change in policy of the Crown Law Department with respect to minor prosecutions.

The Hon. K. T. Griffin: There is no change of policy that I am aware of. I think there has been a trend over the past four or five years for some departments themselves to undertake some minor prosecution work, but where there is likely to be any difficulty with a prosecution it is undertaken by the Crown Law Office. There has not been, to my knowledge, any change in that direction. If departments have the capacity to deal with their own minor prosecutions, I do not raise any objection to that. If there is a specific instance, I would be happy to respond to it.

The Hon. PETER DUNCAN: What is the Attorney's policy in relation to the laying of informations? Does he study each brief himself and make a decision, or has the Attorney's power been delegated and, if so, to whom?

The Hon. K. T. Griffin: Generally, I delegate my authority. If there is a particularly difficult matter, the Crown Prosecutor will refer it to me. If there is an *ex officio* indictment, my recollection is that recently I have personally signed two of those. In the progress of

prosecutions, if there are any difficulties the Crown Prosecutor raises those difficulties with me for a decision, and I refer particularly to *nolle prosequis*.

The Hon. PETER DUNCAN: Does the Attorney-General still have a relationship with the legal firm with which he was previously associated?

The Hon. K. T. Griffin: No, I do not have a partnership interest in that firm. My name is still in the firm name, but I have no financial connection with it or a partnership interest. If that is leading to a suggestion that there is any conflict, let me say that I deliberately prejudiced my own security and my family's security by relinquishing that partnership interest, because I could foresee that there may be situations of conflict of interest, and I believed that I should not put myself or others who may otherwise have been associated with me in a very difficult public and ethical position by embarking on that course.

The Hon. PETER DUNCAN: What is the Government's policy in relation to briefing out criminal prosecutions?

The Hon. K. T. Griffin: The policy is very much the same as that of previous Attorneys. On occasions, it may be necessary to brief out. Whilst there is capacity in the Crown Law Office to undertake briefs itself, the Crown Law Office will attend to them. If there is a need, because of a special case requiring certain expertise or because of unavailability of Crown Law staff, it is a matter for the Crown Solicitor to make recommendations to me.

The Hon. PETER DUNCAN: Referring to page 120 of the programme document, in the proposed 1980-81 management programme there are listed six persons in a category referred to as "Other". I note from the table above relating to the last financial year that these are six additional positions. Can the Attorney tell the Committee what those positions are for and at what level they are?

The Hon. K. T. Griffin: Those positions were created specifically to form the International Year for Disabled Persons secretariat. I will obtain the exact detail of the level or classification of those officers, but those additional staff relate specifically to that responsibility for 1981.

Mr. CRAFTER: Is the Attorney satisfied with the contribution that the State is receiving from the Commonwealth in respect of the provision of legal aid?

The Hon. K. T. Griffin: One could say that you can always spend more money if you get it, and of course, in the area of legal aid, there is always a way in which you can spend funds that are available. So far as the State Government is concerned, because of the tied relationship between the Commonwealth and the State contributions to the Legal Services Commission, we would not be prepared to see any increase in the Commonwealth level of funding if it meant an increase in State funding which we might regard as either not realistic or achievable by the State Government. If the Commonwealth chose to make additional funds available without that tied relationship between Federal and State grants being taken into consideration, it could be spent.

Mr. CRAFTER: Is the Attorney aware of the very stringent means test conditions that now apply for the provision of legal aid, and is it the Government's intention to work towards some release for legal aid recipients from those oppressive conditions currently applying?

The Hon. K. T. Griffin: Under the Legal Services Commission Act I have no powers in relation to that commission. What that commission can do is entirely within its province, and it will set its own guidelines and own criteria within the financial means available to it. I have no power even to give any directions to the Legal Services Commission.

Mr. CRAFTER: The Attorney is aware, of course, that the only way in which that aid can be provided is by

appropriations that this Committee is currently considering. Is the Attorney aware of a recent study that has been done in South Australia and which is published in the June edition of the *Legal Services Bulletin* that analysed the vexed question of cost of legal aid work being done by a salaried solicitor as opposed to that done by a private practitioner, and does that, in fact, give some justification to the argument that the Legal Services Commission should decentralise its offices into some suburban and country areas?

The Hon. K. T. Griffin: I do not believe it does. The article is controversial in the sense that there are differing points of view that a variety of people have on that particular concept. I do not believe it unequivocally shows that salaried staff provide a less expensive service than do briefed counsel.

Mr. CRAFTER: As the Attorney has explained to the Committee that the function of his office is to provide funds for this service, which essentially is a welfare service in the community, has the Attorney or has Cabinet considered the transfer of this line to the responsibility of the Minister of Community Welfare?

The Hon. K. T. Griffin: I think that, if one embarks upon that, one will find that it is even more controversial than the *Legal Services Bulletin* article. It is probably just the same sort of question about the disabled—whether it is a matter of rights or whether it is a matter of welfare. In any event, I would dispute the concept of the Legal Services Commission's providing welfare: that is not its task.

Mr. CRAFTER: I understand that a computer system is now being used to pay justices the honorarium that they receive for sitting, and there have been some delays in justices receiving their payment. I understand that previously they received that money on the production of a voucher to the cashier at the court office, whereas now it takes some time. Has any assessment been done of the effectiveness of the use of the computer for this purpose?

The Hon. K. T. Griffin: The only delay is this: that a policy decision has been taken that justices will be paid on a fortnightly basis. It was quite ridiculous to have cheques or vouchers drawn up for such small sums as \$2.50 or \$3 on a daily basis. The assessment made by my officers was that, administratively, daily payments by cheque of such small amounts could not be justified, and the decision to pay on a fortnightly basis would not create any hardship to those justices who received that payment. One must take into account that, when you pay a very small amount by cheque, a tremendous amount of handling is involved at the department level through the courts and the administration section of the Law Department, as well as by the Treasury and by banks. I found that we could not justify the sort of cost involved in processing such small amounts. I have not heard of any complaints from justices of the peace in consequence of fees now being paid fortnightly rather than daily.

Mr. CRAFTER: Can the Attorney say whether he has caused any inquiries to be made and detailed studies to be conducted into the viability of reopening some of the suburban court houses which were closed some years ago, not simply on a cost analysis basis but also on the basis of the value that reopening would have to the local communities for which those court houses provide an important service?

The Hon. K. T. Griffin: A number of small suburban courts which have not been sitting on a daily basis have been closed over the last six to eight years, generally when recommendations have been received from the magistracy. A number of those courts have been closed because the court rooms were unsuitable for continuing in a limited

court function because of traffic noise, atmosphere, and so on. The honourable member raised the question earlier this year about one particular court, and it was at that stage that I asked my officers to review that, but the advice that I received was that it was not a feasible option, either on a cost basis or on the basis of benefit to the community. Generally speaking, one finds that, although a court may be situated in a suburban area, persons who appear before the court come from a very wide area, and most of them come by motor vehicle: those who do not travel by public transport.

The assessment was made that it was just as easy for them to come into a more centralised location, either in regional courts or into the city, and that it would not inconvenience them to any extent, if at all.

The Hon. PETER DUNCAN: In relation to lower courts being opened and closed, can the Attorney give the Committee any information in relation to the summary court at Penong, on the West Coast near Ceduna? This court has had a long, interesting history since about 1976, when I gave instructions for it to be closed. My intention was to ensure that the Penong court matters were transferred to be heard at Ceduna. The reason was that we had arranged to have magistrates visiting Ceduna and therefore matters on the West Coast which often involved Aboriginal defendants would be dealt with by a magistrate from Adelaide and therefore no local pressures would be brought to bear. Prior to that, I had seen some figures from the Penong court that indicated that the penalties being applied by local justices to Aboriginals were fairly high. I gave instructions for that to happen, but I do not know whether it ever happened. I saw recently that the Penong court still appears in various documents as a court still operating in South Australia. I would be very pleased if the Attorney-General could provide information on this matter.

The Hon. K. T. Griffin: With respect to that matter, I have given instructions that as soon as appropriate facilities are available a magistrate will attend at Yalata on a regular basis. Some concern was expressed about security for prisoners before the court. Steps are being taken to erect secure facilities for defendants before the court at Yalata, and as soon as they are available the magistrate will begin sitting at Yalata.

The Hon. PETER DUNCAN: What is the current status of the Penong court?

The Hon. K. T. Griffin: Once Yalata becomes operational in terms of court sittings, there will no longer be a need for Penong.

The Hon. PETER DUNCAN: But that still will not stop the local police officers from forming a court of a couple of local justices as long as a court exists at Penong. It seems that that has been the situation in the past. Notwithstanding the instruction that was issued from the Attorney-General's office, that court has continued to operate, as I understand the position. I saw somewhere that the Police Department had, in fact, built a new police station, which included a court, at Penong.

The Hon. K. T. Griffin: A court of summary jurisdiction can be held in any place, really, but whilst there will be facilities at Penong it will be a conscious decision that proceedings involving Aboriginal people will be heard at Yalata. Of course, if the Aboriginal people do not live at Yalata, that is a different matter, but the emphasis will be on providing facilities at Yalata for Aboriginal people to be tried there by a magistrate.

The Hon. PETER DUNCAN: Can the Attorney tell the Committee what is his policy in relation to resident country magistrates? Has there been any change in policies since he has come into office?

The Hon. K. T. Griffin: Yes, there has. Although I am not responsible for magistrates, who are technically the responsibility of the Premier, I have become very much involved in advising the Premier on decisions which need to be taken. The previous Government had a policy, among other things, which proved to be somewhat restrictive, in that applicants for the magistracy had to give an unqualified undertaking that they would serve in a country area for a period of three years at some time during the course of their service as a magistrate. It was put to me, and I accepted after my own inquiries, that that mandatory requirement was preventing otherwise good practitioners from applying to be magistrates, and in itself this created some hardship for those magistrates who gave the undertaking but who subsequently, for family or other reasons, found that it was not possible for them to go to the country. In fact, several magistrates indicated to me that as a matter of conscience they would have to retire from the magistracy if they had to go to the country.

I took the view that the mandatory requirement really was not appropriate, and accordingly that was removed. I recollect that a decision was taken by one of my predecessors with respect to the Whyalla court which would have required two resident magistrates in Whyalla. I made some variation to that. I think there were to be three magistrates in the northern area around Port Augusta and Whyalla, and I took the view that one should live in Whyalla and one in Port Augusta, rather than having them both located in Whyalla, and there was no need for three but rather there was a need for two.

The Hon. PETER DUNCAN: On what basis did the Attorney make the decision that there was a need for only two magistrates in the North of the State?

The Hon. K. T. Griffin: The assessment which was made in my office was that it was fairly difficult to service Ceduna and Yalata from one of those two northern towns and that in terms of aircraft charter it was cheaper to go from Adelaide than to go from Whyalla or Port Augusta. That was one of the considerations. Another was that we did not see the need in terms of work for three magistrates to reside in the northern area.

The Hon. PETER DUNCAN: I understood that there was information to indicate that air charters were available in Port Augusta, as they are in Adelaide, from at least two charter companies. I am sure that was on files within the Attorney-General's office. I understood further that the assessment that was done some time ago into the amount of work on the West Coast and in the North of the State was to the effect that there would be more than enough work for three magistrates in the North of the State and on the West Coast.

The Hon. K. T. Griffin: There may have been sufficient work for three; certainly, there is sufficient work for two magistrates. There is possibly work for two and a bit if one of the northern magistrates serviced Ceduna and Yalata and also serviced the northern regions such as Oodnadatta and some of the Aboriginal communities in the North and North-West of South Australia. However, when my officers looked at it and when I considered advice, I took the view that it was a better use of manpower and did not cost any more for magistrates to fly from Adelaide on air charter to Ceduna and Yalata and to fly from Adelaide to the northern circuit, rather than basing someone in Port Augusta specifically for that task, there being a real risk that that magistrate would not be fully occupied.

The Hon. PETER DUNCAN: What has happened to the report into the magistracy? Has that been implemented, and what steps has he taken to try to improve the efficiency of the magistracy at the Adelaide Local Court and the Adelaide Magistrates Court?

