HOUSE OF ASSEMBLY

Friday 15 September 1989

ESTIMATES COMMITTEE A

Chairman:
The Hon. G.F. Keneally

Members:
The Hon. H. Allison
Mr D.S. Baker
Mr M.G. Duigan
Mr S.G. Evans
Ms D.L. Gayler
Mr M.D. Rann

The Committee met at 9.30 a.m.

The CHAIRMAN: It has been the practice to adopt a relatively informal procedure. The Committee will determine the approximate timetable for consideration of proposed payments. Changes to the composition of the Committee will be notified as they occur. If the Minister undertakes to supply information at a later date, it must be in a form suitable for insertion in *Hansard* and two copies submitted no later than Friday 29 September to the Clerk of the House of Assembly.

I propose to allow the lead speaker for the Opposition and the Minister to make an opening statement, if they so desire, of about 10 minutes but, hopefully, no longer than 15 minutes. There will be a flexible approach to calling for questions based on about three questions per member and that will alternate from side to side. Members may also be allowed to ask a brief supplementary question to conclude a line of questioning before switching to the next member. I point out that the Chair will monitor very closely whether it is a supplementary question or a new question being asked under the guise of a supplementary question, because that will not be allowed.

Subject to the convenience of the Committee, a member who is outside the Committee and who desires to ask a question will be permitted to do so once the line of questioning on an item has been exhausted by the Committee. Indications in advance to the Chairman are necessary. Questions must be based on lines of expenditure as revealed in the Estimates of Payments. However, reference may be made to other documents, such as the Program Estimates, the Auditor-General's Report, etc.

Ministers will be asked to introduce advisers prior to commencement and at any changeover. Questions are to be directed to the Minister and not to his advisers. The Minister may refer questions to the advisers for a response.

Attorney-General's, $14 627 000

Witness:
The Hon. C.J. Sumner, Attorney-General.

Departmental Advisers:
Mr K. Kelly, Chief Executive Officer, Attorney-General's Department.

Mr M. Abbott, Manager, Support Services, Attorney-General's Department.

Mr P. Hanson, Project Director, Justice Information System.

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

The Hon. H. ALLISON: I recommend that the Attorney-General's lines be considered between 9.30 and the break, which gives us until 11.30; that the Courts Services lines be heard from 11.30 a.m. through to lunchtime and then until 2.30; that the Electoral lines be heard from 2.30 to 3.30; that Corporate Affairs lines be considered between 3.30 and 5.30; and that Consumer Affairs lines take the remainder of the time until the adjournment, which I assume is 8.30, since we start earlier.

The CHAIRMAN: No, we will sit from 9.30 until 6 p.m. Perhaps the honourable member can reconsider the timetable.

The Hon. H. ALLISON: I propose that we consider the Attorney-General's lines up to the first break and then the Court Services lines from 11.30 a.m. to 1 p.m.

Mr D.S. BAKER: Why is less time allowed for today's Committee than on other days?

The CHAIRMAN: This has been the procedure since the Committee system was established by the Tonkin Government in the early 1980s, and it has not been varied since then.

Mr D.S. BAKER: We want the same amount of time.

The CHAIRMAN: The procedure does not provide for that. I make the point that, while we are discussing this issue, we are not seeking information. The sittings were arranged for the convenience of members. Because there is an odd number of Ministers, one Friday had to be included in the sitting times, and it was agreed that these hours would apply.

The Hon. H. ALLISON: I refer to the Attorney-General's responsibility for emergency services. Following the statement on 5 May this year by the National Crime Authority (NCA) chief investigator in South Australia, Karl Mengler, that organised crime and corruption is just as widespread in this State as anywhere else in Australia—that is Mr Mengler's claim and not mine—has the NCA provided any information to the Government to support this claim? Without identifying any of the individuals alleged to be involved, can the Attorney say whether any employees or activities of the State Government or its agencies are involved?

The Hon. C.J. Sumner: I am not in a position to indicate what matters the NCA is inquiring into. It is here and it is being funded by the State Government to investigate matters referred to it. Specifically, all the allegations made last year in Parliament, outside Parliament, and in the various media reports have been referred to the NCA, which is in the process of investigating them. As to Mr Mengler's statement, that matter was dealt with at the time and the NCA issued a statement following what Mr Mengler is alleged to have said. The NCA indicated that Mr Mengler was not accurately reported in what he said. That issue was dealt with at the time with a statement from the South Australian member, Mr Le Grande. Clearly, corruption is not as widespread in South Australia as it is in New South Wales and Queensland.

The Hon. H. ALLISON: Further to that statement, the Deputy Premier, in this place on 29 November, adverted to the National Crime Authority and said that, at that time, the authority had identified 56 people for further investigation in South Australia. Will the Attorney say whether that remains the number of people under investigation, have further names been added or has the list been reduced in the past 10 months?

The Hon. C.J. Sumner: Those people are still subject to the reference and, as I said, the NCA is continuing its inquiries in South Australia. Two issues need to be distinguished here: first, those matters covered by the reference that has been granted by the inter-governmental committee to the NCA, under which the 56 people were identified; and, secondly, of course, there are the general inquiries that the NCA might make that are not subject, at this stage, to a specific reference.

The relevance of the reference is that, if the NCA has a reference from the inter-governmental committee in relation to a particular matter, it can use its coercive powers under the National Crime Authority Act. Therefore, these were the matters outstanding from last year which were the subject of specific reference. In addition, the NCA called for members of the public to come forward with complaints that might come within its purview of corruption or organised crime. Furthermore, the allegations made last year in the media and in the Parliament were all referred to the NCA for inquiry—and there were a large number of allegations. The NCA has done a considerable amount of work. I am not in a position to give a report on where those investigations stand but, obviously, at some point a report will be made public on the results of those inquiries.

The ACTING CHAIRMAN (Mr Duigan): Before the honourable member for Mount Gambier asks his question, I am required to point out to him—without necessarily wishing to limit the nature of his inquiries—that the National Crime Authority and the programs 'determination/institution of criminal procedings', 'police community liaison', 'State security services', 'crime detection and investigation services' and 'crime prevention and general police services' are lines under the Minister for Emergency Services, who will appear before the Committee on Thursday, 21 September. They are not under the Attorney-General's budget lines.

The Hon. C.J. Sumner: I was going to make a statement if this matter came up, because I am the Government representative on the inter-governmental committee. Certainly, if questions relate specifically to the nuts and bolts of the money issues, the Minister of Emergency Services would have those details under his lines. However, it is probably fair to say that the general policy issues have been within my responsibility, so if this matter came up I was going to indicate that I had no objection to questions being asked of me on the general policy issues.

The Hon. H. ALLISON: Has the authority indicated to the Government how long it will take to complete its specific term of reference involving activities in South Australia?

The Hon. C.J. Sumner: It has not given any indication at this stage. I imagine that the inquiries will go on for some time yet. At some point a report will need to be given to the public and to Parliament as to what the NCA has been doing and the results of its inquiries. I will be discussing with the NCA when it would be appropriate to make such a statement. All we need to say at this stage is that the matters I have mentioned have been referred to the NCA and inquiries are proceeding, and at some point a report will be given to the public on what has occurred.

Ms GAYLER: My question relates to 'law reform/law policy' on page 89 of the Program Estimates. I note that one of the objectives this financial year is to ensure adequacy of criminal laws and penalties for crime. What progress has been made recently in respect of the adequacy of penalties? What does the Attorney-General have in mind this financial year?

The Hon. C.J. Sumner: As Attorney-General, I have taken an active position on lenient penalties where that has been indicated and have appealed on numerous occasions to the Court of Criminal Appeal where lenient sentences have been handed down. There have been over 100 Crown appeals in the past few years, and a good number of those appeals have been successful. In addition, during the life of this Government penalties have been increased significantly under the Summary Offences Act.

The recently released report on the new parole laws, which came into operation in 1983 and which were amended in 1986, indicates that periods spent in imprisonment have increased by about 50 per cent in that time; and this is despite the Opposition's criticism of the Government's new parole provisions. The fact of the matter is that the determinative parole system has led to significant increases in penalties. As the honourable member would be aware, in this session of Parliament the Government tried unsuccessfully to ensure that penalties imposed by the Supreme Court since December 1986 were validated. There had been a problem of interpretation of the legislation in the High Court.

Unfortunately, the Opposition opposed that legislation, and the Legal Services Commission and Crown Prosecutor are currently assessing how many appeals will be taken to the Supreme Court to have the sentences reduced. Some 300 applications have been made to the Legal Services Commission and 150 to 160 appeals have already been lodged with the Supreme Court. Those matters are currently being assessed. Not all of the 300 will go ahead, but it is quite clear that a significant number of prisoners will apply to have their sentences reduced. That need not have happened if the Liberal Party had supported the Government's legislation to correct the problem that arose under the High Court ruling. It continues to astonish me that the Liberal Party, which has talked so often about the need for adequate sentences, when faced with the issue in the Parliament, squibbed it and did not support the Government's legislation. What the end result of that will be, we do not know, but the reality is that large numbers of prisoners will now be able to apply to the court to have their sentences reduced, and that should not have happened.

So, the Government has adopted a general approach of ensuring appropriate heavy sentences for violent and serious offenders, at the same time trying to ensure that people who ought not to be in gaol are not there. Amendments to the Bail Act clarified the situation relating to bail and put less emphasis on monetary conditions. This was designed to ensure that people could be released on bail, where appropriate, and were not prevented from doing so by lack of means. Furthermore, the new sentencing legislation that came into effect at the beginning of this year broadened the range of sentencing options available to the courts and, in particular, provided that community service orders could be used to work off fines that had been ordered by the court. So, the policy has been to ensure adequate penalties for violent offenders, at the same time ensuring that gaols are not clogged up with minor offenders. That policy has been pursued in the ways that I have outlined.

Ms GAYLER: I refer to the matter of appeals arising as a result of the failure of the Liberal Opposition to support the Government's legislation in relation to sentences. Has the Attorney-General's Department been able to estimate the initial cost of its part in dealing with the 160 appeals that have been lodged and the potential 300 appeals? What sort of call on taxpayers' funds is that likely to generate as far as the Attorney-General's Department and Crown prosecutors are concerned?

The Hon. C.J. Sumner: I could not give an exact estimate. Overall, the Legal Services Commission has indicated that

it intends to make application for funds to enable these cases to be dealt with. Taking court time and the Attorney-General's Department's time into account, I make a conservative estimate of the cost at $500 000, which need not have occurred.

Ms GAYLER: In opening this session of Parliament, the Governor mentioned legislation to allow the Children's Court to provide that young offenders may be ordered to undertake community work in reparation for damage caused, for example, by school vandalism. He also mentioned that, in cases where parents had been negligent in the supervision of their children, they may be required to contribute financially towards the penalties imposed by the Children's Court. Can the Attorney-General say when legislation is likely to come before Parliament?

The Hon. C.J. Sumner: Yes, shortly.

The Hon. H. ALLISON: What, if any, prosecutions have been laid as a result of the NCA's investigations in South Australia?

The Hon. C.J. Sumner: I do not have that information with me, but I will provide it for the honourable member.

The Hon. H. ALLISON: I refer to page 83 of the Program Estimates. What is the salary of the Chief Executive Officer? What changes have occurred in that salary in the past two years, 1987-88 and 1988-89? What are the other conditions of service of the CEO and what changes in those conditions have taken place in those same two years? What are the salary and conditions of the Crown Solicitor and what changes have taken place in the past two years? Within the department, how many days have been lost through sick leave in 1987-88 and 1988-89 for each day of the week in each year, and how many of those were on long weekends?

The Hon. C.J. Sumner: I will obtain details of sick leave and provide them to the honourable member. In respect of the changes to the position of the Chief Executive Officer, since the establishment of the Attorney-General's Department in 1981 the Crown Solicitor has been the Chief Executive Officer of the department as well as being the Crown Solicitor. In more recent times it became clear that the administrative load on the Chief Executive Officer had increased, and 12 months ago it was felt that it would be wise to have a Chief Executive Officer of the Attorney-General's Department who was not the Crown Solicitor, because there are other functions within the Attorney-General's Department which are not just those of the Crown Solicitor: Parliamentary Counsel is there, the Policy Division is there, the JIS is there, Crime Statistics is there, and matters relating to the NCA have been handled within the Attorney-General's Department.

It was felt that restructuring was called for. The position of Deputy Crown Solicitor was abolished and the money that was saved from the abolition of that position was put into the creation of a new position, the Chief Executive Officer, who is the administrative head of the Attorney-General's Department. Under the Chief Executive Officer there are various divisions—the Crown Solicitor's Division and the others that I have mentioned. Ms Branson recently retired as Crown Solicitor and a new appointment was made, Mr Brad Selway, and Mr Kym Kelly was made Chief Executive Officer of the department.

Mr Kelly: Salaries over the past two years for the Chief Executive Officer and Crown Solicitor, who were the same person, were determined by the Remuneration Tribunal. The terms and conditions for that officer are contained in the GME Act. As far as my own position is concerned, upon being appointed an application was made to the Remuneration Tribunal for determination of my salary. That was confirmed at the same level as that for the previous occupant of the position, namely, $92 500. The position of the Crown Solicitor is determined by the Commissioner for Public Employment, and Mr Brad Selway's salary has been settled at $87 000 at a classification of MLS4.

The Hon. H. ALLISON: Referring to page 88 of the Program Estimates, in how many cases was the Commonwealth classification of videos reviewed by the Classification of Publications Board and, with regard to printed matter, what was the result in relation to the 20 matters listed?

The Hon. C.J. Sumner: With respect to films, the Commonwealth classification was accepted. However, during the past 12 months, the board considered three videos which it referred to the Commonwealth censor for consideration. It classified 18 cards, two articles and one book. It dealt with some complaints from members of the public and did some work looking at this State's guidelines on classifications to bring them closer to those of the Commonwealth. In addition, some time was spent doing preliminary work for a brochure that will enhance public awareness of classification symbols. That work has now been taken over by the Commonwealth in its public awareness campaign. The Commonwealth and the States intend to launch at some time in the future a public awareness campaign about the classification system. With respect to publications, 18 cards, two articles and one book were classified by the State Classification of Publications Board; that is, they had not been classified at the Commonwealth level.

The Hon. H. ALLISON: An education program is referred to on page 88 of the Program Estimates under 'Major Resource Variations 1988-89 to 1989-90'. It states:

> While there will be no significant variation in the level of expenditure, there are no proposed receipts in 1989-90 as the Commonwealth Government is to retain the money normally disbursed to the States to fund a new education program.

What is that education program for which the Commonwealth is retaining fees; what are its objects; who will be responsible for developing that program; and how much will that program cost, particularly with respect to South Australia's share of that cost?

The Hon. C.J. Sumner: The South Australian contribution to that will be $50 000. Other States and the Commonwealth are also contributing. Basically, it is a campaign to increase public awareness of the classification systems and, in particular, describing the symbols so that consumers, in particular, parents, can be better educated about exactly what to expect with the various classifications given to films and videos.

The Hon. H. ALLISON: In relation to 'Issues and trends', will the Minister say what the current standards imposed by the Commonwealth are and what, if any, changes occurred to the standards in 1988-89? Will the Minister say what representations the Attorney-General has made to the Commonwealth in regard to the flood of X-rated videos from Canberra?

The Hon. C.J. Sumner: The position taken by the South Australian Government was to ban X-rated videos, and it has made that view known to the Commonwealth at meetings of censorship Ministers. The Government has expressed the view that they should be banned in the ACT and the Northern Territory where they are currently available.

I have, on a number of occasions, taken up at the Federal and State Ministers meeting on censorship a tightening up of guidelines, particularly relating to violence in the R and M categories. As a result of those representations, in 1984 the guidelines were tightened up and, more recently, the guidelines have been changed to tighten up again the areas of violence and sexual violence in film and video. If the

honourable member would like the current guidelines, I will provide him with a copy.

The CHAIRMAN: If those guidelines could be tabled, they could then be incorporated into the record of the Committee's hearings.

Mr RANN: The Program Estimates (page 89) under 'Major Resource Variations' state that an additional allocation of $1 million has been made to the Crime Prevention Strategy under the Attorney-General's miscellaneous expenditure line. Can the Minister briefly outline to the Committee how this money will be spent on a crime prevention strategy?

The Hon. C.J. Sumner: I consider this crime prevention initiative to be one of the most important initiatives undertaken by the Government in recent times. The crime prevention strategy 'Together against crime' was released about four weeks ago and provides a comprehensive, philosophical and practical basis for dealing with crime in our community.

The document 'Confronting crime', which is designed to provide to the general public an outline of the reasons for criminal activity, actions taken to date and a new philosophy to deal with crime, is a very important document for South Australians. The strategy is not a short-term palliative. We have attempted to provide for a strategy with funding to operate over a five-year period. Its basis is to try to involve the community more in crime prevention. In other words, the philosophy says that crime prevention within Government is not just a matter for police courts and corrections but that within Government all departments should be involved in crime prevention and should develop policies and programs to that end.

In the community generally, the philosophy says that crime prevention is not just a matter for the Government; that is, it is not just a matter for the courts, police and correctional institutions, but that crime is everyone's business and we should all be concerned about it. That is the philosophical basis to the strategy. To give practical effect to that, the Government has allocated $10 million of new money over the next five years to implement this strategy. $1.364 million is allocated for 1989 to start off the strategy. Grants will be allocated for extension to the Police Department's Blue Light program to include the following: camps and activities, $80 000; computer mapping by police of crime data, $45 000; Police Deputies Club, $65 000; a youth program for street kids, $10 300; safety and security for the aged, $150 000 for each of three years; and a School Watch program to safeguard school property, $80 000 for each of three years.

Furthermore, there will be encouragement for community based groups to apply for grants. In other words, what we hope will occur in a particular region of the city or in country areas of South Australia is that the police, perhaps local government and community organisations (churches and the like) will get together and use the material obtained by the more sophisticated mapping of crime data which I have mentioned in order to ascertain what are the specific problems in that locality. That community group will work together to try to come up with a practical program to address directly the specific crime problems in those areas.

Having done that, they will be able to apply to the Crime Prevention Policy Unit for an allocation of funds. It is not anticipated that the funds, once granted, would remain always for those particular projects, but we are looking at providing seeding money to overcome problems and, if they work, then those programs can be taken up perhaps by Government departments that are involved, perhaps by local government and perhaps by the community groups themselves. That is a particularly innovative approach to the question of crime prevention.

In addition, a coalition against crime will be established to be chaired by the Premier and people from various walks of life in South Australia will be invited to join that coalition against crime. Underneath the coalition against crime—the over-arching body—it is proposed that committees be set up to look at particular aspects of the crime problem. It may be, for instance, that there is a particular problem in a shopping area. We would envisage that the traders involved in that area would get together with police and community groups and come up with a program for dealing with that criminality occurring in that particular area, and then they would have the option to be able to apply to the Crime Prevention Policy Unit for funding to deal with it.

A whole range of different areas need to be looked at: urban design, macro-urban planning, and how houses are designed—they should be designed to minimise opportunities for crime. So it may be appropriate that a committee be established under the auspices of the coalition against crime to deal with urban and housing designs. That might involve the Housing Trust, the private architectural profession, planners, etc., and that can occur across the whole range of the community's activities. The program is, as I said, innovative. It has been worked out now over some 12 months involving examination of overseas experience particularly in France, the Netherlands, the UK, Canada and the US.

The important thing about it is that it is not just a short-term proposition. The Government has made a firm commitment for a five year program. It contains in it a commitment for the future to try to overcome a problem of increasing criminality, an increase which has occurred in this community and in every other community in Australia and most other communities in the Western industrialised world irrespective of the colour of the Government that is in power. So it is a community problem. What this crime prevention strategy does is address it as a community problem and provide funds to back it up.

Mr RANN: The Attorney mentioned the umbrella body, the coalition against crime. How will that be incorporated? Who will comprise the coalition against crime, and will Neighbourhood Watch be a part of that?

The Hon. C.J. Sumner: We have not firmed up exactly who will be in the coalition and that will depend on what groups show an interest and accept the invitation to join it, but the proposition is that the Premier will chair it and that I will be the deputy chair of it. The Premier being the Chairman of the coalition against crime indicates the Government's commitment and high priority given to this area. As part of the coalition, community groups have been invited to join and one envisages—and again this has not been firmed up precisely yet—that church groups, the Chamber of Commerce, Trades and Labor Council, organisations such as SACOSS, the Victims of Crime Service, the Offenders Aid and Rehabilitation Service, people representing youth groups, people representing women's groups, and someone representing the Neighbourhood Watch group would be asked. There may be others that come to mind as we are putting together the group. That will occur over the next three or four weeks and when the final composition has been determined letters will be sent to the people concerned. I should also indicate that I hope the judiciary will participate and that will be a major plus if they are prepared to do so. Some problems have to be overcome because of the separation of powers between the executive arm of the Government and the judiciary.

However, I am hopeful that, because this is a broad-based committee which is not dealing with specific cases but rather with broad issues of policy in the community crime pre-

vention area, members of the judiciary will be able to participate. The Crime Prevention Council has been operating in Australia and South Australia now over a number of years and I envisage that it would be invited also to provide a representative.

