

HOUSE OF ASSEMBLY**Wednesday 18 June 2003****ESTIMATES COMMITTEE A****Chairman:**

The Hon. R.B. Such

Members:

Mr R.L. Brokenshire
 Mr T. Koutsantonis
 Dr D. McFetridge
 Mr J.R. Rau
 Mrs I.M. Redmond
 Mr J.J. Snelling

The Committee met at 11 a.m.

South Australia Police, \$342 648 000
 Administered Items for Police and Emergency Services,
 \$49 151 000

Witness:

The Hon. K.O. Foley, Minister for Police

Departmental Advisers:

Mr M. Hyde, Commissioner of Police.
 Ms K. Lennon, Chief Executive Officer, Attorney-
 General's Department and Department of Justice.
 Mr D. Patriarca, Director, Business Services.
 Mr I. Hartmann, Manager, Financial Management
 Services.
 Mr R. Mathews, Principal Financial Adviser.
 Mr K. Penniford, Director, Strategic and Financial
 Services Unit.

The CHAIRMAN: I acknowledge that the Deputy Premier is Acting Premier. I was going to ask whether any higher duties are paid but I understand that not to be the case, and I will not ask that question. Members should ensure that the chair has a completed request to be discharged form. If the minister undertakes to supply information at a later date it must be submitted to the committee secretary by no later than Friday 25 July. I propose to allow both the minister and the lead speaker to make opening statements. There will be a flexible approach to giving the call for asking questions based on approximately three questions per member, alternating each side. Supplementary questions will be the exception rather than the rule. A member who is not part of the committee may, at the discretion of the chair, ask a question.

Questions must be based on lines of expenditure in the budget papers and must be identifiable or referenced. I will not insist that people quote the actual page and line unless they appear to be deviating from the purpose of the committee. If they stray I will bring them back. Members unable to complete their questions during the proceedings may submit them as questions on notice for inclusion in the House of Assembly *Notice Paper*. There is no formal facility for the tabling of documents before the committee. However,

documents can be supplied to the chair for distribution to the committee.

The incorporation of material in *Hansard* is permitted on the same basis as applies in the house, that is, it must be purely statistical and limited to one page in length. All questions are to be directed to the minister, not to the minister's advisers. The minister may refer questions to advisers for a response. I advise that, for the purpose of the committee, some freedom will be allowed for television coverage by allowing a short period of filming from the northern gallery. I declare the proposed payments open for examination and refer members to appendix D, page 2 in the Budget Statements and part 4 pages 4.1 to 4.41, Volume 1 of the Portfolio Statements. Does the minister wish to make an opening statement?

The Hon. K.O. FOLEY: No, except to say that, whilst I have only recently arrived in the police portfolio, it will be my intention to answer all questions as fully as I am able today but, due to my recent arrival in the portfolio, I may have to take on notice some questions that I otherwise would have answered. Also, I have not slept very well in sheer terror of facing the member for Mawson this morning. I may therefore choose to take some questions on notice due to the fact that I am a little apprehensive about today's exercise.

The CHAIRMAN: Does the member for Mawson wish to make an opening statement?

Mr BROKENSHERE: I do, Mr Chairman. I can understand that the Treasurer may be a little apprehensive on the basis that if I were the current police minister I would have serious concerns about the state of the police budget. In fact, I would have very serious concerns about whether or not the government has its priorities right in terms of what is, probably, the most important portfolio a minister can have. In saying that, I place on the record my appreciation, as shadow minister for police, for the commitment, work ethic and general leadership of all police officers—from the Commissioner through to all ranks in the South Australia Police.

I am forever hearing people acknowledge the hard work and commitment of the South Australia Police. I believe that, given the constraints, pressures and requirements on police (particularly on the executive headed by the Commissioner), the South Australia Police do the very best they can. However, I have argued for some time, both in government and now in opposition, that you must be serious about resourcing your police properly. At this time we do not have a situation as we had when we were addressing the State Bank debacle.

In that instance we did have to bring some police away from speed camera duties, prisoner carting and that type of duty to get them directly into operational areas. The only way in which one can expect police to deliver more today is to resource them more. At a time when the State Bank debacle has been fixed, at a time when we have seen record economic growth over the last several years and a budget that is in much better shape than it has been for probably a 20-year period (because of the debt reduction that occurred under our government), I would have expected a government that was serious on law and order to deliver for police.

Whilst I acknowledge that some things have been delivered in this budget, I believe that, overall, the police budget has been put under more pressure this year than it was even last year. This is at a time when we have, in real terms, the lowest debt in the state's history.

So, if the government was serious about police and about law and order it should be ensuring that more recruiting

occurs and that some of the urgent equipment that is needed is put into the Police Department. But, again, I place on the record my admiration of and respect and appreciation for the good work that the South Australian police do for the South Australian community.