The Hon. K. T. Griffin: With regard to the structure of the magistracy, earlier this year decisions were taken that established a structure, which is now becoming operational, that would really divide responsibilities for management and day-to-day administration between a supervising magistrate in the Local Court and a supervising magistrate in the Court of Summary Jurisdiction, with the Chief Stipendiary Magistrate being available to hear cases and to settle any disputes if they could not be resolved by the supervising magistrates, and also to deal with policy matters. That has only been in operation now for a very short time and it appears, after the first few weeks of operation, to be running most satisfactorily. That is as far as that restructuring has gone at present. Applications were called for new magistrates a month or so ago, and those applications are still being processed by the Public Service Board.

The Hon. PETER DUNCAN: Are they additional magistrates?

The Hon. K. T. Griffin: There will be three magistrates. I think one of them will be additional and two will replace magistrates who have either retired or resigned from the magistracy.

The Hon. PETER DUNCAN: I was interested in the Attorney's concern for efficiency within the magistracy in the North of the State. I imagine that he will now be aware of the fact that there has been long-standing concern over the efficiency of the magistracy in the Adelaide metropolitan area. It is a fact well known I think, particularly among magistrates and those who work in the area, that some magistrates work long and hard and others less so. Some courts have a very full list and it taxes the magistrates of those courts to the limit, whereas others have a more limited list and the magistrates there have a more leisurely time. Has the Attorney taken any steps to check on the work load of individual magistrates? In particular, I again ask what has been done to implement the recommendation of the report into the magistracy?

The Hon. K. T. Griffin: The restructuring to which I have just referred is one of the steps which has been taken to improve the management of the magistracy. I am not aware of any other report which might affect any restructuring of the magistrates courts. My recollection is that there was a report which dealt with this question of who has the responsibility for the administration in the magistrates courts. That report has been largely superseded by the decision, which has now been implemented, to ensure that there are two supervising stipendiary magistrates who themselves have responsibility for the day-to-day administration of their respective courts. As I indicated to the Committee, that has only been in operation for a very short time. I prefer at this stage to give that every opportunity to work before becoming further involved in it myself.

The Hon. PETER DUNCAN: I do not imagine that the information that was brought to light by that committee, particularly by a study of the magistrates' clerks' diaries which indicated the number of hours that individual magistrates sat per day, has been superseded. I ask whether the Attorney has seen that information and, if not, will he study it and seek to bring it up to date? That information showed clearly that some magistrates work long hours and work hard, and others have a more leisurely time. It does seem that even if only for equity between the magistrates, something further should be done to try to ensure that a reasonable work load is carried by each magistrate.

The ACTING CHAIRMAN (Mr. Olsen): It is the prerogative of the Minister to answer the question or delegate it to an adviser.

The Hon. K. T. Griffin: Is the honourable member referring to an interim report which was prepared by Mr. Justice Walters some four or five years ago? If he is, then, whilst there is some useful information there, I still say that any question of work loads is at this stage a matter for the supervising stipendiary magistrates in both the Local Court section and the Courts of Summary Jurisdiction section. I accept that all magistrates need to spend an approximately equivalent amount of time in the service of the court. I would hope that a lot of the difficulties which have been experienced and of which I think all of those who are involved in the practice of law will be aware will be very largely overcome by the restructuring which is currently taking place.

Mr. CRAFTER: Is the Attorney aware of the fact that a large sum of money, possibly some millions of dollars, would be available, perhaps for the purpose of legal aid, if interest was collected on a greater amount of that money which was in solicitor's trust accounts and which is now not gaining any interest? If he is, can he indicate the Government's attitude towards this matter and will action be taken to have that money earn some interest for a public purpose?

The Hon. K. T. Griffin: There has been a considerable amount of work undertaken by the Victorian Law Institute and the matter has been considered by the Law Council of Australia. In South Australia, I have had approaches from the Law Society with respect to the availability of those funds for investment to return income either for legal aid or for some other public purpose.

I have considered the matter and, on the recommendation made to me by persons who have a very close contact with the Victorian Law Institute, I have declined to rock the boat at this stage, because some fairly sensitive discussions were taking place between the institute and the various banks. That occurred only several months ago and, while at this stage I am most certainly interested in the agreed proposition that would enable more of those funds to be available, I would not be prepared to prescribe it by Statute.

Mr. CRAFTER: Can the Attorney inform the Committee whether the Crown Solicitor's Trust Account, which I notice received about \$17 000 000 last financial year, earns any interest and, if it does, to what purpose is that interest put?

The Hon. K. T. Griffin: The advice that I have received indicates (and I am almost 100 per cent sure) that no interest is earned, but I will check this matter. I point out that the net balance does not fluctuate very much over a year and, whilst there have been substantial receipts of about \$17 000 000, there have also been substantial payments, and I hazard a guess that, if the balance is \$1 484 000 at the beginning of the 1979-80 financial year, and \$1 344 000 as at 30 June 1980, it does not reach any larger sum over the year. It would possibly be deposited with the Treasury, but I will obtain that information for the Committee.

The Hon. PETER DUNCAN: What progress has been made in regard to the Coroner's salary claim, an issue which has been alive and well for some years?

The Hon. K. T. Griffin: I intend to introduce amendments to the Coroner's Act and at that time the salary base for the Coroner will be adjusted. It is important that the Committee members know that the Coroner's salary is fixed by Statute at a proportion of a Local Court judge's salary, and that a Local Court judge's salary is a proportion of a Supreme Court judge's salary. The national wage increases that are generally added to the judges' salaries do not flow through completely to the Coroner, and I believe that that needs correction, which I

intend to bring about when I introduce amendments to the Coroners Act.

The Hon. PETER DUNCAN: Has the position of Coroner's clerk been filled?

The Hon. K. T. Griffin: Yes. The Coroner's constable is Mr. Cooling and the position of Coroner's clerk has also been filled.

The Hon. PETER DUNCAN: When was the decision made to split the Government reporting section in two?

The Hon. K. T. Griffin: A decision was taken on the retirement of the previous Director of the division, largely for administrative purposes. Both divisions are still within the Law Department, and I am advised that administratively both divisions can function quite satisfactorily as separate units.

The Hon. PETER DUNCAN: No doubt that is the case, but there has been pressure for some time to achieve this end, and I see that the Public Service Board has won out. I say this with some seriousness because within the reporting divisions there is considered to be a hierarchy or pecking order. Those reporters who work in the Parliament well believe that their position has greater status than the position of reporters in the courts. That is fairly well known. There is what I would describe as an industrial problem in relation to getting reporters within the Parliament to undertake reporting work in various other sections of Government. That is as I understand the position.

The previous Government hoped that finally the situation would be broken down to give greater flexibility so that the Parliamentary reporters, when Parliament was not sitting, could be made available to undertake court or other reporting duties as directed; this was the long-term intention of amalgamating the two branches. Has the Attorney a view on this matter, and how does he justify saying that, in terms of efficiency, the splitting of the division has not affected efficiency because, quite obviously, if you have a group of reporters and you split them in half and give one half one set of duties and the other half another set of duties and the relative work load of both halves goes up and down, then by splitting them you have not got the same flexibility and you probably need more reporters than would otherwise be needed if you had flexibility and could direct manpower to where it was needed at a particular time.

It is quite obvious that, when the Parliament is sitting, the need for reporters in Parliament is very great; on the other hand, when Parliament is not sitting, the work load for the Parliamentary Reporting Division is reduced, not always, but often, quite significantly. On the other hand, the work load of the courts goes up and down. It is patently obvious that this flexibility is needed; it was a desirable administrative reform. We were working towards it but it seems that this Government, which is so allegedly committed to efficiency, has been less than enthusiastic about efficiency in this area.

The Hon. K. T. Griffin: It is my view that the split does not affect efficiency. Whilst Parliament is not sitting, for example, most of the reporters, at one time or another, take annual leave. There is still the potential for exchange between one division and another, if the need arises. The Law Department considered this matter carefully, as did the Public Service Board, and the advice that I received was that the proposition was reasonable and had no disadvantages either in regard to staffing or efficiency to the Government.

The Hon. PETER DUNCAN: How often have there been exchanges between the two divisions?

The Hon. K. T. Griffin: I am not aware of that.

The Hon. PETER DUNCAN: Who sought this change in arrangements?

The Hon. K. T. Griffin: The Director-General, as I understand it, in his general duties determined that this might be an appropriate matter. He referred it to the Public Service Board and, as I understand it, the matter was discussed with various members of the reporting division. I certainly have not heard any criticism of the change.

The Hon. PETER DUNCAN: What is the present position in relation to the proposals for country offices for the Legal Services Commission?

The Hon. K. T. Griffin: I have made my position clear over a number of months, namely, if a need is established, and co-operative arrangements between local practitioners, the Law Society and the Legal Services Commission in one form or another appropriate to the particular circumstances cannot be achieved, I will consider the position of the Government with respect to Legal Services Commission offices. I understand that, in respect of one particular area, after discussions between local residents, the Law Society, local practitioners, and the Legal Services Commission, a co-operative arrangement was agreed, and that did not involve the establishment of an extensive Legal Services Commission office. The Government is not prepared to fund, either in part or in whole, an extension of a Government instrumentality where other schemes and facilities might be more appropriate and achievable.

The Hon. PETER DUNCAN: Will the Attorney say whether he will continue to be doctrinaire on that matter, even where there is clear proof that the services provided by the private profession are more expensive than the services provided by the in-house lawyers in the Legal Services Commission?

The Hon. K. T. Griffin: I dealt with that matter when the member for Norwood referred to it earlier. I indicated that that particular matter of who can fund the provision of legal aid more cheaply or more expensively than another is a matter of some controversy. There is not unequivocal proof of either one position or another.

The Hon. PETER DUNCAN: In the light of that reply, is the Attorney prepared to fund a study into such matters by some independent consultants to endeavour to ascertain exactly what is the position? This is a matter of financial fact; it is not a matter of conjecture or a matter of opinion; this is something that ought to be provable, factually, in financial terms. I would have thought that, if the information was not available to the Attorney-General's satisfaction, the appropriate course of action would be to set up an independent study of such matters to ascertain where the truth lies.

The Hon. K. T. Griffin: It is not just a matter of facts. In any event, the Commonwealth Legal Aid Commission itself is considering this very question in the review of the provision of legal aid throughout Australia.

The Hon. PETER DUNCAN: Will the South Australian delegate on that commission support such a statement?

The Hon. K. T. Griffin: There is no South Australian delegate on that commission. It alternates between the States. The State representatives on the Commonwealth Legal Aid Commission come from Queensland and Victoria, and that is appropriate in terms of the arrangements which were negotiated at the inception of the Commonwealth Legal Aid Commission.

The Hon. PETER DUNCAN: Who are the current members of the Commonwealth commission?

The Hon. K. T. Griffin: I do not have that information available, but I can bring it back.

Mr. CRAFTER: Are any moneys allocated for the

provision of information and for educating members of the public as to the protections and rights they have under the law?

The Hon. K. T. Griffin: There is no specific provision for that purpose in the Law Department's lines.

The Hon. PETER DUNCAN: Can the Attorney say what is the Government's present policy on court cleaning?

The Hon. K. T. Griffin: Some court cleaning is undertaken by the Law Department; other court cleaning is undertaken by the Public Buildings Department. In some areas, police officers undertake that work on a contract basis. In other areas, some other person locally may undertake it on a contract basis. Recently, in the light of the need to review the question of costs of such service and the service provided, the Law Department called for tenders for contracts for cleaning certain courts and, as a result, certain contracts were let.

The Hon. PETER DUNCAN: In relation to persons on remand or in police custody, is it still the Government's policy to pay (this may be a Chief Secretary's matter and, if it is, I shall be happy to direct it to him subsequently), in many instances, the spouses of the police officers an allowance for feeding prisoners?

The Hon. K. T. Griffin: I do not believe that that is within my area of responsibility.