Mr RANN: Would the Police Commissioner be represented on this coalition?

The Hon. C.J. Sumner: Yes, I would envisage that the Police Commissioner or his nominee would be there, but he would be invited to be an integral part of it.

Mr RANN: Is there an ongoing evaluation of Neighbourhood Watch and its effectiveness? Strong community support skill exists with over 160 Neighbourhood Watch groups in South Australia. As Attorney, how do you see Neighbourhood Watch as part of the ongoing crime prevention strategy? Is it effective?

The Hon. C.J. Sumner: Neighbourhood Watch is an important part of crime prevention. Generally it has been successful in South Australia. I do not have specific figures in front of me relating to evaluation. The honourable member might care to direct a question to the Minister of Emergency Services in his Committee. From information I have been given, the police are happy with the success of Neighbourhood Watch. It is certainly very popular in the community and it deserves continuing support. An allocation this year of $132 000 (in addition to the crime prevention money that I mentioned) has been made to expand Neighbourhood Watch into other areas. We believe it is successful and an ongoing commitment has been made to its continuance. Obviously programs like this need to be evaluated continually and that will be done.

Mr D.S. BAKER: For the past two years the Auditor-General has referred to and highlighted the Justice Information System—what must be one of the most financially incompetent decisions ever made by a Minister of the Crown. It puts this Minister on a par with what occurred with the South Australian Timber Corporation debacle. The Auditor-General has highlighted that when the JIS was first approved in 1984 it was going to cost $21 million, with a direct realisable benefit of $4.2 million for the first year and $3 million per annum thereafter. He found, however, in the first year the direct realisable benefits would only be $1.5 million per annum and that that would be a one off. This year he has been very critical of that decision. On what information did the Attorney base his decision to put the matter before Cabinet in 1984?

The Hon. C.J. Sumner: The matter has a long history, as the honourable member is probably aware. I am not sure whether he wants me to go through it all, but I can if he likes. I would have thought that he could have read the Public Accounts Committee report which came out earlier this year, as some of the history of the JIS is contained in that report. In February 1979 there was a report prepared by a working party which had been established, chaired by Mr M. Hemmerling. It recommended that there was a common need for a central offender-based tracking system to monitor the status of each offender from the time of apprehension to the imposition of a penalty. The report continues:

> The Justice Information System should comprise the central offender-based tracking system linked [and that is the key word] to improved operational and administrative systems necessary to satisfy the day-to-day requirements of the Police Department, the Law Department, Department of Correctional Services, the judiciary,the Department for Community Welfare, the Juvenile Court's Office and children's records, the Department of Transport (Motor Registration Division).

As the honourable member knows, the Labor Government lost office in September 1979 and the working party report was considered by the incoming Government. On 16 November 1981 Cabinet approved the calling of tenders for a commitment to prepare a feasibility study on a proposed offender-based tracking system.

Members must realise that in the short time between the recommendation from the Hemmerling working party report and the initial approval from the Cabinet the decision related to an offender-based tracking system, that is, a system which tracked offenders through the criminal justice system. During 1982 a critical change occurred to the status of the project. The Attorney-General at the time (Mr Griffin) was very actively involved in supporting that change. It is interesting to note that he went on a five-week overseas study tour in 1982 in which he met, so he says in a press release put out on 31 May, experts in America, Canada, England, Germany and Switzerland to discuss the relevant aspects of existing Justice Information Systems in those countries.

On 31 May he then announced that the Government intended to computerise the collation of criminal statistics and related information. He said that a steering committee had been set up to investigate the most appropriate method of implementing the new scheme which would be the first of its kind in Australia. The document stated:

> At present, the collation of this information is done manually, and individually, by the various Government departments concerned. Computerised data collection is commonplace overseas, with countries, and even provinces and States, with their own Justice Information System . . .
>
> 'A Justice Information System in South Australia would be implemented in conjunction with the Government's Data Processing Board and would involve input from at least five departments,' said Mr Griffin.
>
> These are: Community Welfare, Correctional Services, Courts, Police and the Attorney-General's Department. Further input could come from the Motor Vehicles Department.
>
> 'There are many benefits associated with the implementation of such a system,' Mr Griffin said.
>
> 'First, it would be an offender-based tracking system, which means that statistics and details would be kept at each stage of his progress through the justice system, from the first time an offender is charged and then appears before the courts until the point when he is finally released from correctional service.
>
> Second—

and members should listen to this—

> the system would be an integrated one to combine the information input from all relevant departments but at the same time ensuring that the information output would be specifically tailored to comply with the requirements of each agency and their respective security arrangements.

That is the first indication that it is no longer just an offender-based tracking system but, rather, it is a broader integrated Justice Information System. It further stated:

> 'The overall system would avoid duplication which is currently occurring in many departments and would result in efficiencies which would free clerical staff, who are solely engaged in record-keeping, to undertake other duties,' he said.
>
> Mr Griffin explained that the computerised system would handle thousands of statistics which are currently manually collated.
>
> 'For example, within the Police Department, there are more than 30 000 warrants executed annually. My own Office of Crime Statistics records some 25 000 cases each year from Courts of Summary Jurisdiction.
>
> 'Existing systems and procedures have been heavily taxed to the point where increases of staff cannot adequately compensate.
>
> 'The establishment of a Justice Information System would provide a firm basis for planning and avoid needless back-tracking; it would provide timely, reliable data on every case within the criminal justice system and it would eliminate vast duplication which is typical in situations involving large, related clerical files.'
>
> Mr Griffin explained that when a person passed through the police, courts and prison system it was not uncommon for details to be recorded on seven or eight separate occasions.
>
> 'A computerised Justice Information System could also assist in the court management,' said Mr Griffin.
>
> 'At present there is only a manual system recording what cases are before the courts.
>
> 'Overseas it is common for computers to keep tabs on court matters, highlighting where any delays or particular problems may arise.'

Mr Griffin said the steering committee was meeting this week to formulate the necessary requirements and a possible timeframe for the introduction of a Justice Information System in South Australia.

No other system exists in Australia, although Northern Territory has committed itself in principle to the scheme.

Mr Griffin said that it would be at least 12 months before a functional scheme would be in operation.

It is interesting to note that subsequent to that press release a meeting took place between Attorney-General Griffin and the Data Processing Board.

The notes of those discussions indicated that a feasibility study was essential, but it also indicated that there was unanimous agreement that an offender-based tracking system was too limited, and that is what was indicated by Mr Griffin's press release. He went on an overseas trip, returned on 31 May, and then said that the Justice Information System would not only be an offender-based tracking system (which was the one originally proposed in the 1979 Hemmerling report) but also a more integrated system, which integrates the five departments, and that it would entail input from all relevant departments rather than just offender tracking. So he made that statement on 31 May 1982 after his overseas trip.

In discussions with the Data Processing Board on 15 June 1982 apparently there was unanimous agreement at that stage that the limited offender-based tracking system was not adequate. It is interesting to note that, despite what Mr Griffin said, the minutes indicate that it had, however, been apparent during his recent overseas trip that very few areas in North America had attempted an integrated approach.

Mr Griffin went overseas, returned and said that a purely offender-based tracking system was too limited. He wanted a broader Justice Information System, but he says that his investigations revealed that an integrated system approach had not been attempted overseas. He proposed for South Australia an integrated Justice Information System knowing that it had not been attempted in North America. At that meeting on 15 June Mr Griffin indicated the Government's commitment to the project and said that appropriate resources would be made available. At a further meeting on 9 August 1982 Mr Griffin said (and this is recorded in these minutes):

Government commitment to introduction of an integrated Justice Information System was firm. Limitation of the project to criminal aspects or to an offender-based tracking system alone would not only fail to realise the greater benefits available but would also create significant operational and other anomalies.

In these few months in 1982 after Mr Griffin's return from overseas, and following discussions between the Data Processing Board and Mr Griffin in June and August, there was a shift in the approach to the JIS. Originally, it was to be offender based tracking, then it become an integrated JIS. In 1982 approval was given by the then Attorney-General to engage consultants. In January 1984 the final feasibility report was completed by the project team. The consultant engaged from the private sector was Touche Ross. Its report was considered. The final feasibility report was completed by the project team in 1984.

In June 1984 there was Cabinet approval to continue development, to create the data centre, to establish the board of management and provide limited funds for the next step. Subsequently, as members know—and this is recorded in the Public Accounts Committee report—Cabinet approval was given to proceed with the JIS. It became clear prior to the budget considerations last year that a review of the JIS was needed. That was done, and funds were allocated in the past financial year, during which time the problems that the Government had become alerted to in the budget preparations for 1988-89 were addressed by the Government Management Board and were examined by the Public Accounts Committees to which I have referred.

In June this year the Government, after considering the various reports before it, decided that the JIS should proceed on a scaled down basis to try to get back to the original intention, which was a scheme primarily tracking offenders through the justice system. Some other applications are involved, such as in DCW, but the big fully integrated system proposed by Mr Griffin in 1982 has now been found not to be effective and, as a result of the reports received, the scheme has been scaled down more or less to get back to what the original intention was.

Mr D.S. BAKER: I point out that the Attorney-General wasted much time in answering that question. His reply was totally irrelevant to the question asked about 1984. I put on record the Auditor-General's comments, as follows:

In June 1984 Cabinet approved the development and implementation of an integrated JIS as a cooperative and coordinated venture between justice related agencies.

All the Attorney has tried to do is not only show his financial incompetence but also he avoided the question entirely.

The Auditor-General's Report indicates that the overall development cost was reduced to $34.1 million in 1988-89 values and that expected expenditure to 30 June 1989 was to be $18.5 million. In fact, it was $20.9 million, so it is over budget already. Briefly, can the Attorney say why this is so?

The Hon. C.J. Sumner: First, to respond to the honourable member's question, I indicated that in June 1984 Cabinet had approved and even he knows it was a Labor Cabinet in June 1984—

Mr D.S. BAKER interjecting:

The Hon. C.J. Sumner: It had everything to do with it. I am surprised that the Committee does not want this information. I would have thought the Committee would like the history of the matter. What happened in 1982—

Mr D.S. BAKER interjecting:

The ACTING CHAIRMAN (Mr Duigan): Order The Minister cannot be heard while the honourable member is interjecting.

The Hon. C.J. Sumner: What I said to the honourable member is that in June 1984 Cabinet approved going ahead with the JIS and final approval was given in 1985. That is clear. However, I am also saying that there was considerable enthusiasm for this system, particulary from the former Attorney-General, Mr Griffin. So he should have known what the cost was going to be. Furthermore, despite the fact that he went overseas in 1982 and found that no integrated system had been tried in North America, he came back and proposed just such an integrated system. I am saying that there was a critical decision making process in 1982 which expanded the JIS from offender tracking to a fully integrated system. The feasibility study had been set in train by the time we came into office in November 1982, and that was proceeded with. But in making the decisions we relied on the feasibility study that had been commissioned by the previous Government.

I make the point that it was that former Government which made the initial decision to expand the nature of the JIS, with all the apparent benfits that Mr Griffin outlined. The final approval was given in September 1985 and the matter was proceeded with until it became clear in the budget deliberations before last year's allocation that the JIS had to be reviewed. That was done. Steps were set in train before the budget was finalised in 1988 to look at the progress and cost of the JIS. That needs to be put on the record again. The honourable member has referred specifically—

Mr D.S. BAKER interjecting:

The ACTING CHAIRMAN: Order! A question has been asked and an answer is going to be given.

The Hon. C.J. Sumner: I am happy not to answer the question if the honourable member wants to sit there and yell at me. If he wants to be polite, I will answer the question.

The ACTING CHAIRMAN: The question has already been asked by the member.

Members interjecting:

The ACTING CHAIRMAN: Order! I call the Committee to order. A question has been asked by the member for Victoria. Has the Minister concluded his answer?

Mr D.S. BAKER: No!

The Hon. C.J. Sumner: If the honourable member wants the information I will give it to him.

The ACTING CHAIRMAN: I ask the Minister to provide the answer to the Committee.

The Hon. C.J. Sumner: The honourable member has referred to the Auditor-General's Report, which indicates that expenditure recorded against this project amounted to $20.9 million as of 30 June 1989. That is the amount expended on development costs: it is not $75 million as the honourable member tried to suggest. Operational expenditure as at 30 June 1989 was $2.9 million.

Mr D.S. BAKER: I think it might be $20.9 million: the Minister said $2.9 million.

The Hon. C.J. Sumner: It was $18 million in development and $2.9 million in operational costs. The overall development cost is being reduced to $34.1 million as a result of examinations undertaken last year by the Government Management Board and the Public Accounts Committee. The revamped system, which I have indicated is designed to come back more to the offender tracking system rather than the broad justice information integrated system that was originally proposed, reduces the overall development cost to $34.1 million over a three-year period. Therefore, $18 million, plus an additional $15.6 million over three years brings the total development cost to $34.1 million, which is the development cost of the revamped reduced scheme.

Mr D.S. BAKER: So, $18.5 million was budgeted to be expended to 30 June 1989. In fact, $20.9. million has been spent—that is $2.4 million over budget. My question simply is: why?

The Hon. C.J. Sumner: The figure of $18.5 million referred to in *(d)* relates to development costs. The $20.9. million is development and operation costs. Of the $18.5 million referred to in the Auditor-General's Report—in fact only $18 million, not $18.5 million, has been spent—$2.9 million has been spent in operation costs. The estimate included an expenditure of $18.5 million, which was for development costs, and the total expenditure to 30 June 1989 was $20.9 million, which includes $2.9 million in operational expenditure.

Mr D.S. BAKER: I will not pursue that question any further. The Auditor-General indicates that in due course the JIS Board of Management will reassess the scope of applications, security provisions and relative priorities of applications. In each case, what is the result of the reassessment and, specifically, what changes are proposed in respect of the security provisions?

The Hon. C.J. Sumner: The major changes approved by Cabinet in relation to the JIS are as follows: as I have indicated, the JIS has been reduced to a set of applications concerned with recording details about offenders and offences. A small number of urgent applications for the Department for Community Welfare have also been included, because this is the best way of managing their development. A cost limit has been set for the development of JIS. The overall development cost is $34.1 million (in 1988-89 dollars), of which $18.5 million was spent to 30 June 1989. The JIS board is now required to operate within this overall development cost, even if applications have to be reduced in scope and other cost saving measures need to be taken. Management arrangements are being changed so that an experienced project manager will be recruited from outside the public sector on a contract basis. That process is nearly finalised.

Mr John Darley, the Director of Lands, has been appointed to the JIS board as a Government Management Board nominee. The JIS Board is now required to report quarterly to the Government Management Board and to Cabinet on its progress against time and cost schedules. The development time for the remaining applications will now be between two and three years, instead of the five years proposed if the JIS had not been reduced in scope. They are the principle decisions that have been taken. Cabinet approved the JIS proceeding on that more restricted basis, and we have taken account of the Government Management Board review and the matters contained in the Public Accounts Committee report.

Ms GAYLER: I would like to return—

Members interjecting:

The ACTING CHAIRMAN: Order! The member for Newland has the call.

Ms GAYLER: I would like to return to the Government budget in relation to law and order matters. When the State budget was released, the *Advertiser*, on its front page, reported an alleged decline in the police budget. Will the Attorney confirm that the $10 million allocated in the budget for crime prevention (which involves the police, of course) is an addition to the budget allocated to the Police Department?

The Hon. C.J. Sumner: The $10 million in this budget is not an indicative figure; it has been allocated over the next five years. The amount in the budget is $1.364 million. However, it is additional moneys—new moneys, yes.

Ms GAYLER: In relation to the crime prevention strategy, I believe that I am one of the first members to initiate a proposed local crime prevention project—in this case the project is in conjunction with Tea Tree Gully youth workers and local community groups, including Neighbourhood Watch. We are putting together a proposal that we hope will reduce the number of street offences of young people who have caused disturbances and vandalism in local areas. We have already had discussions with one of the Minister's crime prevention officers. Will the Attorney-General confirm whether projects involving local youth as a means of getting young people off the streets and into constructive recreational activities will fall under the umbrella of the crime prevention strategy?

The Hon. C.J. Sumner: I would think it would. If a proposal of that kind comes forward it will be assessed by the Crime Prevention Policy Unit.

Ms GAYLER: How many victim impact statements were prepared last financial year? How is the system working?

The Hon. C.J. Sumner: The formal system started on 1 January this year under the provisions of the sentencing legislation. However, since early 1986 victim impact statements have been provided in particular cases by the prosecutors. From 1 January this year police were to prepare victim impact statements as a natural part of investigations. We have not yet evaluated the system, but in every case a victim impact statement should be prepared.

Ms GAYLER: Will the Attorney-General outline the kinds of matters a victim impact statement covers and brings to the attention of courts?

The Hon. C.J. Sumner: It depends on the nature of the offence. Obviously, they would include loss or damage, and property loss. This may assist the court in determining whether to make an award of compensation, that is, direct compensation from the offender to the victim. Legislation passed in 1986, and subsequently incorporated in sentencing legislation, provides that priority must be given to the ordering of compensation direct from the offender to the victim where possible. So, victim impact statements can contain information about loss or damage and form the basis of such a compensation order.

I cannot say how many of these are being made. Obviously, the problem with that sort of provision is that very often offenders do not have the financial means to make a direct order. We have made quite clear to the courts that, where an offender has the financial means, direct compensation should be given priority over a fine. Furthermore, a victim impact statement would contain information about any personal injury or permanent damage as a result of the crime. That may be a basic statement prepared by the police or, if it was a serious matter, the Crown prosecutors or police prosecutors would obtain updated medical evidence from a medical practitioner or, if need be, from a psychiatrist, and that information could also be tendered to the sentencing court.

The amount of harm done to a victim by an offender's action is a relevant factor in determining the sentence. It may be appropriate that in certain circumstances the sentence may be increased because of the greater harm done. So, the information is put before the court and the court makes up its mind about an appropriate sentence. Because the amount of harm done to a victim is a relevant aggravating factor in imposing a sentence, the victim impact statement ensures that the court has the best information available to it to make that decision.

The Hon. H. ALLISON: I again refer to the Justice Information System. The Attorney-General has been in charge of legal affairs in this State for eight of the past 11 years. I assume that he was enthusiastic about the JIS when he first propounded it in, I think, 1978. The Hon. K.T. Griffin was equally enthusiastic between 1979 and 1982. Why has it taken five years, between 1984 and 1989, for the scheme to be reigned in from an estimated $70 million plus, which the Public Accounts Committee estimates it will cost by the year 1992-93?

Really, the Attorney-General is blaming the former Attorney-General (Hon. K.T. Griffin) for being enthusiastic in implementing an innovative scheme and, during Estimates Committees over the past four or five years, I personally have brought to the Attorney-General's attention the fact that despite his and the Government's aims that an integrated scheme be implemented, as proposed by the Hon. K.T. Griffin in 1982, nevertheless very early in the picture the Chief Justice repeatedly and strenuously denied any possibility of the courts being included in the final JIS project, and this was evident from previous Estimates Committee responses.

Also, some two or three years ago the Registrar of Motor Vehicles persuaded the Government that his department should run a separate and not inexpensive course (and I think the cost is about $4 million or $5 million). I point out, for the historic purposes that the Attorney-General referred to in his own speech earlier, that this Government was responsible in 1983-84 for making the decision; this Government has had the running of the scheme; and this Government should have very early entered into a cost benefit analysis so that, if the scheme ran out to $70 million, the Government could make a value judgment about whether the costs outweighed the estimated benefits.

I recall that a Minister in the Lower House, in relation to the Public Accounts Committee report, said that the scheme would go ahead. However, I note that the Government has, in effect, reigned it in to an approximate final cost of around $34 million. So, a decision has been made to reign in this matter. Why did this take so long, when there were repeated warnings from the Data Processing Board and indications throughout that five-year period that the costs were rising alarmingly?

Is the Attorney-General really telling this Committee that, despite him being a very intelligent person and despite the Government's priding itself on its financial acumen, for the last five or six years the Government has run this increasingly expensive Justice Information System on the enthusiasm of the former Attorney-General (Hon. K.T. Griffin) rather than on any cost benefit financial analysis on which any normal Government would have based its decision as a prime prerequisite rather than saying that someone had a good idea back in 1982 which it accepted? I found it very hard to accept the rationale that the Minister tried to force on this Committee given that, almost every time the Government changes hands, schemes invariably come under the microscopic view of the Treasurer and the Under Treasurer. In this case I think we are told we are running on enthusiasm generated by the Hon. K.T. Griffin. He would be a very good person to have around to motivate a football team.

The Hon. C.J. Sumner: What I was trying to do for the benefit of the Committee was to put the whole scheme in some kind of context, which I think is perfectly legitimate, despite the abuse from members on one side of the House—who are determined to—

Members interjecting:

The Hon. C.J. Sumner: If members do not want to know what Mr Griffin said about it, that is too bad.

