

HOUSE OF ASSEMBLY

Wednesday 7 October 1981

ESTIMATES COMMITTEE A

Chairman:

Mr G. M. Gunn

Members:

Mr H. Becker
 Mr G. J. Crafter
 The Hon. Peter Duncan
 Mr R. E. Glazbrook
 The Hon. D. J. Hopgood
 Mr J. Mathwin
 Mr T. M. McRae
 Mr J. W. Olsen

The Committee met at 11 a.m.

The CHAIRMAN: I declare the Committee open. With the Committee's concurrence I propose to adopt the same procedure as was adopted yesterday, namely, that each member will be given the right to ask three questions, so that they can follow questioning through. To simplify the procedure, even though we are dealing with a vote, I will allow discussion to follow through. For example, we will be dealing with the Electoral Department and there is a total referring to the Estimates of Payments. In many of the votes there are a number of sub-headings, and, to make it easier for everyone, I will allow members to follow them through. Does the Committee wish to set a time table today?

Mr McRAE: I think it is better to leave it flexible. It is very difficult to work it out beforehand.

The CHAIRMAN: I take it that it is the will of the Committee that there be no time table. During answers to questions the Minister may state that he will obtain information at a later date for the Committee. I ask that such information be in a suitable form so that it can be incorporated in *Hansard*.

Electoral, \$385 000

Witness:

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

Departmental Adviser:

Mr A. Becker, Electoral Commissioner, State Electoral Department.

The CHAIRMAN: I declare the proposed expenditure open for examination.

Mr McRAE: This portion of the Attorney's duties and functions relates to page 36, under the heading 'Office of the Minister', and, as discussed during our consideration of the Estimates Committees Orders, I thought it would be desirable to make a brief opening statement on the general objectives of the Opposition today prior to my first question to the Attorney-General. In relation to this Minister, and indeed every other Minister, the Opposition's proposition is that the Government is on record in general as promising much and doing little, and that applies to the Attorney. In 1979, he made glowing promises concerning law and order in this State. He made reference to what he termed the 'crime wave', and he and the Government of which he is

a member said that it would eliminate the crime wave. The Government, in its adherence, placed numerous advertisements to this effect in the newspapers. Also, the President of the Liberal Party said in newspapers that the Government would make the streets safe.

The CHAIRMAN: Perhaps I could point out to the member for Playford that his remarks will be in order at a later stage. At this stage we are dealing with the Electoral Department. I suggest that perhaps the honourable member should relate any opening comments that he has to the Electoral Department. When we proceed later to deal with the Attorney-General and the courts the comments that he is making will be more appropriate then.

Mr McRAE: I am suggesting this course, because the Premier indicated yesterday that the only reason why he was not dealing with the Electoral Department was that the administration of that department had been transferred to the Attorney. Really, the Electoral Department is wrongly placed within the Estimates and should form part of the Attorney's lines. It is on that basis that I am trying to introduce the topic.

The CHAIRMAN: I will not prevent the honourable member from introducing the topic at the appropriate stage. I suggest that this is not the stage for his comments. We should relate questions to the Electoral Department. When we actually come to the vote for the Attorney-General and courts, the honourable member will be quite within order to make an opening statement dealing with whatever matter is of concern.

Mr McRAE: I will not disagree with your ruling. The only difficulty with that is that the Attorney is not divisible. He has various functions, but remains the one person. My comments refer to his office. The fact that none of the comments that I have made up to date relate to the Electoral Department, does not detract from the sort of philosophy that the Opposition wishes to put today.

Mr BECKER: You are wasting time.

The CHAIRMAN: Order! There is no intention of the Chair whatever to prevent the members making comments so long as they conform to the Standing Orders. The Chair yesterday endeavoured to adopt a most liberal approach, not to prevent debate. I think we ought to deal with the Electoral Department. Then the member will be invited to make an opening comment if he so desires in relation to the general discussion on the Attorney-General's line.

Mr McRAE: Very well.

The CHAIRMAN: Are there any questions in relation to the Electoral Department?

The Hon. PETER DUNCAN: I live in fear and trepidation of this afternoon if the honourable member for Hanson is in such an s.o.l. situation at this early hour of the day. I am gravely fearful for the whole of the afternoon's proceedings.

The CHAIRMAN: I can assure the honourable member that the Chair will make sure there is proper decorum within the Committee.

Mr BECKER: Good. Let us get on with it.

The CHAIRMAN: I do not think the member for Hanson should continue to interject in that fashion. Are there any questions in relation to the Electoral Department?

The Hon. PETER DUNCAN: In relation to roll searching, I would like to know details of which authorities, persons or organisations during the past 12 months have had access to the department's electoral rolls, in other words, the rolls which have dates of birth and other confidential details on them.

The Hon. K. T. Griffin: There are no departments, agencies or other bodies that have automatic access to the department's rolls. Periodically during the year there are requests for information for statistical or other purposes.

On one or two occasions there has been a request for access to information which would assist, for research purposes, to identify certain persons within certain categories, but they are dealt with on their respective merits. There is no standing automatic access to the department's rolls by any person.

The Hon. PETER DUNCAN: I thank the Minister for that information, but that was not the information I sought. I asked which particular organisations, departments or persons had had access to the department's rolls during the past 12 months.

The Hon. K. T. Griffin: That is detailed information. I will obtain the answer and let the Committee have the detail within the next few days. There is no automatic access to the department's rolls.

The Hon. PETER DUNCAN: Who makes the decisions about the *bona fides* of organisations seeking access to those confidential details on the electoral rolls?

The Hon. K. T. Griffin: Perhaps the Electoral Commissioner could make an observation.

The CHAIRMAN: Certainly, under the Minister's guidance.

The Hon. K. T. Griffin: The principle generally is that the Electoral Commissioner exercises oversight of access to the rolls. If there are matters that are likely to be difficult matters requiring a policy decision, they are referred to me, as the responsible Minister, but on the day-to-day matters the Electoral Commissioner himself exercises that responsibility. He holds a statutory office, and that is one of his tasks. He may want to make some additional observations.

Mr Becker: Perhaps I could comment on the type of things we do in terms of roll searching. Basically, they are to chase up beneficiaries for estates or insurance policies, and we require, first, from the organisation seeking that information a declaration to that effect. If it is an interstate organisation we operate only through the State Electoral Department in that State, so we have a request from our counterparts interstate for information, and that is on the proviso that that information is *bona fide*. It is possible that a person from an insurance company or a trustee company could make a statutory declaration, but that is certainly not the way in which we would approach it in terms of locating these people. We never give out dates of birth. All we do is use the information to try to identify the individual to ensure that the right person is located.

The Hon. PETER DUNCAN: In relation to epidemiological inquiries, I note the reference in the programme to such assistance. Specifically, would not that be in some cases related to the question of dates of birth? Obviously, if a study is to be made of heart disease there would be no point in looking at people who are, for example, 18 or 19 years of age.

Mr Becker: The process involved is that we first get a list of individuals from the epidemiologist. Most of these are taken from medical records and information that the epidemiologist has received, so we first run this sort of thing against our files. We use the date of birth to make sure we get the right individual. All we supply is the current address so that those studies can be completed.

Mr CRAFTER: I understand that the Commonwealth Government maintains the rolls and that there has been some diminished activity in that area in relation to maintenance of accuracy of the rolls in the past 12 months. Is this of concern to the State in maintaining the accuracy of the rolls, and has any action been taken?

The Hon. K. T. Griffin: There is a joint rolls agreement with the Commonwealth, and there is a very close relationship in Adelaide between the State and Commonwealth electoral offices; it is probably the best in Australia. I was

not aware that there had been any decrease in activity at Commonwealth level. If there has been, certainly I will make inquiries about it. It may be of no consequence, but I would be prepared to pursue the matter if the honourable member wanted an answer and, if there is diminished activity, to let the Committee have a reply.

Mr CRAFTER: I would appreciate it if the Attorney-General could make those inquiries. I notice that in connection with maintenance of the rolls some \$50 000 was not spent; why was that?

The Hon. K. T. Griffin: The budget for data processing was \$5 000 a month but it only cost us \$3 500 a month. In addition, there was only one print of the roll. We are monitoring carefully the need to have regular reprints of the roll. If we can avoid a reprint it saves between \$20 000 and \$30 000 for each print. Quite obviously, without diminishing the availability of rolls for the purpose of searching, we believe that it is a useful saving if it can be achieved. That is why in the last financial year there was a difference between the vote and the actual payment.

Mr CRAFTER: Most of the information that is provided to members now contains a great deal more data with respect to prior residencies of new electors, and the like. I am interested to know why the further information has been made available to members, who else has received that information, and whether there have been complaints or advantages resulting from such a move.

The Hon. K. T. Griffin: It was suggested that members ought to have access to deletions from as well as additions to the roll, and that information is now being made available to all members of the Parliament. There is a great deal more information on the data printout than there has been previously. Much of the information is internal house keeping but the cost of editing that out to make available to members of Parliament only the essential information would have far outweighed the fact that members have to wade through a little more information. It is really more economical to let members have the almost complete printout than to undertake the editing process.

Mr CRAFTER: Only members of Parliament receive that information?

The Hon. K. T. Griffin: Yes.

Mr BECKER: I notice that expenditure for roll searching services this financial year will be \$2 400 compared with \$4 000 last year and total programme receipts, \$2 500. I assume we are going to make a profit of \$100 on the activities of this section and that the employment level is .1 of a person. What is the scale of fees charged to the various individuals and organisations that use this service?

Mr Becker: The scale of charges is based on a fee of \$8 for every person located. We found it was easier to go for one standard rate of payment. We costed out the number of searches, and I think the average worked out at about \$7 for each person located, so we added \$1 for administration expenses. The organisations that have been seeking the information have no qualms about that; they can pass the fee on to the beneficiary.

Mr BECKER: Is not \$8 cheap? We are providing a service, which is being used because of the system adopted by other organisations. Trustee and insurance companies and other organisations have difficulty in locating beneficiaries to estates, insurance policies, bank accounts, and so on. I do not see why the State must bear a cost because people are incompetent in providing a last-known address to a bank or insurance company. The organisation itself should keep its records up to date. Only \$2 400 has been allocated this year, which represents a significant drop in the recurrent expenditure. Why is there an estimated drop in expenditure when we still employ .1 of a person? Will the Attorney examine the fees charged? How does the \$8

fee per person located relate to the time used? I believe that the fee is far too low in regard to the service provided.

The Hon. K. T. Griffin: The cost of \$8 was brought in on 1 September this year. Prior to that, there was no charge for a search. As the Electoral Commissioner has stated, the \$8 fee is calculated to more than adequately cover the cost of searching, based on past experience.

Mr BECKER: The question is whether we are satisfied with the level of income that the department receives for the supply of services. Break-even point is very good and a profit of \$100 is very nice, but we should be looking for more. We are saving these companies a lot of money. If an insurance company or a trustee company cannot find a beneficiary, it must advertise throughout Australia, which is expensive, and it must do a certain amount of footwork. I am amazed to learn that there was no charge previously. I respectfully request that the department consider a far higher fee than is currently charged. Any funds that we earn from a service like this go into general revenue, which eases the burden on the taxpayer.

The Hon. K. T. Griffin: The Electoral Commissioner will consider this matter, but, as I have indicated, the \$8 fee is carefully assessed to more than cover costs. I remind the honourable member that it is not so much a cost that is being incurred by the companies: ultimately, the cost will flow back to insurance policy-holders or the beneficiaries of estates. It is not a question of companies saving costs: it is a question of individuals, that is, the ultimate beneficiaries of the results of the searches, saving costs. We will consider this matter, but I do not expect that we will review the cost quickly, having introduced it only on 1 September.

The Hon. PETER DUNCAN: I was interested to note the proposed allocation of \$5 000 for 'participation in the support for Electoral Boundaries Commission'. This amount was allocated last year. In the light of the questions hanging over this Government's life, I wonder whether the Attorney is fully apprised of the requirement to have a redistribution following the next election and, if so, whether or not more funds should have been provided in the Budget this year?

The Hon. K. T. Griffin: I do not believe there are any doubts hanging over the Government. The Electoral Boundaries Commission has a statutory responsibility under the Constitution Act and Electoral Act, and \$5 000 in the current financial year is adequate to enable it to undertake its present very limited responsibilities.

The Hon. PETER DUNCAN: Can the Attorney say why a vote counting machine has been purchased by the department and what proposals the Government has for future use of such machines. More particularly, will he say whether any consideration has been given to introducing American-style vote counting machines into our electoral system in South Australia?

The Hon. K. T. Griffin: Perhaps the Electoral Commissioner ought to give more detail. An internal vote counting machine is used now in the Electoral Department office for House of Assembly and other ballots. Another piece of electronic equipment is being examined, but no decision has yet been taken on its use, which might facilitate the counting of any Legislative Council votes. That matter is merely being assessed. If the Electoral Commissioner can add to the answer about the vote counting machine, members of the Committee might find his explanation about the use of that machinery to be helpful.

Mr Becker: We have had vote counting machines for the Assembly for recounts in particular. Because of the size of the ballot-paper the machines we have had in the past have been relatively compact. When we deal with the Council we are dealing with about 850 000 ballot-papers. A vote counting machine would be extremely useful in that sort of set-up. The equipment that we have at the moment is

inappropriate because the ballot-paper is so long that it does not fit. The Reserve Bank and the Government Printer have machines capable of brushing the end of the ballot-paper and stacking the paper into hundreds, and so on. That is the sort of thing we are looking at for Council purposes. We employ two shifts of about 70 people for three weeks to do the Council scrutiny, and any item like that is obviously going to save considerable amounts of money if it can do the job much faster than doing it by hand, the initial scrutiny having been conducted, of course, and the formality of the ballot-papers having been determined.

The Hon. PETER DUNCAN: Is the Government giving consideration to introducing American-style voting machines?

The Hon. K. T. Griffin: The Government has no intention of embarking upon that course. Certainly, the Electoral Commissioner monitors developments in other States and overseas. At this stage there is no intention of introducing those sorts of machines.

Mr BECKER: Operation of the State electoral system is mentioned at page 3/77. The total programme expenditure there increased from \$279 000 to \$289 000, the explanation given being that significant supplies of election forms will be printed in the coming 1981-82 year. Will the Attorney explain why that is happening?

The Hon. K. T. Griffin: Substantial amendments were made to the Electoral Act in the last session, and as a result of that and new regulations, which we expect to promulgate in the near future, new forms will be required. All that the Electoral Department is doing is getting its stock of new forms built up, as it would ordinarily do between elections, anyhow. That additional cost is largely related to the new forms required under those amendments and the new regulations.

Mr BECKER: Can you give me any idea how much money has been set aside for that purpose?

Mr Becker: We are expecting that between \$20 000 and \$30 000 will be spent. We are not sure how far we can go, yet. We have to reprint 95 of the 105 forms that we use.

Mr BECKER: I notice on page 3/78 an increase of one in the Electoral Department staff. Under general administration, financial management and stores/supply, \$69 000 is proposed. In 1980-81, the actual payment was \$93 000, so there is a drop of \$24 000 even though there is a staff increase of one. What alterations are being made to the financial management and administration of the department?

The Hon. K. T. Griffin: The Electoral Commissioner has undertaken a review of staffing requirements and structures within the department. Some submissions have been made to the Public Service Board. It is intended, subject to the report of the Public Service Board, to upgrade some of the administrative support staff to provide more of a career structure within the department, and to some extent that is reflected in the manpower figures, average full-time equivalents, shown in the programme papers. However, with regard to the financial aspects, the money terms that result from such changes have not been amended in the programme papers and will not be amended until some final decisions are taken on that restructuring.

Mr BECKER: So, the figure allocated of \$69 000 does not necessarily relate to staff? It is fairly good when you can put an extra one on the staff and drop the pay-roll by \$24 000.

Mr Becker: The Attorney is quite right. The difficulty has occurred because of the way in which we prepared the paper. We originally budgeted for that position, but it now looks as though, even if the board approves that extra position, it will not be filled in the very near future. The suggested vote that we obtained from Treasury for salaries

and wages did not take that into consideration, because the Treasury was unaware of the proposal and we could only give them finite propositions, that is, things that had been determined, rather than things yet to be completed. Therefore, it is simply an anomaly that has occurred.

The Hon. K. T. Griffin: The final decisions taken may well require a reallocation of financial resources within the department.

The Hon. D. J. HOPGOOD: My question relates to the document known as the street order roll. I am aware that in the past this has been made available to members of Parliament on an electorate basis and possibly to other individuals as well. How regularly is this document updated and what are the mechanics of making it available to whomever is entitled to receive it?

The Hon. K. T. Griffin: The Electoral Commissioner can deal with the details.

Mr Becker: The street order print-out is produced on an *ad hoc* basis. It is really of little value to the department directly. It is used by the review officers who work from our Registrar's offices, that is, the Commonwealth divisional returning officers. It is not used as an internal document to the department, and we produce it only at the moment when we conduct reviews in certain areas on a regular basis. We will be printing one very shortly for members' use. However, every time we put the street order print-out into production it costs \$500, and with a Budget such as ours that is quite significant. So, it is not produced on a regular basis, say, annually or bi-annually.

Mr Blacker: With regard to the availability of electoral rolls, I have had a number of queries from business houses in my area which have been endeavouring to obtain a roll but which have not been able to do so because the rolls have been out of print. They have subsequently been told that it may be many months, or it may be even as far away as the next election before that roll will be available. Is that the case?

The Hon. K. T. Griffin: Recently there has been a reprint and copies are available at a fee of \$91 per set.

Mr BECKER: I am concerned that there is an anomaly in the administrative budget for the Electoral Department. Is this likely to occur in any other areas of the Attorney's budget? I would like to think that the Budget document as presented is accurate, that the document that we agree to in this Committee presents the amount that will be met this current financial year.

The Hon. K. T. Griffin: I would not expect that there are anomalies. That is the best way that I can answer that question.

Mr BECKER: I want to know whether the Budget for the department is accurate, whether the figure given will be the figure that will be met this financial year. If we get a Budget document, is it accurate, is it going to be near enough, could anything happen in the next nine months?

The Hon. K. T. Griffin: The documents are accurate. I will ensure that there is a proper technical explanation available for the Committee in respect of this one matter that the honourable member has raised. Apparently there is an accurate technical explanation for the point that the honourable member has raised, but it will need a little time to get it for him.

Mr BECKER: Thank you.

The Hon. PETER DUNCAN: I refer back to the question concerning street order rolls. I was not quite clear about the answer that was given to the question from the member for Flinders.

The Hon. K. T. Griffin: That was not related to street order rolls.

The Hon. PETER DUNCAN: That referred to the ordinary roll?

The Hon. K. T. Griffin: Yes. That was a different question, which as I understood it was totally unrelated to street order rolls.

The Hon. PETER DUNCAN: Having sorted that out, did I correctly understand the Commissioner to say that a street order roll would be published in the relatively near future or that some plans were being made, or something of that sort?

Mr Becker: Yes, a number of members have requested a street order print-out, and we are going to be putting that up very shortly, probably within the next week or two.

The Hon. PETER DUNCAN: Will the Attorney say what is the Government's policy in relation to the supply of street order rolls to persons other than members of Parliament?

The Hon. K. T. Griffin: It is not done.

The Hon. PETER DUNCAN: I appreciate that it is not done at the moment; I am asking, what the policy is.

The Hon. K. T. Griffin: The policy is that they are not available.

The Hon. PETER DUNCAN: That they should not be sold?

The Hon. K. T. Griffin: No. We like to keep a fairly tight control over the availability of rolls and information within the department which is in street order rolls comes within that category. They are not made available freely.

The Hon. PETER DUNCAN: I agree with the Attorney's policy. I simply wanted to ensure that that was continuing to be the policy, because I know that the availability of these rolls would be seen as a very valuable saleable asset to certain sections of the commercial and business community, and the information contained in the rolls should not be supplied so that people can be harassed at their front doors and badgered to purchase all sorts of sundry goods and services. I am pleased to hear that the Government is continuing that policy.

The CHAIRMAN: There being no further questions, I declare the examination of the vote completed. I thank Mr Becker for his attendance.

Attorney-General's, \$4 036 000

Chairman:

Mr G. M. Gunn

Members:

Mr H. Becker
Mr G. J. Crafter
The Hon. Peter Duncan
Mr R. E. Glazbrook
The Hon. D. J. Hopgood
Mr J. Mathwin
Mr T. M. McRae
Mr J. W. Olsen

Witness:

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

Departmental Advisers:

Mr G. C. Prior, Crown Solicitor.
Mr M. N. Abbott, Chief Administrative Office, Attorney-General's Department.

The CHAIRMAN: The vote is open for examination.

Mr McRAE: As I indicated earlier, it was the desire of the Opposition to make a brief preliminary statement to set out the thrust of our arguments this day in relation to the Attorney's lines. As I had commenced to say, the Attorney

is one member of the Government which is long on promises and short on fulfilment. In the Attorney's area the particular areas of concern are law and order and law reform.

It will be recalled that at the 1979 election the most extraordinary promises were made to the people of South Australia and the most extraordinary allegations were made against members of the then Government in this area. It was suggested by members of the then Opposition and their supporters that, of all things, a person like the then Premier (now the member for Hartley) was so little concerned with the welfare of the community that somehow he and his colleagues were responsible for a dramatic crime rate. The then member for Coles, now Minister for Health, was on record as saying that she was concerned at the increase in violent crimes and drug abuse. She said that family life and the safety of our community must be safeguarded.

The Opposition, of course, agrees with those kinds of sentiment. We also noted the comments of the then Director of the Liberal Party (he may still be the Director), Mr Willett, that a Liberal Government would make the streets safe for one's daughters to walk on without being molested by those hooligans who have been acting as though they own the place for the past 10 years. A number of other comments were made in similar vein. The Attorney has done nothing to dissociate himself, and never has, from that violent and vitriolic attack. Some of the advertisements that appeared at about that time were nothing short of shameful, and probably libellous.

The Hon. PETER DUNCAN: That is yet for the courts to determine.

Mr McRAE: It is yet for the courts to determine, so my colleague, the member for Elizabeth, says.

The CHAIRMAN: Order! If the matter is before the courts the honourable member is completely out of order in referring to it.

Mr McRAE: I did not know that they were before the courts. The point I want to make is that ironically from the time that the then Government became the Opposition we have been consistently saying and offering what appears to us to be a reasonable way of dealing with this whole question of law and order. We do not believe that it is a question of political point scoring. We do not believe that there are any simple answers in the whole law and order issue. We do not believe that South Australia is different from other parts of Australia or the Western world, but for various reasons there has been a continued upsurge in violent crime. We have been saying all along that the two political Parties should stop point scoring and start co-operating.

It is very interesting to note that in the first year of this Government's life, having said all those things at the 1979 election, the official Police Commissioner's report showed that murder and attempted murder increased by 16 per cent, rape and attempted rape by 34 per cent, serious assaults by 37 per cent, robbery by 50 per cent, breaking and entering by 32 per cent, larceny by 40 per cent, and drug offences by 121 per cent. Those figures were obtained from questions that I put to the Police Commissioner at the Estimates Committee at this time last year.

Mr MATHWIN: Is there any country where they are going down?

The Hon. D. J. HOPGOOD: You promised to put them down.

The CHAIRMAN: Order!

Mr McRAE: We will be interested to get the corresponding figures this year. But, the fact of the matter is that, if the Liberal Party was genuine in its belief, its beliefs were totally wrong, and they have been shown to be wrong.

We know that what was put at the 1979 election was put because these matters are emotive and because the Liberal

Party saw it as a knife to drive into the back of the then Government. Today, we shall be again asking the Attorney in this area what he has done and what factors in his belief underlie this continuing surge in the crime rate. We shall also be asking him whether indeed he will be co-operating with the Opposition, or whether he wants a continuation of this battle whereby one side, depending on whether it is in Opposition or in Government, blames the other for the increasing crime rate. I refer particularly to the New South Wales situation, which is not a very edifying one.

Mr OLSEN: On a point of order, Mr Chairman, I ask for your clarification. I understand that, in compiling the procedures for Estimates Committees, consideration was given to statements being permitted by the Minister at the table for approximately 10 minutes and by a leader, on behalf of the Opposition, for approximately five minutes, which does not relate necessarily specifically to the line before the Committee. It seems that a considerable amount of latitude has been allowed the member who is addressing the Committee, and I seek your ruling.

The CHAIRMAN: The member is entitled to address the Committee for 15 minutes. I have been listening carefully to what the member for Playford has said. I believe it appropriate to remind members that their comments should relate to the proposal before the Committee. The member for Playford has been given latitude, and I shall allow the Attorney-General the same latitude when he responds. However, I suggest that the member should link his remarks to the vote.

Mr McRAE: I am linking them to page 36 of the Budget, in which we are allocating under a special Act quite a large sum of money as the annual salary of the Attorney-General. Presumably, the State pays him to produce policies.

The next matter relates to law reform. The Attorney in 1979 promised action on a large number of law reform matters. He said that he would set up a permanent law reform commission. That has not been done, and we will want to find out why it has not been done. He promised that there would be Bills on what he termed non-contentious matters, in particular, privacy, occupiers liability, libel and slander, but nothing has happened there. He promised a Bill on the law relating to animals, and I note that a Bill that I have before the Parliament at the moment is apparently to be opposed. We will be interested to know why this turnabout has occurred.

He promised that things would be done relating to compulsory acquisition to make sure that there would be better liaison between those whose property was to be acquired and the acquiring authority. He promised that there would be proper access to legal aid and representation, and I am afraid that that promise has turned into a rather sour joke. He promised freedom of information, but this has turned out to be the most secretive Government we have known for generations, and he is certainly one of the most secretive of Attorneys. He promised to reform the Legal Practitioners Act. He did that, and he is to be congratulated on that largely, although there is no lay representation. I know that you will be disappointed about that, Mr Chairman. He promised proper courthouse facilities, and we will comment on the fiasco at Moore's in due course. He promised in relation to judicial appointments that the best available persons would be appointed, but the Millhouse fiasco of the past few days—

The CHAIRMAN: Order! I will not permit any discussion in relation to Mr Millhouse. There is nothing in the lines relating to him, and therefore I cannot allow the honourable member to continue in that vein. I am prepared to allow discussion on the number of appointees, but certainly not on individuals or any reflection on the existing members of the bench.

Mr McRAE: In due course I will be moving that the Committee censure the Attorney-General for deliberately misleading the Parliament as to the proposed appointment to the Judiciary of the member for Mitcham.