My first question to the Treasurer is: why is the government refusing to increase police numbers over and above recruitment and attrition? Both parties have a commitment to recruitment based on attrition, and that was made clear well before the last election. We have seen a situation where, once the State Bank mess was fixed, significant increases occurred in police numbers—there were 203 extra police during my term as police minister. Yet, at a time when the community is telling me that police are under enormous pressure (and I can give some examples where positions are not being filled), this government refuses to increase police numbers. I am advised that recently in the South Coast LSA there were 31 officers off general patrols who were either backfilling or on sick leave, etc; at Kadina I understand there are up to eight police officers whose positions have not been filled; at Ceduna there have been five; at Spalding Police Station—

The Hon. K.O. FOLEY: Is this a question, Mr Chairman?

Mr BROKENSHERE: Yes, it is, but I am giving some background.

Mr Koutsantonis: Which budget, though?

Mr BROKENSHERE: It is 4.10.

The CHAIRMAN: Order! The member for Mawson should get to his question fairly soon.

Mr BROKENSHERE: I am just giving the new minister some background. So, my question is: why is the government refusing to increase police numbers over and above attrition?

The Hon. K.O. FOLEY: One could have anticipated this question. I wish I had a graph to show the media, but I am able to hand out a document that shows the history. I will have this distributed to the erstwhile member for Mawson and his colleagues and we will have a decent debate about police numbers. It is an embarrassing story to tell, but that has never stopped me telling a story before.

If we look at the 30 June 1993 police numbers we see a huge decrease in numbers as the Liberal government came into power. The sharp, rapid decline was quite extraordinary. It jumped a little bit just prior to the 1997 election—funny, that—declined immediately thereafter, and then showed some steady growth. And then—surprise, surprise—there was a large jump in the election year of 2002. My office will distribute this information to the media. Under this government, we have maintained the numbers above the base of 1993.

But, the opportunistic member for Mawson (the former junior member who was allocated the police portfolio) should not be lecturing this government about police numbers, because we saw that by 30 June 1997 the total police numbers in South Australia when compared to the last Labor government had decreased by 230 sworn police officers—230 less. By 1999 there were still 184 officers less. At 30 June 2001, eight months before a state election, there were 35 police officers less than in 1993. By 30 June 2002, there were 121 more than when we were last in office, and today the numbers sit at 114 more sworn officers than at any time bar the very last months of the dying Liberal government. So, we have a larger police force today than existed in almost every single month of the former Liberal government, and in excess of what occurred under the former Labor government in 1993.

So let us put to bed, once and for all, this opportunistic nonsense. Now that the member for Mawson is in opposition, he flicks a switch and says, 'Let's have more police officers.' We would love to have more police officers and we would love to have more people in a number of areas of government, but the truth is that there are competing areas within government. But I make the point that it was a Labor opposition and a Labor government that has made the firm policy that we will recruit against attrition, a policy that the Liberal government did not have for almost every month of its term in office. It only changed in the run-up to the 2002 state election.

Mr BROKENSHERE: Why won't you recruit extra police?

The CHAIRMAN: Order, the member for Mawson!

The Hon. K.O. FOLEY: We will put that one to bed.

Mr BROKENSHERE: No, you won't.

The CHAIRMAN: Order!

The Hon. K.O. FOLEY: In this budget we confronted a number of cost pressures within the Police Department and, more importantly, a significant requirement for increased resources in capital. This budget sees a significant contribution to the police communications system—upwards of \$13 million—to give us the best system that we can put in place at an affordable price.

This government is building three new police stations—and, when added to the Mount Barker station announced in the last budget, four new police stations. We will build a new police station for Mount Barker, which was never delivered by a conservative government; a new police station at Victor Harbor, which was never delivered by a conservative government; a new police station at Gawler, which was never delivered by a conservative government; and a police station in Port Lincoln, which was never delivered by a conservative government.

We are purchasing a new aircraft for the police force. We are putting a lot of money into DNA technology and into Live Scan. There is a significant commitment to increase resources of the Police Department, and that has been our policy priority to this budget. That is not to say that we should not consider police numbers. We will do that, as I have said, across all portfolios if and when the budget allows the flexibility to do so.

The reason this budget has delivered the outcome that it has is that, for once, I want this state to live within its means financially. I am confronted every day with calls by members on my right to spend more money. I think one lobby group has referred to my fetish for surpluses as being criminal. One should speak to one's lawyer as to whether or not that is a defamatory comment—I do not know. But my fetish for surpluses is based on the fact that I want this state, once and for all, to live within its means. We have to, at least once, show some fiscal restraint and discipline if we want to get our state into a position where we can make informed and affordable choices into the future for the allocation of increased resources. Because there is no lack of competition. Whether it is for social workers, the Police Force or teachers, there will be no shortage of ways in which I can spend money. But let us remember, for everyone's information (and, particularly, for the member for Mawson), that next year's budget is in deficit. We have an accrual deficit in next year's budget.