Members interjecting:

The Hon. C.J. Sumner: Exactly. It is now in *Hansard in* full. What I was trying to do was to put the scheme into context, which I think is important. The incoming Government from 1982 proceeded with the matters that had been put in train by the former Government; that is, the feasibility studies were all in train. I did not intervene to stop it. A private company, Touche Ross, was involved in the feasibility study, and it reported. The project team eventually reported and it was not a five or six year period. Final approval was given to expend moneys in September 1985. Two and a half years after that, in early 1988, the Justice Information System board of management started to look at whether the system would cost more than anticipated. Prior to the final budget deliberations, before the 1988-89 budget was determined, the Government set in train a Government Management Board review of the Justice Information System. So, it was not five or six years: that is just rubbish. The thing was committed in terms of funds in September 1985 by the budget deliberations in June 1988.

By that time, the Government had determined that it had to review the Justice Information System. So, action was taken within 2½ years. As soon as it became apparent that the system could cost more than originally anticipated, the Government set in train an examination of it. It is just not correct to say that the matter was let go for five or six years. It was not: it was two to 2½ years. It was approved in September 1985; by June 1988 the Government Management Board was then examining possible costs of the JIS

and, prior to that, the JIS board of management had examined it. Certainly, the Government and the Minister must take broad responsibility for the operation of the JIS. What I was trying to do for the honourable member's benefit was to put the thing in some kind of context. I was trying to indicate that private sector consultants' advice was sought. The Government of the day and I, as Minister, were advised by the project team to start with and by a board of management, which was chaired by the Police Commissioner and which involved the heads of other agencies.

As it has turned out, the JIS integrated system was too much to bite off at the one time and it is clear that we should have stuck to a more limited, offender-based tracking system at the time. I repeat, and it is on the public record, that Mr Griffin's enthusiasm in 1982 for a broader, integrated Justice Information System was a critical view in making the decision to go to a broader system. The Chief Justice has been mentioned. He withdrew, principally because of his view about what the appropriate separation of powers and principles ought to be. He decided that the courts should not be part of an integrated Justice Information System and the Government, for those constitutional reasons, agreed with that proposal. The court system is now proceeding separately.

Mr S.G. EVANS: Last year $383 000 was allocated for 'Law reform/law policy' (Program Estimates, page 84.) Actual expenditure was $542 000, which was 42 per cent over budget. The allocation this year includes $66 000 in terms of the commitment to privacy principles and $114 000 for the crime prevention strategy. But $1 million is proposed to be expended for 'Attorney-General—Miscellaneous'. Could the Attorney-General explain the 42 per cent increase for 'Law reform/law policy', what are the plans in relation to the privacy principles and where is the expenditure to be incurred and on what items—that is, the $114 000 and the entire $1 million that is proposed under 'Attorney-General—Miscellaneous'.

The Hon. C.J. Sumner: First, the privacy principles are in operation and have been since 1 July this year, together with limited freedom of information principles, which provide citizens with the capacity to access information held on them by the Government. That was announced in June or July this year, as I recall. A pamphlet is available, which the honourable member might have seen, indicating what rights people have under the access to personal information scheme. A privacy committee has been established to monitor the implementations of the privacy principles through the Government sector and to monitor access to personal information. If issues relating to privacy arise, this committee will consider appropriate action and give a ruling, decision or, at least, an opinion on whether a particular Government activity or proposal breaches the privacy principles. They have been promulgated; they are out and about amongst Government departments and, obviously, over time, we shall see how they work, but I consider it a significant initiative and one on which the honourable member would wish to congratulate the Government.

Expenditure last year was $82 000 for the development of the crime prevention strategy and $15 000 for the privacy unit. In addition, $44 000 was spent on an overseas trip that I took, accompanied by my wife, Adam Sutton (the then Director, Crime Statistics, now the Director of the Crime Prevention Policy Unit) and Superintendent Philip Cornish. My part of that involved investigating crime prevention initiatives in France and the Netherlands. The other two visited those places and also went to Finland, Sweden, the United Kingdom, Canada and the United States. Those inquiries have been put into the development of the crime prevention strategy that I have already mentioned. There was an extra $6 000 because an officer from South Australia attended the United Nations Conference on the Law of the Sea. It was not anticipated that it would be South Australia's turn when the budget was drawn up, but, as it turned out, an officer went from South Australia.

The Solicitor-General got a pay increase of $14 000, which accounts for the increase to which the honourable member referred.

Mr S.G. EVANS: I take it this question is on notice. I have one more question.

The Hon. C.J. Sumner: Does that answer your question?

Mr S.G. EVANS: Near enough.

The CHAIRMAN: The member for Victoria has some questions that he wishes to put on notice. Will you read them into the record?

Mr D.S. BAKER: What is the budgeted program for the JIS over the next two to three years for the implementation of the remainder of the systems? What parts of the JIS still need to be implemented? Which major projects will not be implemented? What procedures are to be put in place for the interfacing of the JIS and courts computer systems? What proposals are there for contingencies or disasters? Does this mean that agencies other than those which are party to the development of JIS will have access to the systems? If yes, what and on what terms and what security arrangements will be put in place? Does the Minister have a car phone or cellular phone which is rented or paid for at taxpayers' expense?

The Hon. C.J. Sumner: No.

Mr D.S. BAKER: As regards inter-agency support service items not allocated to programs, will the Minister provide an itemised run-down of spending last financial year and budgeted spending for this financial year under salaries, wages and related payments, administration expenses, minor equipment and sundries? How many officers are currently employed at EO and AO level?

The CHAIRMAN: I point out to the Committee that in 1¾ hours 26 questions have been asked, which is better than the rate of questioning for the past four days, and there have now been 11 questions put on notice. There being no further questions, I declare the examination of the vote completed.

Attorney-General, Miscellaneous, $12 333 000—Examination declared completed.

Works and Services—Attorney-General's Department, $6 056 000—Examination declared completed.

Court Services, $33 354 000

Chairman:
The Hon. G.F. Keneally

Members:
The Hon. H. Allison
Mr D.S. Baker
Mr M.G. Duigan
Mr S.G. Evans
Ms D.L. Gayler
Mr M.D. Rann

Witness:

The Hon. C.J. Sumner, Attorney-General.

Departmental Advisers:

Mr G. Byron, Director, Court Services Department.
Mr J. Witham, Assistant Director.
Mr G. Lemmey, Manager, Resources.
Mr B. Handke, Secretary to Attorney-General.

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

The Hon. H. ALLISON: I refer to page 97 of the Program Estimates, 'Court Services Department'. What are the delays in each court—and I have them listed A, B, C, D and E, if the Attorney-General wants to take them on notice—in each jurisdiction at the present time: in the Magistrates Court from laying of charge to trial or committal; in the District Court from committal to actual trial; in the Supreme Court, from committal to trial; in the Local Court from setting down for trial to trial; in the District Court, from setting down for trial until trial; in the Supreme Court, from setting down for trial until trial; in the Supreme Court, both civil and criminal appeals, from date of appeal to hearing; and in District Court appeals tribunals, the time from making applications until hearing? That is a fairly lengthy question and I do not mind if the Minister wants to take it on notice. Finally, in the Children's Court, what is the waiting time for trials; and in the Equal Opportunity Tribunal, what is the waiting time for trials?

The Hon. C.J. Sumner: I have a document which probably answers most of the questions. It is in a form that is suitable for insertion in *Hansard*, so I seek leave for it to be so inserted. It does not answer all the questions, but those outstanding will be provided within the specified time.

Leave granted.

COURT DELAYS AS AT 31.8.89

Details of waiting periods and delays in courts are as follows:

SUPREME COURT

(a) Criminal Jurisdiction

The current average period between committal and trial is 3-4 months. This is the same as last year. By and large this is acceptable, particularly as fluctuations have tended to hover closer to three than four months. There is no delay in dealing with persons in custody, except of course in circumstances outside of the control of the court, for example, unavailability of witnessess, or requests by the defence for time to prepare.

(b) Civil Jurisdiction

The current waiting time is three to four months. An audit of the civil list was undertaken during the year and non-active cases, that is, those that were not to proceed or were in fact settled, were eliminated. In other instances, where pre-trial procedures and negotiations do not result in settlement, cases pass into the trial list and are given a date for hearing three to four months ahead.

The position in the Supreme Court is satisfactory, and has been and will be, assisted by acting appointments from the Judicial Auxiliary Pool, established under the Judicial Administration (Auxiliary Appointments and Powers) Act, 1988. Appointments made to date have been:

The Hon. Acting Justice Ligertwood—12.6.89-29.9.89 and 13.11.89-1.12.89.

The Hon. Acting Justice Mitchell—2.8.89-29.8.89.

The Hon. Acting Justice Wells—6.9.89-29.9.89.

The Hon. Acting Justice Zelling—6.11.89-1.12.89.

The bushfire cases and a continuing trend towards more complex commercial cases and longer trials have had some impact, but peaks and troughs are to be expected. The availability of the auxiliary pool will result in a great degree of stability in the lists notwithstanding peak demand and emergencies.

DISTRICT COURT

(a) Criminal Jurisdiction

The current waiting time from comittal to trial is 29 weeks. This compares with 26 weeks last year. The waiting time is static at the moment but does tend to fluctuate, because of variations in length and complexity of cases, circuit demands and availability of witnesses, counsel, etc. The criminal court work has remained fairly constant over the past several years, but there has emerged a trend for circuit sittings to consume an increasing amount of time. In 1988-89 a total of 30 weeks was devoted to circuit sittings. This is largely due to the demands of longer trials in addition to some more complex trials. As in the Supreme Court, persons in custody are given priority and are dealt with as quickly as possible.

(b) Civil Jurisdiction

The current waiting time from entry to the trial list (which occurs automatically at the close of pleadings) to trial is 20 months, which is the same as last year. While this is not satisfactory it should be appreciated that this period includes all pre-trial activity which is undertaken between the parties and which is supervised by the court. I will comment further on delay reduction and efficiency measures, shortly.

(c) Appeal Tribunals

Waiting time for Full Bench hearings is now 25 weeks, which is a slight increase on the 20 weeks last year. Legislation introduced in 1986 allowing Commissioners to sit alone resulted in a sharp reduction in waiting time. However, over the past year there has been a tendency for more appellants to elect for a Full Bench hearing. Additional judge-time is being devoted to the tribunal in order to service this increased demand. The position is being monitored to establish whether permanent action needs to be taken, particularly if this recent trend is to continue. Single member hearings remain constant at 10 weeks.

(d) Criminal Injuries Compensation

Applications are dealt with in the majority of cases, without the need for a hearing, as they usually settle; although a judge must still ratify any consent judgment. No delay exists, apart from the time taken to accommodate normal procedural and legal requirements.

The civil workload of the District Court is significantly greater than it was several years ago. Problems of ill-health in judicial ranks still pose problems for the court and obviously exacerbate the present, unsatisfactory state of the list.

The backlog of cases is now reducing by reason of additional resources which have been provided. Moreover, disposition rates have improved by reason of the introduction of more efficient procedures. In addition to this the volume of work coming into the court has peaked and the trend is towards a reduction rather than a continuing increase. The effects of this reduction will not be felt for a time, given the length of the list. However, it is a positive indicator for the longer term.

The Government has taken some positive and productive steps to equip the District Court to meet its mandate as the principal trial court (in terms of volume) and to overcome backlogs and delay, once and for all. Since last year:

- a review of court resource requirements matched against projected demands has been carried out and forms the basis of budgetary and resource considerations for the courts system;
- a judicial auxiliary pool has been established pursuant to the Judicial Administration (Auxiliary Appointments and Powers) Act 1988 so that a pool of competent and qualified persons is available at short notice to assist in dealing with delay (and more importantly avoiding delay), and to assist in emergencies and other appropriate circumstances;
- two acting judges (one for the full year) were allocated to the court;
- an additional permanent judge, His Honour Judge Lunn, was appointed on 26 April 1989;
- a permanent Deputy Master is to be appointed in the immediate future;
- permanent appointment of two clerks of arraigns, previously funded on a temporary basis, are to be made;
- appointment of an additional pre-trial conference chairperson is to be made.

In addition, it is planned that two judges from the Industrial Court will commence duty in the District Court in January 1990. Obviously, this extra assistance will make a difference.

Finally, the judges of the court have formed a Delay Reduction Committee and are addressing the problem squarely. The Senior Judge has recently returned from North America where he was able to observe new and improved case-flow management techniques first hand. The judges committee has formulated a system of better controls and is working with the legal profession to implement them early in 1990.

Pre-trial Conferences

The pre-trial conference system has proven to be most beneficial as a means of improving productivity and expediting disposition of cases in the civil jurisdiction. The system is improving still. For example, during the financial year, an experiment was conducted with 'conciliation conferences' as an adjunct to pre-trial conferences. These involve a more formal conference before a person of the status of judges, who can intervene to encourage settlement to a somewhat greater extent than can the ordinary conference chairperson. These conferences have been used on a limited basis, where cases, which in the view of the conference chairperson should have settled, were deadlocked. To date, the technique whilst used sparingly, has been influential in forcing the parties to seriously evaluate the respective strengths of their cases and whilst still at the pre-trial conference stage. It is believed that this has had a beneficial effect upon settlements at pre-trial conference. This process is to continue and to develop. A tendency is emerging for better preparation by the profession for pre-trial conferences, and this in turn enhances the opportunities for settlement.

An external indicator of the success of pre-trial conferences is the assessment by the SGIC that it saves about $2 500 on average for each matter which is settled as a result of this procedure. The SGIC has attended approximately 9 500 conferences since 1986. About 4 300 were settled. This figure represents an 80 per cent settlement rate of all completed conferences. Clearly, without pre-trial conferences, the delays in the District Court would have been much greater. As it is, they will play a significant role in the reduction of existing delay, as well as in prevention of buildup of further backlogs.

LICENSING COURT

As reported last year the problems in this court have been overcome and there are no appreciable delays.

MAGISTRATES COURTS

The waiting periods for trials expressed in weeks is as at the end of August 1988, with last month's figures in parentheses are listed hereunder. Figures shown for courts of summary jurisdiction relate to the earliest substantial date available (ESDA). Some trials are listed beyond the ESDA period—if these trials are taken into account the ESDA period is usually extended by one week in most courts and 1-2 weeks in the Adelaide Magistrates Court. Figures shown for the Adelaide Local Court are from the date of closing of pleadings.

Magistrates Court	Civil	Summary
Adelaide Local Court—		
Limited	27(26)	
Small Claims	19(18)	
Adelaide Magistrates' Court—		
1 day trials		6 (4)
2 days +		6 (5)
Berri	8 (5)	19(20)
Coober Pedy	8 (8)	8 (8)
Ceduna	16(12)	16(12)
Christies Beach	8 (4)	8 (4)
Holden Hill		14(15)
Kadina	10(10)	10(22)
Mount Barker	7(11)	6(10)
Mount Gambier	8(10)	8(10)
Murray Bridge	9(11)	9(11)
Naracoorte	8(10)	8(10)
Para Districts	10 (8)	21(19)
Port Adelaide	13(14)	12(12)
Port Augusta	14(18)	14(18)
Port Lincoln	5 (7)	5 (7)
Port Pirie	19(19)	19(19)
Yanunda	13(12)	13(12)

By and large these figures are satisfactory and generally reflect an improvement over last year. The appointment of a Relieving Magistrate has been made and will provide greater flexibility in the judicial staffing of courts. Some problems are presently being expreienced at Para Districts, but the Chief Magistrate intends to sit at this court himself in order to assist with the workload. Notwithstanding the foregoing, further reductions in waiting times are desirable.

The Adelaide Local Court has experienced some difficulties but they are now being contained.

CHILDREN'S COURT

Adelaide	6 (5)
Para Districts	21 (19)
Port Adelaide	12 (12)

This is the same as last year except that the delay at Port Adelaide has been halved.

Funding has been provided to convert the present position of temporary Magistrate at the Children's Court to a permanent position. This action is being taken at the moment.

CONCLUSION

The position in most courts is satisfactory and certainly compares most favourably with similar jurisdictions right around Australia. The District Court has experienced very significant growth and, as a consequence, has had difficulties. A concerted attack on the problem appears to have arrested the blowout and improvements are now flowing. As indicated before, had these measures not been taken, we could have had a disastrous situation. We can look forward to a continuation in the current trend of improvement in the District Court. But, of course, it will take time.

Finally, the heads of jurisdiction are now examining factors external to the courts which have the effect of introducing delay in the lists. This wider consideration of the

problem is a positive move and can only serve to further improve service to the community.

The Hon. H. ALLISON: In each jurisdiction, how many judgments or decisions are outstanding for three months to six months, from six months to nine months, from nine months to 12 months, and over 12 months? Next, in each jurisdiction, how many cases were awaiting hearing as at 30 June for each of 1987, 1988 and 1989? Finally, what is the current status of the review of the Children's Court, when is the review expected to be completed and when will the report be made public?

The Hon. C.J. Sumner: As to the last question, an interim report was made public. Legislation is being drafted, and it is expected to be introduced to Parliament shortly. I anticipate that the remainder of the report will be concluded very shortly and it will be made public. I will take the other questions on notice.

Mr RANN: Referring to the 1988-89 specific targets and objectives on page 101, it states:

> Night court introduced at Para Districts on a pilot basis and has been successful.

Is there a proposal perhaps to expand the night court system?

The Hon. C.J. Sumner: The Para Districts trial seems to have been reasonably successful and, subject to Cabinet approval, there will be a proposal for the scheme to be extended to include the Adelaide Magistrates Court, the Port Adelaide Magistrates Court, the Holden Hill Magistrates Court and the Christies Beach Magistrates Court. Funds are provided in this year's budget to enable that to happen.

Mr RANN: With respect to the 1989-90 specific targets and objectives, there is a plan to implement a review of court security recommendations. Is there a problem in this area?

Mr Byron: No, but, as in all things, these things need to be monitored and reviewed to make sure that there are no problems on an ongoing basis.

Mr RANN: I note the introduction of a common bailiff system whereby permanent staff will be employed instead of casual bailiffs. Has there been a problem in this area, resulting in this change?

Mr Byron: Yes, there has. The system in South Australia was that the courts provided a service whereby bailiffs were employed on a fee-for-service basis. They were people who had other occupations or were retired. That system has been fixed as best it can, but it is still not entirely satisfactory. A system whereby full-time bailiffs employed in the metropolitan area with available transportation will be introduced, but at no additional cost. Apart from the initial capital required to set it up, the fees paid for this service will cover the recurrent expenditure, so there is no additional expense to government on an ongoing basis.

Mr S.G. EVANS: What was the total number of trials listed for hearing; what number were heard prior to 30 June in each of 1987, 1988 and 1989; in each year, how many trials lasted one day or less, two to three days, and longer than three days; and in which courts were the trials conducted?

The Hon. C.J. Sumner: I do not think we can provide that information. We do not have the capacity to extract all that information from every court for a period of three years. It is not available to us.

Mr S.G. EVANS: I hope the Minister is saying that, if it is not available to him now, he will make it available later.

The Hon. C.J. Sumner: Just so that there is no misapprehension about this, it would be a virtually impossible task to get that information, as I understand it. It may be possible to supply it for the Supreme Court alone, but it would take months to do it for every other court in the State.

Mr S.G. EVANS: I hope that what can be made available will be made available. There are references to lengthy and complex trials in the District Court. What is meant by that term, and how many of these were there to 30 June in each of the years 1987, 1988 and 1989 and, in each year, how many of those trials lasted one day or less, two or three days, and longer than three days? There is a further reference to modifications now in operation. With what advantage or disadvantage have they been implemented, because I do not understand the term?

The Hon. C.J. Sumner: I am not sure to what the honourable member is referring.

Mr S.G. EVANS: The Program Estimates (page 102) state:

> The recommendations of the review of gaol delivery procedures have been implemented and the modifications are now in operation in the Supreme and District Courts.

What are the modifications, and what are the advantages and disadvatanges?

Mr Byron: It is a fairly simple administrative procedure put into place between the Department of Correctional Services and the Courts Department. It relates to two aspects: one is the improved communication between the two organisations with respect to having prisoners brought before the court; the other is that previously all prisoners in custody had to appear before the court on the monthly arraignment day. That meant that they appeared whether or not they were being dealt with. Now all prisoners who are in custody are sent a notice and given the option of whether or not to appear on arraignment day. That has cut down the number of people who have to appear before the court and, consequently, the work can be processed more quickly.

Mr S.G. EVANS: On page 101 it states that a night court at Para Districts has been in operation as a pilot scheme, and that it has been successful. For what period has that pilot scheme been operating, and on how many nights each week? Between what times has it sat, how many persons were dealt with and for what matters? What is the cost and the breakdown of the costs for that operation? Is it proposed to continue this scheme? To which courts will it be extended? What is the advice of those who provide the service?

The Hon. C.J. Sumner: A pilot night sitting commenced at the Para Districts Magistrates Court in January 1989. that pilot was for a period of six months and proved to be successful. A report to that effect was presented to the Justice and Consumer Affairs Committee of Cabinet in June 1989. That committee requested a submission recommending the extension of the sittings across the Adelaide and metropolitan area. A further report was provided to the chief executive officers, criminal justice agencies in August 1989. That group also endorsed an extension of the scheme.