Mr. BANNON: Regarding the Sheriff's Office, provision is made for interpreters. I understood that they were supplied from the Ethnic Affairs Branch's interpreting service. Is this a recharge to that department, or a separate interpreting service?

The Hon. K. T. Griffin: On which page of the Estimates does this appear?

Mr. BANNON: On page 32, under the Sheriff's Office.

The Hon. K. T. Griffin: The Law Department, through the Sheriff, would pay interpreters only where they were witnesses. Certainly, interpreters are provided by Ethnic Affairs and not by the Law Department, so it is possible that, under that heading, interpreters have been retained inadvertently, because they were at one stage in the Law Department, and the heading has not taken into account that the Law Department no longer provides an interpreter service. If any interpreter appears as a witness, that would come out of the Law Department's line through the Sheriff.

Mr. CRAFTER: Can the Attorney-General supply details of outstanding fines applying in all major courts? In Port Adelaide, Elizabeth and Salisbury courts, the amount of fines outstanding has increased substantially. Before commenting, I would like to see the figures for other courts.

The Hon. K. T. Griffin: I have some figures relating to the Adelaide Magistrates Court. If the honourable member wants figures for other courts, I will endeavour to obtain them. Does he want figures for other courts?

Mr. CRAFTER: Yes, if I could.

The Hon. K. T. Griffin: Apparently the record of that information is not kept centrally. It will mean having to communicate with every court of summary jurisdiction throughout South Australia to obtain that information. I am prepared to ask my officers to consider that.

Mr. CRAFTER: It would seem fairly clear that, in times of high unemployment, where many people are recipients of social security benefits, a monetary penalty is not an appropriate way to punish an offence against the law. The dramatic increases in outstanding fines in the lower socio-economic areas, such as Port Adelaide, Elizabeth and Salisbury, would indicate that it is not possible to recover fines from people. Before making further comment and drawing conclusions, I would appreciate figures being obtained from other courts. I would have considered

Darlington and Holden Hill major courts, and they are not included there. I would not want figures from every court, but certainly from the larger ones.

The Hon. K. T. Griffin: If the honourable member would like to identify the larger courts from which he wants that information, I would be happy to have my officers provide it. There was some concern about the large amounts outstanding in unpaid fines, particularly in the Adelaide Magistrates Court, and, as a result of that concern, a small computer system was introduced to the Adelaide Magistrates Court. It has been operational since February of this year, and is designed to overcome a lot of delays in recovery which were caused very largely by manual processing rather than by computer processing. With the introduction of the computer, there was a better capacity to keep track of fines and the progress of recovery. The information I have is that the introduction of the small computer has speeded up the recovery rate of fines. There was a considerable back-log, but the computer is making a significant contribution to whittling down the total amount outstanding.

The Hon. PETER DUNCAN: The best the computer can do is to speed up the book work, but it is not possible to get blood out of a stone, and that is the point the member for Norwood was making. Fines are not an appropriate punishment for persons who have no money. As an Opposition, we do not want to appear in any way in the position of enthusiastic debt collectors, and that is not the point that is being made. The point is that the pressure that the Auditor-General has been applying in this matter over some years should be dealt with at a policy level, so that the whole matter can be resolved. Obviously, that will involve writing off fines in many cases, and some mechanism for achieving that needs to be looked at. It is not good enough for outstanding fines to simply accumulate year after year. We all appreciate that, and we all appreciate the Auditor-General's concern in this matter. Nonetheless, the desire to balance the books should not override the degree of human suffering and misery that is hidden behind these figures.

Any member of this House, or at least those of us who represent the poorer socio-economic areas, would have had numerous examples of constituents being hounded by police bailiffs with warrants, and we have all endeavoured to do what we can to try to get the bailiffs to show a little restraint. In most instances where I have asked police bailiffs to show restraint in these matters they have been very accommodating, and I think that to some extent the brutality of the system is tempered by the humanitarian attitude of many police officers in dealing with these matters. However, that does not overcome the fundamental problem. People incur fines and costs and have no opportunity to pay them. In those circumstances, something needs to be done to relieve that burden.

If the Government believes that people who cannot afford to pay relatively small fines should be put in gaol, it had better come out and show its lack of compassion by saying so. If it does not believe that, the appropriate course of action is for the Government to adopt some policy to enable these fines to be written off. If the Governor's petition of mercy or the Governor's pardon has to be used, or some other mechanism involving Executive Council, so be it, but some mechanism must be developed for doing this.

Administratively, this is a matter which the Attorney-General's office should come to grips with to ensure that in future fines are not run up against people who are not able to pay them in circumstances where no-one in the community would wish to have that person put in gaol. We have this hiatus where the penalty is there, the fine has

been imposed, and the person cannot pay it. The department does not finally enforce payment by gaoling the person, and so to some extent that makes a mockery of the law.

One suggestion which has great merit is the imposition of day fines, but in the interim, whilst we are looking at and considering that matter, something should be done to write off these fines. The situation operating at the moment is not good enough. The poorer people who are fortunate enough to see a member of Parliament or someone else with a little influence in the community are able to get some mercy shown to them. We do not find people being imprisoned very often for non-payment of fines where they have been able to get their story across to the public. Nevertheless, a large number of people are, in fact, imprisoned for failure to pay fines, when, through no fault of their own, they find that their means do not enable the payment of these fines.

I think it is a sad and heart-rending situation we have and something ought to be done to alleviate that position. I would make a special plea to the Attorney-General to see what steps can be taken to come to grips with this matter.

The Hon. K. T. Griffin: My only response to that is that I suggest the honourable member address some questions to the Chief Secretary about community work orders, because one of the areas that the Government has announced in terms of policy is the emphasis it would like to see placed on community work orders for adults and juveniles.

The Hon. PETER DUNCAN: In relation to the question of relativities that I raised before within the office of the Minister, I ask once again, just to get this quite clear for all concerned, whether the Minister is intending to take any action to redress the imbalance that has now developed as a result of the leap-frogging of the Crown Solicitor over the Director-General and the Solicitor-General?

The Hon. K. T. Griffin: It is not my province to take any action; that is a matter for the Public Service Board. In relation to a question by Mr. Crafter about the Crown Solicitor's Trust Account, I am informed that it is a non-interest bearing account at Treasury.

The ACTING CHAIRMAN (Mr. Olsen): There being no further questions, I declare the examination of the vote completed.

Attorney-General, Miscellaneous, \$1 072 000

Chairman:

Mr. G. M. Gunn

Members:

Mr. E. S. Ashenden
Mr. J. C. Bannon
Mr. H. Becker
Mr. G. J. Crafter
The Hon. Peter Duncan
Mr. T. M. McRae
Mr. J. W. Olsen
Mr. J. K. G. Oswald

Witness:

The Hon. K. T. Griffin, Attorney-General.

Departmental Advisers:

Mr. L. K. Gordon, (formerly) Director-General, Law Department.

Mr. M. N. Abbott, Chief Administrative Officer, Law Department.

Mr. A. Dietrich, Administrative Officer, Legal Services Commission.

Mr. McRAE: I note that \$9 500 is being provided towards the cost of the Constitutional Convention. Is the Attorney-General able to say whether it is proposed that the Australian Constitutional Convention plenary session will meet in Adelaide in the next year?

The Hon. K. T. Griffin: At this stage, I am not aware of what the Commonwealth or the States intend to do in relation to a plenary session of the convention in Adelaide or in any other place. The payment of the costs was below Budget in 1979-80 because the number of meetings was less than envisaged. In 1980-81 there is a provision which takes into account the possibility of a plenary session being held in Adelaide. I cannot really take it any further because no decision has been made at any level of government whether or not a plenary session will be held during this financial year.

Mr. McRAE: I would assume that it is the policy of the current Government to support the Constitutional Convention. Before asking the Attorney-General to respond to that, I wish to indicate that in my view the Constitutional Convention has played a valuable role, although it does not achieve the great things that were once hoped for. It seems to me that, in the context of constitutional reform in Australia, it is about the only viable way of doing it, so I would hope it is the policy of the Government to give strong and real support towards the idea of the convention and its various committees.

The Hon. K. T. Griffin: We support the concept of constitutional conventions. We believe that they are important forums for considering constitutional questions on a Federal basis, and certainly we would encourage a convention to take further questions which have been raised at previous conventions. Of course, one must recognise that sometimes a constitutional convention becomes more of a political forum than a constitutional forum, and for that reason it is my hope that, if a plenary session is held, politics are kept out of it and the emphasis is quite clearly on the constitutional aspects that are important to Australians.

Mr. McRAE: I think that the Attorney might have rather high hopes in anticipating that politicians would keep politics out of the Constitutional Convention, but I certainly get his drift.

I am surprised, in view of statements made by the Attorney in what I understand to be the policy of the Liberal Party, that there does not appear to be provision made for a South Australian Constitutional Convention. Could the Attorney explain what is the current state of play in relation to that matter?

The Hon. K. T. Griffin: The current state of play is that we do intend to convene a South Australian Constitutional Convention. The planning is only in the very initial stages and any costs of that initial planning will be absorbed in any of a variety of lines in the Estimates. Whilst it is possible that it will get off the ground in the current financial year, I think it more likely that it occurs in the next financial year.

Mr. McRAE: I am pleased to see that the provision for legal aid has been increased from \$441 000 last year to \$618 000 proposed for this year. I take the opportunity to make a plea to the Attorney and perhaps get some response from him in relation to one aspect of legal aid. It has been said, and I think said truly, that there are two varieties of people before the law courts. There are the rich who can afford it and there are those with no money at all who are well looked after. There is an in-between category that is simply placed continually at risk.

I have found in my electorate that the reality of the

situation in South Australia is such that if a person has committed a murder or some very serious criminal offence there is no difficulty whatsoever in getting legal representation and, in fact, tens of thousands of dollars will be spent with barely the flicker of an eyelid. However, if a person is unfortunate enough to be involved in a civil dispute, the consequences can be quite horrific. I want to give one example of that to the Attorney as part of my plea to see that something is done about this.

I had a constituent who was a small shopkeeper. He was the victim of one of those onerous leases that are very common at the moment.

The Hon. PETER DUNCAN: Pernicious.

Mr. McRAE: Yes. Nonetheless, it did appear to his legal advisers that there was a chance that a plea of estoppel might succeed. There were proceedings in the Supreme Court, and the potential cost ran into many thousand of dollars. On making application to the Legal Assistance Commission, the constituent in question received the magnificent assistance of \$50 advice initially and a maximum of \$200.

If he had taken a shovel to his neighbour and smashed him across the head there is no doubt whatsoever that he would have received full assistance, silk if necessary, and if witnesses were needed from the United Kingdom they would have been flown out, but this honest citizen to whom I have referred received maximum assistance of \$200. As it turned out, the practitioners in question were prepared (to use the legal parlance) adopt a Robin Hood attitude on the matter. Not everyone would be prepared to do that, but they were prepared to adopt that attitude and he was very lucky to get out of it. He would not have got out of it had it not been for the solicitors adopting that attitude. That is my plea to the Attorney—in some way it seems to me that the ordinary decent citizen should receive assistance. (I am not saying that people appearing in the criminal court should not receive free assistance, as of course they should, as it is a prime cost that we pay for our mental liberty.) I realise the Attorney would probably not have the information readily available but, in due course, I should like to know what figures are available to demonstrate what was paid out of the legal assistance scheme in relation to various categories of legal matter, for instance, criminal, family law, and other subgroups such as workmen's compensation, running down and contractual.

The Hon. K. T. Griffin: There are guidelines established by the Commission which are guidelines for the granting or refusing of applications for legal aid, and those guidelines extend not only to criminal matters or matters where there has been an offence committed but also to civil matters and, provided the applicant is able to come within the guidelines, ordinarily legal aid is granted, provided also that the Legal Services Commission is satisfied that there is some prospect of success. I would be prepared to obtain the information that the member has requested and make it available either to him or the Committee. I might also point out that, if an applicant is refused legal aid and is dissatisfied with that decision, there is always a right to appear informally before the full Legal Services Commission, by way of an appeal, to have the decision reviewed.