Mr BROKENSHERE: A \$600 000 tax take.

The Hon. K.O. FOLEY: No, we have an accrual deficit. I put the question back to you. Are you suggesting that we

should go further into debt next year to fund your commitments? Is that what you are saying?

Mr BROKENSHIRE: What I am saying is that you don't—

The CHAIRMAN: Order! The member for Mawson is not saying anything. The minister does not question members of the opposition: this is a time when members question the minister. So, the minister should not engage in questioning the member for Mawson. I urge members to calm down a little, because we have a long day and I do not want to see anyone carted away with flashing lights. The Treasurer has the call.

The Hon. K.O. FOLEY: I have finished. I have had my banter, and I will be far more restrained and disciplined in my answers from now on.

The CHAIRMAN: Member for Mawson, do you have a second question?

Mr BROKENSHIRE: Yes, I do. I have some information that I will also table and provide to the media with respect to the Liberal government's record regarding police numbers. I need to ask the first question again, which I do not have an answer for, and I remind the minister that any increase in police numbers since he has been in government was in the 2001-02 budget where an additional 90 police officers were brought forward under the Liberal government after the State Bank mess was fixed. I ask again as a supplementary question: why is the government not going to increase police numbers, which is a question that has not been answered? The minister has a priority that he can put police into, if he wants to, but he has not done so. Money is available if the minister prioritises properly: why are police not the minister's priority?

The Hon. K.O. FOLEY: One should look back on the answers given by former Liberal police ministers when they were questioned on this matter when they were cutting numbers over many years. I believe I have more than adequately answered the question. In fact, we are increasing FTEs within SAPOL. I should have prepared a little better for the estimates committee, because I am advised that there are actually 19.5 more sworn officer FTEs in this budget than the last budget, and some 43 support staff, offset, I understand, by about 10, and we are looking at some 33 additional unsworn staff and 19.5 sworn officers. Will the member congratulate me now?

Mr BROKENSHIRE: Mr Chairman, I ask the minister to provide a detailed answer to me within your time requirements of 29 July regarding exactly where those positions will be placed—

The Hon. K.O. FOLEY: I will tell the member now.

Mr BROKENSHIRE:—and whether that is an increase in funding or whether that has to come out of the general budget for police, which is a relevant question.

The Hon. K.O. FOLEY: Do you know what? I will answer that question.

Mr BROKENSHIRE: Good.

The Hon. K.O. FOLEY: I will consult briefly and then give the member a full and frank answer. We are putting 11.5 officers into the hand gun buyback program, and that, I am advised, will drop down to about four after about 12 months, when the bulk of the buyback will have occurred. There will be nine new sworn officers for the road safety reform program, three sworn officers for the State Protective Security Branch and two sworn officers for increased traffic enforcement. The 19.5 is net, because six fewer sworn

officers are required for communications, as, I assume, they are offset by unsworn staff.

In the unsworn area, there are 3.8 FTEs for the hand gun buyback program; 22 for a road safety program; 8.2 for increased traffic enforcement; and nine FTEs for the communications program. There are some offsetting elements to that. That is the advice I have been provided with. I am happy to share it with the committee, and I am happy to receive a thank you.

Mr BROKENSHIRE: Well, there will be no thank you for that, because I am sure, from what you have said, that some of that is temporary money. I will refer to hand gun buyback directly, but, first, as of today, how many courses are being conducted at the Police Academy, and how many Police Academy graduation dates are there between 1 July 2003 and 1 December 2003?

The Hon. K.O. FOLEY: The Commissioner has pointed out that there is a graduation ceremony today for which I am an apology, and I respect the fact that the shadow minister will be an apology as well. I have a soft spot for the Police Academy; it has been close to home for many years.

Mr BROKENSHIRE: Mine, too.

The Hon. K.O. FOLEY: Do you?

Mr BROKENSHIRE: Yes, I'm happy to see the minister spend some money there.

The Hon. K.O. FOLEY: You were going to close it. What I find amusing is that—

Members interjecting:

The Hon. K.O. FOLEY: Yes, they were going to close it: Wayne Matthew was going to close it and sell it. As the local member, I fought a campaign to save the Police Academy.

The CHAIRMAN: Order! I think we have our own version of Police Academy III here!

The Hon. K.O. FOLEY: I have a table here that shows scheduled intakes, which I am happy to table.

Mr BROKENSHIRE: I am very happy to have that tabled, but my question is a simple one: from today until December this year, how many courses will graduate from the Police Academy?

The Hon. K.O. FOLEY: I am happy to ask the Commissioner for that advice. We do not have that information here now, but we—

Mr BROKENSHIRE: The Treasurer does not have the information on how many courses will graduate between 1 July 2003 and December 2003?