The night court was introduced primarily to achieve the following perceived principal benefits: the court system would be (and would be seen to be) providing a good service to the public; there would be a consequential reduction in the congestion present in courts during normal hours; there would be a reduction in the number of non-appearances caused through difficulties of defendants getting time off from work; there would be more effective use of existing court facilities; court facilities would be used for more hours in the day, thereby having the potential to reduce the number of courts; aspects of the Government's social justice policies could be met.

The court at Para Districts sits on alternate Wednesday evenings from 6.15 p.m. to 9 p.m. Attendance at hearings is voluntary. The court office is open to the public and

provides the full range of services available during normal business hours. However, the demand for the latter has been minimal. All persons attending the court are surveyed and between 70-75 per cent cite 'work during the day' as the reason for their attendance.

The court, presided over by a magistrate, determines non-custodial matters only and does not list children's matters or trials, either criminal or civil. Some 100 people have used the night court to be heard on applications to reduce driving licence demerit points. The Chief Magistrate holds the view that to be truly effective night sittings must replace a half day session during usual court hours. This can be achieved by extending the categories of matters listed by summonsing people to attend. Offences, such as shoplifting, drink driving and other more serious traffic offences will be included in the scheme to achieve this objective. The cost per session to the Court Services Department is approximately $500. The Police Department and the Legal Services Commission incur minimal costs which are absorbed within existing allocations. As I have already indicated, funds have been provided under the social justice policy for an extension of the night courts. I have already provided the information in answer to questions from the member for Briggs.

It is the Government's view that the night court program has been successful, and provides an opportunity for improved access to the law for the community. Obviously, we will now have to monitor the existing scheme in Para Districts, and those others that will be implemented during this financial year, to see whether they remain successful, or whether there is a case for further extension later.

Mr S.G. EVANS: What is the advice, and who provides it, about the success or otherwise of the scheme to the Minister?

The Hon. C.J. Sumner: The report was prepared by the Court Services Department, with some input from the Chief Magistrate. That report was presented to the Justice and Consumer Affairs Committee of Cabinet.

Mr DUIGAN: My first question was to relate to the effectiveness of the greater movement and flexibility, and being able to transfer judges and magistrates from one jurisdiction to another. However, I have noticed in the document that has been tabled that the judicial auxiliary pool appears to be working satisfactorily. I am not sure whether the Minister would like to comment further about the need to ensure that this pool of competent and qualified persons is available at short notice to assist in dealing with the delays in the courts. This document suggests that both managerial benefits, as well as judicial benefits, result from this pool in terms of being able to address the peaks in the court system.

The Hon. C.J. Sumner: The appointment of auxiliary judicial officers has occurred as a result of legislation that was passed last year. The purpose is to appoint these judicial officers to the Supreme Court, District Court, and Magistrates Court and to have them available to deal with any emergency situation that might arise. Generally, we have appointed retired judges or magistrates or legal practitioners who almost have retired almost or have retired from the firms in which they were practising.

Consequently, for the Supreme Court the following appointments have been made: Dame Roma Mitchell; the Hon. Howard Zelling; Mr Ligertwood, a former senior judge of the District Court; and Justice Wells. Mr Boehm has been appointed as a Master of the Supreme Court. Two experienced solicitors have been appointed to the District Court—Mr Kevin Canny and Mr C.A.L. Abbott. The retired magistrate, Mr Gunn, has been appointed to the Magistrates Court. All those people have been appointed on an auxiliary basis until 30 June of next year. At any time during that period they can be called on to assist in the courts to which they have been appointed, or to any lower jurisdiction. The advantage is that if there is an unexpected illness or long case, and it looks as if the list will blow out, an allocation is in the budget to enable the courts to get these people on short notice and to cover that temporary absence.

Mr DUIGAN: About two or three weeks ago, following a meeting of Attorneys-General in New Zealand, the New South Wales Attorney-General was reported as saying that some lawyers in the criminal jurisdiction in that State were deliberately attempting to abort trials by compromising juries. Has the Attorney-General any evidence of that practice occurring in South Australia?

The Hon. C.J. Sumner: No.

Mr DUIGAN: When will the heritage restoration of the Adelaide Magistrates Court be completed?

The Hon. C.J. Sumner: We will obtain that information for the honourable member.

Mr D.S. BAKER: In light of the settlement of a number of Ash Wednesday 1980 bushfire claims, are judicial resources still under pressure as a result of the claims and how many 1980 and 1983 Ash Wednesday bushfire claims are still awaiting trial? Further, how many commercial disputes during the years ended 30 June 1987, 1988 and 1989 came before the Supreme Court, and how many were for one day or less, how many for two to three days and how many for over three days in each year?

The Hon. C.J. Sumner: I will take those questions on notice and obtain the information.

Mr D.S. BAKER: What changes are to be made to court security, and are they related to the incident a few days ago in which the friend of an accused person went into what is meant to be a secure jury system, and on how many occasions in 1988-89 have there been breaches of security systems in the courts?

Mr Byron: There have been no breaches of security in the courts until the occasion referred to by the honourable member. Contrary to the report that appeared in the newspaper, the incident occurred in the Sir Samuel Way Building and not the Supreme Court. The person was not known to be a friend of the accused; he was a person who wandered in off the street, entered an emergency exit where the public are not entitled to go and found himself not in the jury room but in the area housing the jury tea facilities. He made himself a cup of tea and sat in the corner. He had no contact with the jury. When the jury went back into court he filed in with them, was challenged by the judge, and the judge was satisfied that there was no interference with the jury in any way. The particular door cannot be locked because of its use as a fire exit but, obviously, steps have been taken to ensure that the door is monitored at all times when a jury is in occupation.

Mr D.S. BAKER: Under 'Specific Targets/Objectives' it is stated that 'a review of court security [has been]completed', then later on it refers to implementing a review of court security recommendations. I gave the other as the example.

Mr Byron: I indicated before that the review of security is done regularly in a pro-active way to ensure that security breaches will not occur. We have an exceptional record in that area. It is a precautionary measure.

Mr D.S. BAKER: I assume that the review recommendations have been implemented.

Mr Byron: Yes, and any modifications have been implemented. One that comes to mind is the early warning system when threats, such as bomb threats, are made to courts. These things are kept in view and monitored regularly.

Mr D.S. BAKER: Has Cabinet approved the implementation of the 1978 enforcement of judgments legislation, and when will this occur, if it has not been implemented? What are the costs of implementation, what debtor assistance is proposed and at what cost?

The Hon. C.J. Sumner: Cabinet has not approved that at this stage.

Ms GAYLER: I note that the Legal Services Commission has been allocated a little over $10 million for legal aid for this financial year, and that the Commonwealth parliamentary committee on legal and constitutional matters is looking at the accessibility of the legal system to ordinary Australians. Does the Attorney-General propose to make any submission to that Commonwealth inquiry?

The Hon. C.J. Sumner: Not at this stage. This general question of access to the law is one of the biggest issues which has to be addressed in the next decade. The Federal standing committee inquiry to which the honourable member has referred will provide some information for the community. The matter is also on the agenda of the Standing Committee of Attorneys-General, and we are seeking to work through a number of aspects of access to the law. Also, a project within the Attorney-General's Department is looking at the whole range of areas dealing with access to the law.

It is not just a matter of legal aid but of court procedures, of the substantive law, and of how we can bring down the cost of legal proceedings while, at the same time, not interfering with the basic rights of people. It is a matter of how one can ensure that people who do not qualify for legal aid but who do not have the means which might be needed to mount court cases can be assisted, and that is a very difficult issue.

The question of legal insurance has been looked at, but at this stage a successful scheme has not been able to be implemented. The Australian Institute of Judicial Administration is looking at the cost of litigation. It is a big area which covers a whole range of issues from legal aid—which can only ever help a very limited number of people—right through to legal insurance, the problem of commercial cases taking up much of the time of the courts, and whether or not there should be some user-pays principle for certain categories of client before the courts, through to court procedures in the criminal and civil courts.

Pre-trial conferences have now been introduced, designed to reduce lists and ultimately cut down on the cost of litigation. All these matters are being examined.

Ms GAYLER: Are the courts themselves looking at the part they can play in reducing the time involved in cases and, thereby, the costs?

The Hon. C.J. Sumner: Yes, the courts are now actively involved. There has been a change in attitude within the courts in recent years to the question of administration and cost effective delivery of services. I know that Chief Justice King is very actively interested in this area; Senior Judge Brebner has just spent a month in the United States as part of his sabbatical, examining court listing procedures in that country; and, on the whole, the courts are now actively looking at taking measures to reduce lists and to reduce costs.

Ms GAYLER: Is the Attorney-General aware whether in South Australia or anywhere in Australia the judiciary has ever given any thought to a system of continuing education for judges along the lines of the system that applies in France where there is a school for judges which is not only used by those wishing to become judges but also as a system of continuing education in relation to judicial systems and, social justice in the judicial system?

The Hon. C.J. Sumner: We do not have a school as such for judges but the Australian Institute of Judicial Administration was established a few years ago with funding from the State and Federal Governments and that does organise seminars and arrange conferences and educational material on a number of issues, including courts administration but also other areas. Mr Byron in fact, is on the council of the Australian Institute of Judicial Administration and might be able to provide some more information on the objectives of that body.

Mr Byron: The AIJA some years ago established a faculty of judges, administrators and magistrates who had particular skills and knowledge and educational qualifications in various areas. The AIJA runs seminars with a view to applied administration, practical application of the material, and they have been quite successful. In fact, in the time that I have been on the council there has been a marked change in attitude by many people and also the courts are becoming much more attuned to community requirements and also some of the issues that the Attorney-General spoke of before. This will continue in future and will be further developed. The long term objective is that this faculty will be able to travel to the various States so that undue costs will not be incurred by any one State.

Mr S.G. EVANS: I refer to page 53 of the Auditor-General's Report. What is the program for the introduction of the computerised system for 1989-90 and for each of the subsequent years of that project, and what amount of expenditure, recurrent or capital, is expected to be spent in each year? What is the cost of interfacing with the JIS, and when will the interfacing occur? What data in the court system is accessible by the JIS, and what security guidelines are in place governing access to information? What effect did the review of the JIS have on the courts computerisation program?

Mr Witham: In terms of the costings, the department recently carried out a review of the courts computerisation project. It is now almost two years down the track and we have made a practice of reviewing costs and programs annually for Treasury purposes. The costs are: $2.577 million, 1987-88; $3 065 000 in 1988-89; $2.297 million in 1989-90; $1.745 million in 1990-91; $937 000 in 1991-92; $878 000 in 1992-93. This totals $11.499 million. That is the development costs and the operating costs for that period.

The interface with the JIS has not been costed in a detailed way. We have carried out a joint review with the Justice Information System. Officers of both organisations were involved. That was called a feasibility study. It is really determining how the interface will happen, what sort of priorities should be assigned in terms of which applications were dealt with, and there is now a cost benefit analysis being carried out by the Justice Information System itself and they will be consulting with us in the preparation of that review.

Mr S.G. EVANS: What security is governing the material that is held there now?

Mr Witham: The security of the system would be much the same as any modern computer system that is being developed. There are various levels of security. There are different levels of access allocated to different people within the system. There are technical innovations that stop people getting in the system, or at least that is what they are designed to do. But it should be recognised that in time we do anticipate making quite a bit of the court information available to the legal profession, and there will be access to courts information. However, that will be handled in a way that will mean that the profession are not getting access

directly into the court system; certain information will be downloaded on to a separate computer and that is the information that they will be accessing so there is no opportunity of tinkering with the main system.

Mr S.G. EVANS: In relation to page 109 of the Program of Estimates, under improvements and results, it is intended to further reduce delays in the criminal courts, where necessary by revising court procedures and by the provision of additional resources. Just blow reference is made to transferring the Court Information Service from the Department of Correctional Services. What additional resources are proposed to be made available and at what cost? What is the Court Information Service and why is it to be transferred?

Mr Byron: In terms of the resources to the courts, in particular the District Court, where the problems in the court system in this State are occurring, an additional judge has already been appointed. That is his Honour Justice Lunn, and two other judges from the Industrial Court are to be transferred to the District Court in January, giving an additional three judges in the court. Other peripheral or supporting resources have been provided. From memory, two additional clerks of arraign have been appointed on a temporary basis, as well as other clerical staff.

The Court Information Service is a service that was set up many years ago by Correctional Services to provide physical support, as it were, to people who were going to the courts. That service has expanded over the years without any real idea of where it was going. It was thought to be appropriate to transfer that to the courts, because the courts, it is felt, have a duty to the clients in terms of their physical comfort, advice about where they should go and which court they are in, etc. It involves that type of support to the court users, including witnesses, victims and so on. It is thought to be more appropriately run by the Courts Department than by the Department of Correctional Services.

Mr D.S. BAKER: I refer to page 102 where it states:

> During the year, a major review of procedures was undertaken in the civil jurisdiction of the District Court. This has resulted in proposals for substantial changes for pre-trial procedures and recommendations concerning the appropriate resourcing of the court in order to be able to reduce pre-trial delay to acceptable limits.

What resources will be provided to allow that to happen?

Mr Byron: I have already referred to the appointment of three additional judges. Action is now being taken as a result of the allocation of funds by the Government in this year's budget for the appointment of a Deputy Master in the District Court. The pre-trial conference system was introduced into the District Court a couple of years ago and has been a significant success. In terms of increases in court work in the civil jurisdiction over the past five years, whilst it has caused a problem we would have been faced with a disaster had the pre-trial conferences not been introduced and had those procedures not been refined.

The pre-trial conference system is being refined. It is based on a model that we obtained from Western Australia and we have improved on that. As the Attorney-General has already indicated, the Senior Judge is undertaking with his judges and the legal profession an examination of a range of improvements to procedure and the way in which the profession deals with the courts. He has already been to America and has come back with a number of improved techniques and procedures for dealing with cases through the courts. Details about pre-trial conferences are contained in the document already provided.

Mr D.S. BAKER: I asked whether Cabinet had approved the implementation of the 1978 enforcement of judgments legislation and the answer was that it had not. When will that occur?

The Hon. C.J. Sumner: I am not sure. Presently a proposal is before Cabinet dealing with the enforcement of judgments legislation, which has been considered along with the report on financial over-commitment which has now been completed. Those matters are before Cabinet and will be considered in the near future.

Mr RANN: Whereas the Muirhead Royal Commission into Aboriginal Deaths in custody has made recommendations on police cells and a variety of other issues concerning this tragic area, media attention has tended to focus on the police cells issue. Will the Attorney inform the Committee how the Court Services Department is dealing with the recommendations?

The Hon. C.J. Sumner: A number of things have occurred in this area. First, legislation has been in place since January this year under the new Criminal Law (Sentencing) Act which provides for the principle of imprisonment being used only as a sanction of last resort. That picks up one of the recommendations. A notice is given to convicted persons after the court case setting out the various options, including the fine default program. The convicted person can make an appointment to see the Clerk of Court to discuss the various options in an attempt to overcome, before it occurs, the problem of imprisonment for non-payment of fines, looking at alternatives to ensure that either the fine is paid on an instalment basis or that a community service order system is arranged for the working off of the fine. In order to convey this information to the Aboriginal community, it has been agreed that a more pro-active approach is needed. A procedure is being developed to highlight the role of the Clerk of Court in regard to fine default, to ensure that imprisonment is only used as a last resort in those cases.

An interdepartmental bail custody and analysis review committee has been established to review the apparently high incidence of remandees in custody in the Magistrates Court. It appears, as a result of the bail legislation introduced three or four years ago, that the number of remandees in custody in South Australia has been reduced. We have a high rate of remand in custody in this State compared with most other States, but it looks at though, as a result of the Bail Act, that has come down. A review of that situation is proceeding currently. It seems as though the Bail Act has achieved one of the purposes, namely, the keeping out of custody people who should not be there because they do not have the financial means to raise sureties and have been arrested for less serious offences. The fact that they are not in custody means a lesser incidence of remand in custody, which obviously would assist with the aspect of incidence of deaths in custody. The Sheriff is reviewing court holding cells throughout the State and is preparing a report on health safety issues. Aboriginal input is being sought to develop and implement these strategies.

Mr RANN: I noticed on page 107, in the area of the Coroner's investigations, a number of initiatives seem to have been designed to upgrade and update coronial services in South Australia, including the appointment of a social worked in the Coroner's Court. Will the Minister elaborate on this and on the upgrading of communications systems?

The Hon. C.J. Sumner: Those proposals are before the Government. The coronial system is under scrutiny by the Royal Commission into Aboriginal Deaths in Custody. When it reports, we will consider its recommendations, including the matters that are mentioned as targets.

The Hon. H. ALLISON: In relation to Court Services, at page 107 reference is made under 'Issues/trends' to an increase in teenage suicide. However, if one looks at the table immediately after, it indicates 23, 24 and 25 suicides

for people aged between 10 and 20 years old for 1987 through to the projected figures for 1989-90, the increase being one each year over that period, and with 1989-90 being a projected figure rather than an actual figure. What is meant by an 'increase'? Is it really a significant increase for South Australia, or is it anticipatory based on perhaps Australian or worldwide trends? Alternatively, what evidence is that increase based on?

The Hon. C.J. Sumner: I cannot really answer that. These statistics emanated from the Coroner's Court, so I do not have any particular information on the reasons for the suicides.

The Hon. H. ALLISON: We are all very concerned about the possibility of a substantial increase in teenage suicides, but in reality the figures for the past three years have been stable.

The Hon. C.J. Sumner: It appears that the increase occurred between 1986-87 to 1987-88, but the statistics have remained stable since that time. However, any teenage suicide is a matter of concern.

The Hon. H. ALLISON: A significant initiative for 1989-90 is the appointment of a social worker to the Coroner's Court, and under 'Issues/trends' reference is made to increasing demands for grief counselling, particularly in relation to suicide cases. Is it proposed to appoint a social worker to deal with grief counselling; will the social worker's position be fulltime; what will his or her duties be; and how has grief counselling been handled so far? When replying, perhaps the Minister could refer to any involvement with any of the Christian churches.

The Hon. C.J. Sumner: It is proposed to appoint the social worker to assist in grief counselling, but no funds are available during this financial year to enable such an appointment to be made. The Coroner's Court will have to be examined following the final recommendations of the Muirhead royal commission.

The Hon. H. ALLISON: Mention is also made on that page of an increasing demand for information/research facilities, particularly by the Royal Commission into Aboriginal Deaths in Custody and private organisations. What recommendations does the Minister propose to implement, when will they be implemented, and at what cost?

Mr Lemmey: A research officer has been appointed on a half-time basis. That person will greatly assist in relieving the clerical staff from having to go through records which, at times, are many years old. Such bodies as the Adelaide University request information on various matters of research. Although we appreciate that there is a demand for wider proposals, we have not decided on any recommendations as yet.

Ms GAYLER: I note that capital funds have been allocated for additional courtroom facilities at Holden Hill. What progress has been made on that construction work at Holden Hill and when is it likely to be opened?

Mr Byron: The Holden Hill courts are in use. The building was designed to accommodate three courtrooms, with provision for an additional courtroom and associated facilities. During the construction stage the police boundaries were changed, which meant that more work was undertaken by the Holden Hill police, so during the course of construction we embarked on the addition of the fourth courtroom. The courthouse has been in use for some time. That fourth courtroom is nearly completed and will be opened shortly.

Ms GAYLER: This year it is proposed to establish a civil jurisdiction at Holden Hill. What is the purpose of that and is it a relocation into the local north-eastern region?

Mr Byron: The Holden Hill court is the only major Magistrates Court in this State that does not have a civil jurisdiction; it is anomalous, but it was not possible to accommodate in the old building the staff required to do the work. So the proposal will remove that anomaly.

Mr DUIGAN: The Estimate of Receipts for 1989-90 indicates that the Courts Services Department expects to receive $12.416 million in court fees and fines. How much of that relates to the levy for victims' services and is that transferred over into the compensation fund?

The Hon. C.J. Sumner: That does not include any of the levy; the levy is transferred directly to the Criminal Injuries Compensation Fund.

Mr S.G. EVANS: In relation to court reporting on page 108 of the Program Estimates, what is the division of work as between the Government reporting service and the private contractors; how many permanent and casual reporters, whether full or part-time, were on the Government payroll as at 30 June 1989, 1987 and 1988; within the Government reporting service how many people are involved with the CAT system, tapes and other parts of the service; how much was the private contractor paid in 1988-89; how many pages of transcript did that involve; how many pages of transcript were produced by the Government reporting service and at what cost?

Mr Witham: The total number of pages produced by the Court Reporting Service in 1988-89 was 361 657 and the cost per page was $10.34. The private contractor produced 47 293 pages at a total cost of $383 000. We now have 47 reporters using computer aided transcription (CAT), and there will be 12 more staff going onto that technology in this financial year. The number of in-house staff at the end of the financial year was 157, comprised of 69.5 court reporters, including management court reporters—a chief reporter and three senior reporters—1.5 casual court reporters, three trainee reporters and two dictation typists. We use the dictation typists in the unusual situation where we have a couple of reporters who have had RSI in the past and who are on a rehabilitation program.