Mr. McRAE: Further to that, I think the Attorney ought to be aware that, notwithstanding what he has said, and I have no doubt that those remarks were made validly, in fact there is a tremendous problem regarding applications. Applications for criminal matters are met without any difficulty but applications for civil matters are treated with the gravest reluctance. For the life of me I have never been able to understand why the ordinary decent citizen gets such a rough run, whereas the alleged

rogue, and in many cases the rogue, who may be a lad with 18 previous convictions, will get priority against the decent citizen, notwithstanding the fact that if legal counsel were asked in many a murder case about the chances the answer would be a snowball's chance in hell. Yet, those are the realities of the matter and I hope that this will be looked at seriously and that something will be done to redress the matter, even if it means that we segregate out another sum of money for civil purposes, something in the nature of a separate civil action suitors' fund.

The Hon. K. T. GRIFFIN: Whilst that does not specifically relate to the Estimates I shall certainly follow that matter up and inquire into the problem to which the honourable member refers.

I now have some figures for the financial year ended 30 June 1980 which relate to the commitments made by the Legal Services Commission. The figures are not the amounts actually paid out but are the commitments entered into by the commission, and they are divided into Commonwealth and State areas. Dealing first with the Commonwealth, I point out that in the family law area there were 2 166 cases, with commitment totalling \$814 949; in the criminal area, there were 2 507 cases, with a commitment totalling \$652 811; for civil matters, there were 912 cases, and the commitment was \$261 116. In the "Other" Commonwealth category, there were 75 cases, where the commitment totalled \$21 212. With regard to the State area, for criminal matters, there were 1 503 cases, for a commitment total of \$456 195; in civil matters, there were 480 cases, with a commitment total of \$123 760.

Mr. McRAE: I think the Attorney can see my point.

The Hon. K. T. Griffin: One would also need to consider the applications to gain a proper impression of the favourable or unfavourable approach to civil matters. I would not want the Committee to feel that I agree with that immediate response of the member for Playford, because I think there is one other factor to take into account, namely, the total amount of applications made and in what areas. I will certainly follow that matter up.

Mr. McRAE: Can the Attorney also get that information, because that might tend to help the assessment one way or the other?

The Hon. K. T. Griffin: I am prepared to get that information.

The Hon. PETER DUNCAN: I am very pleased to see the Aboriginal Customary Law Committee is being funded this year, and when I read these papers it was the first indication that I had that the new Government had any commitment at all to the terms of reference of this committee. I ask the Attorney-General, first, whether the membership of the committee is the same as it was originally, and if not, what have the changes been?

The Hon. K. T. Griffin: There has not been any change in the membership of the committee.

The Hon. PETER DUNCAN: Are the terms of reference the same?

The Hon. K. T. Griffin: The terms of reference are the same, but it is possible that there may be some change some time in the future.

The Hon. PETER DUNCAN: I understand that the committee has not met for some time or, if it has met recently, there was a considerable period during which it was not active. What was the reason for that, and has the committee been reactivated?

The Hon. K. T. Griffin: A final decision about whether there should be a meeting and whether the work of the committee should progress has not been made. The principal reason involves the question of whether the committee work should continue in the light of the

reference that was under consideration by the Australian Law Reform Commission and the fact that other matters of greater importance were affecting Aboriginal affairs, such as the question of Aboriginal land rights, which took priority over the questions of Aboriginal customary law.

The Hon. PETER DUNCAN: I cannot see how those two matters are in conflict. If the Attorney looked at the file on the Aboriginal Customary Law Committee, he would see that letters from Mr. Justice Kirby (from memory) and other officers of the Australian Law Reform Commission commend the work of the committee and clearly indicate that the work that was being done by the committee was of great value to the Australian Law Reform Commission. There did not appear to be any conflict at that time, so I refute the suggestion that this committee's work is unnecessary in the light of the Federal inquiry that has been going on in tandem with the South Australian committee almost since the committee's inception. I believe that our committee was set up just before the reference to the Federal Australian Law Reform Commission and, if anything, the setting up of this committee gee-ed up the Federal Attorney-General into making that reference.

The Hon. K. T. Griffin: I did not say that it was unnecessary; I said that, in the light of those two developments, a decision was taken not to push the work of the South Australian committee. Decisions will be taken in due course about the South Australian committee. Undoubtedly, valuable work is undertaken by that South Australian committee in respect to Aboriginal customary law but, since the election of 1979, there has been much more intensive activity at the Commonwealth level by the Australian Law Reform Commission in that area. That is as far as I can take the matter.

The Hon. PETER DUNCAN: The Attorney did not explain how the work of this committee and the question of land rights are in any way mutually exclusive or contradictory. Quite obviously, the two can flow side by side; they are not in conflict and the personnel working in one area are not the personnel working in another area, as I remember it. I cannot see the logic in the argument to suggest that this committee's work in some way must take a back seat to the work being done in other areas regarding land rights.

The Hon. K. T. Griffin: The Government's priority was to reach some agreement on the question of Aboriginal land rights, and the principal efforts of the Government have been directed to that area during its first year of office; therefore, the Aboriginal Customary Law Committee took a back seat to the development of the Government's activity in regard to Pitjantjatjara land rights.

The Hon. PETER DUNCAN: The Minister still has not answered my question. What in the world, in terms of resources or anything else, has the Aboriginal Customary Law Committee to do with the question of land rights? I want to know why the work of that committee could not proceed at the same time. What resources, actions, or Government involvements with the committee could detract from the work being done on land rights?

The Hon. K. T. Griffin: The previous Government's Bill on land rights raised, quite specifically, the question of Aboriginal customary law and, undoubtedly, that would have impinged on the negotiations with the Pitjantjatjara with respect to land rights. The Government and I decided that principal emphasis should be given to the land rights question, and it was not in the best interests of achieving a resolution of that that the Aboriginal Customary Law Committee should undertake its own investigations and

discussions in regard to a matter that impinged on the previous Government's Bill.

The Hon. Peter DUNCAN: When does the Attorney anticipate this bureaucratic decision-making process will grind to a conclusion so that a decision can finally be made whether the Aboriginal Customary Law Committee is to continue its work?

The Hon. K. T. Griffin: I am not prepared to put a date on it.

The Hon. PETER DUNCAN: I notice that the Classification of Publications and Theatrical Performances Board has been transferred to the Attorney-General from the Premier. Is the Attorney aware of any proposal to transfer that board back to the Premier, following the Attorney's recent lamentable appearances in the area of cinema?

The Hon. K. T. Griffin: The Hon. Mr. Duncan may regard my decision as lamentable, but I do not. There is no intention to transfer that board to the Premier or to any other Minister.

Mr. CRAFTER: I understand that initially the Commonwealth Government agreed to host the Sixth United Nations Congress on Criminology and later decided to withdraw that invitation; has any attempt been made to recover, from the Commonwealth Government, State moneys that were expended in regard to that conference?

The Hon. K. T. Griffin: No; when the decision was taken by the Commonwealth not to host the congress in Australia, the States' contributions, as I understand, terminated, but because work had been done on a co-operative basis up to that point, it did not seem appropriate to me to request recovery of the sum expended.

The Hon. PETER DUNCAN: Has the Commonwealth or any other State demanded additional payment from South Australia in light of the fact that originally there was an agreement between all of the States, under which we paid \$3 359, but subsequently, other States agreed to increase the commitment. As I recall, South Australia did not agree to this increase. Has there been any move by the Commonwealth or other States to seek an increased contribution from South Australia in regard to the losses?

The Hon. K. T. Griffin: Not that I am aware of.

The Hon. PETER DUNCAN: We were very fortunate to get out so lightly, compared to the other States.

The Hon. K. T. Griffin: I think we were.

The Hon. PETER DUNCAN: I notice that there has been a substantial increase in the sum proposed (\$250 000) for compensation for injuries resulting from criminal acts as compared to actual payments last year of \$184 290, although the increase is not so substantial when one considers the fact that in 1978 the amount of compensation in regard to each criminal act was increased to \$10 000. Is the Attorney satisfied that that sum will be sufficient to meet the claims? Has any assessment been made of the claims that are in the pipeline so that a likely total could be obtained?

The Hon. K. T. Griffin: In 1979-80, a great number of smaller claims were made as well as the first of some of the claims for the increased amount resulting from the amendments to the Act in 1978.

We still have a few of the smaller claims in the pipeline but, for the current financial year, a greater proportion of larger claims will be falling due for payment. The assessment of \$250 000 has been made on what was the experience of officers in previous years, what we have been able to identify as being in the pipeline, and what the reasonable prospect will be for claims not yet made and paid. It is a reasonable estimate, in the light of available

information. It may be inadequate, but no-one is able to make that assessment at this stage.

The Hon. PETER DUNCAN: Are any figures available within the Government indicating the numbers of Criminal Injuries Compensation Act claims over the past few years?

The Hon. K. T. Griffin: We could get statistics on that matter; there is no problem about it. I do not have them available here, but I will make them available.

The Hon. PETER DUNCAN: Can the Attorney give the Committee any indication of whether the number of claims has been increasing reasonably rapidly?

The Hon. K. T. Griffin: Rather than speculate, we will need to get the details. I will arrange for those details to be obtained and made available to the Committee.

The Hon. PETER DUNCAN: In relation to payment of damages for unlawful imprisonment, \$5 000 was voted last year, whereas no sum has been voted this year. I presume that this is on the basis that there are no known claims.

The Hon. K. T. Griffin: Because there are no known claims, and in the light of the past year.

The Hon. PETER DUNCAN: I understand that that line regularly appeared in the Estimates. The fact that no provision has been made this year might indicate that, next year, it will disappear from sight, which is a tendency that has gone on for some time, resulting in fewer and fewer lines. Can the Attorney-General assure the Committee that that line will not simply disappear from the Budget and that there will continue to be a line showing what amounts of damages have been awarded in this regard?

The Hon. K. T. Griffin: If claims are made, that information will be available. Last year the provision was made, as I understand it, because there was one known claim. In this current year, there are no known claims; therefore, it has not been deemed appropriate to make any provision in this regard.

The Hon. PETER DUNCAN: In relation to "Reports of Supreme Court cases", there has been a considerable increase. I understand that they are payments to the Law Book Company or something of that sort.

The Hon. K. T. Griffin: There have been more cases, as I understand it, and the cost of publication has risen per unit, also, the number of units required increasing. So, there is a two-fold increase, which causes the figure to be increased substantially.

The Hon. PETER DUNCAN: Who undertakes the publication of those reports?

The Hon. K. T. Griffin: As I understand it, they are very largely judgments, through the Law Society's judgment scheme, which are supplied to the department, bound, and distributed to all the judges and such other bodies within the Government that require them.

The Hon. PETER DUNCAN: That is the cost of purchasing them?

The Hon. K. T. Griffin: It is the cost of purchasing, binding, and distributing, as I understand it.

Mr. McRAE: They are not the State reports?

The Hon. K. T. Griffin: No, they are other Supreme Court reports. The State Law Reports are a different matter.

The Hon. PETER DUNCAN: Regarding committees at large, what other committees are proposed to be created within the department during the coming year?

The Hon. K. T. Griffin: I have no intention of creating more committees. If a need arises, that will be considered in the light of that need. Earlier I indicated a number of committees, which included the Sex Discrimination Board. I think that the member for Elizabeth may have been absent when I indicated that they included the Sex Discrimination Board, the Land Acquisition Rehousing

Committee, the Children's Court Advisory Committee, the Training Centre Review Board, the Law Reform Committee, the Criminal Law Reform Committee, and the Committee on the Rights of Persons with Handicaps. At this stage, I do not see that any other committees will be established but, if they are, they will be considered on their respective merits.

The Hon. PETER DUNCAN: What is the position with the Freedom of Information Committee, and is the Privacy Committee still in existence?

The Hon. K. T. Griffin: The Freedom of Information Committee is now my responsibility, as is the Privacy Committee. The Freedom of Information Committee has been reconstituted, but no decision has yet been taken on the Privacy Committee.