The Hon. K.O. FOLEY: That is correct; we do not have that information.

Mr BROKENSHIRE: Well, that's amazing.

The Hon. K.O. FOLEY: Well, I'm sorry but—

Mr BROKENSHIRE: Treasurer, when I was police minister, I had diary dates of when we were to attend graduations.

The CHAIRMAN: I think that we are deviating a bit now. The member for Enfield.

The Hon. K.O. FOLEY: I am not going to allow the shadow minister to cast aspersions over SAPOL. The shadow minister used to get his kicks out of doing a lot of things when he was a minister.

Mr BROKENSHIRE: I rise on a point of order, Mr Chairman. I ask that the Treasurer withdraw those remarks. I am certainly not one to cast aspersions on the police: I am casting aspersions on this government for not delivering.

The CHAIRMAN: Member for Mawson, I cannot direct the minister to withdraw those comments. It is up to him, if he feels that they—

The Hon. K.O. FOLEY: As I have said, I will not be subjected to the immature rantings of a shadow minister. I have a very detailed table here showing the officer intakes for the academy, showing month by month, over three years—

Mr Brokenshire interjecting:

The Hon. K.O. FOLEY: Mr Brokenshire can make all the silly remarks he wishes. We will have for him, in a very short space of time, the answer he requires, but we do not have that information with us here. No doubt, as a minister, the shadow minister was brilliant, and he would have been able to snap his fingers and that information would have been sitting there for him. As he rose to the lofty heights as the most junior minister in cabinet, he probably did not have much else to do with his day except pore through his diary and work out when he would be attending his next police graduation: I have a little more to do with my day. I am happy to get that information for the shadow minister, but I am happy to table this quite comprehensive table.

The CHAIRMAN: That table can be circulated. The member for Enfield may ask his first question.

Mr RAU: Thank you, Mr Chairman. What is the current status of the police call centre project, and what impact have the changes had on SAPOL service delivery within the South Australian community?

The Hon. K.O. FOLEY: Whilst I do not expect to get support from the opposition, even when we are increasing police numbers, I will make some comment on the fact that at 11 p.m. on Wednesday 4 June 2003 staff of SAPOL's call centre commenced their first night shift, completing the expansion of the centre to full 24-hour operation—a measure not undertaken under the former government, to the best of my knowledge. A performance indicator for core management is the percentage of calls abandoned by the caller before being answered. Generally the longer the caller waits to be answered the higher the abandonment rate. Prior to the creation of the call centre, all calls on 000 and the now withdrawn 11444 police attendance number were presented to the police communications centre.

A review conducted in 1999 revealed that about 53 per cent of all 11444 calls and 10 per cent of all 000 calls were abandoned by the caller, with unacceptably high levels of complaints being received regarding service delivery on both lines. The introduction of the call centre successfully turned around that situation. I acknowledge the work of the last government. Of the 23 000 calls presented to the call centre in May 2003, over 94 per cent were answered within 10 seconds, while the average time to answer was five seconds. During that month 2 200 reports of crime were taken over the phone, with 9 500 incidents referred to the police communications centre for patrol dispatching.

The call centre conducts customer satisfaction surveys on a regular basis. The most recent survey conducted in May 2003 indicated that 96 per cent of respondents were either satisfied or very satisfied with the service they were receiving when calling 11444. The call centre concept is both effective and efficient. Through a centralised approach, consistent and quality controlled services are being delivered to the community. It has allowed police patrols more time to focus on proactive crime reduction initiatives and police station staff to provide better counter service to customers. With 24-hour operation, the call centre has now allowed the police communications centre to concentrate all their resources on

answering 000 emergency calls, along with dispatching, coordinating and monitoring the delivery of police services and resources for the community. I acknowledge the good work of the former government in establishing this: it has been made a lot better by this government.

Mr RAU: What has been done to address the general operating cost pressures on SAPOL?

The Hon. K.O. FOLEY: Every agency has cost pressures and it has taken me some time as Treasurer to fully understand and appreciate the nature of cost pressures that emerge almost on a daily basis within government. SAPOL is not on its own. Clearly as a major service delivery agent of government the cost pressures are very real and very present. The cost pressures predominantly related to motor vehicle operating, computing and communication costs and accommodation costs and total some \$4.9 million per annum over existing base allocations. In prior years cash headroom was used to temporarily offset these cost pressures.