The CHAIRMAN: I point out to the honourable member that there is no motion before the Chair, to my knowledge, so I will not permit any discussion on that matter unless there is.

Mr McRAE: There will be a motion in due course.

Mr MATHWIN: Try one for the Governor, if you miss out on that one.

The CHAIRMAN: I do not think we need the advice of the member for Glenelg at this stage.

Mr McRAE: I certainly do not need advice from the member for Glenelg. I will abide by your ruling Mr Chairman and say nothing more about that well-known person about whom I cannot speak yet.

The morale of the department overall is at an all-time low, and there appears to be a dispute as to the status and position of the Solicitor-General, *vis-a-vis* the Crown Solicitor, and we will be wanting detailed information on that. As we have noted, legal aid is in a disastrous situation and is getting worse, and that is a direct result of the policies of this Attorney-General. In a nutshell, this Government, which has promised openness, frankness, and fairness, has given nothing but secrecy. Enormous promises were made as to safety on the streets and, in particular, the protection of the victims; nothing has happened, and we shall be asking the Attorney-General, now that he has been in office for two years, what he has really done, what he has achieved, and what he proposes to do to bring his promises to fulfilment.

The CHAIRMAN: Does the Attorney-General wish to respond?

The Hon. K. T. Griffin: The previous Government had the Mitchell Committee reports from 1974 onwards and did very little, if anything, to implement any of the recommendations, and yet when the Government seeks to implement some of those recommendations they are opposed. One in particular is the abolition of the unsworn statement which, in the Government's view, involves an important policy. It was of course a matter of policy for the previous Government but for internal reasons and because of other pressures it obviously wanted to back off from it.

The honourable member ought to think twice before he starts to criticise me, or the Government of which I am a member, about alleged inactivity. The whole question of crime and punishment, law and order, overlaps the responsibilities of Attorney-General and Chief Secretary in particular, and as the honourable member has raised questions about crime and punishment, law and order, I want to quickly relate the number of initiatives which this Government has taken in the last two years. In the area of sentencing the Crown now does make submissions on penalty in appropriate cases when offenders are being sentenced by the courts. We have introduced a system of appeals by the Crown against inadequate sentences.

In the area of penalties we have announced and will be introducing legislation before the end of this year which will increase substantially penalties in respect of violent crimes, assaults and attempts. We have also provided that the court shall now fix a non-parole period when sentencing offenders. That is designed, of course, to put more responsibility on the courts that are at the point of sentencing, giving them much more information to make a decision as to what would be an appropriate non-parole period.

In respect of parole we have expanded the Parole Board, and we have added to it a person who has direct experience with offenders. In addition, we give not only the applicant

for parole but also the police an opportunity now to make submissions to the Parole Board. We have passed legislation which will, when proclaimed, allow for periods of conditional release instead of complete freedom after periods of remission of penalty have been earned. That is a significant step. In the area of prisons, which is more appropriate to the Chief Secretary, but they do form part of the whole approach to crime and punishment, up to the end of June 1981 the Government had appointed 49 extra personnel in the prisons system. We have spent \$800 000 on surveillance systems; we have introduced a new dog squad to ensure that security is maintained; we have announced a decision to build a new remand centre, and we have also announced decisions to upgrade the facilities in a number of our prisons in South Australia.

To the end of June 1981 there were 92 more police officers on active duty than at the time when this Government took over from the previous Government. Expenditure on the Police Force from 1979-80 was an increase overall of 13 per cent over the last financial year of the previous Government and in the last financial year there was an increase of 18 per cent over the previous year so that the expenditure on police has increased by 30 per cent from when the previous Government was in office.

We also established a committee to inquire into victims of crime which was directed to give specific attention to the treatment of victims of crime. It has made a number of recommendations, some of which have been implemented and others of which are in the course of investigation to see whether or not they can be implemented effectively. The Premier convened a conference on matters relating to rape, and as a result of that a number of areas are being examined with a view to making amendments to legislation and improving procedures which will both enhance the capacity of detection and also give further assistance to victims of the crime of rape.

Among the legislative changes will of course be amendments to the Evidence Act which relate to evidence of previous sexual experience of victims. That of course goes hand in hand with the Government's desire to abolish the right of an accused person to make an unsworn statement. They are but a few of the initiatives the Government has taken in the area of crime and punishment, law and order, and there will be others during this term of office.

I would like to indicate some of the initiatives which have occurred in my portfolio areas specifically. The honourable member has referred to the Legal Practitioners Act. He has obviously not read it because in fact, contrary to what he said, there are lay persons who will be involved with the complaints committee, which is the initial forum for resolving complaints against legal practitioners, and he obviously overlooked the appointment of a lay observer who will have full access to all the disciplinary proceedings which relate to legal practitioners, an appointment which has worked admirably in Victoria for many years. The Legal Practitioners Act is a reform which is long overdue, and it has been enacted by this Government.

We have established the Law Courts project in Victoria Square and, far from being what the honourable member suggests will be a fiasco, it will provide very much needed accommodation for the Supreme Court in its criminal jurisdiction and the District Court in both its civil and criminal jurisdictions and will, in addition to providing better facilities and additional courtrooms for the courts, provide much improved facilities for members of the public. It is long overdue, and it will relieve the pressure that currently is on the courts. It is something that the previous Government had nine years to do but did not take any initiative to resolve.

In the area of the courts, we have established a new Courts Department as from 1 July this year, designed to improve the administrative service provided to the courts and to provide a career structure in courts administration.

We have indicated also that we are introducing a traffic expiation scheme which will not only relieve the pressure on courts and the police but will provide for members of the community who are detected in the commission of road traffic offences a means by which they can expiate their offences without the inconvenience of court proceedings and the additional costs and burdens that come from the necessity for such appearances.

I have recently announced, in a different area but still related to my portfolio responsibilities, a comprehensive review of the Co-operatives Act and the Associations Incorporation Act, legislation which again is expected to be introduced in this session, again reflecting reforms which should have occurred in the lifetime of previous Ministers but which did not get off the ground.

I could refer to a number of areas of law reform but, obviously, if the honourable member read the Liberal Party's policy at the last election he would have seen that we would undertake to establish a permanent commission if economic circumstances permitted. To the present time, they have not permitted. However, the momentum of law reform has continued, both through the Law Reform Committee and the work of legal officers in my department, as well as at the level of the Standing Committee of Attorneys-General, in which libel and slander have been discussed on a number of occasions.

As I indicated in the Legislative Council recently, if the honourable member had cared to read the answers to questions asked by the Hon. Mr Sumner, significant advances have been made in resolving disagreements on uniform libel and slander laws to the extent where I expect some time next year to have at least some parts of the law relating to libel and slander agreed on a uniform basis throughout Australia with a view to introducing legislation. Very difficult questions are involved in libel and slander law. The Australian Law Reform Commission has prepared a comprehensive report on this subject, which has produced some fruit at the Standing Committee level. Significant progress has been made in the areas under my responsibility as well as in other areas of Government. While the member for Playford will attempt to raise questions, I have no doubt that I will be able to answer them.

Mr OLSEN: Provision has been made in the Estimates of Payments for the creation of a new Courts Department. Will the Attorney indicate the reasons for the establishment of the new department and say whether it involves any extra costs?

The Hon. K. T. Griffin: When I became Attorney-General, I was concerned that there was a variety of disparate services within the responsibility of the Law Department and that there was no career structure in respect of courts administration. In addition, there was a fragmentation within the courts in regard to the provision of judicial services to the public. As a result of that, I convened a meeting, which included the principal judicial officers of the Supreme Court, District Court, Magistrates Court and appeals tribunals, as well as officers of my department, to review the structure of the Law Department and the way in which better services could be provided to the courts and a better use could be made of both the courts and available judicial time.

As a result, it was decided to divide the Law Department into two departments, amalgamating with the Supreme Court Department those functions in the Law Department and the Premier's Department that provided services to the courts, making one department, and establishing a career

structure. That has been done from 1 July this year. This action brings together, under the responsibility of the Director of the Courts Department, the Supreme Court Division, the subordinate courts jurisdiction, and sundry tribunals such as the Sex Discrimination Board. Within the subordinate courts jurisdiction is the District Court, which exercises both a civil and criminal jurisdiction, as well as an appellate jurisdiction under various Acts of Parliament, requiring a Local Court judge to review administrative decisions in certain cases, the old Appeals Tribunal, which was previously under the Premier's Department, and also magistrates who were previously in the Premier's Department.

As a result of that restructuring, I believe that we will make better use of judicial time. Within the District Court, for example, the Senior Judge will now have responsibility for the appeals tribunals, whose judges are, in fact, judges of the District Court. The Senior Judge will have the responsibility for allocating judges to specific tribunals where there is a need for a District Court judge to serve. Regarding additional manpower, there were three positions: the Director of the Courts Department, which was established as an EO4 position; Registrar of the Supreme Court; and Registrar of Subordinate Courts Jurisdiction, amounting in a full year to an additional cost of \$106 580, which is likely to be offset by a considerable improvement in courts' administration.

Mr CRAFTER: I understand from the Attorney's reply to the statements made by the member for Playford that the package of reforms to which the Attorney referred were, in essence, to be the Liberal Party's panacea to reduce the degree of criminality that is of great concern in the community. Such law reform measures as the right of appeal by the Crown, the establishment of a non-parole period, restructuring of the Parole Board, the conditional release provisions, and other such reforms were the Government's response to its perceived need to meet the so-called law and order questions that it posed prior to the last election. Is that a correct assessment of the Government's approach to the problem?

The Hon. K. T. Griffin: No.

Mr CRAFTER: Is it not true that the degree of criminality in the community is related very much to the figures that are produced regularly by the Attorney's Department through the Office of Crime Statistics, that is, an indication of the relationship between crime and unemployment, the degree of alcohol and drug-related offences in the community, therefore with some health factors involved, the number of Aborigines involved in criminal activities, the relationship between health, poverty and the law and, generally, the low level of education of people who are involved in criminal activities? Has the Government addressed itself to that causal link between the areas of society that suffer from those environmental factors (if I can use that expression) that bring them into conflict with the law?

The Hon. K. T. Griffin: Those factors influence the incidence of crime, but they are not the only factors. The statistical interpretation to which the honourable member refers (that is, from the Office of Crime Statistics) identifies a number of causes that are directly related to crime. There are also many other causes, which relate to community attitudes, community standards, the degree of support that is given to the Police Force, and a variety of other factors. As I have indicated, in identifying just a few of the initiatives that the Government has taken which reflect on the questions of crime and punishment, this Government has given more support in both financial and resources terms, as well as in moral and public support, to agencies such as the police in the prevention of crime and the apprehension

of offenders and that, of course, is related to community attitudes.

The CHAIRMAN: I suggest to members that the questions they ask should relate to the vote before the Committee, which is 'Attorney-General's \$4 036 000'. That vote is broken up into a number of items which can be found on pages 36, 37 and 38 of the Estimates of Payments. I suggest that the questions should relate to those particular matters.

Mr McRAE: As a matter of clarification, the Opposition is endeavouring to deal with a number of matters of policy and philosophy generally. It then proposes to deal with some 20 specific issues we can identify. It seems to us that in relation to matters of policy or philosophy the only line on which we can refer to this is payment of the Attorney-General.

The Hon. K. T. Griffin: That is not the point of the Estimates Committee.

The CHAIRMAN: Which is a special Act.

Mr McRAE: It is a special Act, but we cannot ignore that that is a line.

The CHAIRMAN: There is no money allocated; therefore, the debate should relate to the particular allocations contained in this vote. It is not the Chair's intention to be restrictive. However, I am bound by Sessional Orders and Standing Orders, and I ask honourable members to relate their particular questions to the line before the Committee.

Mr BECKER: Mr Chairman, I should have thought the Opposition would look at page 311, which refers to 'law reform/law policy—protection of persons, their rights and property', allocating \$185 000.

The Hon. PETER DUNCAN: That gratuitous advice is very worthwhile, and we thank the honourable member for it. Unfortunately, one has to debate the lines rather than the yellow-covered documents.

Mr CRAFTER: I presume that on each of the policies to which the Attorney has referred he has prepared family impact statements which were fully considered by Cabinet. I seek from the Attorney some explanation of the argument that he advanced in the so-called razor gang committee, of which he was a member, whereby he was able to hold in real terms expenditure in the Attorney-General's Department at about the level of last year with an account taken of inflation. On my calculations, there was in the Education Department a decrease in expenditure of some 3.7 per cent; in the Welfare Department, a decrease of 7.4 per cent; in the Health Department, 8.4 per cent; and in the job creating portfolio of public works, 10 per cent.

Mr OLSEN: I rise on a point of order, Mr Chairman. I seek clarification on what the figures the honourable member is relating to the Estimates Committee have to do with the examination of this vote involving the Attorney-General. We are not considering other portfolio areas, which the honourable member and his colleagues will have an opportunity to take up with respective Ministers and not necessarily with the Attorney-General.

Mr MATHWIN: We will have the Parliamentary Bowling Club next.

The CHAIRMAN: Order! The member for Glenelg's advice is not required at this stage. The Committee has before it the vote 'Attorney-General'. I will permit discussion on a general break-up of that vote. However, I ask all members, when raising questions with the Attorney-General, to relate those questions to a particular line. The honourable member for Norwood may continue so long as he can relate his remarks to the vote before the Committee.

Mr McRAE: On another point of clarification, Mr Chairman. If you recall, yesterday during the examination of the Premier there was a basic understanding that in dealing with the Premier's lines there was a need to understand the philosophy behind the Government's proposals, and rightly

so. It was on that basis, as I understood, that you permitted wider questioning than the lines in themselves would have permitted. I would have thought that this is the situation here where we are paying much money to people serving the Attorney-General and, presumably, they are serving his philosophies and policies.

The CHAIRMAN: The Chair does not wish to be unduly restrictive. I have endeavoured to give members as much latitude as possible, bearing in mind my responsibility to make sure that Sessional Orders and Standing Orders are adhered to and that members relate their remarks to the vote in question.

Mr OLSEN: I seek clarification for other members of the Committee. When members are referring to the yellow book and relating that to a line, if they quote the page and reference number in the book all members of the Committee can get an instant reference to that which the honourable member is putting before the Committee.

The CHAIRMAN: I can make that suggestion. However, the Chair cannot insist upon members giving a page or reference number. The yellow books are purely for the guidance of members.

Mr OLSEN: I accede to that comment. I thought that, as a matter of courtesy to other members of the Committee, it would be appropriate.

The CHAIRMAN: As a general guide, members are permitted approximately five minutes to explain a question. The honourable member for Norwood.

Mr CRAFTER: My question is whether the decrease in funds in those self education welfare and job creation schemes is going to impact on the work of the Attorney's department and the general area of maintenance of the security of the community, and whether that point was considered in the work that the Attorney did on that Budget Review Committee.

The Hon. K. T. Griffin: My work on the Budget Review Committee is not a matter for cross examination before this Committee. So far as the affairs of other Ministers are concerned, they are matters which ought to be raised with those Ministers. The difference in funding within the line to which the honourable member refers is largely comprised of the transfer of six officers from the Administration and Finance Division of the former Law Department to the office of the Minister for administrative purposes.

Mr McRAE: I want the Attorney to tell the Committee whether, in view of the fact that the Police Commissioner has told us that on average there has been an increase of 30 per cent in crime since he came to office, the Liberal Party has succeeded in making the streets safe for our daughters to walk upon without being molested by hooligans.

The Hon. K. T. Griffin: That is a question that ought to be referred to the Chief Secretary, as it has nothing to do with my lines. If I could just offer a gratuitous comment, the honourable member is distorting the statistics.

Mr McRAE: Would the Attorney care to suggest how I am distorting the statistics?

The Hon. K. T. Griffin: I will provide detailed explanations for the honourable member if this is a matter that the Chairman rules as being appropriate to reply to.

The CHAIRMAN: It is entirely up to the Attorney; if he wishes to do so, he can. I leave it entirely up to the Attorney-General's judgment.

Mr McRAE: Is the Attorney prepared to accept the Opposition's offer to stop the process of political point-scoring in the area of law and order and to make a co-operative venture?

The Hon. K. T. Griffin: If the honourable member has some suggestions, I would certainly be prepared to listen to them.

Mr MATHWIN: I refer to the line 'Operating expenses, minor equipment and sundries', under the heading of Crown Law Office. Last year the amount voted was \$87 800 and the actual payment was \$89 700. The allocation proposed for this year is \$111 000, an increase of about \$22 000. Can the Attorney say whether there is any particular piece of expensive equipment to which this relates?

The Hon. K. T. Griffin: The figure proposed for 1981-82 makes provision of \$10 000 for the purchase of wigs and gowns for legal officers, pursuant to the Legal Officers Crown Law Office South Australian Public Service Award. Also, provision has been made for the hire of a word processor on a six-months trial basis to interface with the Government Printer's phototype-setting equipment, which will amount to \$4 000. It also makes provision of \$6 000 for the micro-filming of old Crown Law opinion books and for the purchase of a micro-film reader printer.

Mr MATHWIN: On the line 'Overseas visits of officers', an allocation of \$15 000 has been made. I presume that is for one officer?

The Hon. K. T. Griffin: That is for two Crown Law officers to represent the State of South Australia in a matter that a litigant has taken to the Privy Council. This was provided for in the previous year's vote, but the case was not listed. However, it is listed for November this year, and two Crown Law officers will attend. The estimated cost of that is \$15 000. If the State is successful, there is a very real prospect of that amount being recovered.

The Hon. PETER DUNCAN: Are we dealing with salaries and wages and contingencies in the one investigation?

The CHAIRMAN: We are dealing with the total vote. Yesterday, the Committee fully examined particular items in votes section by section, and dealt with one section of a vote at a time. Currently, we are dealing with the salaries, wages and contingencies of the Minister's office.

Mr BECKER: The total vote amounting to \$4 000 000, is that right?

The CHAIRMAN: No, the total vote is \$4 036 000, which is broken up into sections.

Mr BECKER: I realise that. I want to know with which section we are dealing.

The CHAIRMAN: We are dealing with 'Office of the Minister'. We do not have to, but this procedure was followed yesterday purely for convenience, and it has operated reasonably successfully. I thought it was the wish of the Committee that we proceed in a reasonably orderly way.

Mr MATHWIN: Might I just say that I unintentionally jumped forward. From the discussion that appeared to be coming particularly from the other side, it seemed to me that we were going all over, even into other portfolios. Please forgive me for making the mistake.

The CHAIRMAN: It is for the Chair to determine the breadth of discussions.

Mr McRAE: I refer again to the Opposition's offer. Is the Attorney prepared to enter into meaningful discussions with the Leader of the Opposition in order to consider a co-operative approach to this problem?

The Hon. K. T. Griffin: It is really up to the Opposition. If Opposition members have some ideas that they want to put forward, I am certainly prepared to listen to them. However, so far they have been destructive and not constructive. There has been no indication so far that the attitude of members of the Opposition over the last two years is going to change, and, until there is some demonstration that their attitude is going to change, I can only suggest that if a proposition is put forward by the Opposition, we will consider it.

Mr McRAE: Is the Attorney prepared to confer with the Leader of the Opposition under those circumstances?

The Hon. K. T. Griffin: I am prepared to confer with anyone who has constructive suggestions, but, before I give an unqualified commitment to do so, I would at least like to have some idea of what the Leader of the Opposition would want to raise to ensure that in my view it is constructive and not a political ploy designed to continue the criticism of the past two years.

Mr McRAE: I want to turn to other matters of philosophy. In the policy statement of August 1979 the Attorney referred to the need for a permanent law reform commission. I heard the Attorney say this morning that that proposition was subject to adequate funding being available.

The Hon. K. T. Griffin: That is expressly stated in the policy document.

Mr McRAE: I do not deny that. As a midway measure and a much cheaper measure, is the Attorney in favour of setting up a Parliamentary Committee that will endeavour to put into effect those measures of the Law Reform Committee (and heaven knows, there are enough of them) which are non-contentious through this Parliament?

The Hon. K. T. Griffin: That is not really related to the Law Reform Committee; that is something further on from that committee's deliberations. Personally, I cannot see that that would achieve the results that the honourable member suggests. In my own office I have a number of Law Reform Committee reports which I would regard as non-contentious and which are presently the subject of drafting instructions to the Parliamentary Counsel. However, because of other pressures of legislative drafting, they are not matters which will get top priority. However, they are matters that I would certainly want to implement during the Government's current term of office. I refer to things such as contribution between joint tortfeasors. Also, there is a law reform committee on occupiers' liability, some aspects of which need to be implemented.

I have in mind that during the current Parliament these sorts of matters will be introduced, that is, matters such as residual Imperial legal matters, apart from the constitutional links, which are currently before the Premiers' Conference. Such matters could certainly be brought before the Parliament to remove a number of areas of long past significance to South Australian law.

Mr GLAZBROOK: My question refers to boards and committees and members' fees. Last year \$20 000 was voted and actual expenditure was \$36 000. This year the expenditure proposed is \$20 000. With regard to page 70 in volume 1 of the Programme Estimates book, under the diagram of the Attorney-General's portfolio responsibilities, four or five boards and several committees are shown. Can the Attorney tell us whether all those positions on the boards and committees (that is, the two classification boards, the Sex Discrimination Board and the Training Centre Review Board) are paid positions; how often these bodies meet; how many people are on the boards; and whether there is a standard payment for them.

The Hon. K. T. Griffin: The members of boards who are not public servants or members who hold judicial office are generally speaking paid a fee for attendance at meetings.

I refer, for example, to the Classification of Publications Board, and members other than those holding Public Service or judicial positions, who are paid a fee which is fixed by the Public Service Board. There are, I think, three categories of fees established by the board. Without making inquiries, I cannot give the exact category into which the various committees fall. The Classification of Publications Board remains with the Attorney-General's Department in the restructuring. The Sex Discrimination Board goes to the Courts Department.

A number of other boards and tribunals that were part of the old appeals tribunals section of the Premier's Depart-

ment will go to the Courts Department. The major reason for the increase from the vote to what was actually expended last year was a very substantial increase in the fees paid to members of the Sex Discrimination Board, I think largely because they decided they would hold an inquiry into the Police Force. As a result, in 1979-80, for example, the fees paid to the Sex Discrimination Board amounted to \$1 485, and in 1980-81 it was 10 times that amount, namely, \$14 645. The other significant increase was in the Rehousing Committee, where in 1979-80 \$3 553 was spent, and in 1980-81 \$7 379 was spent on fees to members of that committee. They are the two major areas of significant increase.

Mr GLAZBROOK: You are saying that the proposed expenditure of \$20 000 is the result of reorganising and changing to different departments for some of those responsibilities?

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

Mr GLAZBROOK: I refer to the line 'Secretary, legal officers and clerical staff', which seems to represent a substantial increase in proposed expenditure over both the actual payments last year and the sum that was voted. Can the Attorney tell me the percentage of moneys paid for salaries that would also be covering long service leave requirements and superannuation payments, if such are included in that figure.

The Hon. K. T. Griffin: Superannuation is not reflected in the Estimates for the department. Superannuation payments are reflected, I think, in the Treasurer's lines. There is no provision for long service leave in the current year's estimates. In the year before, there was a provision for and payment made in respect of the terminal leave entitlement of the former Secretary to the Attorney-General, Mr Gus Mudge.

Mr GLAZBROOK: Can you perhaps give a brief explanation as to the reason for the substantial increase from the payments made last year to those proposed this year?

The Hon. K. T. Griffin: I did indicate to an Opposition member that the substantial increase results largely from the transfer of six officers from the Administration and Finance Division of the former Law Department. Now, within the Minister's office, in addition to legal officers and clerical officers there are officers performing administrative and finance functions for the whole of the Attorney-General's Department.

The Hon. PETER DUNCAN: I refer to the administration expenses line, which includes the amount paid in servicing the Law Reform Committee and law reform generally. In the light of the continuing escalation of the crime rate, what proposals does the Attorney-General have for the future to endeavour to bring the soaring crime rate under some sort of control?

The Hon. K. T. Griffin: The two parts of the honourable member's question do not logically follow each other. The question of the rate of crime is not related to the staffing of the Minister's office.

The Hon. PETER DUNCAN: I did not say it was. I referred to the administration expenses line and contingencies.

The Hon. K. T. Griffin: I am sorry. I just do not follow the honourable member's question.

The ACTING CHAIRMAN (Mr Mathwin): Would the honourable member like to repeat the question?

The Hon. PETER DUNCAN: The Minister is the chief law officer of the State, and it obviously comes within his responsibility to concern himself with the significant increase in the crime rate that is occurring in this State at present. He has a Criminal Law Reform Committee and a Law Reform Committee. Although the Criminal Law Reform Committee largely deals with matters relating to

criminal law reform, certainly the Law Reform Committee has from time to time in the past dealt with criminal matters. It is not exclusively a civil reform committee. Those committees' back-up facilities are paid for out of the Government's consolidated accounts. In relation to that matter I am asking what proposal has the Attorney, as the chief law officer, to take steps in the future to try to arrest the increase in the crime rate. I am well aware that, if the Attorney feels he wants to slip and slide out of this, he no doubt can do so by shovelling it off to the Chief Secretary or someone else.

The Attorney is the chief law officer of the State. I would readily accept the sort of comment that he may make that his responsibilities are simply these and they go no further: they do not include the police, etc. However, I believe that it is the Attorney-General's final responsibility for the increasing and escalating crime rate. He is the one who should be formulating policies for the Government to implement to try to come to grips with the situation. He is the one who should be setting down the general policies regarding legal matters in relation to the Government.

If the solutions to the problem of the increasing crime rate involve the activities of several departments or of several Government agencies, I believe that the Attorney-General should be co-ordinating such action, to be formulating policies to deal with the matters, bringing into effect those policies once they have been formulated. The Attorney has within his portfolio the staff and the expertise to undertake and implement the reports of such studies. I ask the Attorney what proposals he has to deal with these matters in the forthcoming 12 months.

The Hon. K. T. Griffin: I dispute the statement and the basis of the honourable member's question. There is not a significant increase in the crime rate.

Mr McRAE: Does the Attorney-General dispute the Police Commissioner's figures given last year before the Estimates Committee?

The Hon. K. T. Griffin: I dispute that there is a significant increase in the crime rate. I indicated earlier that, if the honourable member persists, I will arrange for statistical information to be made available to him and to the Committee.