The Hon. PETER DUNCAN: Is it anticipated that the Freedom of Information Committee will publish a report soon?

The Hon. K. T. Griffin: Ultimately, there will be a report. As to when that will be done and as to the publication of it, I am at this stage not able to indicate, because no decision has been taken.

The Hon. PETER DUNCAN: In relation to the grant to the Royal Association of Justices, which has been \$500 for many years now (I am not advocating that that be increased), what pressure has the Attorney been under to increase it? I point out that we undertook to provide the association with premises some time ago, and the cost of that is not shown in the Budget as a separate item.

The Hon. K. T. Griffin: It may be that it is part of the Citicorp building, and under the Public Buildings Department. I have not been under any pressure from the association to increase the grant.

Mr. McRAE: I want to make some observations on the question of compensation for injuries resulting from criminal acts. We are approaching the compulsory suspension time, so I will lead up to it and continue after dinner. As a result of certain private members' motions that have been moved in the House, I certainly would support a far better scheme for compensation for persons who suffer injury as a result of criminal acts. My private member's motion provides that compensation should be at the rate of workers compensation, since I believe that the occasioning of criminal injury to someone is just as much part of the lottery as the criminal act.

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

Mr. McRAE: Before the adjournment, and in the presence of your very able Deputy, Mr. Chairman, I was referring to the line dealing with compensation for injuries resulting from criminal acts, for which \$250 000 is being allocated. I had indicated to the Attorney-General that, in this House, I have on two occasions moved the following motion:

That in the opinion of the House, victims of crime suffering personal injuries should be compensated by a publicly funded insurance scheme similar to the Workers Compensation Act and should be otherwise assisted and rehabilitated if necessary on the basis that public money expended be recovered where possible from those at fault; and further that a Select Committee be appointed to report on the most efficient manner of achieving that result and also to examine and report on property loss suffered by victims of crime.

At the end of the last session either no vote was taken or the motion was blocked; in fact, I think it was more likely that the motion lapsed. I was away at a C.P.A. conference at that time. However, I have again moved the motion in the House, and I am drawing the attention of the Minister to it for more than one reason. It is obvious to me, as a private citizen, a member of Parliament, and a practising

lawyer, that compensation for injuries resulting from criminal acts is pitifully inadequate. A sum of \$250 000 sounds a lot, but it does not go very far when one considers the number of victims of severe crimes.

It was a principal basis of the Liberal Party policy in the last election that victims of crime should be adequately compensated and that the crime rate should be reduced. I will not be canvassing the latter aspect, because that must go to the Chief Secretary, but I certainly want to canvass the former matter. The Opposition has been prepared at all times, over the last year or so, to take part in a Select Committee of the House of Assembly, or even a Joint Committee of both Houses should that have been wanted by the Government, in an objective and dispassionate way, because it is the view of members on this side that this area of law and order should be depoliticised—and I am using the Attorney's own words; this afternoon he said that the Constitutional Convention between the States and the Commonwealth should be depoliticised.

I indicated to the House in moving this motion that Opposition members would most carefully and rationally consider all and any of the evidence that could be produced by all or any of the parties involved. Unfortunately, I had to draw attention to the scurrilous advertisements which appeared in the press at the time of the last election, particularly in the districts of Playford, Newland, and Todd, dealing with allegations that the last Government had been involved with crime or had not done sufficient to reduce the incidence of crime. I was referring to the scurrilous advertisement which was paid for under cover of darkness by one Adrian Brien Ford.

The CHAIRMAN: Order!

Mr. BECKER: On a point of order, Mr. Chairman, I have listened to this allegation umpteen times now, and I ask for a ruling on whether, under Parliamentary privilege, a person's name can be slandered in the manner in which it has been by the member for Playford. If he alleges that this individual has paid for the advertisement I think he should be forced to table the evidence.

The CHAIRMAN: Although I cannot uphold the point of order, I point out to the member for Playford that he must link his remarks to the line under discussion. I think he has given ample explanation for the Attorney to be fully aware of the circumstances.

Mr. McRAE: I am quite aware of that, and, as usual, I bow to your discipline, Sir. These things did occur and, for the benefit of the honourable member opposite, I have no doubt whatever that the allegations I am making are correct.

The CHAIRMAN: Order! I do not think it is necessary for us to have a debate across the Chamber. The honourable member should relate his questions and explain them so that the Attorney can answer them. I suggest that he ask his question of the Attorney.

Mr. McRAE: I will do that, but I would like to continue with the explanation for a little while. It appears that the Liberal Party found that this was a convenient election issue, and the A.L.P. was quite prepared to act in a fully rational and fair fashion in seeking a Select Committee of this House. However, the incoming Government did not see fit to support that situation—or at least it has not done so to date. A committee was propounded in the office of the Attorney-General, and I was pleased to meet one of his officers, Dr. Grabosky, who, as I understand it, deals with crime statistics and other related matters in the Attorney-General's office. I had a lengthy discussion with him concerning these matters.

I am stressing the reasonableness of the Opposition in this area. I discussed the matter with my Leader before having the meeting with Dr. Grabosky, and even at that

stage, while lamenting the fact that our move for a Select Committee of this Parliament had been blocked, or at least was not being supported by Government members, in reasonable circumstances we were prepared to contribute towards an inquiry. The difficulty—and I do not criticise the officer one iota for this—can be explained quite briefly. I spoke to Dr. Grabosky in the presence of the member for Napier. I think everyone was very careful that afternoon. Dr. Grabosky had a fellow officer with him, and there can be no doubt of the veracity of the comments I am about to make.

I indicated that the Opposition would be interested in considering the situation, providing that the terms of reference were reasonable. The terms of reference are reasonable, but what I find and what the Opposition finds quite intolerable is that we are invited to make submissions, along with many others. Dr. Grabosky suggested that there would be of the order of more than 100 interested parties, from judges of the Supreme Court through all the range of people who could possibly be interested in such an area. Those are the persons who have been notified of their ability to give evidence before this committee.

I made the very valid point that it was unfair and unreasonable to expect the A.L.P. to make a submission to that inquiry without having access to the documentation from the other interested parties. As an Opposition, we were quite prepared to make our submission fully public and to hide nothing, but we were not prepared to be put in a situation where our submission would be put before the committee of inquiry and made fully public, yet there would be a large number of other submissions upon which the committee of inquiry could and might well rely to which we would not have access.

The upshot of the whole thing was that I put to Dr. Grabosky that he should obtain specific instructions from his Minister in relation to that matter, and I indicated that, while I did not have specific authority at that point of time, it was highly likely that, if he did get instructions, the A.L.P. would have access to the submissions made by all the other parties, as would occur in the case of a Royal Commission or an inquiry of that sort. This subject is of such importance to members of the House that I feel that the inquiry should be accorded such importance. Provided that we were given access to all those documents, we would most likely take part in the inquiry. However, I was staggered to learn very shortly after that conversation that Cabinet had decided that the A.L.P. would not have access to those documents, and that put us in a quite hopeless situation. It is a situation in which no practising lawyer or any party used to inquiries would involve himself: in other words, being required to produce documentation and opinion against a horde of unknown opponents with a mass of unknown evidence. That would be utterly foolish on our part.

What I am saying to the Attorney is that this is a matter of very real consequence both to the Liberal Party and to my own Party. We have put a proposition to the House of Assembly which so far has not received adequate support. The Attorney's Government has put forward a suggestion, but in putting forward that suggestion it has shackled the A.L.P. to an impossible situation. I am asking the Attorney whether he accepts that there is a real need to re-examine compensation for criminal injuries, and, if he does accept that there is that real need, why has his Government not supported a Select Committee of the Parliament, or alternatively, if the members of his Party could not bring themselves to do that, why is it that the A.L.P. was shackled in the manner that I have set out?

The Hon. K. T. Griffin: What a demonstration of

hypocrisy, because the former Government refused to allow submissions made to the committee which was inquiring into the rehabilitation of workers, into workers compensation requirements, and it refused access to all interested parties who would otherwise have had the sort of opportunity which the honourable member now seeks in relation to this committee. Specific requests were made by the Law Society in particular, and by others, for access to the submissions made to that working party in an area which was of vital importance, not only to the legal profession but also to the community at large, yet the former Government refused access to those submissions. So, let not the member for Playford come in here and cast stones when he ought to look at his own camp first.

The position is that the honourable member did not, as courtesy would normally require, seek my concurrence in discussing this matter with one of my officers. I was prepared to overlook that, and I still am, because Dr. Grabosky is the Chairman of this committee, and I am quite satisfied that he can fend for himself. However, in the normal courtesy of matters one would have expected that members of Parliament, before speaking to public servants, would at least gain the concurrence of the Minister.

The Government has established a Victims of Crime Inquiry Committee and has sought submissions. The committee comprises 10 people, all of whom have some involvement in the area of dealing with victims of crime, and what that committee is seeking to do is review both the facilities and the compensation available to victims of crime and the sorts of support that ought to be given to them in the aftermath of a somewhat traumatic experience, whether it be a crime of violence or a crime against their property. I see no reason why the A.L.P. should have access to all of the submissions, many of which have been made on a confidential basis to the committee. If Mr. McRae is suggesting that we should ignore the confidences which have been requested when submissions have been made, I think that casts very grave doubts on the motives of the A.L.P.

I am not prepared to authorise the A.L.P. to have access to that sort of material from the committee that I have established. The Government does not believe that a Select Committee will achieve the sorts of results that we believe will be achieved by the committee of officers and members of the community which is presently working on this matter. I suggest to the honourable member that he should rest his judgment until the report of the committee has been produced.

Mr. McRAE: What the Attorney has had to say is very petty. Let me pick up a couple of points. First, he accused me of placing one of his officers in an invidious position. I did not do that. The Government in the *Government Gazette* invited submissions to be made to the committee of inquiry through Dr. Grabosky. What else could we do? That is a ridiculous assertion for the Attorney to make, so let me put that aside.

Secondly, he said, "Well, cast not the stone yourself because you live in a glasshouse". Members of the House of Assembly will know that on each occasion that I moved my motion I was the very first to stand up and say that no Government in South Australia, whether Liberal or Labor, can be proud of its record in this area. I was the very first to say that and I prefaced each of my speeches by those very words, and in fact went further than that and said that it was the last priority of every Government of any persuasion that I had known. So, I will not accept such petty diversionary tactics. As for the comments of the Attorney—this politicising Attorney that we have—that there are some statements or evidence which is

confidential, that situation could have been dealt with. We are prepared to have our documentation out in the light of day, together with others who are prepared to have their documentation similarly out in the light of day. However, most certainly we would not accept a situation where our documents were out in the light of day and the others were made under the cover of darkness. Let me turn the Attorney's statements back against him: I assume that for political reasons (and he wants this to be a political exercise) his Government has rejected the honest and sincere attempt we made in the way in which I prefaced and addressed the matter, and all those who have been in the Assembly will know that I have approached the matter in an entirely objective, non-Party way. What the Attorney wants to do is cover the matter up with a departmental inquiry and then introduce legislation which will place the Labor Party in grave difficulty because it will have access to a very small minority of documents, whereas the Government will have access to all of the documents. I think the Attorney is to be condemned for his attitude.

The CHAIRMAN: I point out to the member for Playford that I hope he is not endeavouring to suggest any improper motives on the part of the Attorney-General; if he was, he would be out of order.

Mr. McRAE: I am not suggesting improper motives. I am suggesting political motives; they are quite proper.

The Hon. K. T. Griffin: This is irrelevant to the Estimates. It is not a political exercise and it is not a departmental inquiry. The inquiry comprises representatives from some Government departments and also from the community who have some special expertise to contribute to the deliberations of the committee.

The suggestion made by the member for Playford that he would not be prepared to make his Party's submission public whilst all other submissions were to be held in confidence by the committee is for him to decide. If the honourable member chooses to make a submission, it will not be released publicly by the committee, and if he chooses to release it himself, that is his business. If he is in the business of trying to convince the public that the A.L.P.'s view represents the correct course to follow, he can make a decision whether that submission should be made public.