In order to help them be productive we provide them with dictation typists. The Government Transcription Service, which is our own in-house tape based system, has a supervisor, 10 permanent audio typists and 17.5 full-time equivalent casual typists (the actual number is greater than that). Support staff in the court reporting area—those people who run around with cassettes, do the photocopying and perform clerical functions—amount to four. In the magistrates courts we have a further 55 magistrates clerks. Each magistrate has a clerk and there are some relieving clerks. That is the breakdown in court reporting. In terms of the variation year to year, although I do not have the information in front of me, it is minimal, about two positions fewer.

Mr S.G. EVANS: If at a later date one or two points need to be picked up, I would be grateful if the information can be supplied. In the same area, what is the turnaround time from taking down words in court to the completion of a page of transcript by the private contractor as compared to the Government service?

Mr Witham: Dealing first with the in-house service, a court reporter normally has the transcript in front of the parties within 45 minutes. There is a certain amount of judgment required at the beginning of the day in allocating reporters and estimating how many cases will fold. We may start the day with only one or two reporters on a court but, as other cases fold, we reallocate reporters and finish up with a team of three. If we estimate that correctly, at most times during the day the parties have a transcript within 45 minutes. On the rare occasions when we do not get it right, it might take longer.

In respect of tape based reporting both the in-house and private contractor systems are able to get the transcript back to court within 1½ hours. That would be the norm for both of those services. In some cases where we use the tape service we can make a decision to produce a lesser service. The private contractor has a differential rate for a quicker running transcript and a lower rate for a delayed transcript.

The Hon. H. ALLISON: At page 109 of the Program Estimates, court services, under 'Specific Targets/Objectives' the third dot point states:

> A study of CSD/JIS data interchange requirements has been completed.

Can this study and its costs be made available?

The Hon. C.J. Sumner: I understand that this question has already been answered. The study referred to was a feasibility study, and a cost benefit analysis is being done at the moment.

The Hon. H. ALLISON: Still at page 109 of the Program Estimates it is stated:

> A pilot study into the use of CAT in magistrates courts has been completed.

Where was that study conducted and what was the result? Is it intended to introduce CAT to magistrates courts and, if so, when will this be and what will be the cost?

Mr Witham: The study was conducted between November last year and March this year in the Adelaide Magistrates Court and it involved four magistrates clerks. It was a success: it satisfied the requirements of the magistrates in that it was able to provide a good reporting service in those courts. The courts used usually had the in-house tape services. As a result of the success of that pilot, CAT has now been extended to Holden Hill, Port Adelaide and the Adelaide local court, and in due course it will go to all magistrates courts. We believe we can do it within 2½ years when we will have 80 per cent of magistrates courts serviced by CAT.

We are inhibited to some extent in that magistrates clerks need retraining because, generally, they are Pitman writers rather than stenotype reporters. We have introduced a policy that all new magistrates clerks have to be stenotype trained. In fact, we train them. Existing magistrates clerks who use Pitman shorthand—we now have 15 of them—are retraining in their own time. The department provides the course but officers attend in their own time to retrain. The cost of putting the system into magistrates courts is, in effect, nothing because we are doing it within existing resources. The funds we were spending on taping magistrates courts are being used to buy CAT equipment.

The Hon. H. ALLISON: Again at page 109 of the Program Estimates it is further stated:

> Existing word processing facilities have been relocated within the Government Transcription Service.

Why have these facilities been relocated there? Does this apply to the judges and magistrates? What cost is involved?

Mr Witham: That refers to basic word processing used by judges secretaries. It was introduced about three years ago to satisfy a clearer climate for word processing, but there were limited funds and we bought the minimum type of equipment or facility that was available at that time. A study carried out in late 1987 identified that judges' secretaries and a number of other people in the department had a requirement for a much better facility than that provided by the Glass typewriters. As with all word processing facilities, it is rather difficult to justify the benefits in dollar terms, but there was a clear requirement.

We were able to transfer the existing equipment, namely the Glass typewriters, to the Government Transcription Service, because that is an appropriate level of technology for that group of workers. They are high speed typists; they do not move around large slabs of text; basically they use the typewriters to correct errors or to take out sections of transcript when, after transcribing evidence from tapes they are ordered by the judge to delete certain evidence. That type of equipment is most appropriate for that task. In fact, that equipment has increased productivity by 15 per cent, resulting in a cash saving of $150 000 a year. That money has been allocated to the computer budget to pay for more sophisticated equipment for the judges' secretaries.

The Hon. H. ALLISON: On the same page, it is stated that a review of long-term judicial and legal resources was completed. Can the results of that review be made available? What are the long-term resources required in each jurisdiction? Is the Government planning to implement the recommendations of that review?

The Hon. C.J. Sumner: I will take that question on notice and advise the honourable member if that is possible.

Mr S.G. EVANS: I refer to the Small Claims Court and the difficulties that I envisage in relation to that court. I believe it has ended up as what I call a 'compromise court', where the people sitting in judgment quite often look for a compromise—and I may be wrong—in lieu of establishing the true situation. Has the Attorney-General, or anyone else in the system, considered that we may need to have people with specialised knowledge in areas such as the building industry, the machinery area, the motor vehicles industry, and so on? The small business operators cannot afford to continue losing funds or materials because the court decides that both parties are right to some degree and accordingly splits the judgment down the middle or makes some other proportional split.

Many consumers are now well educated and know how to use the system by not making the last payment on a project and then waiting for the matter to go before the Small Claims Court. They know that they will benefit from the result and, quite often, the people who sit in judgment do not have the expertise to understand the situation. Introducing expert witnesses further increases the cost. Unfortunately, there is a tendency for the court to lean towards determining that the consumer may be right, but some highly intelligent consumers are tending to use the system. I have the strong view that we need people in the system who understand each area to some degree. There should be more specialisation. It would not be difficult for people who are heading towards being a magistrate to specialise or to take an interest in a particular area, even though they would continue to handle general cases. However, many small business people are getting out of the building trade in particular, because it is impossible for them to operate. The consumer has only to lodge a complaint and it is months before the case is heard. The system is being used. Has any thought been given to that matter, or has it been brought to the attention of the Attorney by any of his colleagues?

The Hon. C.J. Sumner: This matter has not been put to me in those terms. The honourable member would be aware that the Commercial Tribunal a couple of years ago took over the responsibilities of the Builders' Licensing Board. A representative of the building industry sits on the Commercial Tribunal along with a representative of the consumers and the Chairperson. Therefore, there is a degree of expertise available to the Commercial Tribunal to deal with these disputes. In fact, the Commercial Tribunal does deal with a large number of relatively small building type disputes, not just license applications; it now has jurisdiction to deal with substantive disputes between parties. Not all of the disputes are dealt with by the Commercial Tribunal

and, undoubtedly, some would go to the Small Claims Court.

The magistrates in the Small Claims Court differ from time to time but, as I understand it, they develop some expertise in dealing with small claims matters. What the honourable member says is probably true: they tend to try to conciliate cases. However, that is in the very nature of a Small Claims Court and one has to take the advantages of a Small Claims Court with what are perhaps perceived as the disadvantages. The court does not involve full blown cases with full cross-examination, counsel and so on. The reality is—and it is becoming increasingly so—that, if lawyers were admitted to contest a matter fully in the Small Claims Court, the cost would vastly outweigh the amount of money in dispute. The Small Claims Court is a different way of doing things. The magistrates involved do attempt to conciliate, arbitrate and reach agreement. However, ultimately, they have to make a decision, after hearing both parties, and they may well attempt to arrive at agreement between the parties. I believe that that is the price we pay for having a system where there are no lawyers, but it is a necessary price because, if lawyers were involved, no-one could afford it.

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

Works and Services—Court Services Department, $1 738 000—Examination declared completed.

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

Electoral, $4 112 000

Chairman:
The Hon. G.F. Keneally

Members:
The Hon. H. Allison
Mr D.S. Baker
Mr M.G. Duigan
Mr S.G. Evans
Ms D.L. Gayler
Mr M.D. Rann

Witness:
The Hon. C.J. Sumner, Attorney-General.

Departmental Advisers:
Mr A.K. Becker, Electoral Commissioner.
Mr M.S. Duff, Deputy Electoral Commissioner.

The CHAIRMAN: I declare the proposed payments open for examination. I refer members to page 56 of the Estimates of Payments and pages 110 to 116 of the Program Estimates.

The Hon. H. ALLISON: Page 114 of the Program Estimates under 'Issues/Trends' states:

> During 1988-89 all industrial organisations were charged the cost of labour, printing and postage.
> During 1988-89 departmental staff conducted or assisted in the conduct of ballots on behalf of 19 organisations. Four new organisations were assisted and elections conducted on their behalf.

Is that charge only for the conduct of the elections or ballots, or does it include an amount for extraneous advice given to organisations?

The Hon. C.J. Sumner: That is the cost of conducting the election.

The Hon. H. ALLISON: Page 115 of the Program Estimates under 'Broad Objective(s)/Goal(s)' states:

> Review periodically the population of each House of Assembly district and redefine boundaries as required by the legislative criteria specified in the Constitution Act.

The last set of figures for the numbers of electors in electorates that the Liberal Party received was for the end of May 1989. Are there more up-to-date figures? If so, when will they be made available?

The Hon. C.J. Sumner: The most updated figure was incorporated in *Hansard* about three weeks ago in response to a question.

The Hon. H. ALLISON: Were they the May figures or were they more recent?

The Hon. C.J. Sumner: They were updated to 10 August.

The Hon. H. ALLISON: If there was to be a referendum to change the basis for electoral redistribution in conjunction with the next election, could that be arranged without a great deal of difficulty?

The Hon. C.J. Sumner: I do not know about arranging it without a great deal of difficulty, but it could certainly be arranged. It is possible to have a referendum in conjunction with a State election.

The Hon. H. ALLISON: What would that cost?

The Hon. C.J. Sumner: In the vicinity of $500 000.

Mr S.G. EVANS: As a supplementary question, is that the cost of the referendum only or is that the cost of a combined referendum and election?

The Hon. C.J. Sumner: It is an extra $500 000 on the normal cost of an election.

Mr RANN: Page 115 of the Program Estimates under '1989-90 Specific Targets/Objectives' states that a review of informality in voting is intended. Has there been a rise or reduction in informal voting? Is there any trend?

The Hon. C.J. Sumner: The changes to the electoral system that were brought about by the revamped Electoral Act in 1985, which allowed ticket and list voting in the Upper and Lower Houses, reduced the level of informal votes. Clearly, there are some informal votes, and I think it is important that as much education as possible occur to reduce the level of informality.

Mr RANN: Was that a significant reduction?

The Hon. C.J. Sumner: I am advised that in the Lower House it dropped from 5 per cent to 3.67 per cent and in the Upper House it droped from 10 per cent to 3.7 per cent—a significant improvement.

Mr RANN: Page 115 of the Program Estimates also states:

> Continue the development and delivery of public education packages.

Will that education package go into schools?

The Hon. C.J. Sumner: Yes.

Ms GAYLER: When will the proposal to provide new voter information on disc begin?

The Hon. C.J. Sumner: Arrangements for the training of electorate staff are being determined by Sacon, and training is scheduled for completion by the end of September. The down-loading of electoral data to the PCs is dependent on programs being completed by the Government Computing Centre, and that is expected before the end of October.

The Hon. H. ALLISON: I was unclear about the reply given to the last question of the member for Davenport. Was the $500 000 an amount for conducting an election and a referendum or is that amount for a separate referendum to be held on a different day?

The Hon. C.J. Sumner: The figure I gave was the cost of conducting a referendum in conjunction with a general

election; there would be an additional cost of $500 000 for the referendum.

Mr S.G. EVANS: What would it cost to hold a referendum by itself?

The Hon. C.J. Sumner: Approximately $2.8 million, which is not quite the cost of an election; the cost would be a little bit less than that of a general election, but in that order.

The Hon. H. ALLISON: How many polling booths are now in South Australia following the reductions undertaken since 1985, and has this information been made available to each electorate?

The Hon. C.J. Sumner: For the 1989-90 election there will be 655 polling booths and 36 mobile booths, making a total of 691. In the 1985 election there were 772, with 13 mobile polling booths, making a total of 785. The Electoral Commissioner has written to all voters affected by the closures, that is, those voters who would normally vote at those booths, and advised them of those changes. As a result, there has been an increase from 260 to 1 600 in the number of registered declaration voters.

Mr DUIGAN: Mention has been made in the Program Estimates of previous years of the electronic roll scanner developed at Technology Park as a result of the contract that they entered into with the Electoral Commission. It may be an oversight on my part but I cannot see any reference to the electronic roll scanner in any of the present Program Estimates. That may be because it has become part of the operational arrangements of the Electoral Commission. If that is so, has the South Australian Electoral Commission been successful in being able to sell the electronic scanning system to any other State Electoral Commission?

The Hon. C.J. Sumner: I understand that the State Electoral Commission will use a Commonwealth electoral roll scanner.

Mr DUIGAN: It will not develop one of its own?

The Hon. C.J. Sumner: It has apparently bought a basic machine from overseas and modified it for its own use.

Mr DUIGAN: I note that the number of polling booths has been reduced by 116 as a result both of a review of the appropriateness of the location of a number of booths and, indeed, the pursuit of the efficiency objectives within the State Public Service overall. Will the reduction in the number of booths mean that there will be a consequent reduction in the number of staff that is available for polling duty on polling days? The reason for my question is that, even with the polling booth locations that were used at the last election, there were a number of very busy booths where the existing staff were not able to cope with the number of voters turning up on any one occasion, particularly during the period between 8 o'clock and 12 o'clock. There was obviously a need for more staff, because it was making a number of electors very cross to have to wait at least half an hour, and up to three-quarters of an hour to get in. Has the number of staff been reduced or is there a pool of people who may be available to send to polling booths where the demand is exceptionally high at some point during the election period?

Mr Becker: The number of staff has been reduced overall, and the number of ballot-papers that each member of staff will handle has been increased slightly, and this means that some booths will be slightly busier than they were in 1985. The commission is working at the possibility of opening up another section in some of those major booths to accommodate the high turnout. However, any assistant returning officer has always had the ability to recruit the first person he sees who walks in the door and to appoint them to be an assistant presiding officer. They can act on the spot without consulting us. They have to be able to accommodate those situations, but very few of them have done that. When I was a returning officer, people did that. I do not think it has happened recently, but that facility is always there. One would hope that the commonsense of the assistant returning officer would prevail in the circumstances I have described and that we would have the situation covered.

Mr DUIGAN: I take it therefore that there will be a training program prior to polling day for the returning officers and deputy returning officers in charge of the booths, so that these options can be set out for them. I know that there have been occasions on which this discretion has been used by a deputy returning officer, but it seems to have been used to further decrease the convenience of voters, rather than increase it. One booth with which I am familiar had three or four lines of people, moving relatively efficiently, although the process was still taking half an hour or more. The discretion was exercised to make one line which was 500 to 700 metres long, and everybody simply had to wait longer. It seems to me to be an inefficient system so if, in the training program prior to the election, these opportunities could be pointed out to returning officers, it would be very useful.

The Hon. C.J. Sumner: I think that the honourable member's suggestion that returning officers in some areas can perhaps anticipate where problems may occur and have people on standby, is certainly worth considering.

Mr Becker: To amplify what the Attorney-General has said, the system used in the coming election will be the A-D, E-K system of the past, so there will be no opportunity to form one line. However, large booths taking more than 2 000 votes will have the opportunity to open an A-Z roll. So, in those circumstances, there should be no need to call on a pool of assistant returning officers, but it is a good suggestion, and we will look into it.

The Hon. C.J. Sumner: We will consider the matter and, perhaps, try to identify the areas where problems occurred last year. The conduct of elections is a matter for the Electoral Commissioner, but the suggestion is worth looking at.

Mr DUIGAN: My last question relates to the habitation review of various areas undertaken by the Commonwealth Electoral Commission. When was the last habitation review completed and will another be undertaken before the State election?

The Hon. C.J. Sumner: Apparently, that occurred in May, with the objection process being completed at the end of August, but there will not be another one.

The Hon. H. ALLISON: I note on page 115 of the Program Estimates, under 'Specific Targets and Objectives' that the last point reads, 'Conduct review of informality'. Over the past 15 years that I have been in this Parliament, informality may have been attributed to voter rejection of all or some candidates; voter anger, disgust or dissatisfaction with the complexity of some of the extremely long—in some cases, more than a metre long—electoral forms and alleged general illiteracy among the Australian population, and in some cases, more localised illiteracy.

There were conflicting instructions in another election in which we saw one set of instructions from the Federal Electoral Office telling people to do a certain thing and then we found that the two forms for the Senate and the Lower House were different, so people voted incorrectly on at least one of the forms. The reasons for informality seem to have been variable, yet consistent within each election there is an informality. I suppose that I am proud that Mount Gambier had the highest vote and the lowest informal rating

at the last election, which speaks volumes for the people there.

The Hon. C.J. Sumner: We shall have to try after this forthcoming election to identify the reasons for the informality; that is, as between deliberate and otherwise. In answer to a question by the member for Briggs, I gave details of the reduction in informality that has occurred since the change in legislation in 1985, which has been quite significant.

Mr S.G. EVANS: We are told that Sacon will not have the electoral rolls on computer disk until the end of October. Where does the responsibility lie for that long delay? Originally we were told that this material would be available, if not in July, in early August. Then we were told that it would be available towards the end of August. Three or four weeks ago—I did not check this with the department—I was told that it would definitely be available before the end of September. At one stage the reason for the delay, if I remember correctly, was that the officer in Sacon who was handling it had taken annual leave. By the end of October, of course, it can become virtually valueless to any member coming into the forthcoming election who wants to use it if the election is held just after that time. Of course, we do not know the date. There has been a very long delay in getting this material to us. Have there been problems within the Electoral Department in putting it together, or has Sacon found other things to occupy its mind?

The Hon. C.J. Sumner: I understand that the difficulties are not so much in the Electoral Department as with the program capacity in the Government Computing Centre.

Mr S.G. EVANS: It may be a Commonwealth or a State decision as to what is happening. Originally we received copies of rolls which gave details of people's birth dates, sex and occupations. I raised the matter of birth dates with the department. I thought that should not be on material that is made available to anybody. Just after that we also had the removal of the sex of a person. I was told that it was because of discrimination. Members often wish to write to their constituents, but it really is not possible for us to write to someone and identify them by their Christian names. People can be offended by that. If you use initials, that is also difficult. It may not come under this department, but could we know why we have eliminated the male and female bit and the occupation? I do not think there is any discrimination in those areas.

The Hon. C.J. Sumner: This matter was addressed initially by the Commonwealth Standing Committee on electoral matters. It has conducted two reviews over the past few years. The decision to delete birth dates, sex and occupation from the electoral roll was taken as a result of the recommendations of that committee. I am not sure whether that recommendation was agreed to by all parties. Nevertheless, it was a recommendation by a Commonwealth parliamentary committee which was accepted by the Commonwealth Electoral Commissioner, and it has been accepted here in South Australia. It would be possible for South Australia to produce electoral rolls for its purposes with the occupations and other information on them, even though the Commonwealth is not doing it, but that would be at extra cost, of course.

I understand that the basis for the decision to delete this information from the electoral roll was essentially a privacy consideration. It is probable that the dissemination of that information would be contrary to the privacy principles that I mentioned earlier. The current position is that neither the Commonwealth nor South Australia now provides that information. The recommendation was made by a Commonwealth parliamentary committee and in South Australia it was picked up, but reinforced by the fact that privacy considerations would normally dictate not making this information available generally to the public.

Mr S.G. EVANS: I do not expect a straight 'Yes' or 'No' answer from the Minister on this—that would be unreasonable—but I believe there is a need to look at this area. If there were joint discussions between all the parties involved and a joint policy, does the Minister think that would have some merit?

The most critical thing when it comes to privacy is to publish one's address. One's name, sex or occupation does not matter that much, but one's address does when it comes to privacy. Yet I believe that the Act obliges one to register one's address and name, and in 95 per cent of cases the name identifies the sex. However, in a small percentage of cases it does not. If we are worried about privacy, I suggest that an Act that compels people to register their names contravenes privacy more than anything. Let us consider how that could be exploited. A woman may live alone at a certain address, and a person of evil intent in certain areas of human activity could probably identify that lady from the electoral roll. If it is possible for the Act to make it compulsory for the department to have the name and address on the electoral roll, surely it could be amended to say that part of the obligation is to register a person's occupation and sex. I believe that birth dates are totally out. Will the Minister comment on that, knowing that there has to be a joint Party discussion on this?

The Hon. C.J. Sumner: Addresses must be there because they are absolutely essential for the integrity of the system.

Mr S.G. EVANS: They don't have to be there.