Mr McRAE: Last year before the Estimates Committee the Police Commissioner swore that in 1979-80, compared to the year 1978-79, the offences of murder and attempted murder increased by 16.67 per cent. Does the Attorney-General dispute that?

The Hon. K. T. Griffin: I have indicated that I dispute the statements being made by honourable members that there is a significant increase in the crime rate. I have indicated that I will provide statistical information that will put their own views into an accurate and better perspective. I do not believe that this Estimates Committee is a forum for debating the statistics which were provided by the Police Commissioner.

Mr McRAE: Does the Attorney-General dispute the truth of the figure given by the Police Commissioner that the offences of rape and attempted rape increased by 34 per cent in 1979-80 compared to 1978-79?

The Hon. K. T. Griffin: There was a significant increase in rape and assault during the period of office of the previous Government, and I will obtain statistical information which will demonstrate that to the honourable member and put his views into a proper perspective.

Mr McRAE: I am specifically asking—

Mr OLSEN: I would like to raise a point of order. The purpose of the Estimates Committees is to give an opportunity to the Opposition to examine the expenditure of Government funds in the area covered by the Minister before the table. It seems that we have allowed during the

course of this morning's proceedings an enormous amount of latitude. I believe the purpose of the Committee is to examine those lines. I ask for your ruling that we should get back to looking at the expenditure on lines before the Estimates Committees relating to the Minister at the table.

The ACTING CHAIRMAN (Mr Mathwin): The Chairman ruled previously that matters discussed ought to relate to a certain line in the Estimates. Of course, that is the reason for this Committee and of the questioning of the different Ministers on the lines. I agree that the discussion this morning has been allowed to become very wide. I ask the honourable member to relate his questions to the line and not to create a separate personal debate between himself and the Attorney-General, which is not really the work of this Committee.

Mr McRAE: What I indicated to the Chairman I now indicate to you, Mr Acting Chairman. There are a number of matters which I set forth and which I term those of philosophy or policy. I have attempted to bring these under the first heading, 'Office of the Minister'. Once we dispose of those, there can be, in orderly progression, block-by-block, dollar-by-dollar, discussions. However, these are serious matters.

Mr OLSEN: Where in the Sessional Orders does it indicate that we are here for the purpose of determining philosophy or policies of various political Parties?

Mr McRAE: We did all day yesterday with the Premier. I assure you of that.

Mr OLSEN: Yesterday we used the yellow book in relation to the Budget papers that are in front of us.

The ACTING CHAIRMAN: I intend to allow the honourable member to continue, but he must relate his question to the line on the Estimates with which this Committee is now dealing. I will be listening to the honourable member most carefully.

Mr McRAE: I have noted that the Attorney-General is not going to be frank with this Committee on the question of law and order. I will turn to the question of law reform and ask when does the Attorney-General propose introducing legislation on the law of privacy in this State.

The Hon. K. T. Griffin: Again, I would regard that as irrelevant to the consideration of the Estimates.

Mr McRAE: My goodness me, what do we have these people here for?

The Hon. K. T. Griffin: I am prepared to answer—

The ACTING CHAIRMAN: I remind the Committee that it is entirely up to any Minister in this House of Parliament or in this Committee how he will answer a question. That is the situation, and the honourable member has been here long enough to know that, whether it be in the Parliament or questions on the Estimates, it is entirely up to the Minister as to how he will answer a question.

The Hon. K. T. Griffin: I just cannot see the relevance of that to the Estimates. Whether legislation on the law of privacy is ultimately to be introduced is a matter for the Parliament, and it will not impinge in any way on the Estimates that are currently before us.

The Hon. PETER DUNCAN: Quite clearly, that is a question that can come within the Estimates, simply because the Attorney-General's Office provided back-up facilities and expended funds on providing support services to the Law Reform Committee in this State which reported on that matter. It is a perfectly legitimate question then to ask when the result of that committee report, which was put to the Government some years ago, will come before the Parliament. It is perfectly legitimate in relation to the Estimates.

The Attorney-General or the Government is asking the Parliament to approve further payments for servicing the Law Reform Committee and, in the light of that, we are

perfectly entitled to know what sort of value for money we are getting from the Law Reform Committee, whether or not the reports are in any way going to be acted on.

The ACTING CHAIRMAN: That was a statement, not a question.

The Hon. PETER DUNCAN: I did not ask a question; I was making a point.

Mr McRAE: I noted that the Attorney-General said earlier in relation to libel and slander that this matter was before the Standing Committee of Attorneys-General. Will the Attorney-General supply us with a list of the matters now being considered by the Standing Committee of Attorneys-General?

The Hon. K. T. Griffin: I indicated to the Leader of the Opposition in the Legislative Council only a week ago that until decisions of the Standing Committee are accepted by respective Governments they are confidential to the Standing Committee. I would be prepared to consult with my colleagues on the Standing Committee with a view to making available to the honourable member details of the matters that are currently on the list of matters being considered by the Standing Committee.

Mr McRAE: In relation to the question of law relating to animals, when does the Attorney-General intend to introduce legislation dealing with the legal liability for damage caused by animals escaping on to the highway?

The Hon. K. T. Griffin: That matter is currently being examined by me and my officers and consultation is taking place with members of the community, particularly those with a special interest in this area. No final decision has been made on the date when such legislation will be introduced.

Mr McRAE: Is the Attorney prepared to indicate his Government's support for my Bill which will achieve precisely the same and which is currently on the House of Assembly Notice Paper?

The Hon. K. T. Griffin: That is not relevant. The Government's view will be expressed in the House of Assembly when the matter comes up for debate and that is the appropriate forum for that sort of discussion.

Mr McRAE: Has the Attorney read my Bill?

Mr BECKER: Oh, come on!

The ACTING CHAIRMAN: Are there any further questions?

Mr McRAE: Yes, Sir.

Mr BECKER: Hurry up!

Mr McRAE: On a point of order, Mr Acting Chairman, I note that you were reflected upon by the member for Hanson who said, 'Hurry up'. I ask you to deal with that.

Mr BECKER: I was referring to the honourable member for Playford.

Mr McRAE: In that case, I take exception to that, and I ask that the honourable member be asked to withdraw.

The ACTING CHAIRMAN: The member has taken exception to the remark by the member for Hanson, and I ask him to withdraw that offensive remark.

Mr BECKER: What, to hurry up? I cannot see anything offensive about that.

The ACTING CHAIRMAN: If the honourable member finds it offensive—

Mr BECKER: I cannot see anything offensive in that.

The ACTING CHAIRMAN: The member for Playford has asked the honourable member to withdraw. He has found the remark offensive. I ask you to withdraw the statement, 'Hurry up'.

Mr BECKER: Well, if you direct, Mr Acting Chairman.

[Sitting suspended from 1 to 2 p.m.]

Mr CRAFTER: Will the Attorney say whether it is pro-

posed in this expenditure to include the establishment of the committee, comprising a Local Court judge, a public servant and a private valuer, to act as mediator between the acquiring authority and the owner in compulsory acquisition cases? Some parts of 60 properties in my district are being acquired for works being carried out along the Torrens River, and some 30 whole properties are to be or have been acquired in connection with the O'Bahn busway. I have experienced enormous difficulties in regard to the present practices for compulsory acquisition, more so in respect to negotiations that are carried out prior to the compulsory acquisition.

In regard to a current case, the department is refusing to rehouse a person, because there was a separation within the marriage at the time of acquisition. I am not sure whether the processes caused the separation in the marriage. This is the kind of problem to which there is essentially no ready solution. Some parties are very much aggrieved in the circumstances. Does the Attorney propose to implement the proposal that was announced prior to the last election?

The Hon. K. T. Griffin: If the honourable member is experiencing specific problems in relation to acquisition within his district, it is incumbent on him to raise those matters with the appropriate Ministers to endeavour to have the difficulties resolved. I understand that the Minister desires to ensure that acquisitions occur, as much as possible, through negotiation. The Minister referred to that in a newspaper in the past week.

In addition, there is the question of rehousing. The Rehousing Committee comes under my responsibility. If the honourable member had been listening to an earlier answer to a question, he would have heard me say that in the past year the Rehousing Committee has met more frequently to deal with the task of rehousing people whose properties are acquired. The committee has been used more extensively in 1980-81 than in 1979-80. Some of the processes in the Land Acquisitions Act are being reviewed. It is not possible at present to indicate what final decisions will be taken but, in accordance with our policy, we are undertaking a review of the way in which the Act works.

Mr CRAFTER: I can assure the Attorney that I was listening when he mentioned the increase in the activity of the Rehousing Committee and, indeed, his answer spurred my subsequent question. My constituents are concerned about the difficulty in obtaining the rights that are given in respect of that body and the general law relating to compulsory acquisitions. I would have thought that the proposal put forward by the Government when it was in Opposition might help in the preliminary discussion procedure that takes place, where there are many grey areas. I would be interested to know whether there is an increase in staff allocated to that section, which deals with such matters, to deal with the current spate of acquisitions.

The Hon. K. T. Griffin: Some permanent staffing is available to the Rehousing Committee. It is not within my department, but comes from another department. I will undertake to obtain some answers in respect to the staffing of the committee.

The Hon. PETER DUNCAN: Regarding the Law Library costs, when the department moves into the S.G.I.C. building, and with the creation of the Courts Department, will there be savings in the library lines?

The Hon. K. T. Griffin: There are two areas. When the Attorney-General's Department moves into the S.G.I.C. building, the department will be housed in the one building. The Crown Law Library, which is specifically attached to that department, will not be affected by moves into the law courts complex in Victoria Square. They are two separate and distinct items. When some of the courts move into the

law courts complex in Victoria Square, additional library resources for judges who have their chambers within the law courts building will be required, but there will not be an extensive addition to the library resources.

In addition, this action will also provide some advantages. One or more staff will have the oversight of the libraries within the Courts Department, which will allow better use of library resources, both judges' libraries and the Supreme Court Library. There will be some relatively minor additional expense in regard to providing judges' chambers with library resources. There will be some advantages in the way in which the operation of the judges' libraries and the Supreme Court Library are undertaken.

The Hon. PETER DUNCAN: Why is the Law Library for the Solicitor-General listed as a separate line? Is that the Crown Law Library?

The Hon. K. T. Griffin: The Solicitor-General holds a statutory office. His library has been separate from the Crown Law Library, although there has been some overlap in the use of the two libraries, by the Crown Law Office with respect to the Solicitor-General's library but more particularly the Solicitor-General's also using the Crown Law Library. Because of the nature of his office, the Solicitor-General has always had a separate library, but each of the Crown Solicitors and the Solicitor-General have had access to the other's library when the need arises. The library is listed separately to identify the fact that the Solicitor-General, being a separate statutory officer, has a separate library.

The Hon. PETER DUNCAN: Historically, the Solicitor-General was part of the old Attorney-General's Department, when the Minister's office was a separate division from the Crown Law Office. I can understand why it was necessary to list the Solicitor-General's law library costs under those circumstances, but, considering the amalgamation, I would have thought the law library for the Solicitor-General would appear rather under administration expenses or in some other place. It is a reasonable sort of library.

The Hon. K. T. Griffin: It is not as extensive as many other libraries. Generally, the Attorney-General has had access to the Crown Law library, more than anything else, which is conveniently located adjacent to his office. I do not know why the Solicitor-General's library is identified separately. I understand that it has always been a separate item on the lines, and that this year's lines follow the historic pattern. I think the Solicitor-General's library became a separate item when Mr Cox was appointed Solicitor-General. He made a submission for a library, which was granted to him, well before my time. That may well have been the origin of the separate line within the Budget Estimates.

Mr McRAE: In 1979, the Attorney had this to say:

There are many areas where the provision of adequate courthouses is deplorable, and we will set out to provide adequate facilities.

Apart from the debatable question of the Moore's complex, can the Attorney advise what other steps have been taken in relation to courthouse facilities?

The Hon. K. T. Griffin: That is more in the Courts Department area. I can give a partial answer now but, if the member raises it when we deal specifically with that department, I will answer it in more detail then. In Mount Gambier and Ceduna there are additions to courthouse facilities. There are other additions, in addition to the law courts complex.

Mr McRAE: In the Financial Statement of the Premier and Treasurer one notes on page 9 a proposal to allocate funds in order to examine the feasibility and cost benefit of a Justice Information Centre to replace duplicated systems in the Attorney-General's Department, Police Depart-

ment, Community Welfare Department and the Department of Correctional Services. What has caused the need for such an examination, and what is it thought might be gained?

The Hon. K. T. Griffin: Concern has been expressed that, within the Attorney-General's Department, Police Department, Community Welfare Department, Department of Correctional Services, and even in the Courts Department, the statistics and information kept are not properly coordinated. As a result, I have established a small working committee which is examining the need for an integrated justice information system, based on an offender tracking system. No firm decision has been made, but quite obviously there are economies and tremendous advantages for Government in having an integrated system which traces an offender through the legal system and also provides capacity for departmental matters which might be, for those departments, useful adjuncts to the central information necessary for a justice information system. The Premier and Treasurer's speech identifies that we are examining the concept of a justice information system.

Mr McRAE: Again, in August 1979, the Attorney, under the heading 'Information services', indicated:

We will provide adequate information to and education of the public as to the protections which they have under the law.

By that, was he referring to the sort of concepts mentioned by Mr Justice Wells recently, and does he propose to act on some of the suggestions made by Mr Justice Wells?

The Hon. K. T. Griffin: Mr Justice Wells' proposals have been made to successive Attorneys-General, as well as to me. No action has been taken by any of my predecessors to whom representations have been made. Mr Justice Wells commented publicly recently on some form of judicial bulletin. That is a matter I am examining, but I am not yet in a position to make a decision on that. The August 1979 statement was directed to a broad range of matters affecting Government, whether it be specifically under the Attorney-General or in areas such as consumer affairs, motor vehicle matters, road traffic, and all those matters where the individual may come in contact with the application of the law which might affect him.

Mr McRAE: Am I to assume from what was said this morning that there is no point in my continuing with my Bill on the Wrongs Act, dealing with the liability for animals straying on to the road, whether or not it fulfils the purposes which the Attorney has in mind in his legislation? In other words, is the Attorney saying that the Government is going to take control of the situation, whether or not the member for Playford's Bill controls it?

The Hon. K. T. Griffin: I do not presume to tell the member what he should or should not do with his Bill. That will be a matter for the Parliament. I do not see any point in pursuing that, because it does not really relate to the Estimates.

Mr McRAE: Could the Attorney be quite frank about the matter and tell me whether the Government is going to oppose the Bill in the Council?

The CHAIRMAN: I do not think I can accept the question. It does not come within the matter before the Committee.

Mr McRAE: Would the Attorney again list the courts that will be housed in Moore's building?

The Hon. K. T. Griffin: It is more appropriate to deal with that matter under the Courts Department, not the Attorney-General's Department, but I will explore some aspects of it now in the hope that that will be the end of it. If there are further questions on detail, I ask the member to raise them during the Courts Department estimates. Broadly speaking, it is intended to house within the law courts complex the Supreme Court criminal jurisdiction,

the District Court criminal and civil jurisdiction, as well as appeals tribunals, together with the mining wardens. The appeals tribunals include what is presently the Planning Appeal Board, the Water Resources Appeals Tribunal, and the Builders Appellate and Licensing Tribunal—those jurisdictions which were previously under the Premier's Department, under the broad heading of Appeals Tribunals.

Mr CRAFTER: I ask a question regarding the Parliamentary Counsel's office, and refer to the yellow book, page 3 (16).

Under the heading 'Issues and Trends' it is indicated that there are some substantial difficulties with the operation of the Parliamentary Counsel's Office; first, in recruiting suitable staff. That raises the question of proper remuneration and incentives; secondly, compensating for the obvious difficulty of the work load and the unique pressures that occur in that office; and thirdly, obvious difficulties within the Public Service structure itself in obtaining instructions for Bills in a proper form within adequate time. I notice that there has been a minor increase in the vote for this line. What steps are being taken to assist with those continuing difficulties?

The Hon. K. T. Griffin: The Parliamentary Counsel's Office has been my Ministerial responsibility only since 1 July this year. It is intended that when the three floors of the S.G.I.C. building are ready for occupation the Parliamentary Counsel's Office will move to that location. That will mean that, whilst the Parliamentary Counsel will maintain his traditional independence and his responsibility to members of Parliament in many respects, I hope that I will have an opportunity to look more carefully at the way in which work loads and priorities are set within that office. One of the major pressures within the Parliamentary Counsel's Office in the last year has come from the National Companies and Securities Scheme legislation, which is absorbing a tremendous amount of the Parliamentary Counsel's time.

It is expected that the last major Bill for the South Australian Parliament will be enacted by the end of this session, and that will relieve the Parliamentary Counsel from the significant pressure in that area. It is expected that in the foreseeable future there will be at least one additional staff person appointed, although some aspects of that still need to be clarified. It is hoped that, with that additional person, the work load will be able to be shared more effectively throughout the office.

In terms of receiving instructions for Bills, again, it is a matter at which I would hope, as Minister responsible for the Parliamentary Counsel's Office, I would have an opportunity to look more carefully when Parliamentary Counsel finally moves to the same building with me. I hope that we can then more effectively obtain instructions from departments, in particular, and more precise instructions preparatory to drafting Bills.

Mr McRAE: I would like to know whether the role of the Solicitor-General has changed. In particular, is he now subordinate to the Crown Solicitor?

The Hon. K. T. Griffin: Could the honourable member clarify the time frame within which he refers to 'change'?

Mr McRAE: In the last five years.

The Hon. K. T. Griffin: The responsibilities of the Solicitor-General have changed. The Crown Solicitor is ordinarily the officer of the Crown who should determine the occasions on which counsel should be briefed and whether that counsel should be the Solicitor-General or come from within or outside the Crown Law office. The Solicitor-General still acts as counsel for the Crown, but in cases which are determined to be appropriate for the Solicitor-General, in the context to which I have referred, I would regard the Crown Solicitor as being in the same category

as a solicitor for a private client, where the solicitor makes the recommendation to the client as to counsel who should ultimately take the matter in court, with, in this case, the Solicitor-General taking appropriate cases.

Mr McRAE: What changes, if any, has the Attorney made to this role relationship in the time he has been in office?

The Hon. K. T. Griffin: The changes which have occurred have been what I have already indicated—that the Crown Solicitor, as the principal Crown Law Officer, has the responsibility for determining who is the most appropriate counsel to take a particular matter. If there is a matter of significance which presents some difficulty, it is that sort of matter that may be referred to me for my direction.

Mr McRAE: Is the Solicitor-General still able to deal directly with the Attorney?

The Hon. K. T. Griffin: There is no problem about that. The Solicitor-General sees me when he wants to see me, and I see him when I want to see him. There is no break in the line of communication at all.

Mr McRAE: Has there, in effect, been a downgrading of the office of Solicitor-General?

The Hon. K. T. Griffin: I would not have called it a downgrading.

Mr McRAE: Do any of the boards and committees referred to deal in any way with the International Year of the Disabled Person?

The Hon. K. T. Griffin: The provision for the International Year of the Disabled Person is a separate provision in the Estimates. However, some of the out-of-pocket expenses, as I understand, of the Advisory Council are, in fact, incorporated in this line.

Mr McRAE: I note that the sub-programme titled 'Law and Physically Handicapped' had a proposed expenditure for 1980-81 of \$21 000, and \$25 000 was spent. The proposed expenditure for 1981-82 is \$11 000. Does this indicate that on the part of the Government there is a commitment to the International Year of the Disabled Person only in terms of this calendar year? There is a fear expressed in the community in relation to the physically handicapped that the Government will be prepared to honour its various promises and that of other Governments in Australia in the calendar year 1980-81 in a blaze of glory, but that it will then cut the money off in the calendar year 1982. I am trying to ascertain whether we are seeing here a run-down of the programme of assistance to the physically handicapped; or, on the contrary, is the Government committed to a continuing programme in the calendar year 1982 and coming years?

The Hon. K. T. Griffin: A substantial portion of the provision relates to the printing of the second Bright Committee Report, flowing over from the last financial year into the present financial year, and some relatively minor expenses were also included in respect of the international year. Also, within the Estimates there is provision for the officers of the Attorney-General's Department, whose costs are not directly shown as attributable to the International Year of the Disabled Person, but they are employees of the Government within the Attorney-General's Department who, after the end of the year, will be retained in some particular responsibilities.

I am happy to continue to elaborate on the ongoing programme for the international year, but it will take some time to develop the concepts that the Government is examining for continuing the momentum of this year. I think the best way that I can deal with it briefly is to say that the Government has a commitment to ensure that the momentum of 1981 is maintained in all spheres of Government. There will be a number of specific propositions that will accommodate that, but they are not necessarily within the

Attorney-General's Department. There is a Government officer's sub-council to the Advisory Council on the international year where officers from all State Government departments and a number of instrumentalities are meeting for the purpose of carrying out projects for this year, and also identifying means by which they can continue the momentum within their departments, so that in each Government department and in a number of instrumentalities there will be a continuing emphasis on the rights of persons with a disability. There is, of course, the second Bright Report which deals with the rights of persons with an intellectual handicap, which has a much more direct impact on the Minister of Health, the Minister of Education and the Minister of Community Welfare than on the Attorney-General at this stage. I see no reason to suggest that those projects and commitments currently within those departments will not be continued in the years beyond 1981. Then, we have the Handicapped Persons Equal Opportunity Act which deals specifically with the rights of persons with physical impairment, and certainly that is a continuing initiative.

One must be careful not to fall into the trap of thinking of the international year as mere projects; it must be thought of, both in this year and in years ahead, as an emphasis on the rights of persons with a disability which will have significant impacts throughout all areas of Government and the community. The Government certainly intends to keep up that commitment to emphasise and to keep ensuring as much as possible that the rights of persons with disability are recognised and are strengthened throughout all areas of Government. I have outlined a broad perspective but, in answer to the honourable member's question, quite clearly the momentum of this year is expected, by the Government at least, to continue beyond this year.

The Hon. PETER DUNCAN: I refer to the line for the purchase of a motor vehicle and the proposed amount of \$7 000. An amount was not shown for 1980; presumably we did not purchase a motor vehicle for 1980. First, can the Minister tell the Committee whether that amount refers to a replacement vehicle; and, secondly, who has general custody of the vehicle?

The Hon. K. T. Griffin: That is the cost of replacing the vehicle which is currently attached to the Parliamentary Counsel's Office.

Mr McRAE: That completes the questioning we had on 'Office of Minister' and 'Administration and Finance'. The next questions from the Opposition relate to the Coroner's Branch.

The CHAIRMAN: If no member has no further questions in relation to the Office of Minister, I now invite questions on the Coroner's Branch.

Mr McRAE: I understand it is the Government's policy to remove from the Coroner the right to commit for trial. I would like to know what are the reasons for that policy.

The Hon. K. T. Griffin: In principle, it does not have any effect at all on the Estimates. In the last six years there has only been one committal, which was a controversial committal. The Act was amended in 1975 to allow the Coroner to commit for trial. I believe it is a totally unjust provision, because the Coroner's inquiry is not a committal proceeding where any charges are laid against any particular individual, and nobody appearing before the Coroner on any particular inquiry knows whether or not charges will be laid or what the nature and extent of those charges will be. I think it is a quite improper forum for determining whether someone is *prima facie* guilty of any particular offence and ought to be committed for trial. That is the reason; it is a matter of principle and a matter of justice.

Mr McRAE: The Attorney began by saying to me that he thought it had nothing to do with the Estimates. My

question had everything to do with the Estimates. Let me repeat what my colleague the member for Elizabeth said this morning. The member for Elizabeth said:

The Attorney seems to take this as an accounting exercise. We in the Opposition see it as two-fold: first, as an accounting exercise, yes, but if it were only an accounting exercise it could be done just as well if not better by the Public Accounts Committee.

My colleagues opposite, the member for Rocky River or the member for Hanson, would no doubt agree; there are plenty of well qualified people who could do it. Sure, it is an accounting exercise, but it is also an exercise for legislators, and therefore it is not just the sum of money we are looking at: it is the value that we are getting for the money and the rights and duties of persons involved. Having said that, I come now to a straightout accounting matter and, at the same time, a matter of justice. I understand that it is the policy of the Government that fees will be payable by persons requesting inquests. This matter has concerned the Opposition greatly.

I can readily understand that when an insurance company, for instance, wants an inquest or a coronial inquiry into a fire that may be a long and complex matter and it may be solely to the benefit of the insurance company to make the demand. I can also understand that there are occasions when people indulge in what are known as fishing expeditions, using the coronial inquiry as a means of obtaining evidence for other jurisdictions. However, equally, I point out to the Attorney that there are many occasions when there are deaths which do not fall into these categories. For instance, small children may be killed; there may be no question whatsoever of wrong doing or of damages claims, but it may ease the minds of parents to know from an official source exactly what caused the death of a child, or there may be circumstances in which a widow may be involved in a fishing expedition, if you like, but may have every right to know whether or not the cause of her husband's death was such as to give rise to a cause of action.

If it is the Government's policy to charge costs, cannot a discretion be built into the system in some way to protect those who are not able to pay or to whom payment would be a burden?

The Hon. K. T. Griffin: This is currently a matter that relates to a Bill which is in the Legislative Council in the Committee stages and which will be aired thoroughly there. Broadly, the answer to the honourable member's question is that, there could be a discretion. In fact, a close examination of the amendments together with the Act itself will clearly show that it is intended that the question of costs be discretionary, but established by rules promulgated through the Coroner and Executive Council and laid before both Houses of Parliament as subordinate legislation. The question of the exercise of discretion, the criteria for determining who should pay costs, will be a matter that the Parliament will have an opportunity to explore through the Bill which is currently in the Council and before the Subordinate Legislation Committee, supposing that the Bill finally passes both houses of Parliament.

Mr McRAE: On the next line, relating to the Court Reporting Division, there are questions, but, since no money is allocated, I take it that I should pick it up under the Courts Department provision.

The CHAIRMAN: Yes. I would take it that way. The next line is Crown Law Office.

Mr CRAFTER: I would be interested to know what the current position is with the employment of articled clerks who, I believe, are being phased out of private practice and employment in the Crown Law Office, and what arrangements have been made and are being made for work previously done by articled clerks to be done by other persons.

If further staff have been employed, what type of staff have been employed to carry on that work previously done by articled clerks?

The Hon. K. T. Griffin: I ask the Crown Solicitor to make an observation on this point.