Mr. McRAE: I have been grossly misrepresented by this Minister. I did not suggest that the A.L.P.'s submission would be kept in confidence—quite the reverse. I said that the A.L.P.'s submission was intended to be made public, and for that reason we want to see the documentation of other submissions. I did not suggest anything like what was so boldly stated by this Minister. However, if that is the Minister's attitude, I suppose we can only wear it, but I regret that deeply.

The CHAIRMAN: There being no further questions, I declare the examination of the vote completed.

Corporate Affairs Commission, \$1 416 000

Chairman:

Mr. G. M. Gunn

Members:

Mr. E. S. Ashenden

Mr. J. C. Bannon

Mr. H. Becker

Mr. G. J. Crafter

The Hon. Peter Duncan

Mr. T. M. McRae

Mr. J. W. Olsen

Mr. J. K. G. Oswald

Witness:

The Hon. K. T. Griffin, Minister of Corporate Affairs.

Departmental Advisers:

Mr. J. R. Sulan, Commissioner, Department of the Corporate Affairs Commission.

Mr. T. J. Bray, Manager, Registration Division, Department of the Corporate Affairs Commission.

The Hon. PETER DUNCAN: What additional responsibilities have been placed on Mr. Sulan's shoulders since the change of Government that have necessitated the upgrading of his classification from E04 to E05?

The Hon. K. T. Griffin: The additional responsibilities are quite extensive; in fact, Mr. Sulan was carrying those heavy responsibilities even before the election, and they include the wider responsibilities that have related to the development of the co-operative scheme on companies and securities in particular.

The Hon. PETER DUNCAN: This is not the only example in this Minister's lines of additional salaries for senior officers, and I will say more about that later.

The Hon. K. T. Griffin: The member for Elizabeth does not recognise that all decisions of this kind are taken by the Public Service Board and not by the Ministers.

The Hon. PETER DUNCAN: I am at least equally aware, as the Minister would be, of the undoubted power of the Minister to influence the Public Service Board in making recommendations in these matters. For the Minister to suggest facetiously that some independent group in the Public Service Board makes these decisions is a farce and a sham, because the decisions are clearly made under the influence of the Minister concerned. For the Minister to claim otherwise is to mislead the Committee. How many prosecutions have been instituted during the past 12 months?

The Hon. K. T. Griffin: Statutory offences against companies, section 132 cases, 6; section 134, 71; section 158, 800; section 347, 30; section 380, 29; a total of 936 companies prosecuted during the year ended 30 June 1980. The prosecutions completed in the criminal area were 24, and those yet to be completed 11. The commission was involved in a total of six civil matters.

The Hon. PETER DUNCAN: Are the figures readily available for the previous year?

The Hon. K. T. Griffin: I do not have them.

The Hon. PETER DUNCAN: Can the Committee obtain those figures?

The Hon. K. T. Griffin: We can obtain them.

The Hon. PETER DUNCAN: In relation to the failure to comply prosecutions, how much was imposed in the way of fines?

The Hon. K. T. Griffin: For statutory returns, \$57 181.

The Hon. PETER DUNCAN: Are the figures available for the previous year?

The Hon. K. T. Griffin: I do not have them, but I can obtain that information.

The Hon. PETER DUNCAN: How many investigations are in progress at present? I want the figures not necessarily for statutory offences but for major investigations.

The Hon. K. T. Griffin: There are two special investigations, one into the Swan Shepherd group of companies and the other into the Kallin group of companies. There are other inquiries into a variety of other matters, such as liquidators' reports and public complaints, and a variety of others matters totalling 195 awaiting or under investigation at 30 June 1980.

The Hon. PETER DUNCAN: Can we also have the figures for the previous year?

The Hon. K. T. Griffin: As at 30 June 1979, those awaiting or under investigation numbered 89.

The Hon. PETER DUNCAN: What is the position in relation to the Companies Auditors Board? Is it proposed to recast the board? Who are its present members and, under the new arrangements with the national commission, will the board continue to exist in its current form?

The Hon. K. T. Griffin: The national commission will undertake the responsibilities presently covered by the Companies Auditors Board and, when the national scheme comes into operation completely, the board will cease to have responsibilities under that scheme. There is no intention to recast the board; I am not sure what the honourable member has in mind. The present members are the Chairman, Mr. Lunn, and two other members, Mr. Ewing and Mr. Rawsley. There are, on occasions, deputies of those members who sit on particular matters.

The Hon. PETER DUNCAN: In relation to court-appointed liquidators, has the Minister given any consideration to the appointment of officers of the department as liquidators? On numerous occasions, there have been criticisms of the performance of private liquidators and, from time to time, suggestions have been made that the officers of the commission should be made available to undertake the task of liquidators.

The Hon. K. T. Griffin: So far as official liquidators are concerned, that is not a matter on which I have made any decision. It is certainly a matter that has been raised with me from time to time as I review the list of official liquidators. I presently have no intention of appointing members or staff of the commission as official liquidators.

The Hon. PETER DUNCAN: In relation to the registration section, what are the delays in registration at the present time in the various categories of registration, and is it the intention of the Attorney, by appointing additional staff in the registration office, to overcome some of these delays?

The Hon. K. T. Griffin: There are very few delays. Document checking is up to date. Company incorporations, for example, have a maximum of 48-hours service. There are no problems in the registration section. The increase in staff relates to the micro-filming project which was approved by the Government and initiated earlier this year.

The Hon. PETER DUNCAN: It was initiated by our Government.

The Hon. K. T. Griffin: It might have been initiated, but it did not get very far.

The Hon. PETER DUNCAN: Again, that is incorrect. That might be the position at the moment, but what delays are being experienced at annual return periods when the registration section becomes inundated with returns.

The Hon. K. T. Griffin: The peak period for lodging a company's annual return is the period after 31 January in each year. At that peak period there can be up to six weeks delay from the date of receipt to the date of final completion of all processing. With the micro-filming project, of course, what will happen is that the annual return will be micro-filmed and will become available at a much earlier time before checking. The micro-film system is an updatable system so that if, in the course of checking, errors are detected, that particular document can be re-micro-filmed to take into account any corrections. The micro-filming project has not been in operation for one year's annual returns at this stage. The expectation is that there will be very ready access as a result of that project.

The Hon. PETER DUNCAN: How is the micro-filming project going in relation to the backlog?

The Hon. K. T. Griffin: All documents lodged are up to date in terms of micro-filming. The companies office has,

between 20 May and 19 September, micro-filmed 7 390 companies, plus the on-going documents which are being filed each day. The total number of companies present on 19 September to be micro-filmed in all amounted to 33 199. The project is ahead of the time table.

The Hon. PETER DUNCAN: When is it expected that the backlog project will be completed?

The Hon. K. T. Griffin: Approximately 3 to 3½ years in all.

The Hon. PETER DUNCAN: I have seen reports about proposals for the National Commission to institute an on-line computer system. Can the Minister give the Committee information as to that proposal and, in particular, can he say how the micro-filming project will fit in with that proposal?

The Hon. K. T. Griffin: The on-line computer facility is still a matter that has not been resolved by the National Commission or the Ministerial council. It is some time into the future. Every other State office has micro-filming facilities, except Tasmania. It is not envisaged that there will be any difficulties or problems with respect to computer facilities becoming available, because the micro-filming is expected still to be necessary in terms of service to the public, if for no other reason. There are other reasons why the micro-filming is important and will not contradict or overlap the computer facilities.

The Hon. PETER DUNCAN: I notice that the department has set down objectives. I must say that one of the very worthwhile things about these programme documents, notwithstanding the fact that the figures in them have been described by some Ministers as fairly rubbery, has been the establishment of objectives by individual departments, something that in my view has been long overdue. I notice that one of the objectives of the Department of the Corporate Affairs Commission is to respond to the need for reform of the Statutes administered by the commission and to formulate proposals for Ministerial approval. What proposals are being worked on at present for amendments to Statutes in the area of this department to make them more relevant to modern needs.

The Hon. K. T. Griffin: The principal effort of officers of the commission has been in the development of the national scheme legislation. Officers of the commission have spent a considerable amount of time working on that. That in itself is a most significant up-date of company law and has involved a tremendous amount of work. The commission is also, at my request, reviewing the Associations Incorporation Act. Work is also being done on the Industrial and Provident Societies Act in particular. They are the two principal Acts, other than the companies scheme legislation, on which the commission has been working. Members may recollect that only in the past week some interim companies take-overs legislation was passed. That, too, was as a result of some very expeditious work undertaken by Corporate Affairs Commission Officers.

The Hon. PETER DUNCAN: In relation to special investigations, have special investigators outside the Corporate Affairs Commission been appointed to undertake investigations?

The Hon. K. T. Griffin: Two special investigations are being conducted by the commission, which has been appointed investigator in each case and has delegated its responsibilities formally as a commission to its own officers.

The Hon. PETER DUNCAN: In relation to the line "Contingencies, Administration Expenses, Minor Equipment and Sundries", I see that that figure has increased by \$50 000. Can the Minister tell me how much of that figure is for travel by officers?

The Hon. K. T. Griffin: There is provision of a total of \$27 000 for all travelling within the commission. That includes hire of motor vehicles where officers travel to centres throughout the State. Motor hire includes taxis, and accommodation is also included. Officers are frequently interstate, both at officers' meetings and for meetings of the Ministerial Council.

The Hon. PETER DUNCAN: What are the details of the other items included in administration expenses, minor equipment, and sundries to make up \$265 600?

The Hon. K. T. Griffin: Dealing with each division, for the Office of the Commissioner, the Budget totals are as follows: insurance premiums, \$200; printing and stationery, \$200; postage, \$200; books, papers and advertising, \$100; sundry office equipment, \$300; telephone charges, \$100; telex charges, \$1 822; repairs, maintenance and hire of machines, \$500; accident costs of motor vehicles, \$1 000; commissioner's expense allowance, \$1 500; staff training courses, \$500; national scheme, Ministerial Council meetings expenses and officers' meetings, \$3 000; running expenses of motor vehicles, \$1 800; sundries, \$4 000.

For the Corporate Affairs Commission, Investigation Division: witness expenses, \$6 000; insurance premiums, \$1 000; printing and stationery, \$3 000; postage, \$600; books, papers and advertising, \$500; sundry office equipment, \$600; telex charges, \$3 646; repairs, maintenance and hire of machines, \$250; accident costs of motor vehicles, \$2 000; copying machine expenses, \$1 400; library services, \$1 000; staff training courses, \$3 000; running expenses of motor vehicles, \$4 100; police services, \$18 000; costs of extradition, \$2 000; sundries, \$750.

Corporate Affairs Commission, Legal Division: insurance premiums, \$400; printing and stationery, \$1 000; postage, \$200; books, papers and advertising, \$3 000; sundry office equipment, \$500; telex charges, \$1 823; repairs, maintenance and hire of machines, \$300; copying machine expenses, \$1 500; staff training courses, \$1 800; sundries, \$10 000.

Corporate Affairs Commission, Registration Division: insurance premiums, \$2 000; printing and stationery, \$23 467; postage, \$22 000; books, papers and advertising, \$1 500; sundry office equipment, \$1 800; telex charges, \$7 292; repairs, maintenance and hire of machines, \$2 000; refund of fees, \$12 000; copying machine expenses, \$4 500; micro-filming, \$46 250; A.D.P. charges, \$27 500; staff training courses, \$700; sundries, \$4 000.

The Hon. PETER DUNCAN: What policy changes have taken place within the department since the election which have caused a change in the directions in which the department operates?

The Hon. K. T. Griffin: There are no changes of policy which affect the Estimates.

Mr. BANNON: What action, if any, was taken by the Corporate Affairs Commission in relation to trading in South Australian Gas Company shares from about March or April of this year? The Attorney will remember that there was widespread speculation as to the source of the buyers of such shares. Despite warnings and statements from the Chairman of the Gas Company and the Deputy Premier, the speculation continued unabated and has ceased only since the introduction into this House of some extremely Draconian legislation.