The Hon. C.J. Sumner: I think they do. Maybe members of the public might wish to object, which is possible under the Electoral Act. It is generally considered that, for proper identification of the individual, an address is an essential part of the integrity of the system, so the public interest in the integrity of the system takes over from the privacy concerns. However, there is no need in terms of the integrity of the system to include sex, date of birth or occupation on the public roll. It may be more convenient for members of Parliament to know the occupations of their electors. It probably means that your direct mailing can be done a bit more effectively. I am not sure whether it is necessary in the broad public interest. Certainly, the Commonwealth Joint Parliamentary Committee did not consider it necessary, and that was the position taken up in South Australia.

If all Parties got together, including the Independents, and made a submission to the Electoral Commissioner, he would consider it, but you would have to overcome the fact that we do have a privacy committee operating in South Australia. Someone might complain to that committee that making all that information available was contrary to privacy principles, and it may be that the privacy committee would uphold that objection. Privacy principles are not in legislation: they are in administrative guidelines which should operate within Government departments. If they are to have any integrity, as few exceptions as possible should be made to them. All I can say is that the Commonwealth has taken off this material; South Australia has agreed; and that position is reinforced by the privacy principles which have recently been promulgated. If all Parties in the Parliament are agreed that this information should be provided, and they made an approach, it would be reconsidered, but it would have to be reconsidered in the context of the privacy principles. As I have said, the privacy committee may have something to say about it.

Mr D.S. BAKER: As the Minister would be aware, we are one of the few countries in the world that has compul-

sory voting, and that applies also in South Australia. How many people did not vote at the last State election; how many received 'please explain' notices; how many were issued with summonses; how many convictions were obtained as a result of those summonses; and what was the cost of these actions to the taxpayer?

The Hon. C.J. Sumner: My recollection is that the honourable member has asked that question at a previous Estimates Committee and has been provided with an answer.

Mr D.S. BAKER: The first question was answered but I have no information on the last points.

The Hon. C.J. Sumner: We will have to try to get that information. The honourable member says that we are one of the few countries in the world that has compulsory voting. In fact, a large number of countries in the world have compulsory voting. We are not alone by any means. Some very prominent democracies have compulsory voting.

Mr S.G. EVANS: Do the Minister or any of his departmental officers know of any way to speed up the process of getting the electoral rolls on to computer equipment and available, so that we do not have to wait another six weeks?

The Hon. C.J. Sumner: I can understand Lower House members being anxious about this material. I will ask the Electoral Commissioner if he will see whether the situation can be speeded up.

Mr S.G. EVANS: There has always been an unfair practice in our system. A member of Parliament or a member of a political Party who has an interest in becoming a candidate is able to get the updates of electoral rolls either as an individually elected member or through the material made available to their Party in the Upper House, if they have representatives in both Houses. I understand that those persons in the community who may be interested in running for politics, to whom it is just as important to have this material updated with changes in the population within the electorate, are not able to get that material until the roll is updated prior to each election. In the case of the last Federal election, there was no updated roll in booklet form. I do not know what will happen with the forthcoming State election.

Is there any reason why the updates cannot be made available, even if they are on computer sheet printouts? Maybe the computer equipment could be fitted into post offices. That material would then be available to people who take an interest in politics, because it is a distinct advantage for political Parties at the moment and an obstacle to those who wish to run independently. They have a hard enough fight in finding resources anyway, without being denied the beneifit of public expenditure in this area.

The Hon. C.J. Sumner: I suppose we could deal with the problem by not providing the material to members of Parliament. That would place everyone on the same footing.

Ms GAYLER: How are we supposed to service our electorates?

The Hon. C.J. Sumner: That is the basis of making a distinction between members of Parliament and other members of the public.

Mr S.G. EVANS: On the last occasion when I ran as an Independent, I had updates of three areas because my electorate covered three areas. I claimed for the three of them, and it took some arguing, but it was successful. Why did the Minister respond by saying that he would stop providing it to members? Why cannot such material be made available at the post office, as has been a practice for as long as I know? The roll is there: why not make the more up to date material available at the post office in this modern day and age when we have computers and can run off the sheets?

The Hon. C.J. Sumner: First, post offices do not receive the street order printout; they receive the alphabetical list. Obviously, a substantial cost is involved in providing to every post office in this State on an ongoing basis the updates of the electoral rolls. In a great majority of cases, people would make no use of them. I believe it is a practical solution to a problem. Undoubtedly making it available that post offices, or more generally would be expensive.

Mr S.G. EVANS: What about the Electoral Department itself? What if there was a copy there a person could go and peruse?

The Hon. C.J. Sumner: A public register is available in the 13 divisional offices, which is updated daily.

Mr S.G. EVANS: And that is available for inspection.

The Hon. C.J. Sumner: Yes, and available for inspection.

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

Corporate Affairs Commission, $6 376 000

Chairman:
The Hon. G.F. Keneally

Members:
The Hon. A. Allison
Mr D.S. Baker
Mr M.G. Duigan
Mr S.G. Evans
Ms D.L. Gayler
Mr M.D. Rann

Witness:
The Hon. C.J. Sumner, Minister of Corporate Affairs.

Departmental Advisers:
Mr G.T. Grieve, Acting Commissioner, Department of the Corporate Affairs Commission.
Mr T.J. Bray, Assistant Commissioner (Services).

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

The Hon. H. ALLISON: The Program Estimates (page 123), under 'Corporate Affairs', refers to a High Court challenge being made: when is that High Court challenge to be heard? When is the decision likely after that? Has the Commonwealth given any indication of the time frame within which it wants implementation of its scheme if it wins? If the Commonwealth wins part of its case, is the State then considering capitulating on that part of the current law over which it retains constitutional power—that is the State?

The Hon. C.J. Sumner: The Commonwealth wants to have its scheme operating by 1 July of next year. The State of South Australia, along with New South Wales, Queensland and Western Australia, has issued proceedings in the High Court to determine the constitutional validity of the package of legislation passed by the Commonwealth. It is expected that the matter will be heard in the High Court in October. It is not possible to say when a judgment might be given, that will depend on the complexity of the case in October, how long it takes and how many issues are dealt with.

It has been proposed—and I think now agreed by all the States concerned and the Commonwealth—that the High Court should be asked to consider, initially, what is generally considered to be the central issue in the case—that is, the Commonwealth power to regulate the incorporation of companies and therefore the power to regulate their internal

affairs. It is agreed that, if the Commonwealth fails on that issue, its legislation will fail substantially. If, on the other hand, the Commonwealth wins, it is a fair way along the track to having the validity of its legislation upheld. If the Commonwealth wins, the States could challenge on a number of the issues or may wish to have them considered. The agreement to hear that central issue has been without prejudice to the States continuing with the other aspects of the challenge at a later date. However, obviously, the position of the States and, indeed, the position of the Commonwealth would have to be reviewed after the decision on that central point.

As it appears that everyone has agreed—including the High Court—to hear the case on that central point initially, I expect that a decision could be given by the High Court reasonably quickly, because the issue is fairly narrowly confined. However, once that decision comes down, the States would have to consider their position—whether to go on and challenge the rest of the legislation, or whether to cooperate to underpin the Commonwealth legislation. Whether we will do that will depend on a number of factors. The South Australian Government will not be in the business of spoiling just for the sake of tactical reasons. We think it is important that the matters be resolved quickly, in the interests of the business community of Australia and everyone else. However, the extent of any further challenge or of future cooperation by the States with the Commonwealth, would need to be determined after the High Court has made its decision on that central point.

A decision on those issues would need to take into account the Commonwealth's attitude to, for instance, loss of revenue that the States will sustain by a Commonwealth takeover, and other matters that the Commonwealth would need to consider, such as whether it will take over the staffs of the Corporate Affairs Commission; what its attitude will be to taking over the computerised system which the State has put in place; and generally what compensation might be available to the States for the Commonwealth takeover.

The Hon. H. ALLISON: On page 123, under 'Issues and trends', the Program Estimates states:

> Requests for additional resources which have been initiated as a result of new and additional workload factors will be subject, in part, to clarification of the impact of Commonwealth legislation on the department.

What additional resources have been requested, in which areas will they be used and what will those resources cost? I note that last year Corporate Affairs spent $5.439 million out of $14.647 million raised, and this year it proposes to spend $6.376 million out of an estimated $17.317 million to be collected. Will the request for additional resources mean additional taxation?

The Hon. C.J. Sumner: It will not mean additional taxation, because the Corporate Affairs Commission is in the black to the extent of about $10 million in terms of the cost of running the Corporate Affairs Commission compared with revenue obtained from the fees charged. That, of course, is the amount of money which will be lost if the Commonwealth takes over. Similar but proportionately larger amounts will be lost in the other States.

The additional workload has arisen out of the rearrangement of the NCSC's work operations, which has meant that it has delegated more work to the local Corporate Affairs Commissions. Additional resources have been sought in the investigation area. State Treasury has approved an extra 10 people to deal with these matters. However, they have not been taken on board at this stage, because of the uncertainty surrounding the future of the scheme, so no additional resources will be added to the Corporate Affairs Commission until the validity or otherwise of the Commonwealth legislation is resolved.

The Hon. H. ALLISON: The Minister said that no additional resources would be added anyhow, but concern has been expressed to me and my colleagues from within the business and professional community about delays in processing documents lodged within the corporations. How long does it take to process an incorporation, and how long does it take to process a prospectus, for example? Perhaps the additional resources will be needed.

The Hon. C.J. Sumner: I understand that some delay has been caused by the introduction of the computer system, but now that it is in place those delays should not recur. The Corporate Affairs Commission has not had many complaints about delays and, generally, it is fair to concede that the South Australian Corporate Affairs Commission is well regarded as far as its effectiveness and capacity to deal with its workload are concerned. It would clearly not be very prudent to engage additional staff for six or eight months if, at the end of that time, the staff would not be needed because the Commonwealth would have taken over the scheme.

Ms GAYLER: My questions relate to the program 'Industry/occupational licensing and regulation' on page 122. Has this area of the commission taken part in the review of business regulation with a view to rationalising and reducing any unnecessary areas of regulation that might have been identified? I believe that various regulations have a deadline for review and a termination date, and that progressively business controls are being reviewed.

The Hon. C.J. Sumner: Most of the legislation administered by the Corporate Affairs Commission is exempt from that requirement, because it is uniform cooperative legislation. Those targets would apply to some Acts administered by the commission, such as the Cooperatives Act, Building Societies Act, Credit Unions Act and Business Names Act. I assume that the commission is cooperating with the deregulation adviser to ensure that the appropriate review procedures are carried out.

Ms GAYLER: What is expected to be achieved by the 29.4 per cent increase in funding in the industry/occupational licensing and regulation area which is going mainly into increased staff resources?

Mr Bray: That increase largely covers internal resource transfers for the purpose of further inspection work regarding the industry and, generally, an aim of increasing the effectiveness of work in that program. I repeat: it is an internal resource allocation and not new additional staff.

Mr RANN: I note from page 123 that it is proposed to increase resources to ensure an effective ongoing program in relation to both court and administrative action to disbar delinquent directors. Is that becoming an increasing problem?

Mr Grieve: That relates to a new section of the Companies Code which allows us to remove directors from companies where they have been involved in a series of failed companies. We have been waiting for some court decisions in New South Wales to determine the extent of our powers. Now that we know what they are, we are setting up a program to remove those types of directors.

Mr S.G. EVANS: In relation to corporate affairs (page 123 of the Program Estimates), how many insolvency investigations were commenced within six months, nine months, 12 months, and longer than 12 months, and how many were resolved within one year, two years, three years, and longer than three years, from the commencement of the investigation? How many investigations have there been in the Corporate Affairs Commission in each division for the past

12 months, to the end of June 1989? I am happy for that to be taken on notice.

The Hon. C.J. Sumner: We will take those questions on notice.

Mr S.G. EVANS: I refer to a letter from Piper Alderman. I do not wish to make any judgment on the client referred to in that letter and I will not mention the client's name. That is for other people, and I do not make any judgment on the representatives of the commission. However, I am told the practices referred to in the letter from Piper Alderman is common and involves a basic principle which should be objected to and not be allowed to continue. In relation to a matter heard before a member of the commission on 24 May of this year, Piper Alderman sent this letter, dated 27 June 1989, to the Acting Commissioner, Corporate Affairs Commission:

> Although we do not now act for [the client], we wish to record some unsatisfactory features of the handling by [the commission's representative] of the commission of the interview of [the client] at your office on 24 May 1989 and events prior to and shortly thereafter.
>
> The matters we wish to raise are:
>
> 1. The refusal by [the commission's representative] to permit [the client] to make his own tape recording of the interview. We can see no reason why this could not be done. It would be at no expense to the commission, and there would be less inconvenience to the course of the inquiry than the alternative methods of making notes of questions, frequent adjournments, and the like.
>
> Moreover, it is not sufficient to rely on the accuracy of the commission's transcript. That the accuracy of the commission's transcript is suspect is demonstrated by:
>
> *(a)* the apparent inexperience of the officer recording the interview—he did not appear to be at all familiar with the equipment;
>
> *(b)* the avowed intention of [the commission's representative] to 'edit' the transcript which would eventually be supplied to [the client] which automatically means that the accuracy of the transcript cannot be guaranteed; and
>
> *(c)* the errors in the transcript supplied to [the client] under cover of the Commissioner's letter of 9 June. For example, to the recollection of our [solicitor] and of [the client] there was no adjournment such as recorded at the bottom of page 10. Further, the 'edited' transcript does not accurately record the exchange between our [solicitor] and [the commission's representative] at the end of the interview (page 18). Our recollection is that [the commission's representative] said words to the effect that he was going to issue a certificate stating that [the client] had refused to answer questions, and that the matter would be heard in the Supreme Court. He further indicated that the inquiry would be adjourned until that issue, meaning the Supreme Court prosecution presumably, had been resolved;
>
> *(d)* finally, a further instance of the unreliability of the commission's transcript is the fact that at page 13 certain words were not recorded by the commission tape recording.
>
> 2. We also take issue with the decision by [the commission's representative] after lunch to refuse to permit to continue the practice which he had allowed before lunch, namely the transcribing manually by [the client] of each question and of his answer to each question. It would appear that [the commission's representative] change of decision was not justified, and on the face of it could not be justified, which indicates that the decision was capricious.
>
> 3. We also say that the decision was wrong. The News Corporation case extract from which [the commission's representative] quoted does not purport to lay down a code of conduct for all inquiries for all purposes. We suggest that where the inaccuracy of the commission transcribing has been demonstrated, and where the commission indicates a willingness to 'edit' that transcript, the ground rules which might otherwise apply to the News Corporation inquiry would not apply. We repeat the matters referred to in paragraph 1.
>
> 4. We also bring to the commission's attention the fact that by the end of the interview [the commission's representative] appeared to have lost his objectivity. He adopted an aggressive manner. It appeared that his decisions at the end of the inquiry were made in haste—certainly without a mature judgment of the considerations which properly should actuate him if he is entrusted with the responsibility of conducting an inquiry under the National Companies and Securities Commission Act.
>
> We believe that these matters justify an explanation to our client. If you reply to this letter we shall convey the contents to [the client].

The solicitors who wrote this letter were not acting for that client; it relates to a matter of principle. What resolution does the Minister intend seeking on these matters and when?

The Hon. C.J. Sumner: I will ask the Commissioner to deal with the matter as soon as he possibly can.

The Hon. H. ALLISON: I refer to the following specific target/objective at page 123:

> The objective of commencing prosecutions within one month of receipt of the investigation brief has not been achieved in all cases. In general, the move to the more complex prosecutions have required additional time.

In how many cases was the commencement of prosecutions within one month of receiving the investigation brief achieved; and in how many cases was it not achieved? What were the figures for the years ending 30 June 1987 and 30 June 1988? I am happy for the Minister to take these questions on notice.

The Hon. C.J. Sumner: We will take those questions on notice.

The Hon. H. ALLISON: Further I refer to:

> The objective of initiating a more effective program to disbar delinquent directors has been partially achieved.

There is concern that directors of insolvent companies are generally able to start up new companies to continue fleecing citizens. How does the commission measure its success in partially achieving its objective to disbar delinquent directors? Can the Minister say how this program is administered and how it is proposed to upgrade the program?

Mr Grieve: It has been achieved only partially because we have not been through the full list of directors who have been involved in more than two insolvent companies. We are upgrading it by putting more resources into it. As I explained before, the problem has been knowing exactly what the law is relating to this particular section of the code. Now that it has been litigated in superior courts in New South Wales, we are able to deal with it in a more expeditious manner.

The Hon. H. ALLISON: I refer to 'Major resource variations' at page 123 of the Program Estimates:

> Increases in accommodation and service costs, funding for briefing out of work to legal practitioners and legal indemnity costs . . .

Will the Minister advise how many cases were briefed out to private practitioners and how many were handled in-house? What was the cost of each and what criteria determine whether or not a matter will be briefed out?

Mr Grieve: I cannot say how many we handled last year, but one was briefed out. The criteria generally relate to the complexity of a matter and whether or not prosecutors in the commission are available to handle the matter.

Mr RANN: Recent news in the United States indicates an increase in reported white collar crime, insider training, and so on. Is there much difference between the States in Australia in terms of what is happening in that area and in criminal breaches of these acts?

Mr Grieve: During the past financial year, particularly as the effects of the stock market crash have started to show, we have seen more major collapses and instances of major white collar crime in New South Wales, Western Australia and Queensland. South Australia to date has not had this type of criminal activity that we have seen in Western Australia and New South Wales.

Mr S.G. EVANS: How many matters were received by the investigation division for the years ended 30 June 1986,

1987, 1988 and 1989 and how many were resolved in each year and with what effect? How many were unresolved at the end of each year?

The Hon. C.J. Sumner: I refer the honourable member to the annual reports of the Corporate Affairs Commission for the past two years. The 1988-89 annual report, which will be available shortly, will contain figures for that year.

Mr S.G. EVANS: I refer to page 124 of the Program Estimates. Is there a difficulty in recruiting suitably qualified staff? Is this division and all others up to strength with qualified staff? It states:

> There has been a decrease of 19.3 per cent in transactions proccessed per employee involved in the registration of business names and related documents since 1986-88. Utilisation of experienced staff in the information supply computer project prior to the implementation in June 1989, was a major factor in processing less transactions during 1988-89 relative to previous years.

That tends to suggest that maybe there is difficulty getting enough qualified staff to carry out the duties.

Mr Bray: The reference to experienced staff in that context means staff who are sufficiently experienced with the general processing, including business names processing within the office, to be able to directly contribute to the implementation of the computer project. It reflects a peak of work over a relatively short period, namely, between about March of this year and the end of the financial year. It is not a matter of lack of qualifications to do the type of work within the program.

Mr S.G. EVANS: Page 125 of the Program Estimates refers to the objective of the Cooperatives Advisory Council report on proposed amendments to the Cooperatives Act to improve its operation not being achieved due to the public's low response to draft proposals. It talks of a draft Bill proposing amendments to the Associations Incorporation Act being submitted to the Government. Is it proposed that there will be amending legislation on cooperatives and does the low response to the draft proposals suggest general satisfaction with the Act? What changes are proposed for associations? What public consultation will take place regarding that proposal?

The Hon. C.J. Sumner: There does not appear to be any major or real dissatisfaction with the operation of the Cooperatives Act. However, a number of areas have been looked at. One of concern is the takeover of cooperatives and it is possible we will see legislation dealing with that and other issues this financial year.

The Hon. H. ALLISON: Page 126 of the Program Estimates states:

> The department will participate in a national market study funded jointly by all State Commissions to research information needs of Corporate Affairs Commission clients.

What is the nature of the national market study and will the Minister tell us what will be the cost, who is to be targeted, will the questions and results be made public and when is the study to be conducted?

The Hon. C.J. Sumner: The study will not be conducted because of the uncertainty surrounding the existing cooperatives scheme. Until such time as that is resolved, no State feels justified in putting any resources into such a survey. Presumably if the current cooperatives scheme is maintained the project will be revived next year.

Mr S.G. EVANS: I have a concern about the number of people who appear to go insolvent, even though they may be running other companies. Companies are entities in themselves. Often small operators suffer, particularly in the building trade. Is the Minister's department finding an increase in the number of smart alec business people who, while appearing to run a company, find some way of bleeding off money and making sure their other companies are working effectively, thereby leaving small or large operators suffering at the end of the line? Does the Minister have any thoughts on how the increase can be attacked or is the new legislation, where directors can now be held responsible, strong enough to overcome most of the areas of concern to many small business operators who cannot afford to go to court all the time to argue about amounts of money that they also cannot afford to lose?

Mr Grieve: There are probably two new sections in the code that will attack this problem. The first is section 229A which makes directors of trading trust companies responsible should they breach their fiduciary duties; and the second is section 562A, to which I alluded before, and which allows us to blacklist directors who are involved in companies that become insolvent. We think that the increased use of 562A will be a deterrent.

Mr S.G. EVANS: As a supplementary question, has there been an increase in the number of people who appear to have more than one company but one goes bankrupt?

Mr Grieve: Insolvencies have increased, but we do not know whether that type of activity has increased. With the downturn in the economy, one would expect insolvencies to increase.