Mr Prior: Recently there were published in the *Government Gazette* four offices in the Public Service, two clerical positions, CO3, and two base-grade solicitors, LEC1. Those four positions are in lieu of four articled clerks employed last year, but not employed this year, as well as some part of taking up the slack due to the absence of two articled law clerks from the 1979 establishment over that of 1978. There are two articled law clerks in the Crown Law Office this year. We have provided funds to continue to take two persons in articles next year if students rejected from the workshop course at the Institute of Technology seek articles with the Crown. So, effectively we have covered the absence of those articled law clerks in some shape or form.

Mr CRAFTER: Does this change in the inability of the Crown to continue to employ articled clerks mean that there has been a change in the Government's policy with respect to the conduct of minor prosecutions? Have there been any policy directives or changes with respect to minor prosecutions? Also, is there a greater involvement of non-legally trained persons in minor prosecutions?

The Hon. K. T. Griffin: There has been no change in Government policy in that respect. The Crown Solicitor could make an observation on the use of law clerks in that context.

Mr Prior: We have had a number of law clerks within the Crown Law Office for almost time immemorial. There have been two additions to that strength in the past two years and hopefully two more now that those positions have been approved. There are occasions when by leave of a court those law clerks may appear in straightforward matters. I would not see that as any different from the procedures which prevail, for example with respect to the Highways Department, where someone with no legal qualifications or legal supervision may appear on, say, a plea of guilty. The number of occasions when the law clerks attend are presently few. Whether they will increase or not depends on the other demands made on the existing establishment of Crown Law Officers. We have not found yet that law clerks or the Crown Law officers are finding it hard to find something to do. We are endeavouring to make the best use of our existing resources.

Mr CRAFTER: The major thrust of my question was intended to ascertain whether minor prosecutions will be done, and I understand the trend will be that articled clerks may well not go into the State Public Service in the years ahead. Am I incorrect in this respect?

Mr Prior: I think the answer to that is that the Crown Law Office, along with all other professional offices, has been advised for a long time the Institute of Technology intends to supply as many places as are sought by law graduates for training in the legal workshop course. It is presently a condition of the Supreme Court admission rules that anyone seeking admission shall have completed the course at the Institute or, having sought admission to the course, is unable to find a place. It is only if a person has not found a place at the institute that he may then seek articles of clerkship with some firm of solicitors or the Crown Law Office in Adelaide. Last year there was a very significant drop in the number of students actually seeking articles. Indeed, I think it is fair to say that, whilst we took two, there was not a queue of people besides those two seeking articles with the Crown Law Office; this is in view of the reduced number of students graduating and the capacity of the Institute to take those who were graduating.

Mr CRAFTER: The main thrust of my previous question was to determine whether (and I think one can see the great value of doing the graduate diploma course in legal practice at the Institute of Technology) there should be some change of policy or whether it has been considered with respect to minor prosecutions (as much of the articulated clerk's work and training was in that area), whether that work could or should now be done by laymen, and whether there is any cost efficiency in that so being done.

The Hon. K. T. Griffin: So far as the Crown Law Office is concerned, it does not really seem to be particularly relevant except in respect of the two law clerks to whom the Crown Solicitor has just referred. Is the honourable member seeking to widen this to all other departments that might periodically conduct their own prosecutions in minor matters? I would like to identify the scope of the question.

Mr CRAFTER: At one stage there were more articulated clerks than just two. In fact, at one stage there were perhaps 10. Obviously there has been a transfer of that work load in the department. I am trying to ascertain how it has been transferred.

The Hon. K. T. Griffin: The Crown Solicitor informs me that much of it is being done by base grade solicitors.

The Hon. PETER DUNCAN: I presume that the figure for salaries for the Crown Law Office includes the salaries of officers in the investigations section.

The Hon. K. T. Griffin: Yes.

The Hon. PETER DUNCAN: For some years there were two investigators, and we are now down to one investigator. Has the role of the investigators changed?

The Hon. K. T. Griffin: The salary provision for investigators is under that line relating to the Senior Assistant Crown Solicitor and others. There were three investigators, and we are now back to two.

The Hon. PETER DUNCAN: What is the current role of the investigators, and has there been any change since the present Attorney-General has held office?

The Hon. K. T. Griffin: There has been no change in the role of the investigators since I became Attorney-General. The role that they exercised under previous Governments is the role that they continue to have. They are available to all departments of the Government to investigate matters that might require the assistance of a trained investigator, whether it involves an accident case or a variety of other areas. The range of duties as I understand it is the same now as it has always been.

The Hon. PETER DUNCAN: Are they involved in the current internal investigations of the Police Force?

The Hon. K. T. Griffin: The Crown Law investigators are available for any work within the Government, and I am not aware that they are presently involved in any particular inquiry that might relate to police or other similar agencies of the Crown.

Mr MATHWIN: The Statistics Branch, which operates within the department, comes under the appropriation of \$2 062 950. Is this going to be extended, and what staff is at present in that department? I congratulate that branch for the work it is doing within the Attorney's department.

The Hon. K. T. Griffin: The Office of Crime Statistics comes under the office of the Minister and not under the Senior Assistant Crown Solicitor and others. I am happy to tell the honourable member that the Office of Crime Statistics comprises the Director, a research officer, a clerk, and a typist. There is no intention of expanding this number. It does periodically undertake specific investigations which relate to things like homicide, assault, robbery, or particular subjects which are of interest to Government.

The ACTING CHAIRMAN: We will now deal with the Parliamentary Reporting Division.

Mr CRAFTER: On page 3/14 the following statement is made:

The following issues are relevant to the programme:

- the duration of Parliamentary sessions has extended.
- the demand for reporting services for Standing and Select Committees has increased to a record level.

Whilst I accept the fact that hours of individual Parliamentary sittings are extended, I did some considerable research into this matter earlier this year, dating back to 1965, and it was my evidence that Parliament had sat much less than it had under previous Administrations.

The Hon. K. T. Griffin: My information is that the volume of material which has been produced through *Hansard* is very much in excess of what has happened in the past. If the honourable member wants to make his statistical information available, I will have it assessed. In addition, I will have my own inquiries made to determine the correct answer to that proposition.

Mr GLAZBROOK: Page 77 of volume 1 shows that expenditure by the Parliamentary Reporting Services last year was \$442 000 and that for this year \$525 000 is proposed. The Estimates give a figure of \$445 476. Even if we add to that figure the \$27 000 for contingencies, the figure is only \$472 000, which is \$53 000 less than the figure quoted in volume 1. Page 3/15 of volume 3 of the Programme Estimates breaks down the \$525 000. I refer also to the Auditor-General's Report for the year ended 30 June 1981 in which the salaries and wages for the Parliamentary Reporting Division are shown as \$429 000. This would be the \$445 000 referred to in the Estimates plus the \$13 000 for contingencies. This year, \$27 000 is provided in the Estimates for contingencies. There still seems to be a considerable difference. Can the Attorney-General explain that?

The Hon. K. T. Griffin: A terminal leave payment to the former Leader of *Hansard* accounts for \$30 000 of that. Another \$10 000 is for the hire of a word processor which has been installed on a trial basis, making a total of \$40 000. I imagine that the balance is for salary increases, overtime and matters directly related to the length of hours of work of members of the Parliamentary Reporting Service.

Mr GLAZBROOK: Where does that appear in the lines?

The Hon. K. T. Griffin: Under the office of the Minister, terminal leave payments, \$30 000 is provided. Part of the pay-roll tax allocation for the department is to be applied to the Parliamentary Reporting Division. On page 38, there is an allocation for operating expenses of the Parliamentary Reporting Division under 'Minor equipment and sundries', \$27 000. I believe that a few other contingencies might be provided for under 'Contingencies'. From an accounting point of view, I do not believe there is any problem. The allocation for this year matches up pretty well with the allocation for last year.

Mr GLAZBROOK: Would the same thing apply in regard to the Parliamentary Counsel?

The Hon. K. T. Griffin: Basically, that is the structure in regard to the Parliamentary Counsel. An additional \$7 000 has been provided for the replacement of a motor vehicle.

Mr CRAFTER: Is the Attorney aware of any impact on employment in the Parliamentary Reporting Division as a result of the introduction of word processing equipment and other technological changes, not necessarily in regard to the Parliamentary staff but in regard to staff in other areas? Has some assessment of the effect been made?

The Hon. K. T. Griffin: Word processing equipment has been installed on a trial basis. It was originally installed because I and my officers were extremely concerned about the pressure that was put on the *Hansard* Reporters and their back-up staff. Originally, this action arose because the staff were using manual typewriters. We took it from

there and examined whether electric typewriters should be provided or whether some other system should be developed to relieve the work load and pressure, and also have some other benefits further down the line.

I believe that the word processing equipment will relieve some of the pressure in the Parliamentary Reporting Division. It will eliminate a number of repetitious tasks. The keyboard is very much lighter to the touch than is the old manual typewriter. Ultimately there will be considerable savings in the Government Printing Division if word processing activities go on line to the Government Printer. Whilst there may be some increased costs to the Attorney-General's Department in regard to the Parliamentary Reporting Division, there will be considerable savings in the Government Printing Division that will overshadow considerably any increases that occur under my lines.

Mr CRAFTER: What will be the effect down the line of the estimated saving of \$50 000 a year in relation to printing costs? Will there be lesser use of machinery or a lower employment level in the Government Printing Division?

The Hon. K. T. Griffin: Generally, there will be an elimination of a number of repetitious tasks. Word processing equipment avoids the necessity to type and retype and recheck on a number of occasions. At present, the Parliamentary Reporting Division types, the typing goes to the Government Printer, it is reset, and a variety of the stages are repeated, I think unnecessarily. If the honourable member wants more specific information, I will endeavour to obtain it for him.

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

Courts, \$11 329 000

Chairman:

Mr G. M. Gunn

Members:

Mr H. Becker
Mr G. J. Crafter
The Hon. Peter Duncan
Mr R. E. Glazbrook
The Hon. D. J. Hopgood
Mr J. Mathwin
Mr T. M. McRae
Mr J. W. Olsen

Witness:

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

Departmental Advisers:

Mr G. F. White, Director, Courts Department.
Mr M. N. Abbott, Chief Administrative Officer, Attorney-General's Department.
Mr G. Lemmey, Acting Senior Finance Officer, Courts Department.

The Hon. K. T. Griffin: Mr Abbott will remain, because he has been involved, to some extent, with the division of the accounts between the Attorney-General's Department and the Courts Department.

Mr McRAE: The Attorney-General will well know that during the course of last year there has been considerable apprehension by court reporters generally because of technological change and Government policy of contracting out services. Basically, as I understand the position, there has been an increasing tendency in various courts for the Gov-

ernment to contract out to private contractors the taping of evidence and addresses, thus reducing manpower in the Government's employ. Legitimately, court shorthand reporters have been extremely concerned about their job security and also the long-term potential of work availability. Court shorthand reporters have played a long and honourable role in the history of the courts. Their public protest was done in a very clear and, if I may say, dignified manner. Would the Attorney advise the Committee of the circumstances that led to these processes of contracting out? Is it a matter of Government philosophy, finance, a mixture of both, or what?

The Hon. K. T. Griffin: It is for a mixture of a number of reasons. One is a question of flexibility; one is a question of philosophy; and one is a question of cost. The cost of the contract reporting service is the cheapest of the three alternatives, those alternatives being private contractor, Government tape service or individual court reporters, using a team of three reporters to each court when reporters manually take evidence.

There is also the matter of flexibility. If a court requires a transcript the contractor can provide the taping and transcript at very short notice and can move to particular locations when required. The Director of the Courts Department was involved specifically in negotiations which resulted in a settlement of the dispute involving court reporters. He may be able to add more detail, if the honourable member requires. There was a settlement which was negotiated, and as a result of that settlement I understand that the matter has settled considerably.

Mr McRAE: I should like to hear that extra detail.

The Hon. K. T. Griffin: I will ask Mr White to add information about costs and the settlement of the dispute.

Mr White: The settlement which was reached and ratified by the Industrial Commission was that court reporters were given an assurance by the responsible Minister that their continued employment was assured. The department gave them an assurance that since it was paying their salaries it would use every effort to make the most effective use of their services. An arrangement was reached to the satisfaction of both parties whereby reporters were given priority in certain courts, and only if a number of reporters were not available would we use tapes. An allocations committee consisting of two senior members of my department, one of whom is the Chief Reporter, and two members nominated by the court reporters themselves, was formed under my chairmanship, to meet as and when necessary (and it has not yet been necessary) to monitor the allocation and use of reporters.

My information is that the reporters are now happy—this is as of a week ago and comes from the last meeting I had with representatives of the P.S.A. and reporters—with the allocation and the effective use to which reporters are being put and, with minor exceptions which we are going to always get, they believe that their time is being effectively used. I believe that this is an important factor, because the effective use of the reporters' time impinges on the cost per page of transcript, or the cost per hour. We committed ourselves to trying to reduce the effective cost of live reporters by making the maximum usage of them. In spite of that effective usage, the cost comparisons are: approximately \$140 an hour for live reporting, \$104 for Government tapes, and about \$86 for the current independent contractor.

Mr McRAE: Granted that there is security of tenure for existing reporters, is the reality of the matter that as time goes on employment in the Government service will be removed for reporters and there will be contracting out to private industry?

The Hon. K. T. Griffin: The policy is that as reporters retire or are appointed to other positions they will not be replaced until a core is reached to provide a necessary service to those courts which require manual reporting to meet special circumstances. The number in that core has not yet been identified, but the attrition rate among court reporters is such that it will be a number of years before there is a need to consider the final composition and number of the core of court reporters. My understanding from discussions with the representatives of court reporters is that the attrition rate has been identified as being such that probably there would not be an appropriate core reached for something like eight to 10 years.

Mr McRAE: But the reality, as I see it, is that there is no longer, except for a very small number of persons, a career position in the Government in court reporting.

The Hon. K. T. Griffin: Of course, there will always be a need for *Hansard*, and there will be a career in that respect. There will be a career in the Court Reporting Division in so far as it is necessary to maintain a core of manual reporters.

Mr McRAE: I should have excluded *Hansard* from my comments, but perhaps the point will become clearer if the Minister or his officers could indicate the level of employment of court reporters—the numbers in employment prior to the contracting out—and indicate the number that would constitute the core that has been referred to.

The Hon. K. T. Griffin: As I understand it, contracting out occurred under the previous Government, so it has occurred for a significant period of time. I will see whether that information is available, and if it is, I will report to the Committee. I think it should be recognised that private tapes have been used for seven years, so it is not something that has only just started, but something that has been in operation for seven years.

Mr McRAE: I certainly acknowledge that, but I put to the Attorney that it is a process that has rapidly accelerated during the last two years.

The Hon. K. T. Griffin: There has been an added use of private tapes; there is no doubt about that.

Mr CRAFTER: Who owns the information that is contained in those tapes, and what contractual arrangements exist with the Government and the contractor as to the ownership of that material and any further use made of it?

The Hon. K. T. Griffin: I will need to obtain the exact information on that. I do not have a copy of the contract with me. My understanding is that the information belongs to the Government, that the Government has paid for it, and there is, of course, the matter of Crown copyright, the responsibility for which is vested in the Attorney-General.

The Hon. PETER DUNCAN: Can one of the Attorney's officers explain why pay-roll tax amounting to more than \$492 558 is to be paid? I am not querying the amount but am simply interested to know what it is.

The Hon. K. T. Griffin: In addition to staff salaries, it includes the pay-roll tax on payments made under special Acts, for Supreme Court judges, Masters, District Court judges, and so on.

The Hon. PETER DUNCAN: How many magistrates are now employed on the court staff?

The CHAIRMAN: The honourable member is referring to the Magistrates Division, so we will now proceed to that line.

The Hon. K. T. Griffin: There are 30 magistrates.

The Hon. PETER DUNCAN: To what extent has that changed during the last 12 months?

The Hon. K. T. Griffin: I do not think there has been any significant change. I think one magistrate has been appointed, but I will obtain the exact details.

The Hon. PETER DUNCAN: Are there still magistrates resident in the country areas of the State?

The Hon. K. T. Griffin: Yes.

Mr McRAE: I want to remind the Attorney of the recent speech given by Chief Justice King at the Magistrates Convention when he made a plea for the independence of the Judiciary. Noting that this matter has been a subject of some controversy with various Governments over the years, I ask the Attorney what the policy of his Government is in relation to this matter.

The Hon. K. T. Griffin: The Government has made no decision on that particular question. Certainly I am prepared to look at the matter, although I do not regard it as one of high priority. I believe that the more important initiative that needs to be pursued is that which ensures that the Courts Department is so organised that it provides adequate and reasonable services to the courts. My view on the independence of the magistracy is that to a certain extent they are now independent, because under the provisions of the Justices Act they can only be appointed with the approval of the Chief Justice, and they can only be removed or reduced in status with the approval of the Chief Justice. So, there are already measures for the protection of magistrates, and certainly I would not attempt to interfere with the way in which they dispense justice within the jurisdictions for which they are responsible.

The CHAIRMAN: We now move to 'Subordinate Jurisdiction Division'. Are there any questions?

Mr McRAE: Yes, Sir. You will recall that I asked a question this morning which you disallowed, and I must not repeat that question; so I now move:

That the Committee censure the Attorney-General for failing to freely admit his part in the proposed appointment of the member for Mitcham to the Judiciary.

The CHAIRMAN: The Chair is prepared to accept the motion. It does not need a seconder. I invite the member for Playford to speak to it, although I must refer him to Standing Order 149 which states:

No member shall allude to any debate in the other House of Parliament, or to any measure impending therein.

The Hon. PETER DUNCAN: I would not do that.

The CHAIRMAN: The Chair will make sure that the honourable member does not do that.

Mr McRAE: The Committee, all being members of the House of Assembly, will recall that on 22 September the member for Mitcham sought leave in this House (*Hansard*, page 1056) to give a personal explanation. I do not propose to read the whole of it, but he began by explaining to us that he had written to the Premier as a result of a radio broadcast which he had heard concerning speculation as to his own (that is, Mr Millhouse's) appointment to the Judiciary, and he explained that he was upset that the Premier had said that he, the member for Mitcham, had started these rumours himself. In fact, he said:

I categorically deny having started the rumours about my possible appointment to the bench. Indeed, they have been an embarrassment to me ever since they began soon after the last election. Ironically, they were mentioned to me most strongly (I think I am right in this) after the Liberal Party Christmas party for the press in either 1979 or last year. Several of my friends in the media told me that Liberal back-benchers assured them I was soon to be appointed!

He went on to say that he thought those remarks were defamatory—not those particular ones, but the ones which were being made by the Premier. But, most importantly, he said this:

I invite your attention to the fact, which must be well known to you, and which surely you could not have forgotten even during the interview with Phillip Satchell, that only a few weeks ago (indeed on Friday 24 July at 4 p.m., according to my diary) Lew Barrett, apparently on behalf of the Government and at the request of Cabinet, came to see me at Bar Chambers to ask if I would

consider accepting appointment as a judge of the Local and District Criminal Court. As you must know I immediately refused that offer.

and he explained—

The Hon. PETER DUNCAN: He thought it was insulting.

Mr McRAE: He did think he had been insulted. The offer was not high enough, as I understand it. However, he explained that Mr Barrett is in fact Mr Lewis Barrett, Chairman of Trustees of the Savings Bank. More importantly, he explained that Mr Barrett had come to him in this context. The member for Mitcham continued as follows: He—

that is, Mr Barrett—

told me when he came to see me, and has now confirmed it, that after a conference on amendments to the Savings Bank Act at which two members of Cabinet were present one of them said to him, 'How well do you know Robin Millhouse?'. The question led to a request to him to approach me to sound me out as to appointment to the Local and District Criminal Court. When he called I certainly gained from him the impression that it was an approach from Cabinet. He said that the Government was anxious to raise the standard of appointments to the court. He mentioned the accommodation to be available in the Moore's building; he also said that subsequent appointment to the Supreme Court was a matter for the future.

Then the member for Mitcham went on with the personal squabble he had with the Premier. Following that, Sir, you will recall that there was a motion of censure moved in this House, and the substance (and I hope I do justice to the Premier in his response) of the Premier's reply was that there had been no formal approach by Cabinet. And he kept stressing that word, and when pressed by the Opposition as to precisely what that meant (I think, Sir, that you will recall this) he refused to elaborate on it. Of course, from the Opposition's point of view we said that whether it was formal or informal was hardly to the point. The fact of the matter is that, if an approach is made for an appointment to the Judiciary, the Attorney-General must know about it. If the Attorney-General does not know, there are a number of possibilities: either there was no interview between Mr Millhouse and Mr Barrett at all (I very much doubt that because I think that Mr Lew Barrett is a very honest person and I accept his word that he did go to Bar Chambers on that day)—

The Hon. Peter Duncan interjecting:

Mr McRAE: Well, I did not say that. The second thing is that there may have been some misunderstanding on Mr Barrett's part. Knowing the position Mr Barrett holds, and also knowing his high reputation and the sensitivity of such an approach, I accept the truth as to what transpired, that is, that Mr Barrett went, believing he had the authority of Cabinet, to make an offer to Mr Millhouse. Then we had this curious situation where the Premier, without ever actually denying the situation, but using a very careful formula of words, said that there had never been a formal approach.

As I understand it (and I am not referring to Council debates; I am referring to newspaper reports, radio reports), the Attorney's approach has been simply to say, 'I neither confirm nor deny any part of the whole matter.' I will not mention anything he said Sir; you can rest assured of that. But he did make a very colourful speech in the Council. I will not refer to it, but it is worth reading. I will leave it at that. Outside of this House, as I understand it, he has been quoted in the newspapers as having said—and I think I have heard it on the radio—that he will neither confirm nor deny anything to do with the whole matter.

What are the possibilities? Did somebody, some member of the Cabinet, without the knowledge of the Attorney-General, make an offer of an appointment to the Judiciary? I find that rather hard to believe. The logical and sensible

thing is that the Attorney, even if he did not directly authorise Mr Barrett, knew about it. Now, it is no good in the case of a Government which not only promises honesty and openness but also, in August 1979, if I may again refer to the famous document, proposed a new method of judicial appointments, hiding behind that sort of approach. The Attorney on that occasion said:

We will ensure that judicial appointments and appointments to senior legal positions in the Government service are made from the best available persons and are not made for political purposes. To this end we will examine the feasibility of setting up an independent committee to make recommendations to the Government on such appointments. Our object will be to remove the possibility of political influence in appointments of this kind.

That makes most humorous reading in the circumstances. The reality of this whole matter is that everybody in the community and every member of this House is entitled to assume that the Attorney has been less than frank with us, until the Attorney comes clean and says, 'No, there is no truth in this whatsoever; it is no longer going to be a position of neither confirming nor denying; I straight out deny it. Either Mr Millhouse or Mr Barrett or both is telling lies or somebody went to them without my knowledge and authority.' It is for those reasons that I move my motion.

The CHAIRMAN: Would the honourable the Attorney-General care to respond at this stage?

The Hon. K. T. Griffin: I doubt whether it is worth responding. The matter has been dealt with in a rather useless urgency motion in the House of Assembly recently. The Opposition was endeavouring to score some points, but failed dismally to do so, possibly because it really has no criticism of the Government in other areas and was endeavouring to avoid Question Time on that occasion.

It seems to be a rather specious basis for avoiding what ought to be an important part of the Parliamentary proceedings, that is, Question Time. Colleagues of members of the Opposition who comprise part of the Estimates Committee in the Legislative Council Chamber have also asked many questions about this particular issue. The issue really has nothing to do with the Estimates Committee.

I repeat what I have said many times: the question of appointment of members of the Judiciary will be done by the Government from the best people available, which necessarily includes those who are silks and other eminent practitioners. I do not propose to embark on a discussion on the merits or disadvantages of any one of those persons who might be the subject of speculation. It would be quite improper to do so and would bring into disrepute the whole system of considering eminent persons for judicial appointment.

Persons who are appointed by this Government to the bench will be appointed on merit and for their ability in the law and those other characteristics which necessarily will impinge on the quality of those persons for judicial appointment.

I doubt whether anyone anywhere could have any complaint with the two appointments that this Government has made so far, those of Justice Williams to the Supreme Court and Judge Newman to the District Court. We will be judged by the nature of the appointments we have made and will make in the future.

Mr OLSEN: I oppose the motion. I should have thought that the Opposition would learn from past experience. When it moved the urgency motion in the House of Assembly on this issue, the Opposition found, much to its embarrassment, that it could not produce the goods to substantiate the sort of argument that it put to the House on that occasion. It has completely flouted the purpose of the Estimates Committees today. It is an appalling performance on the part of the members of the Opposition. They have an ideal

opportunity in which to closely scrutinise and question Government performance in financial matters, and yet we have seen today, as was seen yesterday, almost an abdication of that responsibility on behalf of taxpayers of South Australia to closely examine the Government's performance on financial affairs.

I should have thought, in view of the Opposition's bleating to the public of South Australia about the financial state of affairs, that it would have used this ideal opportunity to maximum advantage. It appears to me that certainly it has not the goods to back up its bleating in the public arena because, if it did, the Opposition would have been able to bring to bear during the course of the Estimates Committees hard questioning on financial matters. Instead, we see motions of this nature which take up valuable time of the Estimates Committee on matters that really are not appropriate or proper for this Committee to consider. It is no wonder that the member for Elizabeth left the sinking ship on the basis of past performance.

I believe that the Attorney-General's performance will be judged in hindsight to be one of thorough diligence in the performance of his duties that will be unparalleled in modern times, and I am quite sure that that judgment will be passed in due course. It is interesting to note that, despite the fact that three members of the legal profession are sitting on the Opposition benches today, their penetrating questions have not been able to elicit the sort of response that one would have thought their attendance at an Estimates Committee would have brought to bear.

I conclude briefly by saying (because I do not want to take any more of the Committee's time than has already been wasted on a ridiculous motion on this kind), from my knowledge of the recent history of South Australia, that in fact it was the Australian Labor Party in office that occupied the Government benches when the former Attorney-General moved from the Parliament to become a member of the bench. With those few comments, I oppose the motion.

Mr CRAFTER: One cannot let the comments of the member for Rocky River go unanswered, because he refused to address himself to the substantive point of this motion. In fact, his final banal comment is really an indictment on his own Party, which appointed such eminent jurists who were Attorneys-General in various jurisdictions in this country for a long period of time.