In addition, for 2001-02 and 2002-03 SAPOL received \$1.4 million per annum as a short-term appropriation supplementation. These temporary fixes were no longer an option and the unfunded cost pressures could not be resolved internally without impact on sworn police officers. In the 2003-04 budget the government has provided \$3.5 million ongoing recurrent funds to SAPOL to rectify the majority of the structural imbalances, and SAPOL has identified strategies to redirect \$1.4 million to address the balance. These strategies target non-operational areas within SAPOL, primarily covering non-operational overheads such as support staff, communication fleets, maintenance, agency staff, accommodation and general administration. Police staffing levels will not be impacted as SAPOL will continue to recruit against attrition. Better budget management within government has been a clear focus of my role as Treasurer and now as Police Minister.

Mr RAU: The next question concerns me in my capacity as a member representing The Parks area in particular. How is SAPOL contributing to the reduction of illegal drug activity and associated problems within South Australia, The Parks in particular?

The Hon. K.O. FOLEY: We will see what we can do to give you more detail about The Parks, but a variety of strategies exist across SAPOL to respond to illegal drug activity. These strategies address harm reduction, demand reduction and supply reduction. The Drug and Organised Crime Investigation Branch is targeting high level drug trafficking activity. Specialised SAPOL members attached to the Drug and Organised Crime Investigation Branch are trained and equipped to investigate clandestine laboratories, which are a key source of amphetamines in South Australia. The chemical diversion desk within the Drug and Organised Crime Investigation Branch plays a pivotal role in gathering intelligence on the movement of chemicals and diverted prescription drugs used in illicit drug manufacture in our state.

Operation Mantle is the deployment of teams of six police in each metropolitan local service area, with a focus on street level drug markets to disrupt drug trafficking at this level and to divert drug users under the police drug diversion initiative. SAPOL has committed investigators to the Viking Joint Task Force. This task force has a focus on South-East Asian organised crime in the state (which would be of interest to the honourable member) and a considerable amount of the task force's work is in the interception of heroin being trafficked from the eastern states to South Australia. Local service area

drug action teams are initiating and progressing local strategies that engage government and community representatives in a partnership approach to dealing with licit and illicit drug issues. We think there is one at The Parks and we will try to elaborate on that later.

Drug action team leaders coordinated community consultation meetings held throughout the state as a prelude to South Australia's highly successful government Drugs Summit held a short while ago. In response to the Drugs Summit a program has been initiated to employ two additional community constables to enhance drug action team capacity to address alcohol and drug issues among our Aboriginal communities. SAPOL continues to divert drug users to assessment and treatment under the police drug diversion initiative as an alternative to prosecution. SAPOL works in partnership with the Drug and Alcohol Services Council to maintain a drug overdose review group. The group has developed the South Australian drug overdose strategy for consideration of the chief executive coordination committee on drugs. SAPOL contributes to the national supply reduction strategy for illicit drugs. Further, SAPOL participates in the drug use monitoring program—a project funded jointly by the Australian Institute of Criminology and the South Australian Attorney-General's Department. The project measures drug use amongst persons apprehended by police.

It goes without saying that all of us in this chamber are extremely concerned about the use of drugs in our community. As parents with young children many of us are facing the realisation that drugs are prevalent and a frightening ever present menace for our young. This government remains committed to ensuring that we continue to improve the laws of this state to ensure that we have the toughest drug laws in the nation. The Premier himself is personally committed to presiding over the toughest laws we can put in place to ensure that we have strong deterrent against drug use in this state.

The CHAIRMAN: Is the Commissioner confident that the issue of stolen vehicles, particularly—but not exclusively so, being used in high speed activities in the city at night is under control? Are the strategies in place adequate to deal with those situations, which seem to arise from time to time?

The Hon. K.O. FOLEY: I would be happy for the Commissioner to answer that.

Mr HYDE: Yes, I am pleased to answer that question, minister. The level of illegal use of motor vehicles is of concern. We have had operations in place over a number of years, and we have seen the number of stolen vehicles reduce significantly over that period of time. Having said that, they are still being stolen at a rate with which we are not satisfied, and certainly we do not expect the community to be satisfied with that rate, either.

Young people in stolen cars trying to drive in a manner that they are not normally trained for or accustomed to is a particularly dangerous recipe. They are generally driving at high speeds and with disregard to a lot of the traffic requirements. Of course, in many cases, they are trying to allude apprehension by the police. We have a high number of what we call 'urgent duty driving' situations. On any given night we may have two or three and, in most cases, they resolve satisfactorily and the community does not hear a lot about them.

Of course, one night this week (and these are probably the incidents to which the Chairman is referring) we had a number of incidents in which up to seven young people were apprehended for driving dangerously and committing other offences involving at least three stolen motor vehicles.

We have particular operations in place. One, which is in the north-eastern suburbs, is targeting a group that is using stolen cars, engaging in crime and is obviously being put into very dangerous situations with driving dangerously. We are also using our helicopter services more extensively and putting the helicopter into the air at times when pursuits are likely. So, we are using intelligence to target that operation, and that is an especially safe way of being able to manage these situations, thus reducing the risk to both the police and the public in pursuing vehicles, because we can track and control them with our air services. Obviously, we are not able to put the helicopter into the air across the metropolitan area 24 hours a day. However, we are targeting the high risk times, and it is proving quite successful.