Mr D.S. BAKER: A feedlot operator at Murray Bridge was declared bankrupt on 30 May 1989 for $700 000. Some six weeks later he received a Department of Agriculture re-establishment loan of about $28 000. In those situations is there some inter-departmental exchange of information? That person was also being investigated by the Fraud Squad, so other Government departments should have been able to monitor the situation in order to safeguard public funds. I do not know the name of the company but I do know the gentleman's name.

The Hon. C.J. Sumner: If the honourable member supplies us with the details, we will provide a response.

Mr D.S. BAKER: A Government department paid $28 000 to someone who went bankrupt the previous month while being investigated by the Fraud Squad. I would have thought that, when he was declared bankrupt, Government departments would have exchanged information. The person concerned is Mr Fabian.

The Hon. C.J. Sumner: I will have some inquiries made, but all information relating to current police investigations is not made available automatically to other Government departments. Clearly, police investigations involve a degree of confidentiality which must be maintained even in relation to other arms of Government. I would have thought that, if it had reached the stage where the individual was charged, other Government departments would have been advised. However, at the point of investigation police tend, quite properly, to keep the information to themselves while that investigation is proceeding. I will try to ascertain the circumstances in this case and provide a reply.

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

Works and Services—Department of the Corporate Affairs Commission, $1 080 000—Examination declared completed.

Public and Consumer Affairs, $21 465 000

Chairman:
The Hon. G.F. Keneally

Members:
The Hon. H. Allison
Mr D.S. Baker
Mr M.G. Duigan
Mr S.G. Evans
Ms D.L. Gayler
Mr M.D. Rann

Witness:
The Hon. C.J. Sumner, Minister of Consumer Affairs.

Departmental Advisers:
Mr C. Neave, Director-General, Department of Public and Consumer Affairs.

Mr P.F. Young, Deputy Director-General.

Mr A. Martin, Acting Director, Resources.

Ms J. Tiddy, Commissioner for Equal Opportunity.

Ms J. Taylor, Secretary to the Minister of Consumer Affairs.

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

Mr S.G. EVANS: I refer to the Program Estimates (page 137) and the reference to the increase in the wholesale price of petrol. The retail price of petrol and oil is considerably greater in the country areas than in the metropolitan area than is justified by the freight differential. What action does the Government plan to take to rectify this? Will it approach the Federal Government about freight differential support? How many officers are present in the Prices Division, and at what levels?

The Hon. C.J. Sumner: There are three people in the Prices Division. As the honourable member would know, the wholesale petrol price is set at the national level and with South Australia merely following that price. The retail price is not subject to control and, as people would realise, it varies considerably depending on discounting. It is true that there is less discounting in country areas than in city areas and that sometimes gives the impression that there are great differences—and perhaps sometimes there are great differences—between prices in the metropolitan area and the country areas. Inquiries conducted in the past on this issue do not support what the honourable member has said. Indeed, the freight subsidy that is permitted does not cover the total cost of distribution in country areas.

In the past, findings have indicated that, despite the disparity between the metropolitan and the country prices, if the true cost of distribution in the country were allowed, and there was no cross-subsidisation from the city to the country, then the price in the country would be higher than it is at present. Whether that still applies could, perhaps, be questioned. Certainly, inqury conducted by the PSA some years ago established that there was a cross-subsidy in petrol distribution from the city consumers to the country consumers. As I said, I cannot say whether this is still the situation; it certainly was three or four years ago according to the PSA. I should also mention that the PSA is conducting a public inquiry into national petrol prices, with public hearings commencing on 25 July 1989. Therefore, people who are concerned about the level of petrol prices should accept the invitation from the PSA to make submissions.

Mr S.G. EVANS: The Minister had me wondering; I thought he was referring to the Public Service Association. I think it should be recorded that he is in fact referring to the Prices Surveillance Authority. The Program Estimates stated that the department has suggested the deregulation of the security industry to remove any guidelines for licensing of operators in the industry, except the requirement to be a 'fit and proper person' in regard to fitting alarm devices, locks, and so on, and other protection. It was proposed that any requirements as to skill training and so on should not apply. This is despite representations made by the Security Industry Association and the Security Institute. The police testify that about 85 per cent of call-outs to alarms are false alarms, which indicates that some degree of skill in the fitting of these alarms should be exercised. What is the Government policy with regard to the licensing of operators in the security industry?

The Hon. C.J. Sumner: That issue currently is the subject of consideration. I received representations from the security industry only a couple of weeks ago. The licensing requirements for both security alarm agents and crowd control is planned to come into force on 1 December 1989. The timing was chosen to allow time to consult further on the scope of the security alarm licensing system and on the development of training and standards requirements in this field. The recent formation of a Security Industry Consultative Committee—which in fact is what the industry put to me when it saw me a few weeks ago and which has now occurred—is a helpful development in this process. The Government recognises the need for improvements in the security alarm industry but is anxious to achieve them with a minimum of regulatory apparatus.

With respect to skill and experience requirements, under the Commercial and Private Agents Act the Commercial Tribunal has ruled that it cannot consider the skills or experience of licensed applicants until standards are prescribed in the regulations. This interpretation was not expected. Mechanisms for reintroducing consideration of skills and experience are being assessed. Licensees who have not been subject to such consideration will be able to be monitored and will be subject to standards of competence that are established in codes of conduct.

Mr S.G. EVANS: Page 136 of the Program Estimates concerns fair trading. The estimated inquiries expected to be received in 1989-90 is greater than occurred in previous years. What is the reason for this? Despite the increase in the estimated number of inquiries there is a drop in the estimated number of complaints to be investigated. I cannot tie these two matters together.

The Hon. C.J. Sumner: Earlier this week I opened the information office of the Fair Trading Division of the department on the ground floor of the GRE Building in Grenfell Street. This office will provide a shopfront for consumer complaints and for people seeking information about occupational licences. Because this shopfront office has been designed in such a way that more inquiries can be dealt with by getting in touch with traders and dealing with them on the spot, it is hoped that fewer formal complaints will be lodged and, therefore, investigated.

Also, I am advised that the department has recently upgraded its telephone service, and it is expected that more matters will be able to be dealt with by telephone. If all that happens, fewer formal complaints will need to be lodged and investigated because, with the new upgraded telephone system and the new Office of Fair Trading, it is hoped that more matters will be able to be resolved by conciliation over the phone.

Mr DUIGAN: The program relating to fair trading refers to the default of a number of land brokers acting as mortgage brokers. What proportion of the funds lost by people

who invested with land brokers who defaulted has been paid out so far?

The Hon. C.J. Sumner: In this financial year, $5.8 million has been paid out from the Agents Indemnity Fund for claims, $38 000 for accounting and legal fees, $302 000 for administration costs and $50 000 to the REI for education programs.

Mr DUIGAN: I accept those global figures for the amounts that have been paid out. Does that represent the full value of the funds lost by those people who invested with those land brokers and, if not, what rates in the dollar have now been paid to the people who have lost money as a result of that fiduciary default of these landbrokers?

The Hon. C.J. Sumner: Compensation has been paid in respect of the following individuals:

L.A. Field: all claims have been paid.

Vin Amadio & Co. Pty Ltd: all claimants located have had their claims processed. (Two could not be found.)

Kearns Bros (Real Estate) Pty. Ltd: all the valid claims arising out of the fiduciary default by Kearns Bros (Real Estate) Pty Ltd have been paid in full.

Richard Walter Neagle: only one claim was made in relation to the fiduciary default by Neagle. That claim was paid in full on 5 December 1988. the amount paid was $20 000.

Ross Daniel Hodby: claimants have received a payment from the Official Receiver amounting to 35.3 cents in the dollar of their claim. That payment was made on 6 October 1988. Subsequently, the Commissioner paid an instalment to claimants being 60 cents in the dollar of the balance of their claim (after deducting the payment made by the Official receiver). The Official Receiver still has slightly more than $1 million to collect, most of which will be paid to the fund (because the Official Receiver will still be responsible for making payments direct to persons who have not claimed on the fund). The amount remaining to be paid to Hodby claimants is $2 640 000, which includes some claims yet to be determined.

Trevor Raymond Schiller: most claimants have been paid an instalment from the fund, amounting to 60 cents in the dollar. However, a number of claimants have investments arranged by Schiller which are secured by mortgages over properties, but they are unable to effect mortgage sales of the properties because of the effects of an injunction taken out by some of the claimants freezing the assets of Schiller's wife, who also has an interest in the affected mortgages. The amount remaining to be paid to Schiller claimants is $918 000, which includes some claims to be determined.

Swan Shepherd Group of Companies: assessment of all claims to the Commissioner has been completed. All claims considered valid have been paid a dividend of 60 cents in the dollar. Of those considered not valid, nine claims have been referred to the Commercial Tribunal as test cases. The tribunal selected one to be heard as a representative case, but as yet no decision has been handed down. The amount of outstanding claims (including those yet to be determined by the tribunal) is $3 290 000.

Peter Francis Warner: twenty-two claims arising out of alleged fiduciary default by Warner have been received. The total amount claimed is approximately $150 000. The Commissioner is not yet in a position to commence assessing the validity of the claims as the administrator is still trying to identify ownership of moneys in the trust account.

Robert James Nicholls: Twenty-six claims on the fund have been received, totalling approximately $910 000. The Commissioner is not yet in a position to commence assessing the claims.

There is one further defaulter, Brian Winzor and, without going into all the details of that individual's selection, I indicate that, unfortunately, in excess of $5 million may have been misappropriated. Claims have been lodged on the Agents Indemnity Fund and are being investigated.

Mr DUIGAN: I should like to take up some points that arise from that. The three that occur to me immediately are, first, whether there are sufficient moneys in the indemnity fund to cover all the outstanding claims that are being made against those who have been defaulting.

The Hon. C.J. Sumner: The answer is 'No'.

Mr DUIGAN: Secondly, what is the sequence by which people are compensated for loss? I see that the first of those who were defaulted by Hodby still have $2.6 million outstanding. People have defaulted since, but the Hodby creditors still have not been compensated. Is there some procedure which works out who will be compensated and at what rate? Finally, are the procedures now in place adequate to ensure that, as far as can be guaranteed, there will be no further default by people operating in this way?

The Hon. C.J. Sumner: The sequence of payments has generally been in order of their lodging. I indicated over 12 months ago that I hoped that those who had lost money as a result of these defaults would be paid in full and I was confident that would happen, but I said that that was subject to there not being any further claims on the fund. Since then we have the Windsor claim which has been estimated at $5 million. I cannot say at this stage whether that $5 million will be a claim on the fund. It may be that money will be able to be recovered by the Official Receiver. Whether that $5 million will be reduced by amounts that can be recovered by the Official Receiver we cannot say at this stage. The aim still is to pay 100c in the dollar.

It is worth noting that, as a result of the amendments proclaimed in the Land Agents, Brokers and Valuers Act in February 1988, it is now necessary for all trust moneys received to be deposited in interest bearing trust accounts at financial institutions, such institutions being approved by the Commissioner for Consumer Affairs. That has meant that in the year ended 30 June 1988 a sum of $570 000 was paid into the fund from interest on trust accounts. In 1989 that was $3 247 000. If that legislative change had not been made, the notion of paying out 100 per cent would have been pie in the sky. With $3 million coming in each year, hopefully over time the claims will be paid. But I think that the Parliament will have to address this question at some stage in future, because this fund is, in effect, being used as a guarantee to any investment that is made through a land broker.

I am not sure whether it can continue. The Act and regulations are being reviewed at present to examine that particular issue. However, what will have to be decided is whether or not the Parliament feels this agents indemnity fund should be used forever for this particular purpose. Clearly, it has to be used in these cases because commitments have been made to that effect. However, a view is emanating from the real estate industry and the land brokers themselves that the agents indemnity fund was not designed for people who lose money—albeit through fraudulent behaviour—through the investments made by so-called finance brokers.

If the system is to be changed, obviously notice has to be given of that. The land brokers are certainly keen to try to see their activities—that is, those who are doing pure land broking work—separated from the so-called land brokers who become finance brokers. I believe everyone would

have to agree that the situation that has occurred with all the defalcations that I have read out is absolutely unacceptable, and it is quite staggering that these people have used public moneys—initially it has been their clients' money—for their own ends. They have now been compensated by the money put in by the industry, which I suppose is legitimate.

It staggers me that people have been able to become involved in this fraudulent behaviour over such a long time. Obviously, we now have to look at the future of the fund, and also the future of the relationship between land broking and finance broking activities.

The Hon. H. ALLISON: With the regulations covering mortgage brokers coming into effect on 1 January 1989, has the department undertaken any surveillance of those land brokers who are known to be mortgage or finance brokers? If the answer is 'Yes', can the Minister say what that surveillance has been?

The Hon. C.J. Sumner: At present, the Commissioner is seeking information from every land agent and land broker to identify all those who are engaged in mortgage financing. That information is currently coming in. Then the examiners employed in the Office of Fair Trading—and indeed some additional examiners employed on a contract basis—will develop a program designed to ensure that the trust accounting records of all mortgage financiers are examined in the space of three months. In the meantime, the examiners have been conducting examinations of the trust account records of some agents and brokers known to be operating as mortgage financiers. Once the trust accounting records have identified that mortgage financiers have been examined, the commission proposes that the records of land agents and land brokers will also be examined. This will take considerably longer, as there are many more land agents and land brokers than mortgage financiers.

It is expected that these actions will disclose those mortgage financiers, land agents and land brokers who are either in financial difficulty or have committed fiduciary default in relation to trust moneys held by them. This will obviously enable the Commissioner to take appropriate action at an earlier stage.

However, having said all that, it should be remembered that all these people are required to have their trust accounts audited by an auditor and to submit an audit report on them. Clearly, the auditors have not been able to determine the defalcations by an examination of the accounts. It just goes to show how difficult it is if people deliberately set out to defraud the public. Information can be concealed from auditors, and that is clearly what has happened. I understand that one agent kept the books he did not want examined or audited in the boot of his car, so he was able to present books to the auditor which were okay on the face of it, but defalcations were going on and were not showing up in the books that were being audited.

The Commissioner is obviously trying to go through and sort out who are involved now as mortgage financiers, but it should be borne in mind and emphasised that auditors have been involved in these cases and have not found evidence of default. One would hope that, as a result of the publicity about these matters, those audit firms engaged in auditing these types of operations now would be as thorough as they possibly could be.

The Hon. H. ALLISON: Referring to page 135 of the Program Estimates under '1988-89 Specific Targets/Objectives', it states:

> The review of the Casino Act has commenced and is almost complete.

It also refers to accommodation costs for the Casino Inspectorate and increased recurrent expenditure of $55 000. What problems have been identified with the Casino Act; has the review now been completed and, if not, when is it expected to be complete? If it is complete, can a copy of the review be made available?

The Hon. C.J. Sumner: The review has not yet been completed. When it is completed, it will go to the Treasurer who has the responsibility for the Casino Act. I am not able to indicate at this stage what problems might have been identified, nor indeed whether the review report will be made public. That would have to be a decision taken by the Treasurer when he considers the report.

The Hon. H. ALLISON: Is the review looking at the widening of gambling opportunities at the casino such as poker machines, and have any breaches of the law or conditions of the operating licence been detected?

The Hon. C.J. Sumner: No, the question of poker machines is not within the terms of reference of the review. I am advised that there have been no significant breaches; only matters of a minor nature.

The Hon. H. ALLISON: Page 134 of the Program Estimates states:

> Inquiries continue in the same level as recorded in 1987-88.

Can the Minister say how many inquiries were received in 1988-89, and how many of those were categorised as complaints? If possible, what is a break-down between the various areas of discrimination, for example, racial and sexual. I am happy for those questions to be taken on notice.

The Hon. C.J. Sumner: The total number of complaints in 1988-89 was 7 925, which is a 10 per cent increase on the 1987-88 report period. There was an increase in complaints regarding age discrimination and also matters relating to intellectual impairment. There was a high conciliation rate maintained with only seven cases referred to the Equal Opportunities Tribunal for determination. Increased complaints from Aboriginal Australians comprised 15 per cent of total complaints.

In the 1987-88 period that was 10 per cent. Complaints of discrimination in employment across all the areas comprises 56 per cent of the complaints. Sex discrimination across the whole level of complaints is the main ground (30 per cent), and sexual harassment remains a significant issue, with 15 per cent of complaints being in that category.

The Hon. H. ALLISON: The significant statistic is one which was not included there: what proportion of the complaints could be substantiated as against those which were dismissed?

The Hon. C.J. Sumner: I will take the question on notice and bring back a reply.

Ms GAYLER: As to the 'Standards Maintenance' program at page 139, I would like an explanation of the statistics that appear under 'Issues and Trends' in relation to packaging lines. I do not quite follow what those figures are meant to represent, and also on packaging I would like to know whether any thought has been given to a code of practice or some kind of mechanism for minimising unnecessary packaging, given the general community concern about wasted resources and disposal of wastes: paper and plastic, and the like.

Mr Neave: At the moment a review of regulations concerning packages is taking place and, whilst it is not possible to speculate accurately on the result of that review, it is likely that the number of regulations concerning the size of packages will be reduced in the future.

Ms GAYLER: The other part of the question sought some explanation of the statistics in the table on page 139. The

figure in relation to packaging lines has grown substantially to 17 000 (estimated) in 1989-90, but what does it represent?

Mr Neave: We will need to confirm the answer to that, but I think that it is a typographical error in that it should be 7 000 instead of 17 000. That is the number of inquiries that we have about packaging issues.

The Hon. C.J. Sumner: In respect of an earlier question about the inquiry into packaging, it is still to be determined whether or not there will be some deregulation of the requirements that currently exist relating to sizes, etc. Whether that will address the honourable member's problem about waste in packaging would be open to doubt. In any event, it may well increase the waste in packaging.

Ms GAYLER: The Minister would not rule that out as part of the investigation?

The Hon. C.J. Sumner: The investigation is not being carried out by us: it is a joint Commonwealth-State inquiry into packaging generally. Obviously, when the recommendations come out they will be the subject of public consideration, and matters that the honourable member has raised—namely, the potential for an increase in waste in packaging—will be considered as part of the public debate following the report of the review.

Ms GAYLER: I have a question about the new Fair Trading Information Centre, opened this week by the Minister. Are the advisory services offered by the centre capable of being used also as a mobile centre to visit other regional communities? I am thinking of regional shopping centres such as Tea Tree Plaza. Is it set up in such a way that a mobile advisory service can operate?

The Hon. C.J. Sumner: For some time the department has had a caravan which travels the State, offering services at various locations. If the honourable member is putting in a bid for the caravan for her constituents, we will see what can be done.

Ms GAYLER: I am sure the northern cities would also like to be considered.

The Hon. C.J. Sumner: It has already been there; the honourable member must have missed it.

Mr S.G. EVANS: I refer to housing indemnity insurance, which protects home builders. I draw the Minister's attention to a letter of 14 April, written to him by the Home Builders Protection Action Group. In it is raised a matter of concern. The letter states in part:

> Dear Mr Sumner,
>
> It would appear that the indemnity insurance, which was brought in as a result of this association's submission to you, and is now a compulsory requisite for domestic building contracts, has some anomalies. We would bring to your attention the following:
>
> Our member . . . on 12 August 1987 paid for an extended indemnity policy issued by the Housing Indemnity Australia Pty Ltd for work being undertaken on her behalf by [the builder], builder's licence No. . . . However, after work was undertaken by [the builder] and on presenting the certificate of insurance to Housing Indemnity Australia Pty Ltd [the client] was advised that the policy was of no benefit to her because Housing Indemnity Australia advised that they only recognised policies as defined by the Act, whereas hers was an extended policy which was not defined by the Act.

Has any action been taken in this regard and does the Act need to be amended? If so, is that intended?

The Hon. C.J. Sumner: I understand that the constituent to whom the honourable member refers has been made aware of what the department has done in this matter, having had a number of discussions with officers of the department. I will have the matter examined further and bring the honourable member up to date on the situation.

Mr S.G. EVANS: I hope that others do not face the same problem. I appreciate the Minister's cooperation in taking action and in giving me an update.

The Hon. C.J. Sumner: I am not sure whether the matter has been resolved, but we are pursuing it.

Mr S.G. EVANS: Page 137 of the Program Estimates states:

> The demand for late night entertainment on Sundays continues with many venues relying on the provision of 'sham meals' to circumvent the intent of the Liquor Licensing Act 1985. Hotels which do not satisfy the criteria for a late night permit are also reverting to this tactic.

What resources are being put into detecting breaches and what action is taken when a breach is detected and with what result?

The Hon. C.J. Sumner: I understand that two police officers have been seconded to the Licensing Branch to pursue breaches of the liquor licensing laws. One of the matters to which they are giving attention is this problem. As the honourable member is aware, this State's liquor laws were reviewed and legislation passed in 1985. A review is being undertaken at the present time to investigate whether or not any housekeeping amendments to the legislation are necessary. This issue will be examined as part of that review.

Mr S.G. EVANS: The last paragraph on that same page states:

> Noise and behaviour-related complaints emanating from licensed premises and public places have increased slightly, but the licensing authority has observed that most licensees adopt a realistic and conciliatory approach to such complaints.