The thrust of the Opposition's concern in this matter is political interference in the Judiciary which is contrary to the stated policy of the Party. The member for Rocky River has, by way of points of order throughout the proceedings of this Committee, attempted to deny the Opposition the right to raise policy matters in these Committees. He seeks to limit the role of the Opposition to that of accountants or those persons who limit their scrutiny of Government expenditure to that of the purely fiscal effects of the Government's expenditure line by line.

We as legislators are vested with certain responsibilities to our electors, to see that that money is expended in the community interest and that, indeed, there is not a diversion of the expenditure of money for purely political purposes or purposes that are contrary to the best interests of the community. We have been perfectly justified in raising this matter in other places or indeed on this occasion again.

It is a matter of most vital importance to the Legislature. This is the only place where the public can be assured that there will be a challenge to the Minister if indeed he was involved in this device. We have an obligation to that community to ensure that the three estates of Government in this State are operating in accordance with the Constitution and that the checks and balances which are being provided and which have worked from time immemorial

indeed are still working. If this Legislature in its various forms and this Committee today are to be denied that purpose, that is an attack on the fundamentals of democracy and the Constitution of this State.

So, this is an important matter. This is the only forum in which it can be raised in this manner, and it is right, fit and proper that it be so raised. One can only draw appropriate conclusions from the responses that we elicit to the questions that we are duty bound to ask.

Mr GLAZBROOK: I cannot support such a ridiculous motion; nor can I really accept that members opposite are really serious in the intent of the motion. The member for Playford seeks to bring the motion forward presumably under the guise of saying that it perhaps relates to a philosophical policy-type matter. Certainly, as far as I am concerned, it does not refer to a line.

If the honourable member is referring to policy (I am obliged to my colleague from Rocky River for mentioning this to me), I can only say that policies are normally judged by the people at election time. This Committee is determining the lines as they stand in the Estimates. I fail to see the justification of members opposite for moving such a motion. The member for Playford also seeks, I believe, to impugn the Attorney-General by hearsay without seemingly one shred of truth. There is no written evidence; nor has there been any acknowledgement by the Government. The member for Playford is trying to take the opportunity in this Committee, because the Attorney-General happens to be before it, to rehash something which was brought into this House two weeks ago and which was soundly defeated.

I do not see the importance of the motion, and I believe that it should be treated with the same sort of contempt as it is brought before us. As the Attorney and the member for Rocky River have already pointed out, this Committee should address itself to the lines before it. It should use this opportunity to closely scrutinise and question the Estimates. It should certainly not try to bring matters such as this motion before the Committee in its deliberations.

Mr McRAE: Why does not the Government deny it?

The Hon. D. J. HOPGOOD: What has come out not only of this short debate but also the attitude of the Government members of this Committee is that they largely see the functions of a Committee such as this as scrabbling around with points of detail about how many additional typewriters will be made available to subsections of Government departments in the next 12 months. There is no doubt that that is the sort of debate or questioning that Government members either want or, to give them their due, were expecting when this Committee system was set up. The member for Brighton (who seems to want to make a second speech) wants to make some artificial distinctions between, on the one hand, the sort of information in the yellow booklet about the typewriters and the bodies that operate them and, on the other hand, policy. Yet the questions of the number of bodies, what those bodies do, and the number of typewriters that they have to do it arise either from policy or perhaps they arise from the tossing of a coin, for instance. We believe that this Committee system is too important to be left purely to matters of accounting. We believe that it is important that we use this opportunity to question Ministers about the policies that in turn lead to the matters of detail contained in the documents before us. Certainly, from time to time there will be specific questions about matters of accounting, but we see our prime responsibility as asking questions in relation to matters of policy. We believe that in some cases it should not be necessary for us to spell out for the advantage of members opposite the accounting implications. It should be clear to anyone with a modicum of intelligence what those implications happen to be.

It is significant that the member for Rocky River, in his response to my colleague, chose for the most part to be abusive rather than to meet the substantive point, which is that the Attorney-General and his colleagues, both in and out of Cabinet, at the very best have been evasive in this matter. If what we are alleging did not take place, let the Government come out and say so. Let it deny what the member for Mitcham has said, both in the Chamber and outside the Parliament. Let it deny the things that are reported to have been said by Mr Lew Barrett. That has not occurred. All we have been told is that somehow we are wasting the time of either this Committee or the Parliament in raising the matter, as if an appointment to the Judiciary is not of significant moment.

Mr OLSEN: The honourable member has already done it in Parliament.

The Hon. D. J. HOPGOOD: We have heard the arguments in Parliament that were put up by the Government, and I am blown if I can see how the Government thinks it won. First, the matter was not put to the vote; it was not that sort of vote. Secondly, the Premier was equally evasive in the Parliament as was his colleague in another place, although the Premier's colleague in another place had the advantage of being entertaining as well as evasive. For these reasons, we put the motion before the Committee.

Mr MATHWIN: I cannot possibly support the motion which, when one looks at it, is trying to cover up the most recent flop by his Party in the debate of 30 September, which it lost. It was a double-header, as Opposition members lost Question Time, too. I am reminded by one of my colleagues that that was perhaps why the motion was moved, because the Opposition was embarrassed a couple of times last week because it was rather low on questions.

The Hon. D. J. HOPGOOD: Come on! We gave you 22 and had six left.

Mr MATHWIN: Those six probably had included, 'What time is it?' and 'When did your wife last have her hair done?' For some reason the member for Playford believes that he must try to win in this Committee. Having lost it in the big league he is now trying the mini league in this Chamber, with eight members and a Chairman. The whole situation is based on a rumour that is two years old.

Mr OLSEN: It was started by the member for Hartley.

Mr MATHWIN: Perhaps the member for Hartley wants to sit. I believe that judicial appointments have no place in this Committee. The Leader of the Opposition followed the lead of the member for Mitcham, because it started when perhaps he wanted to help the member for Mitcham to hold his seat. One could suspect that if one had nasty thoughts. I would not think that sort of thing, but it is possible. Perhaps they are trying to protect the member for Mitcham. Yesterday, in this Committee, it was the Governor's day; today it is the judges' day. What will happen tomorrow? It is my day off tomorrow, so I suppose it does not matter.

Questioning in this Committee is supposed to be on the lines and to relate to the South Australian Government's financial situation. We are here to probe and ascertain what is happening in Government departments, not to find out who is going to be the Governor or a judge next year.

The CHAIRMAN: The member for Glenelg is getting a little wide of the motion.

Mr MATHWIN: If we want a full debate on this matter, it must be debated when Parliament sits, with all members here. If the member for Playford fancies his chance with the numbers, he can try it at any time he wants. I am confident that democracy will rule, as it always does in this House, by the numbers. I cannot support this motion.

The CHAIRMAN: There being no further speakers, the question is that the motion be agreed to. Those in favour

say 'Aye'; against 'No'. As all members are present, I take it that the Committee will not insist on a division. It appears that there is an equality of votes. I give my casting vote in favour of the 'Noes'.

Motion negatived.

The CHAIRMAN: The Committee is now dealing with supporting jurisdiction divisions, the allocation for which is \$3 139 430.

Mr McRAE: Ironically, in view of what the member for Rocky River said earlier, I have a number of nuts and bolts questions to which I do not expect immediate answers. However, I ask that the Attorney and his officers note them. I would like the approximate waiting time in all jurisdictions of the Supreme Court, save the criminal jurisdiction, from the point of setting down an action until trial.

The Hon. K. T. Griffin: It is approximately five to six months.

Mr McRAE: I would also like the approximate waiting time in the criminal jurisdiction of the Supreme Court from the point of committal for trial to the point of arraignment.

The Hon. K. T. Griffin: I will have to get those details for the honourable member.

Mr McRAE: I would like the approximate waiting time in the Local Court of Full Jurisdiction from the point of setting down to trial.

The Hon. K. T. Griffin: The time is approximately 8½ months.

Mr McRAE: I put the same question in relation to limited jurisdiction matters.

The Hon. K. T. Griffin: A bit less than four months.

Mr McRAE: I would like to know the approximate waiting time from committal for trial to arraignment in the District Court, criminal jurisdiction.

The Hon. K. T. Griffin: I will obtain that information for the Committee.

Mr McRAE: I would also like the approximate waiting time in the Small Claims Court from the point of setting down by the Registrar until trial.

The Hon. K. T. Griffin: That is about four months in the Local Court of Adelaide. In the Port Adelaide Local Court it is between seven and eight weeks.

Mr McRAE: I realise that my next question poses some problems, so will the Attorney will think this question over and give me figures for Adelaide, Port Adelaide, and Elizabeth, as well as figures for one or two country courts? What is the approximate waiting time in the Magistrates Court for contested matters, from the point of first surrender to the summons or appearance before the court for trial?

The Hon. K. T. Griffin: I will need to get that information.

Mr McRAE: Is the Attorney, in general, happy with waiting times in cases where he has them at his disposal now, and does he believe that the situation is in reasonable order?

The Hon. K. T. Griffin: Compared with waiting times in other States of Australia, I think that South Australia is among the best. I think that the waiting time is reasonable at present. The ideal, of course, is probably to aim for even shorter periods of time than those that I have indicated. Then, there is some difficulty with counsel and witnesses, in that they ordinarily need a reasonable period of time in which to organise their programmes before matters come on for trial.

Mr McRAE: I do not dispute any of that. Continuing a matter foreshadowed earlier in the day, could the Minister arrange to supply the Committee, or in due course the Parliament, with an approximate lay-out of the Moore's court building, indicating the number of courts, for instance, that will be available, the number of counsel rooms, the number of witness rooms, and so on?

The Hon. K. T. Griffin: I see no difficulty with that. I think that that information probably did go to the Public Works Standing Committee in any event. I am happy to see whether arrangements can be made to make that information available.

Mr McRAE: I am pleased about that. My impression is that it did not go to the Public Works Standing Committee because it is a leasing arrangement.

The Hon. K. T. Griffin: Yes, there is a leasing arrangement.

Mr McRAE: I thought that was the reason why it did not go to the Public Works Standing Committee.

The Hon. K. T. Griffin: That is really an area for the Minister of Public Works to comment on. I was simply presuming that it probably did. Regardless of whether that is correct or not, I will be happy to see whether that sort of outline can be made available to the Committee.

Mr McRAE: I thank the Attorney-General for that. Can the Attorney indicate what increases there have been in judicial salaries since the last State Budget? Again, I am not anticipating immediate answers to this question, because there is such a range involved.

The Hon. K. T. Griffin: I will need to get the precise details of amounts of money by which the judges' salaries have been increased. However, the Government has generally increased judges' salaries in accordance with the national wage increases. For example, in January this year I think there was a 3.7 per cent increase, and subsequently there was a 3.6 per cent increase. Prior to that there were a number of national wage increases which, by Cabinet approval, flowed to the Judiciary. I will obtain the precise figures for the honourable member and arrange for the Committee to have them in due course.

Mr McRAE: I thank the Attorney for that.

Mr CRAFTER: Earlier the Attorney referred to the employment of new staff in the new courts administration area and said that it was hoped that \$106 580—the figure referred to—which was spent in that way, would be recouped by savings. I presume that there has been some study done of the effectiveness of those appointments. Will the Attorney give the Committee details of this matter?

The Hon. K. T. Griffin: I would not be prepared to make available to the Committee any study which relates to the internal operations of the department. When the discussions took place on restructuring the old Law Department and providing more adequate services to the courts, we also discussed with the Chief Justice, in particular, the removal of Masters from the Public Service. Previously, Masters were part public servants and part judicial officers exercising a range of administrative and judicial functions. The Government agreed to take Masters out of the Public Service and appoint them purely as judicial officers. That was done for another reason, namely, to ensure that when the Supreme Court exercises Federal jurisdiction Masters would be seen to be part of the court and could assist in the exercise of that Federal jurisdiction. That particularly relates to some petitions concerning the winding up of companies where the petitions are laid by instrumentalities of the Federal Government.

When the Government took Masters out of the Public Service and made them solely judicial officers, it was agreed that there should be an appropriate officer responsible to senior judicial officers for the day-to-day administration of the various courts. Those judicial officers would also be members of the Public Service but could only be removed with the approval, in the case of the Supreme Court Registrar, by the Chief Justice and, in the case of subordinate jurisdictions, the Senior Judge of the District Court.

So, if we were to proceed with the restructuring as has now taken effect and take Masters out of the Public Service, it was important to have other officers who had administrative functions serving both the Supreme Court and the subordinate jurisdictions, and Registrars were deemed to be the most appropriate officers to perform that administrative function, having a dual responsibility both to the Chief Justice and the District Court Senior judges respectively, and to the Public Service Board. So, they were a necessary part of the restructuring.

With the establishment of a new department there had to be a new head of department, and it was for that reason that we established the office of Director. So, those functions are integral parts of the restructuring. My reference to savings comes from the ability to have a wider pool of resources, with the combination of the old Courts Administration Division of the Law Department and the Supreme Court Department, and the bringing of the appeals tribunals and the magistrates over to the Courts Department. The wider pool of resources enabled greater flexibility and it also enabled fragmented functions to be undertaken by perhaps one or two officers, where previously they might have been undertaken by a range of officers. It allowed for greater efficiencies and a wider and more flexible pool of resources which in themselves will result in efficiencies and cost savings.

Mr CRAFTER: I was particularly interested to know whether any assessment had been made of the benefit to users of the court facilities and to those who work in that structure, which may be evident as a result of that reorganisation and those appointments.

The Hon. K. T. Griffin: The decision having been made in principle, the establishment of two departments was then undertaken by a steering committee and a working party; there were close consultations with those members of the Public Service who were to be affected by the change, and there were discussions with the P.S.A. So, as far as the question of the longer-term benefits to staff is concerned, I will obtain some details and let the Committee have what information is available in that respect. I think that even with the cost savings and the rationalisation of resources there will be greater job satisfaction. In addition, there is now a defined career structure in courts administration which there has never been previously, and that in itself will provide perhaps some intangible benefits to those who work within the courts administration.

Mr CRAFTER: In recent times has the work of the Supreme Court been falling into arrears? The Attorney mentioned that the list could improve.

The Hon. K. T. Griffin: There has been a slight fall back in the business of the court, but decisions have been taken in consultation with various judicial officers which hopefully will arrest that problem.

Mr CRAFTER: Is the answer to that situation the appointment of further judicial and support staff?

The Hon. K. T. Griffin: There has been some suggestion that that might be a solution, but I am not convinced that it is.

Mr CRAFTER: What steps are being taken to clarify that position?

The Hon. K. T. Griffin: The matter is at a fairly early stage, and I think it would be inappropriate to speculate on the results of discussions. Certainly, when those discussions have been completed and a decision taken, there is no reason why the Parliament should not have that information. However, I think it would be premature at this stage to speculate on matters that are being discussed at present.

Mr CRAFTER: The statement with respect to this matter has been made available to the press today by the Chief Justice, indicating that there may be some degree of con-

cern about this matter, not only with the Judiciary but amongst the members of the legal profession, litigants, witnesses and others who are involved in the justice process. So it may be a matter of more urgency than the Attorney would suggest.

The Hon. K. T. Griffin: I am aware of the Chief Justice's statement, which very largely relates to the availability of tipstiffs. My recollection is that one of my predecessors had similar difficulties with the availability of tipstiffs. I think there was a regrettable breakdown in communication which resulted in today's statement by the Chief Justice. The Courts Department had made adequate and satisfactory arrangements to ensure that there was a person available for Mr Justice Mohr's court to fill the place of tipstaff. There was no reason, as I am advised by my officers, why those arrangements which have been made within the Courts Department would not have been sufficient to allow the judge to sit.

Mr CRAFTER: The statement that I have, purporting to be made by the Chief Justice, raises a more substantive criticism of the Government, I would suggest, than that. It says that the work of the Supreme Court has been falling into arrears because there are insufficient judges. The statement goes on to say:

The court can do nothing to solve the problem. The provision of adequate court staff, as well as the provision of a sufficient number of judges, is the responsibility of Government, and the court must look to the Government to solve the problem.

I would be seeking to know, as well as the obvious problems attendant to support staff for the Judiciary, what steps the Government is taking to redress the problem of lack of judicial staff, if that is indeed the case.

The Hon. K. T. Griffin: They are matters which are at present under discussion with the Chief Justice. I had believed they were discussions on a confidential basis. The matter is being addressed by the Government. It is premature to indicate what final decisions have been made, because no final decisions have been made. As I said earlier, I am aware that the Chief Justice made that statement this morning. It very largely arose out of the belief which I understand he had that a tipstaff was not available to service one particular judge, but in fact provision had been made by the Courts Department for a person to fill that position on a temporary basis. Those arrangements had been made and were satisfactory, in the view of my officers, to enable the court to sit this morning. So I was surprised to see that the Chief Justice would make that comment and would in fact use it as an occasion to make some comments about matters which are currently a subject of discussion between the Chief Justice and me.

Mr CRAFTER: If justice delayed is justice denied I would presume that this is a matter which will be resolved very speedily by the Government. Is that so?

The Hon. K. T. Griffin: The matter will be resolved. I do not accept, with the state of the Supreme Court lists at the present stage, that justice is delayed.

The Hon. PETER DUNCAN: The matter of tipstiffs is a matter of no great consequence, possibly, in the overall Budget of the Government of South Australia, but nonetheless it is one which is of some interest to me, because it is a matter on which I feel I was defeated by the effluxion of time when I was the Attorney-General. Can the Minister give the Committee a report on the current situation?

The Hon. K. T. Griffin: There are five judges who have personal tipstiffs. There are eight judges who share five tipstiffs from a pool. The current position is that new appointments to the Supreme Court bench share in the pool of tipstiffs and do not have specifically allocated to them personal tipstiffs.

The Hon. PETER DUNCAN: I am very encouraged to hear that that is the resolution of the matter. Is it still the case that judges of the Local and District Criminal Court go about their business efficiently and adequately without the existence of tipstiffs?

The Hon. K. T. Griffin: Yes.

The Hon. PETER DUNCAN: It always seems to be an interesting contradiction to me that if the judges of the Local and District Criminal Court were able to function in that fashion without that assistance—

The Hon. K. T. Griffin: I really do not think it is proper for me to reflect upon that observation.

The Hon. PETER DUNCAN: I have the benefit now, of course, of being able to reflect better than I could when I was Attorney-General.

Mr CRAFTER: I recently had cause to visit the courthouse at Port Adelaide and was somewhat taken aback by the administration of justice that goes on in that court—not to cast any reflection on any of the staff, for whom I have the greatest respect, having seen the situation in which they work. There were some several hundred people on the Wednesday I was there, milling around the court or inside the courtrooms. It was necessary, in fact, for one magistrate to open the doors and the windows of the court so that he could, as he said, breathe some fresh air. Many of the people who were attending the court were obviously lost and confused as to where they should be appearing. Solicitors were having difficulty in finding their clients and talking to them in some degree of privacy. There are no counsel rooms there. The courtrooms themselves are quite inadequate in number, efficiency and size, and generally it was my belief that that lowered the standard of justice that could be administered. Also, in the eyes of those persons attending that court, it lowers the whole justice system in this State.

It also interested me that many of those several hundred persons who were around the court that morning were obviously working people. There were very few people who were dressed as though they worked in an office. I think statistics would bear that out. After visiting the court, I talked to some social workers in Port Adelaide about their experiences in helping some people attend the court. They also expressed concern about the way in which the work of the court was carried out, and the difficulties that were being experienced there. I wonder whether the Attorney-General is aware of those problems and whether, in the restructuring of the administration of the courts, there was the facility to assess that whole court structure and the way in which it worked?

The Hon. K. T. Griffin: There is facility within the Courts Department to make assessments of the operation of courts, both in the city and in the metropolitan area, as well as in the country. However, probably nothing can be done in the short term about some aspects of the Port Adelaide court. I will certainly have the matters to which the honourable member has referred in detail examined and it may be possible to bring a report to the Committee; if not, I will undertake to ensure that there is some communication with the honourable member personally about the Port Adelaide court.

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

Attorney-General, Miscellaneous, \$1 252 000

Acting Chairman:
Mr J. W. Olsen

Members:

Mr H. Becker
 Mr G. J. Crafter
 The Hon. Peter Duncan
 Mr R. E. Glazbrook
 The Hon. D. J. Hopgood
 Mr J. Mathwin
 Mr T. M. McRae

Witness:

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

Departmental Advisers:

Miss S. Armstrong, Director, Legal Services Commission.
 Mr B. Dietrich, Administrative Officer, Legal Services Commission.
 Mr M. N. Abbott, Chief Administrative Officer.

The ACTING CHAIRMAN: I declare the proposed expenditure open for examination.

Mr McRAE: I note that the allocation for the Aboriginal Customary Law Committee for 1980-81 was \$12 000, of which only \$1 524 was spent, and \$5 000 is allocated for this year. Could we have some indication from the Attorney-General of what went wrong and why the allocation has been reduced by so much?

The Hon. K. T. Griffin: At the time the Aboriginal Customary Law Committee was to meet, the Australian Law Reform Commission had a substantial reference on this matter. The Aboriginal Customary Law Committee did present a tentative report to me, and that needed to be assessed by me and several persons independently of the committee. In addition to that, when the Australian Law Reform Commission met I took the view that it was important for the Australian Law Reform Commission to prepare its discussion paper and then its report before there was significant upgrading of any activity of the Aboriginal Customary Law Committee.

In addition to that, some delicate negotiations were occurring with representatives of the Pitjantjatjara in respect of the Pitjantjatjara land rights question. I took the view, as did my colleagues, that it was inappropriate to run the risk of the two issues being confused. By far the most significant priority was the Pitjantjatjara Land Rights Act. A combination of those factors meant that the Aboriginal Customary Law Committee did not meet as extensively as the \$12 000 allocation suggested it might. In the current year the activity of the committee is reduced to a certain number of questions clearly defined by me in respect of the first tentative report of the Aboriginal Customary Law Committee, remembering of course that the Australian Law Reform Commission is still considering those submissions which it has received on the discussion paper and has yet to present its final report.

In this current year it is expected that the Aboriginal Customary Law Committee will look at specific questions which are much more limited than its previous reference and that it will do so at a reduced pace, very largely in the light of the Australian Law Reform Commission's activities.

Mr McRAE: Referring to amounts allocated for the classification of publications and theatrical performances, will the Attorney indicate how many plays have been submitted for evaluation?

The Hon. K. T. Griffin: I will obtain that information from the secretariat. I understand that none have been submitted, but if that information is incorrect, I will ensure that the Committee is supplied with the correct details.

Mr McRAE: Does the Attorney propose to amend the principles governing the Classification of Publications Act?

The Hon. K. T. Griffin: Yes, there will be amendments to the Classification of Publications Act. No final decisions have been made on the extent of those amendments, but, when the decisions are made, they will be announced and there will be an opportunity for members of Parliament, if they are so inclined, to ask questions. The amendments depend to some extent on the Ministerial meeting in regard to censorship matters that is to be held in Sydney on Friday week.

Mr McRAE: Earlier in the day there was a discussion about the approach that should be taken by Governments and Oppositions in relation to the law and order question. The Attorney and I did not come to much agreement, although the Attorney seemed to believe that the Opposition had not taken much positive action. I point out that, for the third year running, I have a notice of motion on the House of Assembly Notice Paper dealing with this matter. The motion provides 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 otherwise be 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.

This notice of motion was first put on the Notice Paper two years ago and whether or not, as a result of that, or partly as a result of that, the Attorney saw fit to appoint the Committee that reported on victims of crime, I do not know. It was a very good committee and the report was apparently delivered to the Attorney in January 1981. I am noted as having made a submission to the committee, but I am sorry that the Attorney and his Government did not see fit to send me a copy of the report. In fact, I did not know that the report was available until I obtained a copy from the Library in September this year.

The ACTING CHAIRMAN (Mr Olsen): Order! I ask the member for Playford to relate his comments to the line in question.

Mr McRAE: I recognise that the preamble was fairly long, Sir. The report contains some key recommendations. The Attorney and his Government have had nine months to consider those recommendations, and I would like to deal with some of the recommendations and ascertain the Government's view on them. Recommendations 1 to 4 deal with the question of research and information programmes. Basically, they call on the South Australian Government to request the Australian Bureau of Statistics to undertake without delay a second survey of victims of crime, to continue further research into the field of criminal victimology, and to provide increased resources for crime prevention and public information programmes.

Recommendation 4 provides that crime prevention programmes should accord more attention to the prevention of violence by family members and acquaintances. Does the Attorney agree that there should be a second survey by the Bureau of Statistics, that there should be further research into criminal victimology, and that increased resources should be provided for crime prevention and public information programmes?

The Hon. K. T. Griffin: I do not believe that it is appropriate to run through the 67 recommendations of the victims of crime inquiry committee report and give 'Yes' or 'No' answers in regard to whether or not the Government supports or does not support, or qualifies its support to, particular recommendations. As I indicated previously, the Government has implemented some of the recommendations and is considering others. I believe that it is an inappro-

priate use of the Estimates Committee time to spend the rest of the day going through those recommendations. I indicate in passing that the Australian Bureau of Statistics has been requested to conduct a further survey.

Mr McRAE: I am pleased that the Attorney can tell us that: I am not pleased that he tells us what is appropriate for us to decide, because I believe that you, Mr Chairman, should decide that, not the Attorney. At least I hope that you will do that. I do not intend to go through the 67 recommendations, not because of the Attorney's advice but because I have more common sense than to do that. However, I will refer to a dozen key recommendations. We have learned that the Australian Bureau of Statistics has been requested to carry out a second survey of crime victims. Does the Attorney agree that further research should be undertaken in the field of criminal victimology?

The Hon. K. T. Griffin: I do not believe that anyone would dispute the need for further research, and I answer the honourable member's question without prejudice to my earlier view. I believe it is irrelevant to ask for 'Yes' or 'No' replies in regard to various recommendations of a report where I have indicated that some aspects are being considered at present.

Mr McRAE: Does the Attorney agree that increased resources should be provided for crime prevention and public information services?

The Hon. K. T. Griffin: I have already indicated what the Government is doing in that respect.

Mr McRAE: Recommendations 5, 6 and 7 are on the theme of public information and studies. Recommendation 5 provides that additional studies should be undertaken so that the public is better informed about the circumstances of serious crimes, especially sexual assault and homicide. Does the Attorney agree with that?

The Hon. K. T. Griffin: I am not prepared to go through and give 'Yes' or 'No' answers to these questions. They are important questions and they are under consideration by the Government. When decisions have been made, I will be prepared to indicate a point of view.