We have very stringent policies on engaging in 'urgent duty driving', and that is monitored and controlled by supervisors so that, if the risk is too high, we terminate certain pursuits. However, overall it remains a very high risk activity—risky for police officers, for the offenders, and for the general community, which can be caught up in these incidents.

In short, we are targeting these activities. We are getting fairly good results. Many offenders are being apprehended and, at the end of the day, that is the best way to deal with these people. However, there may be other initiatives that should be considered to tackle the problem.

Mr BROKENSHIRE: My next question to the police minister is on the issue of current cost pressures to SAPOL with respect to recurrent budget. What assessment does he have of the current cost pressures on SAPOL's budget? I refer to 4.33, Statement of Cash Flows, the payment section.

In a press release, the minister indicated that the police will get a \$14.4 million increase for general police operating costs. However, on page 4.33, given the last pay increase that will come through on 1 July from the previous enterprise bargaining agreement, employee entitlements show that the increase for police salaries is approximately \$16 million. In addition, it shows supplies and services in the budget increasing by approximately \$8 million from the previous budget year. That is a total of \$24 million, yet the Treasurer has said that he is putting in only \$14.4 million.

It appears that the police, potentially, have a \$10 million black hole in that area of their budget. I would like confirmation as to whether or not that is a \$10 million black hole. How does the Treasurer expect the police to manage with that, given the difference between his \$14.4 million in his press release and the \$24 million just on those two budget lines requiring increases in expenditure?

The Hon. K.O. FOLEY: That is nonsense. There is no black hole in the budget. The numbers are in the budget for all to see. I have already answered fully and in quite some detail a question from one of my colleagues about cost pressures. The shadow minister can throw all sorts of phrases around, but there is no black hole.

I refer to an earlier question about graduations and the intake of police officers. I will read to the committee a letter that I have sent to the Police Association which may, in part, answer the member's question. Originally, it was a letter to the former minister for police. I will not read all of it, but this part impacts on the member's question:

The Commissioner of Police advises that the March 2003 recruit course was cancelled based on an assessment of December 2003 workforce numbers. In December 2002, the level of attrition with SAPOL was 12 persons below that budgeted for, and a further 24 staff members returned to duty from the inactive list, representing

an overall increase to staff numbers by 36 sworn personnel. Based on this increase, above the December 2002 budgeted staff level, the cadet course scheduled for March 2003 was not required and was therefore cancelled.

I am further advised that the proposed SAPOL schedule of intakes for the financial year 2003-04—

Did the member want the answer?

Mr BROKENSHIRE: It is not that relevant to my question.

The Hon. K.O. FOLEY: It is about to be relevant.

Mr BROKENSHIRE: I am listening.

The Hon. K.O. FOLEY: You are talking.

Mr BROKENSHIRE: I can talk and listen.

The Hon. K.O. FOLEY: I will not give you an answer if you are not listening. I will move on. I would appreciate some courtesy. The letter states that the July 2003 intake is 30. I am advised that the September 2003 intake is 30; January 2004, 26; March 2004, 28; and May 2004, 26, making a total of 140. I hope that cross-checks with previous information; if it does not, of course we will correct it. The letter continues as follows:

This schedule is subject to adjustment to reflect changes to attrition, the inactive list and funding allocations.

I think that partly answers the member's question. Notwithstanding that, we will—

Mr BROKENSHIRE: That does not answer the question.

The Hon. K.O. FOLEY: We are giving you the answer.

Mr BROKENSHIRE: How many will graduate—not recruit—in the next six months?

The Hon. K.O. FOLEY: I do not know what the failure rate is at the academy.

Mr BROKENSHIRE: How many courses will graduate between now and Christmas? It is a simple question.

The Hon. K.O. FOLEY: We will obtain the answer. I was trying to be helpful. We will check all the answers to my questions in this estimates committee today and, should there be any inaccuracies or errors in the information provided, we will rectify it as quickly as possible. We attempt to answer the questions as correctly as we can but, in the pressure and heat of this process, from time to time one may make errors. I want to assure the committee that, over the next few days, we will check *Hansard* and ensure that any errors are corrected and the committee is appropriately notified.

Mr BROKENSHIRE: I have a supplementary question. Will the Treasurer explain why Budget Paper 4.33, for employee entitlement costs and supply and services costs, shows a required increase in payments of \$24 million in the next budget period? The Treasurer has indicated in the budget statement only a general increase to police of \$14.4 million. It appears to me that there is a \$10 million gap in that area of the police budget. Can I have an answer?

The Hon. K.O. FOLEY: The Commissioner has explained to me that this is no big deal.