In the course of the press speculation and questioning concerning the trading in those shares, it became apparent that certain individuals, possibly from interstate, were breaching the Act by buying shares in excess of the holdings permitted by the appropriate Act. As a result of calls I made to the Stock Exchange of Adelaide, to the

Government, and the New South Wales Attorney-General and Corporate Affairs Commission, I am aware that the Gas Company attempted to undertake some investigations into the ownership of the shares and the source of buying, and that the New South Wales Corporate Affairs Commission also took some action, but I was not aware of any action having been taken in South Australia by the Corporate Affairs Commission.

The Hon. K. T. Griffin: Inquiries were made by the Corporate Affairs Commission of the Stock Exchange. Stock watches were instituted. Similar action was taken in other States of Australia by the respective Corporate Affairs Commissions. In relation to the question of the 5 per cent shareholdings in the Gas Company being exceeded by certain shareholders, the Corporate Affairs Commission did not have any responsibility under the South Australian Gas Company's Act to look at that matter. The Corporate Affairs Commission was anxious to ensure that, if there was evidence of any breach of the Companies Act or the Securities Industry Act, it should be detected. The information I have is that no evidence was available which would suggest that there was any such breach.

Mr. BANNON: Did the Attorney-General commission a report from the Corporate Affairs Commission, or was this action initiated from within the commission itself?

The Hon. K. T. Griffin: In the ordinary course of the Corporate Affairs Commission's activities, it monitors on a daily basis action and reaction in the market place, and I would have expected the movement in Gas Company shares to have been monitored at a very early stage. I had some communication with the Corporate Affairs Commission as the share prices continued to rise but, as I said, among its ordinary responsibilities the commission is to watch movements on a daily basis, and that is what it did in the normal course of its ordinary activities in this case.

Mr. BANNON: On a general level, is it the practice of the commission to discuss with the Stock Exchange unexplained or unusual movements in shares, and perhaps even recommend certain courses of action the exchange might take?

The Hon. K. T. Griffin: The Corporate Affairs Commission has never told the Stock Exchange how it ought to conduct its business, but there is a good relationship between the exchange and the commission and, if there is anything unusual in the movement of share prices, the commission would ordinarily speak to the exchange to gain information. That is its principal objective.

Mr. BANNON: Does the exchange consult with the Corporate Affairs Commission in those cases?

The Hon. K. T. Griffin: From time to time the Stock Exchange does initiate discussions with the commission in these and a variety of other matters. Generally, it is a one way flow of information from the Stock Exchange to the Corporate Affairs Commission.

Mr. BANNON: Will the Attorney instance any examples of this during this year, for instance, where there have been such discussions between the Corporate Affairs Commission and the exchange?

The Hon. K. T. Griffin: I would not be prepared to disclose that information. I believe the discussions which take place between the Corporate Affairs Commission and the Stock Exchange ought not to be made public unless there is evidence of any breach of the law and unless any action is taken by the Corporate Affairs Commission in relation to any particular company or movement in shares. I think we would find that some bodies may well be prejudiced without foundation if information was made available as to the sorts of discussions that take place from

time to time between the commission and the exchange.

Mr. BANNON: Returning to the specific instance of the Gas Company: the Attorney has said that the commission was monitoring the situation, and it appears that at some stage, perhaps informally, it reported to him concerning the matter. Was any specific action recommended by the Corporate Affairs Commission in the course of that six months or so of speculative activity?

The Hon. K. T. Griffin: I am not prepared to disclose that; it is not relevant to the Estimates.

Mr. BANNON: Would the Attorney-General believe it appropriate for the Corporate Affairs Commission to make recommendations in this area?

The Hon. K. T. Griffin: I believe it is appropriate for the Corporate Affairs Commission to make recommendations to me if it believes that there was action which by Statute I had a responsibility to undertake, or if there was evidence upon which a prosecution could be launched with some reasonable prospect of success.

Mr. BANNON: What degree of involvement did the commission and the Attorney have in the preparation of the Gas Company legislation that was ultimately introduced into this House?

The Hon. K. T. Griffin: I am not prepared to disclose that.

Mr. BANNON: Even though speculation has ceased following the passing of that Act, is the Attorney prepared to commission his Corporate Affairs Commission to continue investigations into that period of speculative trading to ascertain whether in fact there were breaches of the Companies Act, irrespective of whether there were breaches of the Gas Act?

The Hon. K. T. Griffin: The commission is pursuing its inquiries, and it will pursue them until it is satisfied that it is in a position to give me a final report on the situation.

Mr. BANNON: The Attorney has answered a number of these questions by saying that he is not prepared to provide information to the Committee. Can the Attorney elaborate on his reasons for that?

The Hon. K. T. Griffin: The reasons are that those matters are confidential between the commission and the Minister.

Mr. BANNON: Could the Attorney explain further why such matters should be confidential when a Committee of this House, seeking to determine the effectiveness of an arm of Government, is asking questions about it?

The Hon. K. T. Griffin: If broad questions of policy are asked they will be answered, but, when it comes to dealing with specific companies and specific actions which are being taken and recommendations which are made, I do not believe that that information ought to be made public, because of the possibility of prejudicing unreasonably and unfairly those bodies which may have been the subject of either an inquiry or a recommendation.

Mr. BANNON: Is that answer consistent with the Attorney's advising us of the two special investigations which are being carried out by his commission?

The Hon. K. T. Griffin: It was appropriate, because of the fact that Kallins was a public company, with its shares listed on the Stock Exchange, that they make a public statement as to the special investigation, and I did so. With respect to the Swan Shepherd group of companies, again it was appropriate that I announce that a special investigator was appointed by me, and, in any event, the fact of the appointment of a special investigator had to be gazetted. I would not be prepared to disclose all the intimate details of the inquiries being undertaken by the Corporate Affairs Commission as special investigator. There is provision in the Companies Act for dealing with the report in due course, but, even when the report is made to me, if it were

likely to prejudice individuals where there was not sufficient evidence to launch a prosecution or where it was decided that a prosecution would be initiated, it would not be proper for me to release details of the special investigation with a view to prejudging the guilt or innocence of any particular party.

Mr. BANNON: I refer to a matter that has not been mentioned so far in relation to a public company listed on the Stock Exchange, Mintaro Slate and Flagstone Company Limited. In fact, it has been described as the biggest company heist, which is some American term which is quite appropriate in these circumstances, that has taken place this year. I wish to advise the Committee that this company is in fact a long-established South Australian company the principal business of which traditionally has been the quarrying of slate in the Mintaro area, and it employs a small work force there. In fact, it has a world reputation for the quality of the slate it produces, which is especially useful for billiard table tops. However, recently the company has acquired some notoriety, as its shares jumped from their normal level of around about \$1 or so on the exchange to over \$9.20, before they were suspended by the Stock Exchange in July this year. The basis for the increase in the shares was claimed to be due to the fact that lignite deposits in South Australia's Eucla basin could be commercially exploited. That statement was immediately challenged by the Minister of Mines and Energy. In fact, I congratulate him on the role he played in this matter. If he had acted as promptly and positively in relation to the Gas Company as he did regarding the Mintaro speculation, the situation might have been different. Anyway, the Minister certainly made strong statements debunking the claim that these deposits at Eucla were commercially exploitable, as indeed, apparently they are not.

After suspension of the shares, they were subsequently relisted at the end of July and trading recommenced, but all of the evidence points to considerable manipulation of the company and its shares for speculative purposes. An article in the *National Times* of 24 August referred to the role played by Meekatharra Minerals, and involved in that company over the years have been such identities as Mr. Don O'Callahan and the late Mr. Frank Nugan, of the Nugan Hand Bank. The lines of this company go back into some very seamy company areas and I would have thought that it was a matter of considerable concern that speculation and activity was taking place in South Australia using the device of a South Australian company, and I ask the Attorney what action has been taken?

The Hon. K. T. Griffin: The Corporate Affairs Commission became involved at a very early stage. Inquiries are still being conducted and, when they have been completed, a report will be presented to me.

Mr. BANNON: The Attorney has mentioned two major investigations, and he also said that further resources are being put into the department in order to pursue investigations this year. What resources are being devoted to this exercise, and when does the Attorney expect the report to be available?

The Hon. K. T. Griffin: It is difficult for me to indicate the exact manpower working on each investigation, because not only officers in South Australia but also officers from other parts of Australia are involved. An estimate in regard to Corporate Affairs Commission's involvement in Mintaro Slate would be half a person, or, translated, one person half time.

Mr. BANNON: When is it expected that the investigation will be completed?

The Hon. K. T. Griffin: It is difficult to put deadlines on investigations, because periodically leads are discovered

that take off in a variety of directions and involve further work. Neither I nor the commission is in a position to speculate as to when the investigations will be completed.

Mr. BANNON: I suggest that the resources put into an issue that has obviously been of such concern as to draw the attention of the Minister of Mines and Energy and the Stock Exchange through delisting have not been significant. The fact is that trading has resumed and, despite warnings, speculators are still at large. Much of the evidence adduced from financial journals in the past few months suggests that there have been breaches of the Act. I would have thought that greater resources would be put into this investigation before more people are hurt.

The Hon. K. T. Griffin: When the matter first came to the attention of the Corporate Affairs Commission, at least two investigating officers were involved but, after the initial flurry of activity, one officer half time was involved, and that officer is liaising with officers in other States and in other countries. The commission believes that the progress that is being made is reasonable.

Mr. BANNON: What is the view of the Attorney in that regard?

The Hon. K. T. Griffin: I, too, consider the progress reasonable, when the sort of inquiry and investigation that the commission has to contend with is considered. The Kallin's and the Swan Shepherd investigations are equally important in the public interest.

Mr. CRAFTER: How many staff of the commission are involved in the day-to-day monitoring of share trading, and do they prepare written reports each day of their monitoring activities?

The Hon. K. T. Griffin: One officer has the responsibility for day-to-day monitoring of movements in the Stock Exchange; he does not prepare written reports unless he believes that some movement requires further attention.

Mr. CRAFTER: Is any basic material available other than that in the daily newspapers?

The Hon. K. T. Griffin: The wide range of daily newspapers provides the basic material, but, if there are unusual movements that require further attention, the commission has access to the computer facilities of the Stock Exchange.

Mr. CRAFTER: Will the Attorney clarify his statement that there are 195 matters pending prosecution at present?

The Hon. K. T. Griffin: I said "investigation", not "prosecution".

Mr. CRAFTER: When did some of these matters first come to the attention of the commission? I understand that some of the offences might have occurred many years prior to their coming to the attention of the commission, and one of the difficulties in this area is the delay in bringing about prosecutions. Is it a fact that 195 matters are pending a desirable situation?

The Hon. K. T. Griffin: As at 30 June 1979, 89 matters were pending, and as at 30 June 1980, 195 matters were pending. From that, one can see that the bulk of matters pending is fairly recent, although some matters go back several years. The situation is undesirable, but, with the increase in staff in the investigation section that has recently been approved, I hope that many of those matters that are pending will be brought under control.

Mr. CRAFTER: Are some matters so complex and large that they are given a low priority because of the dimension of the investigation required?

The Hon. K. T. Griffin: Those matters that disclose the possibility of offences of a serious nature are given a very high priority, and those matters that indicate that perhaps an offence, if any offence is involved, is relatively minor receive low priority. It is not a question of complexity but

a question of an assessment being made as to the seriousness of the offence. The more serious offences get a higher priority in consideration.

Mr. CRAFTER: How many legal staff employed by the commission are actually engaged fulltime in the prosecuting of matters?

The Hon. K. T. Griffin: There are five members of staff who, from time to time, undertake prosecutions, and there are two who do nothing but prosecutions.

Mr. CRAFTER: Is it possible for two full-time legal officers, who are involved in no doubt serious breaches of various Acts administered by the commission, to enable the commission to achieve its objectives as stated in these documents, one of which is to ensure compliance with Acts administered by the commission?