The ACTING CHAIRMAN: It is up to the Minister at the table to answer the questions put to him in the manner in which he wishes. Therefore, I ask the member for Playford to take cognisance of the comments made by the Attorney in regard to this line.

Mr McRAE: I will note that the Attorney, in relation to recommendations 5, 6 and 7, was not prepared to give a 'Yes' or 'No' answer, but I certainly do not intend to leave it at that.

Recommendation 37 refers to the judicial process, and states that the Crown and police prosecutors should advise a victim witness of the right not to disclose a residential address in open court. Does the Attorney agree with that recommendation?

The Hon. K. T. Griffin: That matter is at present being considered by my officers before final decisions are made.

Mr McRAE: I would like to ask the Attorney about the recommendations—

The Hon. K. T. Griffin: Perhaps the member might like to ask me about the recommendation that relates to the abolition of the unsworn statement.

Mr McRAE: I would not mind debating that, but I realise that it is out of order.

The Hon. PETER DUNCAN: Perhaps the Attorney might like to give the Committee the courtesy to which it is entitled. He is here as a guest of the House of Assembly.

Members interjecting:

The ACTING CHAIRMAN: Order!

Mr McRAE: Recommendations 44 to 47 deal with the provision of adequate facilities in court buildings for witnesses, emphasising the need of the aged and disabled,

avoiding close proximity between accused persons and witnesses, and provision for witnesses who are distressed. Does the Attorney agree with those recommendations?

The Hon. K. T. Griffin: I am relating that to the earlier Estimates questions regarding the law courts complex. Specifically in that complex provision is being made for witnesses, if they so wish, to have accommodation that will keep them separate from witnesses for the defence as well as defendants and defence counsel.

Mr McRAE: I am glad that the Attorney can answer in some circumstances. Recommendation 50 provides that prior to sentence the court should be advised, as a matter of routine, on the effects of the crime on the victim. Does the Attorney agree with that recommendation?

The Hon. K. T. Griffin: The effect of that recommendation is still being examined.

Mr McRAE: Recommendation 55 is a key one, and was a majority decision. It provides that the present limit of \$10 000 compensation for victims should be increased, and that a study should be undertaken to determine a fair and equitable limit. What is the Government's position on that matter?

The Hon. K. T. Griffin: Amendments to the Criminal Injuries Compensation Act will be introduced in the current session of Parliament relating to the way in which that Act operates, but there will not be any increase in the amount of funds available in individual cases for criminal injuries compensation. An interesting paper was presented by a psychologist at a recent symposium on victimology, indicating that he had very grave reservations about the value of monetary compensation to victims.

The Hon. PETER DUNCAN: Is the Attorney-General indicating to the Committee that he also has grave reservations about the idea of monetary compensation to victims?

The Hon. K. T. Griffin: I was not suggesting that. I was just flagging to members that some people have very grave reservations about the value of monetary compensation. That is in the context of a statement that I made at the symposium on victimology: that there ought to be a careful assessment as to whether the appropriation of substantial sums of money in aggregate to a limited number of victims of crime is the best way in which Governments can assist crime victims. I was really raising the question. Certainly, the honourable member cannot impute to me a view that compensation ought to be reduced or abolished.

The Hon. PETER DUNCAN: I am pleased to have the Attorney's assurance on that. Regarding the increase that has occurred, \$500 000 now being proposed, that is still a relatively modest amount in relation to the overall problem. It indicates this Government's priorities. When one looks at the police lines one finds that the Police Department's vote for salaries alone has increased \$14 000 000 between the last Budget and this one. Here we are simply doubling the amount provided last year, another \$250 000, which is a very modest sum compared to the additional vote for the Police Department.

The Hon. K. T. Griffin: In 1979-80, the amount paid out was \$184 000, compared with \$478 000 in 1980-81. It is escalating at a fairly rapid rate and compensating a relatively few people.

Mr CRAFTER: Is the Attorney aware that in the recent Queensland State Budget the maximum amount of compensation payable to a crime victim was increased to \$20 000? Is this a matter that he sees as properly the subject of a Standing Committee of Attorneys to bring about some uniformity in this area?

The Hon. K. T. Griffin: I should not have thought that it was a matter for the standing committee. It does not seem to be a matter on which one should seek to achieve uniformity throughout Australia. That is one of the prin-

cial reasons why matters are referred to the standing committee. Obviously, the Committee of Inquiry into Victims of Crime examined that matter and reached a divided view on what ought to be done with the compensation amount.

Mr McRAE: I am extremely surprised by the Attorney's reaction, bearing in mind the song and dance that he and his Party put on two years ago. But, I will go on to recommendation 59, namely, that compulsory third party property insurance should be introduced to cover all motor vehicles. Is the Attorney in favour of that proposition?

The Hon. K. T. Griffin: That is really a matter for the Minister of Transport. My officers and his officers are examining that recommendation.

Mr McRAE: I am sorry that the member for Glenelg is not here, because he has a special interest in these two matters. Recommendation 57 is that loss or damage to property occasioned by criminal acts should not be compensable by the State. Does the Attorney agree with that?

The Hon. K. T. Griffin: There is already provision in the law for recovery of compensation for property damage. But that recommendation, along with all the others, is being examined.

The CHAIRMAN: I point out to the member for Playford that he is fairly close to getting away from what I would consider to be the general thrust of a Committee in this type of debate. He is more or less referring to a report that the Committee is not set up to consider: it is set up to consider funds appropriated under this line. I hope that the honourable member will bear that in mind.

Mr McRAE: I have only three more recommendations, at the most, to which to refer. The next is recommendation 58, namely, that loss or damage to property occasioned by escapees from State training centres should not be compensable by the State. Does the Attorney agree with that proposition?

The Hon. K. T. Griffin: As with the others, it is being examined.

Mr McRAE: Can the Attorney indicate whether one of the reasons that influenced his Government's decision on the compensation limit being retained at roughly last year's limit, namely \$500 000, at least in part stems from the razor gang exercise?

The Hon. K. T. Griffin: No.

Mr McRAE: So that there is no fiscal reason lying behind the Attorney's decision: it is purely one of a judgment as to the benefit to the victim?

The Hon. K. T. Griffin: I think I must point out to the honourable member that the provision in the Estimates is an estimate and that, really, the Government has no control over what the ultimate figure will be.

Mr McRAE: I think that the Attorney at times does get annoyingly pedantic. It must have been clear to him that I mean that he had already said that he was not prepared to increase the limit of \$10 000. I was merely putting to him (and I know that it is the end of a trying day for him) whether that judgment was made purely on the basis that he believed on advice that there would be no benefit to the victim in increasing the amount, and that alone, or was there some fiscal element in it?

The Hon. K. T. Griffin: I really do not think that that is relevant. The member should cast his mind back to the fact that the first Criminal Injuries Compensation Act was passed in about 1969 with a limit of \$2 000. That limit was increased to \$10 000 in 1978, some few years later. I do not think that it is relevant to debate the reasons for no increase. The fact is that the Government has no plans to increase the limit beyond \$10 000.

Mr McRAE: That is our very point, and that is what the Opposition has been complaining about all day. I consider that it is a very arrogant attitude.

The CHAIRMAN: I suggest to the honourable member that it is not appropriate in a forum of this nature to comment upon the Attorney in that fashion. The honourable member is entitled to be critical but not reflect in that manner. I suggest that the honourable member couch his criticisms in more reasonable terms.

Mr McRAE: I withdraw the word 'arrogant'. I consider that it is not right for the Attorney, in a matter which is of such importance and which his Party rightly stressed (although in the wrong way, in my opinion), namely, proper compensation for victims of crime, to say that this Committee should not have the benefit of a critical decision like that. For instance, what does one say to the person who is made a paraplegic by the action of a brutal criminal? That is just a lottery, in the same way as an accident at work or on the road can be a lottery.

The worker is compensated, as is the road user, yet an arbitrary limit of \$10 000 is placed on the victim of the crime. The Attorney says that the reason is not fiscal, that is, that the \$10 000 is not being increased not because it is a money problem but because it is a judgmental decision by him and his Government, as I understand it, that any increase would be of no benefit to the victim. I think that we are entitled to know that. I do not think that it is unreasonable for the Committee to know that.

The Hon. K. T. Griffin: The honourable member, I suspect, is endeavouring to relate my comments to his reference to a resolution on the Notice Paper in the House of Assembly which attempts to set up a pie-in-the-sky objective of universal compensation funded by offenders. Experience with the Criminal Injuries Compensation Act is that very few offenders who commit crimes that cause injuries have the means by which to meet any claim for damages. In effect, the State is a guarantor of last resort. It makes what is, in effect, an *ex gratia* payment to a limited number of persons who are awarded claims initially against an offender for injuries sustained in a crime. The Government has taken the view that it is just not appropriate to increase the *ex gratia* payment that the Government, out of general revenue, would make available to those who receive awards against offenders. That is really where the matter rests.

I think that 156 people were compensated in the last financial year to the extent of \$478 000. As I indicated earlier, I did raise at the national Symposium on Victimology, for the purpose of airing an area of discussion, the question whether it is appropriate for a mere 156 people to be compensated to the extent of almost \$500 000. Are there better ways in which Government moneys can be applied to assist victims more effectively than some people believe they are being assisted at present through compensation payments? I was raising that as a broad issue without saying any more than that: it is a matter for public discussion.

The scheme has been running for 11 years now, and it is an appropriate time to examine the philosophy of compensation. There has never been any comprehensive review of the philosophy of the matter, not even in 1969, when the Act was first amended, nor on the subsequent occasions of amending Acts. I am just suggesting that it is an appropriate time to review that philosophy.

Mr BECKER: I should have thought that the member for Playford would be satisfied with the explanation given by the Attorney, because in 1978 the maximum payable under the Act was increased from \$2 000 to \$10 000. That happened under the honourable member's Government.

The Hon. PETER DUNCAN: With your support.

Mr BECKER: Yes, I supported it. The Attorney has partly answered the question. I can understand the member for Playford being concerned that the allocation this financial year is \$500 000, which is a 100 per cent increase on the previous year. Who knows what amounts are going to be allocated this year, or how many claims the Government

will receive; nobody knows. At least we have \$500 000. We must have some amount to present to the Committee for consideration; otherwise we could put \$10 000 000 there. What would we do with the surplus money if the \$10 000 000 was not claimed? The level of recovery of moneys from criminals is negligible compared with the awards made. In 1980-81 the amount recovered was \$6 581. How much did it cost to recover that amount of money, and is it worth pursuing that point?

The Hon. K. T. Griffin: It was recovered by the Crown Law Office, either by periodical payments or by an offer being made for a lump sum payment by certain offenders or their lawyers. I do not have information on the exact cost involved, but I will endeavour to obtain it. I doubt whether that information is readily obtainable. I think that there is also a principle involved, and that it is important that we do not lose sight of that principle, namely, that the awards are in fact against the criminals and not against the Crown.

Mr BECKER: I agree with that, but at the same time it is something at which we might have to look from an economic point of view, if it is going to cost us \$20 000 or if we have to put on a staff member to pursue that area, to see whether it is worth it or whether there is some other way. There is no doubt that the person concerned would receive a very stiff court penalty for his crime. If the Attorney could provide that information, I would be grateful. I do not want the Law Department to go to too much trouble, but costing it out would be an interesting exercise.

The Hon. K. T. Griffin: I am prepared to endeavour to obtain that information. I assure the honourable member that it is a very minute fraction of one person's time.

The Hon. PETER DUNCAN: I want to query the figure of \$156 000.

Mr BECKER: It is referred to at page 312.

The Hon. PETER DUNCAN: So it might be. At \$10 000 each, that would total only \$156 000.

Mr BECKER: No, \$10 000 each is \$1 500 000. It works out to just over \$3 200 each.

The Hon. PETER DUNCAN: Has the Attorney considered the other principle that might be involved here, namely, that criminals generally seem to be from the poorer section of the community. Although I have noted from the press in recent times letters demanding that we screw this money out of the criminal classes, as it was described in one letter to an editor of a daily newspaper, the fact of the matter is that the chance of recovering sums such as \$10 000 from most persons, particularly those involved in violent crime, is negligible indeed, as is indicated by the figures.

The Hon. K. T. Griffin: The rate of recovery is very slight, and that fact is certainly recognised. I made that point earlier, but perhaps in a slightly different way.

Mr McRAE: One thing that I want to make quite clear to the Attorney is that my own proposal was by no means a pie in the sky one; it grasped the nettle. Insurance calculators show that \$5 a year per salary earner in South Australia would fund a scheme to the level of existing workers' compensation. I would like to ask the Attorney positively, since he has assured us that he will be taking account of positive consideration, whether he will have the Government insurance office carry out a costing of my proposal.

The CHAIRMAN: Does the Attorney care to respond?

The Hon. K. T. Griffin: If the honourable member makes available the information I will have it referred to the Treasurer, because it is the Treasurer's decision as to whether or not Government insurers should be asked to provide that check.

Mr McRAE: In principle, is the Attorney happy to co-operate with me if I do provide that information?

The Hon. K. T. Griffin: That depends on what the honourable member means by 'co-operate'. I am prepared, as I have indicated.

Mr McRAE: I would like to pursue this.

The CHAIRMAN: Order! Let the Attorney finish his answer.

The Hon. K. T. Griffin: I have indicated that, if the honourable member makes the information available, I am prepared to ask the Treasurer whether he would request someone in the Government insurance area to assess it. That is as far as I can take the matter.

Mr McRAE: Either that is a great break-through or a lamentable step backwards. I have no other questions concerning the criminal acts.

Mr MATHWIN: I see from page 3/12 of the yellow book that the maximum amount payable under the Act was increased from \$2 000 in 1978 to \$10 000 under this Government, which must please the member for Playford. Then, in 1979-80, 81 payments were made, amounting to \$184 289.55. I do not know how the 55 cents is calculated with this sort of thing. We have an allocation here of \$500 000.

The Hon. PETER DUNCAN: Was that first bit just a little commercial for the Liberal Government?

Mr MATHWIN: I think it deserves it. The level of recovery of moneys from criminals is negligible compared with the awards made, for example, in 1981, when the amount recovered was \$6 581.39.

The CHAIRMAN: With due deference to the interest of the member for Glenelg in this area, I point out that he may have missed a significant part of this discussion, as this matter was canvassed at some length.

Mr MATHWIN: I was getting around to the fact that the recoverable amount seems rather small. I hope that perhaps the Government has some idea of how to recover more than that amount of money to compensate the amount that it spends in this area. I was about to ask whether there was some extra effort was to be made in the future to recover more money from the criminals, than a mere \$6 500.

Mr CRAFTER: Floggings!

Mr MATHWIN: It does not involve flogging them. We are talking about these people going out and doing community work orders. Indeed, money must be made available by the Government, so surely there must be money available to offset this amount. To flog them, as the member for Norwood so rudely interjected, might appeal to him, but it does not appeal to me.

Members interjecting:

The CHAIRMAN: The member for Glenelg does not need any assistance from honourable members.

Mr MATHWIN: I ask the Attorney, whether it is possible to increase this amount?

The Hon. K. T. Griffin: I canvassed this matter earlier to some extent. Attempts are made diligently in the Crown Law Office to recover, but the fact is that you cannot get blood from a stone. The Crown Law Office exercises some overriding supervision as to responsibility for determining whether it is a hopeless case or whether it is a case where some recovery can be made. The figures indicate that a substantial part of them are hopeless cases where there is no prospect of recovery.

Mr MATHWIN: There is a private member's Bill, of course, which will enable the Government to derive money from people on probation or parole.

The Hon. K. T. Griffin: To be even handed, I really do not think it is appropriate for me to make any comment on

any of the Bills that might be before the House of Assembly.

Mr MATHWIN: Quite; it was naughty of me even to suggest it.

The CHAIRMAN: If there are no further questions on that line, we will proceed to the line 'Contribution towards cost of Constitutional Conventions'.

Mr McRAE: I shall divide my remarks into two categories. I refer first to the existing Federal Constitutional Conventions. I ask the Attorney what progress is being made to achieve a plenary session? When is it likely that the plenary session will be held, and will South Australia still be the host?

The Hon. K. T. Griffin: I am not aware of the decisions made by the Commonwealth in respect of that particular matter.

Mr McRAE: Is not the Attorney a member of the executive committee of the Australian Constitutional Convention?

The Hon. K. T. Griffin: No, I am not, but that was drawn to my attention the other day, and that matter is now being examined.

Mr McRAE: Can the Attorney therefore obtain the information for which I have asked?

The Hon. K. T. Griffin: I will endeavour to obtain the information for the honourable member.

Mr McRAE: Do I take it that the expenditure proposed under this line referring to the contribution towards the cost of the Constitutional Conventions refers to the convention dealing with the South Australian Constitution?

The Hon. K. T. Griffin: No, this relates to the Federal Constitutional Convention. There will be a special allocation for the State Constitutional Conference. I indicated to the honourable member's colleague in the Legislative Council last week (I think it was) that I hope to be able to make some announcements about the Constitutional Conference in South Australia by the time Parliament resumes after the sittings of the Estimates Committees.

Mr McRAE: I have just one question on that, and I do not expect an immediate answer. Can the Attorney advise in due course what the allocation of \$977 was for and what the proposed allocation is for?

The Hon. K. T. Griffin: I will check the information, but I am informed that the \$977 was part of the contribution by this State towards the attendance in an earlier year of another State's Solicitor-General at that conference.

Mr McRAE: Two short questions, and again, I am not asking for it immediately. Can we have the details of the Criminology Research Fund? What is the purpose of the fund? What was the money spent on last year, and what is it proposed to spend the money on this year?

The Hon. K. T. Griffin: The Criminology Research Fund is a Commonwealth research fund. There is a payment made on a per capita basis by the States towards the funding of that research fund. I think it is associated with the Institute of Criminology. Last year \$4 800 was the per capita figure required to be paid by South Australia as a contribution towards that fund. We have no control over the way that fund is expended, except that we have one delegate on the Criminology Research Council. That is as far as it needs to be taken. If the honourable member wants more information I shall get it.

Mr McRAE: No, that is all right.

Mr CRAFT: I notice in the financial statement of the Premier and Treasurer (page 36), under the heading 'Attorney-General,' it states:

Savings, mainly in the contribution required of the State with respect to legal aid (\$106 000), partly offset that increased cost. I would be pleased if the Attorney could explain in what way the

word 'savings' is used in the context of the overall cost of running the A.G.'s Department.

The Hon. K. T. Griffin: During this last year there have been negotiations with the Commonwealth in respect of the level of funding. Previously 35 per cent was met by the State and 65 per cent by the Commonwealth. As a result of submissions, the Commonwealth agreed that for the last financial year and subsequent financial years the proportion in which the funding of operating costs of the Legal Services Commission would be shared would be 74 per cent by the Commonwealth and 26 per cent by the State.

Mr CRAFT: Briefly, could the Attorney-General tell the Committee what was the substance of those representations to the Commonwealth? Was it anticipated that those submissions would be made and what was the source of those submissions? Was it the Legal Services Commission or the Attorney, the Treasurer, or some other source that argued that there should be a greater contribution from the Commonwealth Government towards the financial cost of the provision of legal aid in the community? Was it envisaged from the commencement of those negotiations that this would be termed, as it has been by the Treasurer, as a saving to the State and, as a consequence, paid into general revenue?

The Hon. K. T. Griffin: The matter was initiated by my department. It was discussed with officers of the Legal Services Commission and between them they worked on the negotiations with the Commonwealth. It is based upon an assessment of that part of the work of the Legal Services Commission which relates to Commonwealth jurisdiction matters and that proportion which relates to State jurisdiction matters. By far the significant proportion of matters which go to the Legal Services Commission come within the Commonwealth jurisdiction.

Mr CRAFT: I just cannot quite understand how it has ended up in terms of savings to the State. The payment of additional money by the Commonwealth for legal aid has had that end result.

The Hon. K. T. Griffin: The overall Budget of the Commission is agreed between the State and the Commonwealth Government. The way in which contributions have been made between State and Commonwealth Governments has been resolved in such a way that the requirement within the overall Budget which has been approved is for the State to pay less than it otherwise would have had to pay if the 35-65 percentage was still in existence.

Mr CRAFT: Perhaps it might help if I say I asked a similar question of the Attorney last year in this Committee. I said:

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

The Attorney replied:

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.

My interpretation of those comments by the Attorney is that there has now been a change of that stated policy of the Government and, in fact, additional funds have been provided by the Commonwealth, and the State is no longer now prepared to spend those additional funds, that it has relieved the State in the area of legal aid.

The Hon. K. T. Griffin: With respect, that is not correct. The Budget of the Legal Services Commission has been agreed between the State and the Commonwealth. The funding which has been made available by the Commonwealth has been made available on a different basis of sharing for the operating costs. Instead of 35-65, it is now 26-74. The reference last year was to a prospective increase in the funding on the 35-65 basis. That did not occur, but, if it had occurred, the question and the answer which I gave in that context would most likely have required additional funds by the State. The basis of sharing of operating costs is now different within the context of an overall Budget.

Mr CRAFTER: I take it that the Attorney is saying that the static position has been reached regardless of need in the community and regardless of increases in funds by the Commonwealth, and that there will be no greater capacity of the commission to serve the community, as it is bound by its Statute, than that level which was reached at this time last year.

That is the case, with inflation, with the increase in criminality in the community that was referred to earlier, with increases in unemployment, poverty, and in so many other areas that affect a person's legal rights and their inability to obtain legal assistance, this service is diminishing very rapidly in the eyes of the community.

The Hon. K. T. Griffin: The approved commitment level in 1979-80 was \$480 000. That was continued in 1980-81, but in March this year an additional \$120 000 was approved, so that for 1980-81 there was a increase in approved commitment level to \$600 000. At that time, the Legal Services Commission made representations to me and, as a result, a three-year rolling budget was approved, which gave the commission guaranteed amounts in respect of its budget. The commission was given the opportunity to manage its own affairs over the three-year period. It has the opportunity to make savings or to increase expenditure within certain defined limits.

I believe that everyone accepts that, if one wanted to make legal aid available to everyone, it would be in effect a bottomless pit. It is the Government's responsibility to make a decision on the extent to which the Government and the community at large should be and are able to fund the meeting of that need. The Government has taken a decision. The Legal Services Commission has been given guidelines and is free to operate within those guidelines as it sees appropriate. One will never meet the snowballing demand for legal aid.

The Hon. PETER DUNCAN: We hear that sort of comment all the time, particularly from conservative politicians, but I make the point again that, when it comes to paying out \$14 000 000 in salaries in a hike during a 12-month period, the conservative politicians do not blanch at all. The amount being provided for legal aid from the State Budget is very modest indeed. How much was received during the past 12 months by the Legal Services Commission from the Law Society Trust Account Fund?

The Hon. K. T. Griffin: It was \$453 334.

The Hon. PETER DUNCAN: What was received in the previous year?

The Hon. K. T. Griffin: That sum was \$301 842.

The Hon. PETER DUNCAN: Has the Attorney further considered introducing a scheme similar to the scheme that I attempted to promote when I was Attorney-General, that is, for the payment of interest on the total of solicitors' trust accounts so that the whole of the amount would be available for public purposes, such as legal aid and the like? The history of this matter is fairly well known to members of this House, I imagine, but it seems to me a complete scandal that the banks in South Australia make, in very

round figures, about \$500 000 a year interest free in lieu of interest, because half of the funds in solicitors' trust accounts in South Australia do not bear interest. Action is long overdue. We must look very carefully at this matter. The \$453 000 that was received would have been a proportion (and I am not sure of the proportion) of the interest received on the 60 per cent of trust accounts that actually bear interest. I imagine that the total amount of interest received was about \$600 000.

If this Parliament undertook what I believe are its proper responsibilities and required interest to be paid on all the amounts in solicitors' trust accounts in South Australia, the State Budget would not have to provide an allocation for legal aid; in fact, we would save the taxpayers of South Australia \$500 000 or more. It is quite absurd that we allow and continue to allow this subsidy to the banks. It is long overdue that we should do something about this. When the matter was previously raised, everyone said that the banks would never pay interest but, surprisingly, when the pressure on the banks increased somewhat, interest was paid on cheque accounts. The time was more than ripe for us to take these steps, which should be properly taken in the interests of the people of South Australia, and certainly in the interests of this Government, which claims to be so hard pressed financially.

The Hon. K. T. Griffin: I do not want to embark on an extensive debate on this question, because it is not as clear cut as the honourable member suggests. A number of issues are involved. The Victorian Law Institute, over the past year or two, has been endeavouring to negotiate with the banks in Victoria for the payment of interest on the whole amount of solicitors' trust accounts. In South Australia, the decision was taken that we should not press for action from the banks until some resolution had been achieved in Victoria. I am certainly prepared to consider this matter once again, although I am not prepared to introduce legislation that would compel, by a number of devices, the sort of proposition to which the honourable member refers. I also point out to the honourable member that in the new Legal Practitioners Act of 1981 there is a provision for interest to be paid on the lowest balance of a solicitor's trust account in a period of six months, rather than in the old period of 12 months. That will bring some benefits to the funds that are supported by this interest. Briefly, that is the present position.

Mr CRAFTER: Regarding comparative studies of the cost of the work done in the legal aid area between salaried staff and brief counsel, I referred the Attorney to a study on which he cast some doubts last year. Have any further studies come before the Attorney? Can the Attorney advise the Committee of any further analysis of the cost effectiveness of the salaried staff in this area? Unfortunately, I believe that this is a continuing debate in the legal services profession and it harms the morale and quality of services, as well as the community's attitude to legal services. In an area of great importance such as this, with limited funds available, it is important that there be very close co-operation between the Government office providing this service and the legal profession. There is a need for a very close relationship. Doubts should not be cast on the effective cost merits of the respective services. I believe that this can be set aside by properly conducted surveys. Different services should be provided to the community, and they should not be set up as comparisons, as such. Simplistic statements are made about this matter, but eventually I believe that there will be different roles for practitioners.

The Hon. K. T. Griffin: There will be continuing debate on this subject, because it is controversial. Further studies have not been made. I indicated that there was a place for the salaried profession through the Legal Services Com-

mission. In many respects, that person serves a very real need. On the other hand, there is a need for the private profession, and I doubt whether there can be any resolution to that debate.

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

The CHAIRMAN: Mr Randall is now replacing Mr Becker.

Mr GLAZBROOK: In relation to volume 2, page 35, of the Programme Estimates, I ask the Attorney-General a question which in part he has answered. In continuation of that, what is the future of the International Year of the Disabled Person Secretariat after 31 December 1981? I acknowledged the outstanding success of the Attorney's part in this particular year and the Government's involvement. Will the office in Wakefield Street remain after 31 December to provide a service to the disabled and their parents and the community at large?