Mr BROKENSHIRE: It is \$10 million.

The Hon. K.O. FOLEY: But there is no black hole. Base adjustments are made all the time.

Mr Brokenshire interjecting:

The Hon. K.O. FOLEY: Well, that is the advice with which I have been provided. It is quite normal, and there is no black hole. A number of base adjustments are required. As a former minister, the member appreciates, I am sure, that the operational nature of the police force is such that, unlike most other government agencies, one cannot be more certain in predicting the cost of operating the force. There are so many swings and roundabouts in relation to police operations that

those adjustments are made. There is no black hole. That is just a furphy.

Mr BROKENSHIRE: Sir, I am happy to have your ruling, but I do need an answer. As a supplementary question, can the Treasurer explain to me, if there is no black hole, where the \$10 million comes from to plug your budget papers, which show total operating payments increasing from \$380.482 million in 2002-03 to \$403.605 million in 2003-04, yet you are saying that you are putting only \$14.4 million in the general areas? Can the minister explain where the \$10 million comes from?

The Hon. K.O. FOLEY: Read the budget papers. I spent eight years in opposition on estimates committees, and I did not do that time to be the minister now and do the work for the opposition.

Mr BROKENSHIRE: But you are the Treasurer.

The Hon. K.O. FOLEY: Go to the Portfolio Statements, have a look, tally it up, compare it, look at it, and work out the answer. We cannot be any more upfront with our budget numbers than we have been.

Mr BROKENSHIRE: As a supplementary question, will the Treasurer agree that on page 4.33 the difference required in expenditure for payments for employee entitlements and supplies and services from last year's budget to this year's budget is \$24 million approximately, as indicated in the budget papers; yes or no?

The Hon. K.O. FOLEY: I will be more than happy to get a detailed answer for the member.

The CHAIRMAN: The member for Mawson is getting close to his third question.

Mr BROKENSHIRE: I have a question on the government's privatisation policy with respect to police stations. I acknowledge that more police stations need to be built, so I agree with the Treasurer, and we were building them at Netley, Mount Gambier, Wakefield Street and Grenfell Street. We spent about \$60 million worth of taxpayers' money when I was minister. How sure is the minister that the privatisation proposal announced for police stations will proceed, given the caveat in his budget papers that the privatisation of the Rann Labor government for police stations will proceed only if it is subject to value, which in itself is a broken promise? Notwithstanding the broken promise, if the caveat does not stack up, will the minister guarantee building those police stations with taxpayers' money?

The Hon. K.O. FOLEY: This is why I had a sleepless night last night, in anticipation of the onslaught that I would receive today. It has been a very stressful time, with anxious moments, facing the political skill of the member opposite. To suggest that PPPs are a form of privatisation is nonsense. Public private partnerships are a well accepted policy, initiated quite correctly by the honourable member's government, and adopted by nearly all state governments as a way of partnering the public sector and the private sector to deliver infrastructure.

While governments have a better capacity to borrow money more cheaply, what often is the problem for government is that we are unable to manage the project as well as we should in terms of keeping to budget and allowing innovation to occur in projects. PPPs give us an opportunity to bring the skills of the private sector together with the skills of the public sector to get what we need in terms of critical infrastructure. It is no different, if one thinks the pure model through, from the fact that the building in which the police headquarters is situated is leased. We do not own it because

it would not make sense for the government to own a bit of commercial real estate in Wakefield Street. We used to do that and the governments of the past made terrible mistakes when we owned half of Grenfell Street.

Police stations are the same. PPPs to my mind are a similar approach. We are leasing an asset. We do not need to own the building. We need to have the facility for our force, and that clearly is not privatisation. We put a caveat on all PPPs, and I would have thought that the honourable member would appreciate this. The business case has to stack up. We cannot commit the government to a PPP for philosophical reasons: it must be good, financial, economic sense. If it is not, it should not be done.

PPPs started under the previous government, and the PPP unit within Treasury, together with the very good work undertaken by SAPOL itself, has reached the point of making a decision when it is confident that these can proceed, that it has done the due diligence prior to committing the budget to these projects. We are very confident these projects will be delivered under a PPP.

Mr Brokenshire interjecting:

The CHAIRMAN: The member for Mawson has had a few supplementaries, so this is his last question.

Mr BROKENSHIRE: Thank you, sir. If your caveat says that it is not value, will your government proceed with taxpayers' money, like the Liberal government did, to build these police stations, yes or no?

The Hon. K.O. FOLEY: We do not deal in hypotheticals. This is purely hypothetical.

Mr BROKENSHIRE: No, it is not.

The Hon. K.O. FOLEY: You can ask me all sorts of what-ifs. What if the world economy drops into depression next year and revenue is cut by 20 per cent? What will we do? Let us hope it does not drop into depression. We are extremely confident, because of the due diligence undertaken, the work undertaken, the business case that we have put together, that that is not an issue that we will need to confront.