I am aware of the difficulties for the department, for operators and for neighbours. In my own area a complaint has been lodged, but the complainant who bought a property adjoining a hotel knew that the hotel was there and how it operated. The property is on the fringe of residential and commercial areas. The purchaser wanted to use the premises for part-commercial and part-private activities, but the application was refused by the council. The purchaser then claimed that he could not use all the premises for private purposes because of the noise. I am aware that an objection has been lodged with the department about that matter. During the past three years how many complaints has the department received in this area and has there been a significant increase in the number of complaints?

Mr Young: During the past three years the number of complaints that have been subject to the conciliation process are as follows: 11; 11; and, in the previous financial year, 12. The increase has not been significant, but arising from this is the considerable success that the Liquor Licensing Commissioner has had with the conciliation process. That process was not available under the previous legislation but, since 1985, as a result of people sitting around the table and talking, agreement has often been reached between the licensee of the particular licensed premises and nearby residents.

This matter is often connected to the honourable member's previous question about Sunday night sham meals, because that is a time when most nearby residents appreciate some peace and quiet. In those cases where the Commissioner has not been able to conciliate satisfactorily, the matter has been referred to the Licensing Court, and the judge of that court has imposed certain conditions on licences, once again often with a great deal of success. Constant scrutiny is necessary in this area.

Mr S.G. EVANS: The third paragraph on page 137 states:

> Recommendations of the intra-departmental working party review on amendments to the Residential Tenancies Act are presently being further considered.

What recommendations have been made? Will the report be made public? How many recommendations will be adopted?

The Hon. C.J. Sumner: At this stage the Government has not considered those recommendations. When it does, it

will consider whether or not the results of the review should be released, that is, at the time of announcing whether there ought to be any changes to the Residential Tenancies Act. I am advised that the review has not yet been completed. It is a specific for the 1988-89 year. When it is completed, the Government will consider the recommendations and make an announcement about which recommendations will be implemented. It will no doubt consider release of the review report at that time.

Mr RANN: Since the passage of the Retirement Villages Act, can the Minister outline the number, nature and extent of complaints to the Residential Tenancies Tribunal in relation to that Act?

The Hon. C.J. Sumner: There have been only two complaints to the tribunal. That does not mean that there are not a lot of complaints about retirement villages: there are. The Act is presently administered by the Corporate Affairs Commission and is currently the subject of examination by the Commissioner for the Ageing, the Corporate Affairs Commissioner and the Commissioner for Consumer Affairs. We expect some announcements to be made about this matter in the near future.

Ms GAYLER: Has the Minister considered including under the umbrella of the Residential Tenancies Act people with an interest in strata title units as an avenue whereby difficult complaints between unit holders and corporate bodies might be conciliated or dealt with?

The Hon. C.J. Sumner: When the new Strata Titles Act was introduced about 12 months ago, consideration was given to an alternative dispute resolving mechanism for strata title unit holders. A number of proposals were put forward: the creation of the position of Commissioner of Strata Titles; another was that disputes should be resolved through the Residential Tenancies Tribunal. Whatever proposition one came up with, there was to be a cost to establish the alternative system and consideration was given to how that would be funded.

A number of propositions were put forward. One included a levy to be placed on all strata title plans; another option was payment from general revenue; and a further option was to somehow integrate it into the Residential Tenancies Tribunal, but it would not be fair that tenants' bonds go towards the administrative costs of the tribunal to enable the tribunal to resolve disputes between strata unit holders. Therefore, if we are going to go down that track, we must still determine a method of funding and a dispute mechanism. The matter has not been forgotten; it is still being looked at, but they are the problems. Certainly, it would be useful if honourable members could give some indication of the number of complaints that they get in this area because, obviously, again, one does not want to establish a structure if there is no need. However, if a need is demonstrated, it is something that should be fixed up.

Ms GAYLER: Perhaps I might to do so. In my experience, the number of complaints is not huge, but the cases that come to my office are often persistent, longstanding matters that have not been resolved. Often, they relate to water flowing between units, parking, misuse of the common property of the units and those sorts of things, where the parties do not seem to be able to get together to resolve these matters within the corporate body structure. I do not imagine that the workload would be huge in terms of numbers of complaints but, for those very difficult cases, it would be very helpful.

The Hon. C.J. Sumner: Once such a mechanism is established, people will use it and not resolve their disputes themselves.

The Hon. H. ALLISON: I refer to page 134 of the Program Estimates, which relates to equal opportunity. Under the heading 'Issues/Trends' it is stated:

> Race discrimination complaints have also significantly increased and are represented largely by Aboriginal Australians and southern European ethnic groups who experience refusal of goods and/or services.

Does the Minister have any details of the nature of the goods and services refused? Are the majority of the refusals in relation to Aborigines, or are they equally divided between Aborigines and southern Europeans? Will the Minister provide a breakdown of those figures? The Minister may wish to take that question on notice.

The Hon. C.J. Sumner: We will get a breakdown of those figures and provide the information to the honourable member.

The Hon. H. ALLISON: Under the same program description, under '1988-89 Specific Targets/Objectives', it is stated that support structures have been established for clients of the Equal Opportunity Commission whose experiences of discrimination necessitate ongoing assistance. Can the Minister say what type of support structures are in place and how they are delivered?

Ms Tiddy: The support structures that have been established relate primarily to complaints of sexual harassment and race discrimination. We have been able to establish an effective referral system among a range of agencies that deal with these sorts of issues. For instance, the section that deals with complaints of sexual harrassment now has an ongoing working relationship with the Working Womens Centre.

The Hon. H. ALLISON: Page 134 of the Program Estimates under '1989-90 Specific Targets/Objectives' states:

> Produce a video on the equal opportunity laws and the work of the commission.

Has the script for that video been approved, and what progress has been made towards making that video?

The Hon. C.J. Sumner: The video has not yet been produced; in fact, the script has not been commenced. The total cost of $10 000 is to be shared by the South Australian College of Advanced Education and the Department of TAFE, which will be involved in its distribution. It is designed for inclusion in the curriculum for students and teachers.

The Hon. H. ALLISON: Page 134 of the Program Estimates under '1989-90 Specific Targets/Objectives' states:

> Conduct education programs in relation to the intellectual impairment amendments to the Equal Opportunity Act.

Further down under 'Major Resource Variations' an amount of $125 000 is allowed for increased recurrent expenditure. When will the amendments relating to intellectual impairment be implemented? How is that $125 000 broken down?

The Hon. C.J. Sumner: This financial year there is provision for that legislation to be implemented. It has been introduced into the Parliament. Obviously, it has to pass both Houses. The target for its introduction will be the first quarter of next year.

The Hon. H. ALLISON: What is the breakdown of the $125 000 allocated to that program?

The Hon. C.J. Sumner: It is for salaries, goods and services to implement the legislation.

The Hon. H. ALLISON: The member for Davenport was under the impression that the $10 000 allocated to making the video was to come from TAFE and SACAE. I was under the impression that the money would be paid to TAFE and SACAE for making the video. Which view is correct?

The Hon. C.J. Sumner: The $10 000 I referred to is coming from the Commissioner for Equal Opportunities

budget and the other contributions to the video will be from SACAE and TAFE.

The Hon. H. ALLISON: It was neither of our interpretations. Half will come from the Commissioner and half from the other two?

The Hon. C.J. Sumner: It is not half; I am advised that the contributions will be a third each.

The Hon. H. ALLISON: On page 138 of the Program Estimates for fair trading under the Prices Act, under the heading 'Issues/Trends' I note, 'Quarterly supermarket price surveys of a basket of regularly purchased household items are conducted in four metropolitan suburban districts'. Is it possible for the Minister to say what comprises the basket, what are the metropolitan districts and what are the survey results for those districts when the surveys were conducted since 1987? If the answer is too long, I will take it on notice.

The Hon. C.J. Sumner: I will provide that information to the honourable member.

The Hon. H. ALLISON: I refer to the question asked by the member for Davenport earlier about the wholesale and retail price of petrol. I made inquiries recently of the Prices Surveillance Authority, with the help of the Parliamentary Librarian, and, as the Minister said, the Prices Surveillance Authority is responsible for setting the wholesale price for petrol and the maximum retail price for petrol.

The Hon. C.J. Sumner: The maximum wholesale price.

The Hon. H. ALLISON: Yes. I understand that, in Western Australia and Victoria, there is no legislation but there is some form of agreement between the Government and the petrol wholesalers so that, when the petrol price reaches what, in Victoria, they call a 'trigger price', prices are more or less equated across Victoria between the metropolitan and rural areas. In recent months many people have brought figures in to me which clearly show that the discrepancy between pricing in Geelong and Melbourne is far less than that pertaining between Adelaide and country South Australia when a petrol war is on. In other words, if there is a petrol war in Melbourne and Geelong, it is reflected in diminished prices in rural Victoria.

In South Australia we have very strange anomalies which have not changed in recent years. For example, you can fill up with petrol at Glen Osmond or Eagle on the Hill on your way out of Adelaide, at not the lowest prices in Adelaide but quite reasonable prices, but when you arrive at Murray Bridge on the main highway, that petrol is invariably the dearest purchased between Adelaide and Melbourne. One could almost pour petrol down the Hills from Adelaide to Tailem Bend so the cost of freight to Tailem Bend would be minimal. I believe that the cost of freight to Mount Gambier would be as little as 2.25 cents per litre, yet there is a consistent 6c per litre difference between Adelaide and Mount Gambier.

Does the Minister regard it as feasible or desirable to approach other States to find out whether or not they use the concept of trigger prices and what sort of agreements might be arrived at between the petrol companies and the Government to equalise the extreme price differences between metropolitan and country areas? I do not support the Minister's earlier statement, however true it may have been a few years ago, that the metropolitan area subsidises country prices, because, on the face of it, the difference in price between Adelaide and the South-East, 300 miles away, is far more than is reflected by the acknowledged freight charge. Of course, Mount Gambier obtains petrol from as far away as Portland, which, after all, is only about 70 or 80 miles down the track.

The Hon. C.J. Sumner: What I said in answer to the previous question was that the surveys carried out previously by the Prices Surveillance Authority indicated that, even with the freight subsidy, there was a cross-subsidisation within the oil company of city consumers to country consumers. In other words, if we let the market set the price, the prices in country areas would be higher than they are now. There is an internal cross-subsidy, I understand, from city consumers to country consumers. That is what was determined by the Prices Surveillance Authority some time ago.

This matter was debated in the Legislative Council two or three years ago on a motion by the Democrats and I dealt with all these matters in considerable detail. The honourable member might care to look at that speech, which was not treated in a very complimentary manner by the Democrats, but that is perhaps nothing unusual. However, the honourable member may be interested in what I had to say because this matter was dealt with in that speech. Whether or not that is the case should be the subject of examination by the Prices Surveillance Authority's current inquiry into petrol pricing in Australia. If the honourable member has these concerns, he should take them up with the PSA in its inquiry. I suppose I could write again and draw this issue to its attention, and I will do that. In other words, I will ask the PSA to re-examine the question of the differential between city and country prices in South Australia.

I should say that the retail price is higher in country areas due to a number of factors. The first is the freight differential which we know about and which the subsidy does not pick up in full. Also, lower throughput to metropolitan service stations leads to higher unit costs and greater competition between the oil companies and resellers in the metropolitan area. Traditionally in South Australia there has been more competition and fierce discounting in the metropolitan area which has generally not been mirrored in country areas. However, I know the point that the honourable member is raising. I will undertake to write to the PSA inquiry and draw the concerns of honourable members to the differential between city and country prices to see whether the authority comes up with the same response following its current examination.

Mr S.G. EVANS: Again, I refer to page 137, which, under '1989-90 Specific targets/objectives', states:

> Appoint a Deputy Chairman (and support staff) to the Commercial Tribunal to deal more effectively with existing workload.

Further down on that page there is a reference to the office of the Liquor Licensing Commissioner, and it states, 'Introduce administrative amendments'—I emphasise 'administrative amendments'—'to the Liquor Licensing Act 1985'. Who is the Deputy Chairperson, what extra resources are proposed, and at what cost? Will the Minister also indicate what are the proposed administrative amendments to the Liquor Licensing Act?

The Hon. C.J. Sumner: The administrative amendments are housekeeping matters that are being examined as part of the review that I previously mentioned. They will be considered as soon as the review is completed. There is a provision in this financial year's budget for a Deputy Chairman and Secretary of the Commercial Tribunal to be appointed during this financial year. The amount of funding for this year is $88 000. Obviously, that will not provide for a Deputy Chairman for the whole of the financial year, but it will enable a Deputy Chairman to be appointed some time during this financial year. Some assistance has been given to the Chairman of the Commercial Tribunal. Ms Cathy McEvoy has been acting as Deputy Chair on a number of occasions, but she does that on a part-time basis, being a lecturer of the Law School at Adelaide University.

Mr S.G. EVANS: Page 155 of the Auditor-General's Report refers to the Commercial Tenancies Fund as at 30 June 1989. Where were the funds invested, whether bank notes or whatever; with whom were they invested; and at what rate of interest?

The Hon. C.J. Sumner: The amount held at 30 June 1989 was $666 000—$118 000 of which was cash at the bank, $528 000 was bank accepted bills, and $20 000 was deposits at call. I am not aware of the interest rates, but I will obtain that information if the honourable member so desires.

Mr S.G. EVANS: I would like all the information I can get. They may be different allocations and it may not all be related to the same organisation as the bank bills.

Referring to the Residential Tenancies Fund, at page 156 of the Auditor-General's Report, a large amount of money is held in that fund. Will the Minister give a breakdown of the administration costs? It shows an expenditure of $1.618 million which was taken from the fund to cover administration.

The Hon. C.J. Sumner: It is money for salaries and goods and services, basically. If the honourable member wants to know how many are employed, he can refer to page 130, which shows 34.6 FTEs for 1988-89 employed in the Residential Tenancies Division.

Mr S.G. EVANS: Note 5 in the Auditor-General's Report on the same page states:

> Funding of capital/research projects Sections 86 *(c) (a)* and 86 *(c) (b)* provide that income derived from the investment of the fund may be applied to research or projects approved by the Minister. An amount of $768 000 has been approved by the Minister for the funding of these projects . . .

And there is still a balance left there, of course. Will the Minister identify each of the projects and the costs; when were those projects approved by the Minister and, if they have not been implemented, when will they be implemented; and what other projects are in the pipeline but not yet approved?

The Hon. C.J. Sumner: 1987 was the International Year of Shelter for the Homeless (IYSH). The Residential Tenancies Tribunal received requests for funding of projects from the IYSH Secretariat for various housing projects. The tribunal recommended the funding of the following project pursuant to sections 86 *(c) (a)* and 86 *(c) (b)*: a review of the boarders and lodgers—research project into the needs of boarders and lodgers, $18 500. That has been funded. The tribunal made recommendations for the funding of certain other projects but, to date, there has been no call on the fund for the amounts allocated for these projects.

Mr S.G. EVANS: I did ask what were the other projects in the pipeline and when they were expected to be implemented. If we do not know when they will be implemented, perhaps the Minister can give me an idea of what they are and approximately how much they are likely to cost.

The Hon. C.J. Sumner: The honourable member may recall that late in the IYSH year some amendments to the Residential Tenancies Act were required in order to overcome what was seen as a technical problem with the legislation, and which would facilitate the approval of these projects. I understand that projects of this kind could not be approved in the future.

The administration of IYSH and the calls that will be made on the funds already approved is being handled by the Minister of Housing and Construction, so I do not have details of the projects. The projects approved include: City of Noarlunga—a youth boarding house for up to 20 young people—$150 000; Salvation Army, Salisbury—addition of three self-contained units to the existing Burlendi Youth Shelter to provide semi-independent transition accommodation—$100 000; Housing Advisory Council Industry Committee—three projects; to provide emergency accommodation to 10-12 homeless women in the city of Adelaide; to provide accommodation support for homeless young people at Mile End; and to provide boarding-style accommodation for 12 homeless people at premises in Glenelg—$40 000; and St Joseph's Mitchell Park—a project to build six further two-bedroom units to add to the existing St Joseph's crisis shelter facilities at Constable Court—$100 000. All those approvals were contained in *Hansard* at the time the amendment to the legislation was being considered. No call has yet been made on the fund for those amounts.

Mr S.G. EVANS: As at 30 June this year, in what investments were funds from this line placed, with whom and at what interest rate? If they are bank notes, through whom were they issued?

The Hon. C.J. Sumner: An outline of the investments of the fund are shown on page 156 of the Auditor-General's Report. If the honourable member wants a further breakdown, I will provide it.

Mr S.G. EVANS: I would appreciate a break-down of interest rates as at 30 June.

The Hon. C.J. Sumner: I will provide that information.

The Hon. H. ALLISON: Are the performance indicators on page 139 at State or national level, and what contribution did South Australia make towards collating them or towards the cost of collating them? I refer to the tremendous increase in the packaging lines, which have risen to $17 000 under test or survey.

Ms GAYLER: I have asked that question and it will be re-examined.

The Hon. C.J. Sumner: We will clarify that and bring back some further information.

The Hon. H. ALLISON: Has South Australia contributed to the survey or to the costs of the national survey?

Mr Neave: That question was also asked, but that appears to be the number of inquiries about those types of issues.

The Hon. H. ALLISON: Only one specific target and objective is mentioned at page 140 for 1988-89. I refer to the completion of the review of the Places of Public Entertainment Act and its administration. Are any amendments contemplated to that Act?

The Hon. C.J. Sumner: As I mentioned, amendments are proposed to the Casino Act and the Licensing Act. It is also projected that the review of the Places of Public Entertainment Act will be completed, but that is third in the list of priorities following the Casino Act and the Liquor Licensing Act. At this stage I cannot say whether any amendments are contemplated, but we hope that the review will be completed during the current financial year.

The Hon. H. ALLISON: As to page 141, what have been the advertising costs for the Public Trustee and in what areas of South Australia have those amounts been expended? In addition, in what media has the Public Trustee advertised?

The Hon C.J. Sumner: We will provide that information.

The Hon. H. ALLISON: As to page 142 and births and deaths registrations, does the Minister agree that these figures suggest that South Australia is not undergoing any growth? In 1985-86, there were 19 800 births; in 1986-87, 19 800; in 1987-88, 19 400; and in 1988-89, 19 800.

The Hon. C.J. Sumner: The answer to that question is 'No'. I do not concede that South Australia is in a no-growth situation. For some reason South Australia does have a lower birth rate than other States in Australia, but there has been an increase in internal migration. The Government is also promoting mechanisms to ensure that South Australia receives a greater share of overseas migration.

The Hon. H. ALLISON: Page 144 also mentions that various functions cannot be carried out. What functions cannot be carried out satisfactorily and what remedy is proposed?

The Hon. C.J. Sumner: The functions are being carried out. It is just that we think with computerisation they will be carried out more efficienty.

The Hon. H. ALLISON: Perhaps this question can be taken on notice. For each year ended 30 June 1987, 1988 and 1989, how many lawyers, accountants and other qualified personnel were in the department, other than the Public Trustee and in what areas of responsibility were they deployed? That would apply under the major resource variations.

Members interjecting:

The Hon. C.J. Sumner: I am flabbergasted. We will try to obtain that information, but we will not spend a lot of time on it. If the information can be easily ascertained, we will do that.

The Hon. H. ALLISON: I was just reflecting on the Minister's comment. It is all right for the Minister to ridicule a question, but it could be that the department may be grossly over-accommodated or under-supplied with a certain number of officers if there is idle time or if there are long waiting lists for services. That could be one possible answer. It may be perfectly sensible in seeking an overview.

The Hon. C.J. Sumner: I was not attempting to trivialise the question: I was trying to say that I will obtain the information if it can be readily obtained, but it is not the sort of thing that we ought to be spending hours on to determine a reply.

The Hon. H. ALLISON: In the short term it may not be world shattering, but who knows about the longer term. What are the Government's proposals for uniform credit card legislation? The document refers to consultation with industry, State and Federal Government agencies. Will a copy of these proposals be made available? When is it proposed that legislation will be introduced?

The Hon. C.J. Sumner: This is part of the uniformity exercise of trying to get all jurisdictions in Australia to agree to uniform credit legislation. To say the least, it is a long and drawn out process. About two or three weeks ago a report was released which was prepared for the Standing Committee of Consumer Affairs Ministers with a draft Bill that is now available to the public and to interested parties. Comments are being received. If the honourable member would like a copy of the report and draft Bill, we will arrange to provide it.

Mr D.S. BAKER: Subsequent to my question about the location of the investment funds of the Commercial Tenancies Fund as at 30 June 1989—which the Minister has undertaken to answer on notice—can he also provide information as at 30 December 1988 and 1 July 1988 to give an idea of the range of investments?

The Hon. C.J. Sumner: We can provide the honourable member with information about both the Commercial Tenancies Fund and the Residential Tenancies Fund. He asked only for information about the Commercial Tenancies Fund, but I would not want him to feel deprived.

Mr D.S. BAKER interjecting:

The Hon. C.J. Sumner: That is why I have given such full, clear and complete answers to all questions.

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

ADJOURNMENT

At 5.27 p.m. the Committee adjourned until Tuesday 19 September at 11 a.m.