The Hon. K. T. Griffin: The office was established as a focal point for activity for the International Year of the Disabled Person. It was not really envisaged that that would be a service-providing agency or office. In fact, to some extent that is how it has developed. I think the continuation of the momentum of 1981 will probably require something different from the I.Y.D.P. office. I did indicate previously some of my thoughts on where we should be going in order to maintain the momentum for this year. It may be that a similar sort of office would be appropriate as a focal point for contact for persons with disabilities or their friends and relatives, but no firm decision has been made on that yet.

My I.Y.D.P. Secretariat and the advisory council, as well as ACROD and the Ministers' council, are considering ways in which the momentum of 1981 should be maintained. I did indicate again this morning that in the area of intellectually retarded services there is a review, which is the responsibility of the Minister of Health and which again will have some impact on that area of the rights of persons with intellectual handicaps.

Mr McRAE: I am sure the Attorney will be pleased to hear that I do not intend to canvass the whole of the recommendations of the Bright Report of the Committee of Rights of Persons with Handicaps, volume 2, on intellectual handicaps, but I ask in general terms whether the Minister has had the opportunity of considering the report, and in particular is he in general favourably disposed to those portions of the report that deal with clarifying the legal rights of those persons who are mentally handicapped and the relationship which they have with the judicial system?

The Hon. K. T. Griffin: It would be appropriate to say that the general principle upon which those recommendations is based is one with which neither I nor any other member of Parliament could disagree. When the second Bright Report was presented to me, it was released publicly for discussion and comment and it was intended that there would be an open forum where all people who had an interest in the recommendations of the report could meet to offer suggestions, and that then the Bright committee would assess the suggestions, comments and submissions, with a view to some final comment being forwarded through to me as the responsible Minister.

The public forum was held, I think some four to six weeks ago, and a number of people did make very useful comments. I now have material which would enable me to move towards deciding what recommendations should be placed before the Government on the way in which those rights of intellectually handicapped persons should be recognised. I think I should also point out that in the area of responsibility of the Minister of Health, the area of the

intellectually retarded services has been comprehensively reviewed and the report of that review has not yet been presented to the Minister.

That will necessarily impinge upon the Bright Report and will need to be taken into consideration before final decisions are made. Certainly, persons with intellectual handicaps, more particularly those who are concerned for their interests, really do need to have clarified for them their respective rights. The Bright committee, for example, talked about the question of sterilisation and raised a very important issue that is a matter of concern to many parents of intellectually handicapped children, but that is not a matter we can resolve overnight. It needs some very careful research, and that is what we are starting to do.

It also impinges to some extent on the Mental Health Act. The Bright committee makes recommendations on that Act and the way in which those who are intellectually retarded ought to be removed from the ambit of the Act. That is something that both my officers and officers of the Minister of Health are looking at with a view to resolving that particular problem. Information on rights certainly ought to be available but, whilst that is a clear recommendation, the final promulgation of that recommendation is yet to be developed.

Mr McRAE: There are a number of specific recommendations in the Bright Report and, as this will be, I think, my second last question for the night, I can gently lead into it by saying that it is quite obvious that, when one finds recommendations that there are proposals to quite drastically change the Guardianship Board and to quite drastically change various other forms of legal procedures, obviously a Government of any persuasion needs time to consider these things.

The point I make now is one that I made earlier in the day. There are many areas in legislation of this kind, as the Minister pointed out in his August 1979 document, that are non-contentious as between the political Parties upon which it may be of great advantage to get the consensus between the political Parties. I have therefore been disappointed that, on some occasions, when there have been forums in which the Government has obviously been involved (and that has ranged from victims of crime to various other sorts of things), there has been very little attempt made by the Government of the day, and I do not want the Attorney to take that as a slight on him, because I guess it could be said as a slight on Governments for the past 30 years.

An attempt, to involve the opposite side of the political coin, if you like, still has something to offer in conscientious, practical and well researched comment and an opportunity to divulge. Can we therefore hope that in the future, when there are such public forums, we could have direct invitations from the Attorney to the appropriate spokesman for this Party?

The Hon. K. T. Griffin: I do not object at all to that proposition. With the Victims of Crime Inquiry Committee, there was a clear public intimation given of the establishment of the committee and the request to make submissions to the committee. Again, the Bright committee's open forum was very widely publicised and it was open to all people, so I would have expected that, if any member of Parliament wanted to participate, he would at least recognise the nature of the forum, or the Committee of Inquiry, and be prepared to make a submission, but if the honourable member wants to ensure that, notwithstanding public notification of these matters, individual members of Parliament receive specific invitations, I am perfectly prepared to ensure, as much as that is possible, that members of Parliament have full information about the activities.

Mr McRAE: We seem to have arrived at a half-way course. The Opposition would have been quite well aware

that the Grabosky Report on Victims of Crime was under way and I am acknowledged as having made a submission on that, but one of the difficulties was that we were not given access to sufficient information, so that Government members of the day would always be in a more favourable position than we were, but let us take a large view of all these things and put those carping criticisms aside. For my part, I would like to end the day by saying that it has been an interesting one, as it usually is, with the Attorney none too forthcoming, unfortunately, but I am sure he will carry out the promise he has given. I hope that, in future, there will be specific invitations to those members of the Opposition who, he knows, are interested in these various matters of law reform and on our part we can assure him that we will continue our interest.

The Hon. K. T. Griffin: The honourable member did refer specifically to the Victims of Crime Inquiry. I am aware that he requested access to all submissions that were made to the committee, but it was not the sort of committee which, as with many other committees, was so structured as to enable public hearings to be held where all persons who made submissions had an opportunity to cross-examine others. That can be compared to many other committees which have been established over a long period of time.

One can think of the review of workers compensation, where I think other members of the community wanted access to submissions, I think particularly the legal profession, but they were refused access to submissions when the committee was first deliberating, so it really depends very much on the nature of the committee as to whether access can be given in the way the honourable member has been suggesting, but where there are appropriate occasions for members of Parliament to be informed of the existence of particular committees or other activities, I will endeavour to ensure that that is done as much as possible.

Mr McRAE: I am much obliged.

Mr RANDALL: My question is a more generalised one. A programme in the document is titled '1981 International Year of Disabled Persons'. We have already heard the Attorney-General refer to other portfolio areas where obviously expenditure regarding disabled persons is incurred. My difficulty is looking at this programme, drawing together all those activities for the year, and costing them out. Is that possible, using this form of programme budgeting?

The Hon. K. T. Griffin: It really is impossible, because right across the whole range of government and a number of Government instrumentalities there have been projects relating to the international year. I did indicate this morning that there is a Government officers' sub-council of the advisory committee, and that involves not only State Government departments, but also State Government instrumentalities, and the work of that sub-council involves not only the time of officers, but also specific projects.

The Public Buildings Department, for example, has undertaken a very extensive programme of making public buildings accessible. Even within Parliament House, extensive work has been done to enable it to be accessible to people with physical disabilities, so it really is not possible to fully calculate the amount of effort and resources that have gone into the international year. One could probably hazard a guess. In the State sphere, the provision in the Budget this year is \$150 000.

It was \$150 000 in the previous Budget, but there are other resources of the Attorney-General's Department that have been available to enable the International Year to progress, so, if we are looking right across the range of the State Government, we are probably looking at some figure well in excess of \$1 000 000. It may even be that \$2 000 000

or \$3 000 000 has directly or indirectly gone into the development of projects and ideals in this international year.

Mr CRAFTER: My question is a general question, and I think it probably comes into relevance under these Miscellaneous lines. I refer to page 3.10, under the heading 'Law reform and law policy' and in .2, on the issues and trends, there is a statement. I would be interested to know if the Attorney, first, agrees with that statement. It is as follows:

The protection of the State's sovereignty and governmental responsibilities continues to be important in the context of the Federal Government's federalism policy.

To me, that is quite an amazing statement. Does the Attorney agree that the protection of the State's sovereignty or governmental responsibility is under some sort of a threat, as is implied by the Government's federalism policy? I suppose that it refers particularly to off-shore rights. It is couched in very broad terms indeed, as is the Federal Government's federalism policy. If it is intended to be such, I think that some explanation of that will be of interest to all South Australians.

The Hon. K. T. Griffin: There is nothing sinister in that statement. It relates largely to off-shore constitutional matters resulting from the seas and submerged lands case. Honourable members will be aware that in the past two years a number of pieces of legislation have been presented to the Parliament all of which form part of the off-shore constitutional package of legislation representing the settlement of issues of sovereignty. Also, of course, it relates to questions of national companies and securities, the direct contrast between the Whitlam era where it was intended that Canberra should take over complete control of the regulation of companies and securities in Australia, and contrasts with the co-operative scheme that we now have, where the Commonwealth is one of seven Governments participating in that co-operative scheme.

So, it is still correct to say that the State's sovereignty and governmental responsibilities continue to be important in the context of the Government's federalism policy, reflecting only the need constantly to be sensitive to the sovereignty of the State in that Federal context.

Mr GLAZBROOK: The third column on page 99 of the volume one support book has the following heading 'Miscellaneous line items, balance not yet included, \$550 000'. I presume that that figure refers to the \$550 000 noted above under 'Legal Aid'.

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

Mr GLAZBROOK: Will the Attorney explain what is meant by the words 'balance not yet included', and why it is not yet included, but included above? I do not know what that means.

The Hon. K. T. Griffin: It should be a subheading balance and then 'Miscellaneous line items not yet included, \$550 000'. It does not read, 'Balance not yet included'. It must be read in its proper context. It is not a specific line item. Reports of Supreme Court cases, grants to the Royal Association of Justices of South Australia, 1981 International Year of Disabled Persons, and Aboriginal Customary Law Committee are specific programme items.

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

Corporate Affairs Commission, \$1 596 000

Chairman:
Mr G. M. Gunn

Members:

Mr Lynn Arnold
 Mr G. J. Crafter
 The Hon. P. E. Duncan
 Mr R. E. Glazbrook
 Mr J. Mathwin
 Mr T. M. McRae
 Mr J. W. Olsen
 Mr R. J. Randall

Witness:

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

Departmental Advisers:

Mr K. I. MacPherson, Commissioner, Corporate Affairs Commission.

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

Mr K. J. Flavel, Director, Investigations, Corporate Affairs Commission.

The CHAIRMAN: I declare the proposed expenditure open for examination.

Mr CRAFTER: Will the Attorney-General explain to the Committee the current position of the implementation of the Federal scheme? Obviously, this is a most important step and the Minister has explained in earlier questions about other matters how this has occupied a great deal of time, for example, of the Parliamentary Counsel. I would appreciate a summary of the current position with respect to that scheme. By way of introduction, I refer to page 384 of the booklet under the programme title 'Regulation of Companies' where, under the heading, 'Issues Trends', it states:

the additional scope and complexity of the national scheme legislative package will require a major commitment to training of commission staff in investigation procedures, registration practices and legal aspects related to corporate affairs administration.

The retention of a capacity to develop policies appropriate to South Australian conditions is seen as an essential component of the scheme for uniform national administration of companies and securities.

It is in that context that I ask my question.

The Hon. K. T. Griffin: Perhaps I will preface the detailed comment by a brief statement that will identify the structure of the scheme. There is a Ministerial council which comprises all of those Ministers in the State Governments and the Federal Government who have responsibility for corporate affairs. That Ministerial council makes the decisions on the scheme legislation. The National Companies and Securities Commission is subject in many respects to the overriding responsibility of the Ministerial council. The National Companies and Securities Commission is responsible for the day-to-day administration of the scheme.

That was established by legislation passed in the Federal Parliament as it related to the Australian Capital Territory, and applied in each of the six States by respective States' application laws. That scheme will be followed with respect to other parts of the package. We have already implemented and have had operating from 1 July the companies acquisition of shares code, which was enacted after approval by the Ministerial council and approval by all State Governments and the Federal Government. It was enacted in Federal Parliament and then applied by State application laws passed in the various States.

We also have the securities industry code, which also came into operation on the same date, 1 July 1981. The national commission in the operation of those parts of the scheme, generally subject to the Ministerial council, is responsible for policy formation and the supervision of the

implementation of that policy. The national commission does not do any of the day-to-day administration of the scheme. It acts through its delegates, the Corporate Affairs Commissions in the various States.

In South Australia various responsibilities have been delegated by the National Companies and Securities Commission, with the approval of the Ministerial council and with the approval of me as the Minister responsible for the Corporate Affairs Commission in this State. So, the Corporate Affairs Commission still attends to the registration of companies, to the registration of documents which are filed, the checking of prospectuses, investigations, and a variety of other day-to-day administrative activities. It does report to the national commission along clearly defined lines of communication on matters that are clearly identified in the delegations from the national commission.

The next stage of the scheme is the Companies Act. That will replace each individual State's Act, most of which originated from the early 1960s and started off as uniform legislation. The Companies Act has been enacted in the Federal Parliament, and the States have yet to enact their own State application laws. I expect that in South Australia the State application Bill will be introduced during this current session so that the new national companies code can come into operation on 1 July 1982. That will then end the principal legislation parts of the co-operative scheme.

There is a requirement for the various State commissions to upgrade some of the services that they provide, because the national commission is very much more involved in surveillance of the security industry, investigation of companies and the monitoring of take-over activities, which necessarily requires a development of expertise, some of which has already existed in the State commissions, but to develop it further in the States so that the upgraded activities of the national commission can be implemented in the States. To that extent additional training programmes will need to be instituted in South Australia. The Commissioner has informed me that in fact those training programmes are currently under way.

The other aspect of the training programmes relate to the substance of the scheme legislation, because in many respects the legislation differs from local State legislation and, therefore, officers need to become familiar with changed legislative requirements. That, too, is under way within the Corporate Affairs Commission. We will not need to add to the establishment that currently exists in the commission because resources can be stretched to ensure that the delegations given by the national commission will be administered effectively and properly within South Australia. That is a very broad outline of the way in which the scheme is operating and the stage that it is now at. If the honourable member has more specific questions I will be happy to try to answer them.

Mr CRAFTER: I understand that the Attorney is a member of the Ministerial council.

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

Mr CRAFTER: Is there another Government nominee or as Commissioner for South Australia?

The Hon. K. T. Griffin: No, the Ministerial council comprises only the Ministers, but the Ministers are advised by their respective officers. From South Australia the Commissioner for Corporate Affairs and at least one of his legal officers have attended officers' meetings which are held between Ministers' meetings, and on appropriate occasions they have attended meetings of the Ministerial council. However, they are not formally members of the Ministerial council. The Ministerial council is really a collegiate Ministry having oversight over the operation of the whole scheme, including the National Companies and Securities Commission.

Mr CRAFTER: Is there a commission apart from that body which has full-time and part-time Commissioners?

The Hon. K. T. Griffin: Yes, the National Companies and Securities Commission has a full-time Chairman, Mr Leigh Masel, two full-time Commissioners, Mr John Coleman and Mr Tony Greenwood, and two part-time Commissioners, Mr John Nosworthy from Queensland and Mr John Uhrig from South Australia.

Mr CRAFTER: Obviously that body is vital in the structure of the future relations of the business community and society as a whole.

The Hon. K. T. Griffin: That is one of the integral parts of the whole scheme.

Mr GLAZBROOK: I refer to page 3/84 of the yellow book. In relation to the regulation of companies, under the heading 'Specific targets/objectives' it is stated that an objective is to obtain Government approval to reorganise and expand the Investigation Division. My question is probably more philosophical than anything else. Where the department is concerned in the protection of persons, their rights and property in relation to companies, is there an educative process for people starting companies or who are in their infancy in companies to learn more of the complexities of business in order perhaps to prevent some of these businesses going into liquidation or running into troubles rather than waiting to pick them up at the end?

The Hon. K. T. Griffin: No amount of education will stop the sort of problem to which the honourable member has referred. In fact, it is not the function of the Corporate Affairs Commission to educate people who want to go into companies. They have their own legal advisers and accounting advisers. If they want to take the benefit of limited liability, they will always, in my experience, obtain proper legal and accounting advice on the establishment of such a company and during the course of its operation. The task of educating all people who establish companies is a mammoth one that I do not believe is a function of Government.

Mr GLAZBROOK: Pursuing that point, I believe that the Minister may be wrong in the assumption that many people would know what they were doing. A great number of people in small businesses, particularly, go into partnership or into a small or limited company in which they assume that their advisers, albeit their accountants or whoever it is, are capable of making sure that they are conforming to all the rules and regulations to keep them out of the problem areas of corporate affairs. I just put it to you that perhaps there is a reason to look at the question of the education of what people should be looking out for.

The Hon. K. T. Griffin: A small publication will be issued through all Corporate Affairs Commission offices in Australia which will identify material available for the purpose of informing oneself of the structure and means by which companies operate. If people want to take the obvious advantages of limited liability and get involved in the corporate area, my experience in private practice has been that they will invariably seek at least accounting advice.

If they do not get proper accounting advice, it is really a matter for the respective disciplinary bodies to review whether or not a person has acted professionally. Apart from the publication that is to be issued to all persons establishing companies, I cannot see that there is any appropriate means by which the Corporate Affairs Commission can educate those who establish companies in the areas of companies take-overs law, securities industry law or companies law.

The whole area of companies law has become quite complex for a variety of reasons, the principal reason being that someone will always endeavour to find a way around the provisions of an Act such as the Companies Act if one is really motivated to do so. That is the principal reason, of

course, why there is the growing complexity in the area of company law.

Mr CRAFTER: To continue my previous comments about the South Australian nominee on the National Companies and Securities Commission—

The Hon. K. T. Griffin: Could I just stop you there, because there is no South Australian nominee on the National Companies and Securities Commission. It is just coincidental that one of the part-time members happens to be a South Australian.

Mr CRAFTER: Thank you. My question really relates to how publicly accountable that person is, whether he is seen (and obviously he is) as representing the whole of Australian society in that function. Obviously, his first responsibility is to see that there are some rules of fair play in the corporate sector, but I imagine that Australian consumers and particularly shareholders would have a great deal of interest in what contribution such a person would make in the decisions taken by that commission. It seems to me that, on my reading of the scheme, and as the Minister has explained, the Commissioners are not really accountable to the community as a whole.

The Hon. K. T. Griffin: They are accountable to the Ministerial council. Specific provisions of the National Companies and Securities Commission Act require disclosure of interests, the production of annual accounts, and the tabling of those accounts in all Parliaments of the States and Commonwealth of Australia. A measure of accountability is achieved in that way. But, members must realise that the co-operative scheme places a great deal of responsibility on the Ministerial council, which monitors the performance of the National Companies and Securities Commission.

Mr CRAFTER: I think it is a chicken and the egg argument there. One would have to see how the commission itself operates in the years ahead. Obviously there will be great interest in many sections of the community on it. We will see how the scheme will operate. My question is perhaps in more detail in respect to the effect of the overall scheme in South Australia. The section to which I referred earlier illustrated the scope and complexity of the national scheme. I talked about the need to train commission staff and to further develop the policies. It gave me some concern that in the past 12 months the two senior officers of the commission in South Australia (the Commissioner and his Deputy Commissioner) resigned.

I would be pleased if the Attorney could reassure me that they resigned for no other reason than that they had greater opportunity in other fields. It is indeed a great loss to the service of this State at this time to lose such experienced officers. If, as I imagine, they have greater challenges in other fields, are any steps being taken to retain persons in whom obviously the State has invested a great deal (although no doubt they have made great contributions to the State) in taking us to the present situation in order to develop our corporate policing structure?

The Hon. K. T. Griffin: There is no reason for those two officers to resign other than that they had very attractive offers from the private sector. I suppose one really has to expect that because the scheme is in its infancy. They were officers who were very much involved in the development of the scheme and had knowledge of the way in which the scheme operates and as to the detail of the scheme which I suppose was really unique. There was no way at all in which the Government could ever hope to match the attractiveness of the offers that they received.

I am not unduly perturbed about the fact that that they are now in the private sector. I believe that because they have been in the public sector they are that much better equipped to give proper advice to their clients in the oper-

ation of the scheme. I also want to point out that I have a very high regard for the way in which the commission operates and its individual officers. We were very fortunate to get a new Commissioner who is displaying the same level of competence in the administration of the Corporate Affairs Commission. Steps are being taken by the Commissioner to ensure that appropriate replacements will be gained to fill the vacancies that have been created. Where it is necessary to advertise outside the Public Service in other States of Australia to fill those sorts of vacancies, that is being done.

Mr RANDALL: My question may be somewhat out of place, but I am not an expert in corporate affairs, as are some of my colleagues opposite. This Government has stated publicly that it is concerned with the small family business. Obviously the area of corporate affairs does have some impact on the small family business in relation to licensing and regulation. Can the Attorney-General tell us perhaps of some areas where licensing and deregistration have taken place, or licensing streamlining has taken place along with deregulation.

The Hon. K. T. Griffin: Administrative changes have occurred within the Corporate Affairs Commission office relating to some matters perhaps on the periphery. The Business Names Act forms are being streamlined and the fee structure is being revised to make it simpler in internal procedures; also, the processing is being improved.

In the area of companies, internally and in respect of dealings with the public, there has been an upgrading of the procedures and attention to members of the public who seek information or who seek to register companies with the national scheme. We are very much locked into the forms and regulations that are ultimately agreed at the Ministerial council level. Within the Corporate Affairs Commission there are other areas, such as co-operatives and associations, which, as I have announced recently, will soon be the subject of new Acts which, among other things, will simplify some of the procedures.

Mr RANDALL: There seems to be an increasing trend for smaller companies to lease businesses within large shopping complexes. What streamlining has taken place in regard to the handling of small business complaints, leasing agreements, business arrangements and disputes between the small business man and the large company? Is there a division in the department to deal with those problems?

The Hon. K. T. Griffin: Those matters should be addressed to the Minister of Consumer Affairs: the Corporate Affairs Commission is involved in the registration of companies, ensuring that information that should be accessible to the public is lodged on a regular and up-to-date basis, and ensuring that, in the operation of companies, the law is complied with, and also that in dealing with the public in respect of such things as prospectuses, there is compliance with regulations that require full, frank and accurate disclosure of information.

The Hon. PETER DUNCAN: For the benefit of the member for Henley Beach, I suggest that he does not take the Attorney's advice. If the honourable member sends anyone who finds himself in this predicament to the Department of Public and Consumer Affairs, I suspect that that person will be told quick smart that these matters are not within the jurisdiction of that department, and he will be sent to elsewhere.

Legal expenses have not been mentioned in these lines. Is the Corporate Affairs Commission undertaking prosecutions still using internal legal resources that are within the office entirely and, if not, is the commission using the services of the Crown Law Office?

The Hon. K. T. Griffin: Primarily, the department is using its internal legal resources. When necessary, the

Crown Law Office assists, but predominantly internal legal advisers of the Corporate Affairs Commission undertake its legal prosecutions. The only outside counsel who is retained at present is Mr Von Doussa, Q.C., who is undertaking a special investigation into the Securities Industry Act, in respect of Elders-G.M.

The Hon. PETER DUNCAN: Will the Minister provide a list of the major prosecutions presently being undertaken in the office? Will he also supply details of prosecutions, complaints and actions that have been undertaken in the past 12 months? I asked for those figures last year, and the Attorney was good enough to provide them. I would appreciate the corresponding figures for the past 12 months. I refer to prosecutions in relation to particular sections of the Act, and that sort of thing.

The Hon. K. T. Griffin: I am perfectly happy to arrange for the total figures of prosecutions instituted to be made available insofar as they relate to the previous year and the offences for which prosecutions were instituted. However, it will take a few days to do so, and I will make that information available to the Committee.

The Hon. PETER DUNCAN: What reporting is undertaken by the Commissioner in the course of his duties?

The Hon. K. T. Griffin: There is a report to Parliament.

The Hon. PETER DUNCAN: Could greater details of these prosecutions, and so on, be incorporated in that annual report?

The Hon. K. T. Griffin: Statistical data is available, but perhaps not to the extent that the honourable member has requested or to the same extent as that provided to the honourable member last year. I will ask the Commissioner to examine whether it would be appropriate and possible to include that material in the annual report of the Commissioner.

Mr GLAZBROOK: Regarding the registration of business names, \$2 000 has been allocated in regard to the development of legislation and policy. The enforcement of registration of business names is referred to, and \$2 000 has been allocated in that direction. In recent times, my attention has been drawn to the fact that a number of people in my district have found that their rates have been assessed in the light of the fact that they are running a business. The local council has deemed this by taking their names from the telephone book. A great number of those people indicated that they believed they were not running a business, although they were advertising and using their own names as a business, or they were using another name. I understand that these people have not registered themselves as a business or a business name. I understood that anyone who is running a business, whether it is in his name or any other name, has a legal responsibility to register that name. If that is the case, what action is taken to the extent of \$2 000 in enforcement procedures adopted under the business names legislation? What new developments are envisaged in regard to business names registration and policy?

The Hon. K. T. Griffin: The Business Names Act requires specifically that, if a person carries on business under a name that is not his own name, the name should be registered. If the person carries on a business under his own name, there is really no obligation to register. I cannot justify the commission's chasing around, finding out who is carrying on a business in his own name, in the name of someone else, or under another appropriate business name. The commission makes inquiries when a matter is drawn to its attention, but chasing up and checking on matters that have not been drawn to its attention specifically could not, I think, be justified as a high priority, or any sort of priority, when one considers the more significant problems that come to the attention of the commission.

Mr GLAZBROOK: Is there no difference in their liability in the case of something going wrong, whether it is registered as a business name or not?

The Hon. K. T. Griffin: I could give some free legal advice, I suppose, but really the business name does not affect a person's liability at all. It does not give the protection of incorporation under the Companies Act, where, in the whole concept of limited liability, even though modified in current terms, business names are just that, just names, and there is no difference in liability whether a person carries on business under a business name or his own name.

Mr GLAZBROOK: What is meant by the 'development of business names legislation and policy'? Is this a new attack you are taking on that?

The Hon. K. T. Griffin: I did indicate earlier that the Corporate Affairs Commission is reviewing forms and fees and it may be that there will need to be some amendment to the Act, but it may only be a matter of the regulations, to simplify forms, to eliminate some forms, and to simplify the fee structure. The figure of \$2 000 is suggested as the appropriate level of activity dealing with those particular matters.