The Hon. K. T. Griffin: The main delay is in the investigation section and not in the legal or prosecution section. As I have indicated, the recently approved staff increase is directed towards overcoming some of the bottleneck in the investigation section.

Mr. CRAFTER: As I recall, there were, in 1978-79, considerably more prosecutions than the number to which the Attorney referred earlier. I do not have the figures. I do not think there is any obligation on the department to report those figures prior to the establishment of the commission. Can the Minister give me some indication whether there has been a marked decrease in the number of prosecutions, including minor prosecutions?

The Hon. K. T. Griffin: So far as serious prosecutions are concerned, I do not have the details, nor do I have the details of annual returns prosecutions. When the office of corporate affairs and the Corporate Affairs Commission became firmly established, there was a great flood of prosecutions for failing to lodge annual returns. Since then, companies have been much more faithful to compliance with the law; so, the necessity for prosecutions for failing to lodge annual returns has diminished. Thus, earlier rates of prosecutions were inflated.

Mr. CRAFTER: Page 153 of the yellow book indicates that the Commissioner's office has received a substantial increase in income, whilst there has been the same complement of staff. How is that increased income to be spent?

The Hon. K. T. Griffin: A substantial part of that is the \$100 000 estimated contribution to the National Companies and Securities Commission, as the State's contribution to that operation. Last year, it was a \$20 000 contribution, plus \$12 000 Law Department costs. This year, it is \$100 000 to the National Companies and Securities Commission, plus \$12 000 Law Department costs. This is an \$80 000 increase.

Mr. CRAFTER: Has the Minister formed an opinion on the report provided to the previous Government on the registration of accountants in this State, and does the Government intend to provide some protection for that profession by way of registration?

The Hon. K. T. Griffin: When I became Minister of Corporate Affairs, I considered that report, because the national scheme was being developed. I took the view that it was best to refer that report to the Ministerial council, which has decided to refer it to the National Companies and Securities Commission. It is relevant to that commission, because the question of standards for accountants and of registration of liquidators and auditors is a matter that will be under the direct responsibility of the national commission. I was not prepared to move in South Australia to a registration process, without at least having given the national commission, through the Ministerial council, an opportunity to consider the matter.

Mr. CRAFTER: On page 157 appears a substantial

increase in the vote for special investigations, although I note that the same manpower is provided. Is it intended to brief these matters out to consultants or persons outside the department, although that has not been the practice to date? Is this an indication that some special investigations are about to be launched?

The Hon. K. T. Griffin: There is no intention to brief out special investigations. The difference in the programme is because the special investigations got under way about the middle of the last financial year, and provision is being made for them at a much higher level of activity for the current year.

Mr. CRAFTER: Is the Minister aware that the fees required by the commission, in order to ascertain basic public information, prohibit some people from gaining access to that information, particularly if large amounts of information are required, and has he considered either reducing or removing altogether the requirement that a fee be paid to gather this information, particularly now that the bulk of it has been placed on micro-film?

The Hon. K. T. Griffin: At the Companies Office, for \$2-50 people can get the microfiche. It will cost more for a hard back copy of information. I do not believe that any inconvenience or hardship is caused in searching companies and, if there is, I would appreciate the honourable member's letting me have specific details.

Mr. CRAFTER: Can the Attorney-General indicate when information will be available to the public so that they may ascertain details of directorships of companies? As I understand it at the moment, it is possible for the public to search only by telephoning an individual company and by his own ingenuity trying to ascertain what other companies that director may be connected with. In this way, it is not possible for the public to obtain more information easily.

The Hon. K. T. Griffin: The Corporate Affairs Commission does not intend to compile a register of directors. The cost would be quite phenomenal, and the benefits would be negligible by comparison.

Mr. CRAFTER: What steps are being taken in the commission to train staff and at what level is staff being trained, if any, in the area of computer crime, an area causing widespread concern in the community? Overseas experience indicates that this may be an undetected problem in the community. Because of the dimensions of this crime and the difficulty in bringing perpetrators to the courts, what steps is the commission taking to tackle this problem?

The Hon. K. T. Griffin: The Commissioner made an overseas journey to look, among other things, at the question of computer crime. That was before I became Minister. One of the investigating officers had undertaken a course, and within the commission there is an exchange of views on aspects of computer crime. The Ministerial council has before it a proposition to itself authorise some development of material on computer crime, including training. That Ministerial council has not yet debated the question.

Mr. CRAFTER: Is any consideration being given to an exchange of investigators and legal staff between the various State commissions, particularly those on the eastern seaboard, where most Australian companies have their head offices, so that we, as a smaller State, although very often the victim of interstate company activities, can receive the benefit of the much heightened activity of corporate affairs officers in the more populous States?

The Hon. K. T. Griffin: Because of the fairly regular visits that my officers make interstate and the regular contact they have, by telephone and telex, and by personal contact with officers in other States, particularly on the

eastern seaboard, I personally would doubt the value of such an exchange for any period of time. The National Companies and Securities Commission, when it becomes fully operational, will have an interest in this matter, and it intends to foster interest and activity in this field. Members of the Police Force involved in fraud investigations have undertaken some training in elements relating to computer based crime, so that, within the Corporate Affairs Commission and the Police Department, a body of experience is being built up.

The ACTING CHAIRMAN (Mr. Olsen): There being no further questions, I declare the examination of the vote completed.

Minister of Corporate Affairs, Miscellaneous, \$100 000

Chairman:

Mr. G. M. Gunn

Members:

Mr. E. S. Ashenden
Mr. J. C. Bannon
Mr. H. Becker
Mr. G. J. Crafter
The Hon. Peter Duncan
Mr. T. M. McRae
Mr. J. W. Olsen
Mr. J. K. G. Oswald

Witness:

The Hon. K. T. Griffin, Minister of Corporate Affairs.

Departmental Advisers:

Mr. J. R. Sulan, Commissioner, Department of the Corporate Affairs Commission.

Mr. T. J. Bray, Manager, Registration Division, Department of the Corporate Affairs Commission.

The Hon. PETER DUNCAN: I would ask the Minister to convey to his department my congratulations on its continuing to do such an excellent job. I hope it is very successful throughout the ensuing year in carrying on the work it has been set up to do.

The Hon. K. T. Griffin: In the Corporate Affairs Commission, there is a body of expertise that is very valuable to South Australia, and I personally believe that it is a commission of which South Australia can be proud.

The ACTING CHAIRMAN: There being no further questions, I declare the examination of the vote completed.

Electoral, \$446 000

Chairman:

Mr. G. M. Gunn

Members:

Mr. E. K. Ashenden
Mr. J. C. Bannon
Mr. H. Becker
Mr. G. J. Crafter
The Hon. Peter Duncan
Mr. T. M. McRae
Mr. J. W. Olsen
Mr. J. K. G. Oswald

Witness:

The Hon. K. T. Griffin, Attorney-General.

Departmental Advisers:

Mr. J. Guscott, Electoral Commissioner, State Electoral Department.

Mr. A. Becker, Deputy Electoral Commissioner, State Electoral Department.

The CHAIRMAN: We have informally conferred with the Speaker and agreement has been reached that we can bring forward the consideration of the Electoral Department from the Premier to the Attorney-General.

Mr. BANNON: This is not a line that will take a great deal of the Committee's time, because it is handled by a separate statutory commissioner under special Acts and the functions are well understood. Although the job is not simple, I do not think there is anything specifically under the lines on which we need to spend too much time. I refer to the reconciliation statement in the yellow book which relates to the Electoral Department from page 137. It is noted on page 139 under "Estimates of Expenditure" that an amount of \$1 000 was spent in 1979-80 for the Electoral Districts Boundaries Commission and that an amount of \$5 000 has been allocated for this financial year. Does the Attorney have an explanation for that?

The Hon. K. T. Griffin: An amount of \$1 000 was the payment to the then Secretary of the Commission. With respect to the provision for 1980-81, that is a tentative provision in the event that there are some matters that the Electoral Commission may need to deal with in the lead up to the redistribution after the next State election.

Mr. BANNON: Could the Attorney give us some instances of those contingencies, bearing in mind that the next redistribution, as he has just mentioned, is not due until after the next election, and one would assume that the machinery for it could not really be put into effect until then?

The Hon. K. T. Griffin: There really is no specific instance I can give. It is a contingency which is there in the event that it will be needed for fees to the Secretary, and so on.

Mr. BANNON: The third function of the department is listed on page 137 as being "To conduct miscellaneous ballots as required by Statute or by the Minister". Have there been any such miscellaneous ballots conducted within the past 12 months and, if so, what was their nature?

The Hon. K. T. Griffin: Yes, there have been. The department periodically conducts ballots specifically for employee organisations where there is provision in the rules of those employee organisations for the conduct of ballots by the Electoral Commissioner. In those cases, in fact, at the request of the employee organisations, the Electoral Commission conducts ballots. The actual cost is recovered ordinarily from the organisation for which the ballot is conducted. Also, I think there are statutory bodies such as the Egg Board, the Citrus Industry Board, and the Soil Conservation Board, and I think there is an election for one or two members of the Superannuation Fund. They are in addition to the employee organisations for which the Electoral Commissioner conducts the ballots. Those ballots are of a postal nature, and not a ballot conducted on the day in person by the Commissioner.

Mr. CRAFT: I notice that, for fees for elections and referenda, last year about \$572 000 was voted and about \$448 000 was actually expended. Is there an explanation

for that, and in connection with that, is there to be an increase in the fees paid to persons working on polling booths at election time?

The Hon. K. T. Griffin: When the amount for 1979-80 was voted, the commission took into account the possibility of increased rates of remuneration for staff on polling day. In fact, because of the suddenness of the election, the increase did not occur, and as a result, the officers who assisted on polling day were paid at the then current rate, and that is the principal reason for the difference between the amount that was expended and the amount voted.

Mr. CRAFTER: Are there any proposals under way by the department for the preparation of manuals and training exercises for persons, other than those employed by the department on a full-time basis, who assist at election times?

The Hon. K. T. Griffin: There is a film entitled *Democracy* which I think was prepared several years ago and which the Electoral Commission has been involved with. There is educational material available in conjunction with the Commonwealth, and there will be other training material available later in the year or early in the new year. Also, I think so far as officers are concerned, the Electoral Commissioner earlier this year held a seminar for principal electoral officers which was the first of its kind and which was part of what the Commissioner would like to see as an upgrading programme of educating his own officers on the conduct of elections.

Mr. BECKER: The Auditor-General's Report at page 75 indicates that the department pays an interest bill of \$1 648; to what does that sum relate? I understand that the Electoral Department is situated in rented premises, and I would have thought that office equipment, etc., would be provided by the Government. What was the money borrowed for?

The Hon. K. T. Griffin: Neither I nor my officers can give an explanation for that figure, but I will obtain details.

Mr. BECKER: I am sorry to hear that, because I believed that, under this exercise, information as to the detailed structure of the department would be available. Does this amount refer to computer equipment? Did the department purchase such equipment, or was such equipment leased?

The Hon. K. T. Griffin: I could speculate on what the sum may relate to, but I do not know what it represents. However, I undertake to obtain this information. My officers have not been consulted about this matter.

Mr. BECKER: If the sum is in relation to a long-standing debt, perhaps it could be written off to general revenue rather than a book entry of this kind continually being made.

The CHAIRMAN: I suggest that the member restrict his questions until a further occasion, because the Attorney has indicated that he is not aware of the situation. No doubt the Minister will tomorrow inform the Committee as to the nature of the interest owing and why it is owing. The honourable member is entitled to pursue this matter if he wishes, but I believe that his persistence would not be to any great purpose.

Mr. BECKER: I pursue this line because the department is not a profit-making department and, as with other departments of this kind, we should be looking to write off some of the loans or agreements that are outstanding.

The CHAIRMAN: Perhaps the honourable member could raise that matter under the Treasury lines. There being no further questions, I declare the examination on the vote completed.

ADJOURNMENT

At 9.34 p.m. the Committee adjourned until Thursday 2 October at 11 a.m.