Mr CRAFTER: I want to take the Attorney back to what I consider is the most important aspect of the work of the Corporate Affairs Commission, and that is its policing field. It seems to defeat its purpose if it has good laws on paper but if they cannot be policed and bring about the protections they are designed to bring. That is why I referred earlier to the loss of those most senior legal officers in the commission, whilst they also have administrative functions.

I make no reflection on the Commissioner or the Attorney. I join with him on those comments, but it seems to me that the Attorney has pinpointed the precise problem of the inability of the Government to retain such highly skilled people. Indeed, one needs to be very dedicated to take on that sort of legal work, where there are enormously complex prosecutions to be launched, and I have experienced the work briefly myself. One spends weeks in court and often gets most unsatisfactory results for one's efforts. However, it is very important work that must be done. There has been a rather chequered career of the prosecutions section of the Companies Office and I would hope that we would have some stability and that some action would be taken to bring about a stability of service to the community in this way.

I refer to the 1960s when the former Premier, Mr Dunstan, was Attorney, as the present Attorney probably is aware, set up a separate prosecutions section and brought together some specialist staff. Then there was a change of Government and that section was disbanded, for a variety of reasons. Towards the end of the 1970s, once again there was a build up under the Labor Administration of a strong prosecutions section, a bringing together of police, the accountancy profession, and specialist legal officers.

If the difficulties of retaining highly-skilled and senior counsel in this area is the problem that the Minister has indicated and there may be a need to use Crown Law staff once again in this area, is there some plan to tackle what I consider to be fundamental problems in the whole effectiveness of the Public Service?

The Hon. K. T. Griffin: There are currently 13 investigators on the Corporate Affairs Commission staff and a further four are to be added in the near future. There are also six police officers who work within the Corporate Affairs Commission office. The senior legal officers in particular, in the past year or so more specifically, have been concerned with the development and implementation of the national scheme but other legal officers have been involved in prosecution work.

I have no reason to believe that there is any problem within the Corporate Affairs Commission in respect of either investigation or prosecution of offences. The Commissioner may like to develop that in respect of the legal, investigatory and prosecution staff within the commission.

Mr MacPherson: There is a very strong nucleus of expertise within the commission, both in the legal and investigatory echelons. That is being co-ordinated with the police contingent we have in the office in being directed to ways that will assist us to meet the demands that are made upon the office, both in the form of contribution to the national scheme and also in our investigatory activities.

Mr CRAFTER: I would just like to change the tack a little and ask what the present position is with respect to the reference to the Criminal Law Penal Methods Reform Committee, regarding corporate crime. When does the Attorney expect to make some announcements with respect to that reference?

The Hon. K. T. Griffin: There has been some discussion with the Chairman of the committee but, as a result of those discussions, the committee is not in fact proceeding with that reference. I just put that into the context that there is a considerable amount of expertise within the commission already and a developing expertise that I believe is in a much better position to come to grips with the particular matters that were referred to the Criminal Law Penal Methods Reform Committee.

It is for that reason that I believe that the Corporate Affairs Commission, by virtue of its association with the national commission and other Corporate Affairs Commissions, is in a better position to come to grips with that problem. In fact, the Ministerial council is presently considering, once the scheme gets off the ground, some development of views in respect of computer crime and some aspects of corporate crime.

Mr CRAFTER: I am somewhat dismayed by the Attorney's statement that he has discontinued the work of the so-called Mitchell Committee mid-stream on this very important and quite unique reference, particularly in light of the earlier questions we have had on the loss to the commission of the two most experienced officers of that commission with respect to the legal aspects of company law and corporate crime.

In particular, I raise the question of computer crime and the way in which the courts find great difficulty in addressing themselves to this very vexed question, the very complicated problems that arise with respect to evidence in particular, but also the structure of the court itself. I understood this was one of the issues that had been raised arising out of the previous reports of the Mitchell Committee with respect to the abolition of juries in commercial prosecutions, where it has been a very common experience that juries, it is anticipated, will find great difficulty in grasping the enormous amount of specialised evidence given in such prosecutions, and it has been suggested that that contributes to the low prosecution successes in this area.

There are various techniques of the law and obviously the Attorney, in seeking to abolish unsworn statements, well knows the effect that that device has in the corporate field. Many other techniques can be used by defendants in this area to thwart the due process of the law, and it seems to me very important that, if there is to be a keeping up to date of the law with corporate crime in our community, it ought to be done at the most expert level at which we can do it.

Regarding the committee that had been established, I just refer to one person, Mr Fissey, from the law school, who I understand has done some quite unique research work on this and is quite well recognised throughout legal circles in Australia and many other countries for his unique

and, if novel, approaches to this problem of corporate crime. If the Attorney's statement is that this inquiry is just to be stopped and the normal processes that take place within the department are to replace it, I would be most concerned that we would not be able to keep pace with galloping corporate crime in our community.

The Hon. K. T. Griffin: The honourable member is placing undue emphasis upon the two senior officers within the department who have gone to the private sector in the past year. He must surely recognise that there remains a considerable body of expertise, and the people who leave are replaced by people who are able and who have an interest in this particular field, so I think he is placing undue significance upon those two people having left the Corporate Affairs Commission to go to attractive positions in the private sector.

The honourable member probably does not know that there is a Company Law Review Committee, which will be established under the supervision of the Ministerial Council, and that will have a very wide responsibility to review the law relating to the co-operative scheme. It probably will have available to it much more expertise than has the Mitchell Committee. That is not a reflection on the members of the Mitchell Committee: it just recognises that the Company Law Review Committee will be established for a specific purpose relating to corporate law and will have available to it resources around Australia.

I think the other thing to recognise is that the Corporate Affairs Commission in South Australia is also now linked with the Corporate Affairs Commissions of the other States and the National Companies and Securities Commission and does have available to it a wide range of expertise in the very area to which the honourable member is referring, so I am not unduly perturbed about the fact that the Mitchell Committee will not be looking at the reference on corporate crime.

I think the other point that needs to be made is that, within the Police Department, I am aware there is a growing emphasis upon developing expertise in the area of computer crime, as well as at the national level within the National Companies and Securities Commission, so I do not regard the concern as really being warranted.

The Hon. PETER DUNCAN: I do in fact consider that that is quite disappointing and, to say the least, a rather devastating piece of information that the Attorney has given this Committee. I have sat here all day and listened to the proceedings unfolding. To my mind, that is the only piece of significant information that has been put before the Committee. I believe it is significant, because, in the first place, that marks a significant downgrading in this Government's priorities of the fight against white-collar and corporate crime.

It is not good enough for the Attorney to simply say that the Corporate Affairs Commission will be dealing with these matters. Quite clearly, the Corporate Affairs Commission is a body set up to prosecute corporate crime. Its brief does not go to the whole ambit of fraud and other white-collar crimes. It is a prosecuting authority, and, as a result of that, any suggestions or recommendations it makes inevitably will not be seen by the community to have the same weight as if those recommendations had been produced by the Mitchell Committee, headed by Her Honour, who is considered to be one of the outstanding jurists in South Australia, and who inevitably places her prestige and her imprimatur on any recommendations made by that committee.

I think that what the Attorney has told us tonight is a significant downgrading in the fight against corporate and white-collar crime in South Australia. To suggest that the Corporate Affairs Commission here has expertise available

to it from the national level is beside the point. Inevitably, an organisation such as the Corporate Affairs Commission, which has its day-to-day responsibilities associated with applying the law as it is at the moment, will not have the sort of opportunity and the sort of time available to sit back and take a long detached look at the state of the law and what changes ought to be made to the law.

I believe that that is long overdue and essential. That is why the reference was made to the Mitchell Committee in the first place. I may say that, when that reference was made, assistance was given in drawing it up by the then Commissioner, who was, without reflecting on any of the current members of the commission, more experienced in the legal aspects, I would venture to say, than were any of the current people within the Corporate Affairs Commission. If he was of the belief at that stage that there was a need and desire to have the Mitchell Committee look at these particular matters, I believe there was and is and will continue to be a need for a law-reform type body to look at the whole of the law in this area and at the more general area of white collar crime, so that we can be presented, in effect, with a blueprint for a change of the law, to modernise the law to take account of the sort of sharp practices that people get up to every day of the week in the corporate area of the business community and generally in the so-called white-collar areas.

I do not accept that the sort of expertise that the Police Department, for example, is slowly developing can effectively deal with this particular matter. In fact, if we take into account some of the matters that I understand are likely to be published in the *Advertiser* tomorrow morning, one may not have much faith in that direction at all. I do not believe that the Police Department is the appropriate authority to undertake a law-reform exercise: I do not believe the Corporate Affairs Commission is. To suggest that we do not need an investigation into this area is plain poppycock.

If one looks at what the Attorney has already said tonight and at the way in which people in this particular area get up to sharp practices (there is a new sharp practice invented virtually every day), the law almost constantly needs to be under review so that we can take into account the changes in practices in the marketplace and move quite regularly to provide new modernised laws for the protection of the corporate community and the honest citizens of the State. I am appalled to hear of the Attorney's decision. I can only express my earnest wish that he reconsider his view on this matter.

The ACTING CHAIRMAN (Mr Mathwin): Does the Attorney wish to reply? There was no question there.

The Hon. K. T. Griffin: I did not think it was a question. I do not accept there is any downgrading. The honourable member has not listened to what I have been saying about the Company Law Review Committee under the national companies and securities scheme. It will be an important area in which to review the law to which the honourable member has referred. I may just point out that in the time since I have been Minister we have added seven new inspectors and one extra lawyer to the staff of the Corporate Affairs Commission, so that does not reflect any downgrading of the way in which I regard the administration of corporate law and the detection and prosecution of offenders.

Mr McRAE: I had not intended participating in this debate until my colleagues informed me of the announcement that the Attorney-General had made.

The Hon. K. T. Griffin: It wasn't an announcement.

Mr McRAE: The statement. It was greeted with some shock by my colleagues and myself. I have often wondered over the years how one does tackle this matter. I know that

my colleague the member for Elizabeth has his views and that my colleague the member for Norwood worked in the very office, so he is certainly qualified as an expert. I do not know whether one takes their views or, alternatively, whether one takes my view that you virtually need a task force of lawyers, who will be costly in the first instance, but who will at least get results with corporate crime in the Robert Kennedy fashion regarding the corporate crime areas in the Americas in the late 1950s and early 1960s.

It has always been apparent to me that something has needed to be done about this matter. It really gets down to this: it seems to me that on this side of the House we are challenging the Minister and his department and saying, 'Are you being fair dinkum?' Perhaps that is not quite fair. I will rephrase that. We are challenging the Government as a whole, because it is the Government that has to allocate the resources, even though the Minister before us may have been part of the razor gang that looked at those resources.

We are challenging the Government as a whole and asking, 'Are you fair dinkum? Are you looking at at least one of several options that may bring about a result, or are you back to the old situation of paddling your canoe in a circle?' The more I listened to what my colleagues said and what the Minister said in reply, the more I was reminded not just of this Minister but of other Ministers in the past.

It is my belief that, unless we can get an allocation of resources that reflects the view of the community that white-collar criminals must be brought to book as much as our ordinary thug, rapist or murderer, we are not going to get anywhere. After all, where would we stand in terms of policing the law if we did not proceed against some of the clever rapists who are known to us, or murderers, or quick-change con men simply because it was said that the resources required were too much? In those areas, the resources are never a question at all. I do not think that that is too sophisticated an analogy to put. I am sure that the ordinary member of the community who, for instance, reads of the McLeay fiasco, the asset stripping in that situation of \$500 000, as I recall, while Mr McLeay tripped off as our pro-Consul in Los Angeles—

The Hon. K. T. Griffin: Mr Acting Chairman, I take grave exception to that. The honourable member is speculating about a matter raised in the Legislative Council that is currently being inquired into by the Corporate Affairs Commission. If the honourable member makes the accusations outside, he will find how quickly other people bring him to book for them. I do not think that it is appropriate to raise that sort of question before this Committee.

Mr McRAE: I do not think it is appropriate that this witness directs you as to what your direction will be, but, to help you, I will not proceed with that matter. Forget McLeay. Let me take Christianos. I know that several members of this House have constituents who have suffered gravely from the deals of, I think it is Eli Christianos, who is resident somewhere in Europe and who has a solicitor in this city paying money out in dribs and drabs to various creditors in the hope that one day Christianos can return here. There are many other examples and I know that my colleague the member for Norwood has given them.

Let us forget names, as such, and just take examples. If a person cold bloodedly sets out to ruin others, it is my view that that person has got to be pursued remorselessly. Where does one draw the line? It seems to me that it is not just this Government, but all Governments over a long period that stand to bear the burden of this matter, because the whole of our law, and the Attorney knows this, notwithstanding what was said earlier in the day—

The ACTING CHAIRMAN: Order! The honourable member has been speaking for over five minutes. I ask that he poses his question to the Attorney.

Mr McRAE: I will, indeed, Sir. I am not intending to ask a number of questions, I assure you. The Attorney knows, as I do, that the whole of our law is bound up on the basis that property is much more important than person, except in this area. If we look at our civil law, we see that it has taken the Attorney this long to work out a law that will protect people against animals straying on to the highways. If we look at our process of civilising the industrial scene, how long that took, and if we look at other processes, we see that it has taken a long time.

However, somewhere in that chain of events someone had to make a move and that is really the challenge I am putting forward tonight, and the question I am asking. How seriously does this Government regard the matter? If it is merely saying that it will do the minimum to keep up appearances, then we despair yet again. Why cannot this Government, if necessary in co-operation with the private legal profession and whatever other experts are needed, set out to get one of the offenders, or more than one of the offenders, in the same way as the Police Force does with offences to the person, the murders, rapes and the like?

The Hon. K. T. Griffin: Mr Acting Chairman, I have just sat through a piece of cheap, hypothetical, political posturing about a matter that the honourable member does not understand. If, in fact, any complaint is made to the Corporate Affairs Commission, it is pursued. It is not a question of setting out to get someone; it is a question of setting out to see if there is evidence upon which someone can be put on trial. If there is evidence, it always follows that the person who is accused and against whom there is sufficient evidence will be put on trial.

There is no evidence before me, or before the commission, that any matter upon which there has been a complaint has not been properly investigated. The honourable member is really indulging in cheap, hypothetical posturing, because all he is talking about is something that is quite theoretical. There is no evidence that there are not adequate resources to pursue complaints. I have indicated the number of new people we are putting on to deal with inquiries and investigations. I think that the honourable member ought to get his priorities correct and start to get down to reality.

The ACTING CHAIRMAN: We have come now to a time where we can take a 10-minute break, with the approval of the Committee.

Mr McRAE: If that is the case, I take a point of order, because the words just used against me were 'cheap, hypothetical posturing'. I am quite happy to have a break, but I want to make a comment about the Attorney's remarks. First, the Minister suggests that I am cheap. I do not believe that I am cheap; I believe that I have been a reasonably honest legal practitioner and legislator over a number of years.

The Hon. PETER DUNCAN: It is a professional slur.

Mr McRAE: A grave professional slur.

The Hon. K. T. Griffin: I am prepared to withdraw the word 'cheap'.

Mr McRAE: I accept that with grace. The Attorney then used the words 'hypothetical posturing'. I do not believe it is hypothetical at all. If the Attorney is talking about posturing, the only thing that could have upset him was my reference to Mr McLeay. In retrospect it was probably unfortunate that I used the McLeay incident as an example, because there are dozens of examples. It is not, I repeat, a reflection on the staff involved. I was attempting as best I could to ally myself with the far more expert comments of my colleagues, the member for Elizabeth and the member for Norwood, who know about this system. I was putting that a price must be paid.

The only other thing I want to make clear about this concerns the phrase 'set out to get somebody' that I used.

I did not mean by that (the Attorney must have known this, and I think he became somewhat emotional about it) to set out to get somebody regardless of his guilt or innocence. What I meant was to set out to get the murderer, in the same way that the Armed Offenders Squad did in relation to the Truro case. Surely we have had dreadful activities of companies in this State and in other States where one is fully justified in saying that someone should set out to get whoever is responsible.

Mr CRAFTER: The member for Elizabeth asked earlier whether he could be provided with a report of prosecutions. I have quickly perused the annual report again this evening and I cannot find in it any detailing of investigations that are currently under way by the Commissioner. From time to time there are public announcements by the Minister or by the commission stating that a matter is being investigated. In fact, by virtue of the Act investigations are launched in many matters. However, it would be of assistance if the annual report could contain, for example, a listing of companies that are currently under investigation. I believe that the annual report of the Commissioner for Consumer Affairs serves a great service to the community by listing some companies that it has investigated. In fact, in the same way, if consumers, shareholders and creditors know that companies are under investigation, they can direct inquiries to the appropriate sources as well. In that sense, the annual report would become of greater value to the wider community. Perhaps it could be printed in larger numbers. Would the Attorney entertain that matter?

The Hon. K. T. Griffin: There is in the annual report statistical information with respect to current investigations. I am totally opposed to identifying those companies or individuals who might be the subject of an inquiry. I do not believe that it is proper for people and companies to be identified as being the subject of inquiry, because when the inquiry is completed there may be no substance at all in the allegation. Likewise, I think it is quite wrong for those sorts of groups and companies to be named in Parliament, because Parliament is not the appropriate forum for identifying persons who might be the subject of an inquiry but against whom no sufficient evidence of an offence may have been discovered. So, I am totally opposed to naming companies and people in the way suggested by the honourable member.

Mr CRAFTER: It is very difficult indeed for creditors, shareholders and persons in the community who have interests in these matters to know what indeed is happening with these investigations. I believe that there is not a great deal of support from those groups in the community for the policy that the Minister has explained to the Committee. For example, I cannot ascertain by perusal of public records for how many years some investigations have been proceeding.

There is no doubt that it is not uncommon for investigations to proceed over the years. As the years pass by many persons do lose track of what is happening. That is why I should have thought that some reference to that in the annual report would be in the interests of those who were being investigated. Obviously, associated with that other civil processes are going on apart from the Government investigation being conducted by the Corporate Affairs Commission. If the Attorney will not release that information, will he agree to there being listed in the annual report the number of years under which various investigations have been proceeding, for instance, that ten companies or individuals are being investigated, the investigations proceeding over a period of three, four or five years?

The Hon. K. T. Griffin: I am prepared to consider that, but I am not prepared to give a commitment without that consideration. I draw the honourable member's attention to

the fact that there is a Question on Notice in the Legislative Council which seeks some information with respect to inquiries, and that Question on Notice is set, from memory, for Tuesday week, when the matter will be called on in the Legislative Council.

Mr CRAFTER: The Minister earlier to the appointment of Mr Von Doussa as a special investigator into the Elders-G.M. matter. Obviously, there was a need to have that investigation done speedily. Also, of course, legal proceedings were in train at that time. The corporate affairs inquiry was important in that respect as well. There was a great deal of interest in the community about this matter. Could the Attorney tell the Committee how many special investigators have been appointed in the past 12 months and whether he proposes to use more special investigators?

The Hon. K. T. Griffin: Currently three special investigations are under way. There is the Kallins special investigation, where the Corporate Affairs Commission is the special investigator, and officers of the commission have had delegated to them specific responsibilities with respect to that special investigation. There is the Swan Shepherd special investigation. Again, the Corporate Affairs Commission has been appointed as the special investigator, and officers of the commission have had certain responsibilities delegated to them. There is also the Elders-G.M. special investigation, where, because of the nature of the matter and its complexity, it was deemed appropriate to appoint an independent practitioner to undertake the special investigation.

Mr CRAFTER: The matter of McLeay Brothers has been referred to by my colleague. I wish to raise this sort of matter, which inevitably gains some publicity one way or another, where some political or other well-known figure is brought before the commission for investigation. Also, there have been instances in other States where well-known public figures have been the subject of inquiries.

Inevitably, people raise objections to the associated publicity that has been given to an inquiry, and often allegations are made about the independence of the inquiry that is launched. Is it the Government's view in this instance and in every instance where such claims of prejudice can be laid, because of publicity and other factors, that a special investigator should be appointed or that the matter should be briefed to persons outside the Government's sphere so that those inquiries can be carried out?

The Hon. K. T. Griffin: The Corporate Affairs Commission has a statutory responsibility and ordinarily I would see no reason for appointing someone outside the commission to conduct the inquiries that are being undertaken in respect of McLeay Bros and other companies. It is not appropriate to rush out to appoint a special investigator for all of the companies to which attention is drawn by a member of Parliament within the privilege of Parliament. Special investigations are left for the most complex matters, and where information cannot be obtained voluntarily from those people who are approached by the commission to give information or evidence.

In many inquiries, people co-operate quite readily with the Corporate Affairs Commission and its investigators with a view to enabling the matter to be resolved as quickly as possible. I would hope that the Corporate Affairs Commission could be seen to be a totally professional commission which undertakes its statutory responsibilities impartially. It may well be that for political purposes some people want to question the impartiality of the commission because one or other Party may be in Government at a certain time. I would never tolerate using the Corporate Affairs Commission for political purposes. I believe that, in the exercise of its statutory responsibilities, the commission has sufficient professionalism to deal impartially with the sort of matters

to which the honourable member refers. I see no reason for seeking to appoint anyone outside the commission to undertake those inquiries to which the honourable member referred.

Mr CRAFTER: Regarding resource allocation, subprogramme title, 'Regulation and enforcement relating to trading in securities by companies' (page 3/86 of the yellow book), I notice that there is an increase in expenditure greater than in the other areas and only a minimal increase in staffing levels. Will the Minister explain what is proposed for that additional expenditure?

The Hon. K. T. Griffin: I will ask Mr Bray to give details.

Mr Bray: The division of that expenditure item of \$37 000 is: salaries, \$32 000; contingencies spending (that is, operating expenses), \$5 000. The division of the \$55 000 is: salaries, \$43 000; contingencies, \$12 000. The salaries increase is reflected by the additional half a person expected to be in operation during 1981-82 and the additional contingencies spending reflects the approach to the allocation of contingencies as an overhead based on salaries. That includes a proportion of police officers' salaries.

Mr CRAFTER: Regarding development of legislation and policies governing co-operatives (page 3/91 of the yellow book), will the Attorney explain how the amount will be expended? Is there a legislation factor?

The Hon. K. T. Griffin: I indicated earlier this evening that a new co-operatives Bill will be introduced into Parliament during this current session. That results from the working party report that was presented to the Government last year and a review of the area of operation of co-operatives. The \$1 000 referred to in the accounts last year and in the current accounts merely reflects an estimate of the time of an officer working on that policy initiative.

Mr CRAFTER: Similarly, regarding the \$1 000 that was allocated for similar work on associations, is that work now completed?

The Hon. K. T. Griffin: The \$1 000 relates to the internal commission review of the operation of the Associations Incorporation Act. Again, I have indicated that during the current session I expect to be able to introduce a Bill relating to incorporation of associations.

Mr CRAFTER: My final question relates to the need for legislation to bring about some standards of training accountability for the accountancy profession. As the Attorney would be aware, it is possible at this stage in this State for any person to practise as an accountant, to call himself a chartered accountant, and to charge any fee. Of course, they would have great difficulties joining one of the established associations and might have difficulty practising. However, it is still open for a person to do that and for members of the public to deal with such a person.

It is also possible for an organisation to establish itself as a body that will train accountants and confer awards or degrees, or whatever it chooses to do. Under the previous Government there was an inquiry into this matter, and I understand that there is some discussion on this in the other States. I should be pleased if the Attorney could advise the present Government's attitude towards this matter.

The Hon. K. T. Griffin: A report was presented to the Government on the registration of accountants. With the pending implementation of the national scheme, I took the view that it was not appropriate for this State to move in a way that was independent of the other States. Accordingly, the matter was raised at Ministerial council level, and the question of registration of accountants was referred by the Ministerial council to the national commission for review and report to the Ministerial council. This was done in the expectation that the approach to registration of accountants would be a uniform one across Australia because of the interrelationship of accountancy firms across

State boundaries and because a number of the major accountancy firms do operate in all States and Territories of the Commonwealth.

It is particularly relevant in relation to companies' auditors and liquidators under the national scheme. The national commission has not yet reported to the Ministerial council on the question of registration of accountants and, although that has not occurred, but because it has been referred to the national commission, I am not of a mind at this stage to proceed with unilateral action to require the registration of accountants.

I make one comment on one aspect of the honourable member's statement. That relates to anyone being able to call himself a chartered accountant. It is quite clear that no-one other than those who are members of the chartered institute can call himself a chartered accountant. I think the honourable member will be aware that anyone can call himself an accountant, but certainly only those who are properly qualified can call themselves chartered accountants.

Mr CRAFTER: What are the sanctions that would be brought down on a person who does so?

The Hon. K. T. Griffin: It is misrepresentation.

The Hon. PETER DUNCAN: What is the present position in respect of accountancy standards?

The Hon. K. T. Griffin: The Ministerial council has at its last two meetings considered the question of an accounting standards review board. This matter is on the agenda for the next meeting of the Ministerial council. There is presently some debate as to whether there ought to be Government regulation or self-regulation, or something in between, that would give enforceability to standards developed by accountants and approved by Government. As I said, this matter is currently being reviewed by the national commission and the Ministerial council, but no final decision has yet been made. All Ministers recognise the need for some mechanism to develop accounting standards and to ensure their enforceability throughout Australia.

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

Minister of Corporate Affairs, Miscellaneous, \$140 000

Chairman:

Mr G. M. Gunn

Members:

Mr Lynn Arnold
Mr G. J. Crafter
The Hon. Peter Duncan
Mr R. E. Glazbrook
Mr J. Mathwin
Mr T. M. McRae
Mr J. W. Olsen
Mr R. J. Randall

Witness:

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

Departmental Advisers:

Mr K. I. MacPherson, Commissioner, Corporate Affairs Commission.

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

Mr K. J. Flavel, Director, Investigations, Corporate Affairs Commission.

The Hon. PETER DUNCAN: I notice that the amount to be allocated to the national commission is \$140 000. I just make the facetious comment that I suspect that that is almost three times the figure that we were talking about the commission costing a State of about South Australia's size in the 1970s. I particularly remember the Queensland Minister saying that under no circumstances would we be a part of any organisation that was going to be a monolithic big organisation. Anyway, if it works, I think that we will get good value for our \$140 000.

The CHAIRMAN: There being no further questions, I declare the examination of the vote completed. I thank the Attorney-General for his attendance and those officers who have accompanied him for being so patient.

ADJOURNMENT

At 9.34 p.m. the Committee adjourned until Thursday 8 October at 11 a.m.