Mr KOUTSANTONIS: What information can the minister provide with regard to the replacement of the Cessna 402 aircraft used for the delivery of emergency and policing services?

The Hon. K.O. FOLEY: As I outlined earlier, and I have said it in the house, policing is not just about numbers, it is about providing our force with the best technology, the best equipment, the best infrastructure that we can, to allow our force to be properly equipped to carry out the job that we as a government and, more broadly, the community requires and expects of our force. SAPOL's forward capital investment program for 2004-05 includes \$2.65 million for the replacement of one of the two Cessna 402 aircraft currently utilised by Police Air Services. This amount takes into account the anticipated sale value of the aircraft that needs to be replaced.

The aircraft has provided excellent service over a period approaching 20 years for a range of needs, including search and rescue, direct support for Far North operations, the Pitjantjatjara lands in particular, and emergency uplift to the scene of a major incident. SAPOL has rigorously applied all maintenance regimes recommended by the manufacturer and by air safety authorities, but clearly the age of the aircraft and the ongoing fatigue management issue is now increasing maintenance downtime, and this trend will continue to the detriment of police operational needs.

Operating restrictions due to the age of the aircraft and load capacity limit key operational requirements, including

the uplift of a standard Star Group squad and its associated equipment. SAPOL has engaged a specialist aviation consultant to review the current aircraft, take into account operational requirements, and recommend future direction and policy. The resultant report and recommendations have confirmed the importance of proceeding with a replacement program to ensure services can continue with minimal downtime and enhanced operational safety. The replacement aircraft will improve delivery of emergency and policing services across South Australia, especially in the Far North of this state.

Mr KOUTSANTONIS: What is the minister doing to address the problem of potential terrorist attacks in South Australia?

The Hon. K.O. FOLEY: This is an issue uppermost in the mind of many people around our nation and the world. It cannot be treated lightly but it also needs to be kept in context and, as a government, we are attempting to do both of those things. The response from the Commissioner and his officers has been outstanding in ensuring that, with due regard to the threats that we may or may not face, we are dealing appropriately with this issue. The budget has a particular provision, and I will come to that in a moment, but in October last year Premier Rann announced that a review of the state disaster arrangements would take place. At the same time, the Commissioner of Police announced that a review of SAPOL's counter-terrorism and state disaster arrangements would also occur.

As a result of the SAPOL review, on 16 December 2002 the State Protective Security Branch was formed. The state government supported the creation of this branch through providing SAPOL with an additional \$300 000 recurrent funding. The State Protective Security Branch provides regular security briefings to government (the Department of Premier and Cabinet is the agency for which that is provided), and complements the existing cooperative arrangements both with the state and nationally relative to counter-terrorism and state disaster issues. The branch has been active in working together with the Department of Premier and Cabinet in consolidating issues particularly relevant to terrorism.

The branch consists of 20 staff, and is SAPOL's first line efforts with respect to prevention, recovery and investigation. It has a policy, strategy and research role, and liaises closely with government and state and federal agencies with regard to counter-terrorism and state disaster issues. Response to a terrorist incident remains the role of front-line officers and, subsequently, specialist officers. During an actual incident, the role of the State Protective Security Branch will include assistance and advice to government and to SAPOL's executive.

Since its formation, the State Protective Security Branch has undertaken a range of activities, including:

- discussion with government regarding counter-terrorism legislation;
- active participation in the government's review of critical infrastructure;
- active participation in the state disaster review;
- active participation in other government sponsored programs, such as the Premier's Bushfire Summit;
- active participation in the state Chemical Biological Radiation Committee;
- managing and coordinating exercises involving a counter-terrorism and state disaster focus (for the financial year to date, 35 joint agency training activities have been programmed);

- managing and investigating information received relative to South Australia through the national security hotline— to date, over 500 calls have been managed by SAPOL; several investigations are still active and, to date, there has been one arrest as a result of investigations stemming from the hotline information.

Mr KOUTSANTONIS: In South Australia?

The Hon. K.O. FOLEY: Yes, that would mean South Australia. The range of activities also include:

- enhancing relationships with key stakeholders in the counter-terrorism and state disaster environment;
- coordinating the protection, of course, of dignitaries;
- investigating crimes linked to counter-terrorism;
- collecting and reviewing information and intelligence and providing regular security summaries to government and key stakeholders;
- developing systems and disseminating security information to critical infrastructure;
- with government support, liaising with multicultural groups across South Australia relative to terrorism issues;
- actively addressing the counter-terrorism gaps identified in the Deloitte Review of 2002, which identified a range of issues at whole of government individual service level;
- representing the state in developing the National Counter-terrorism Plan and Handbook; and
- budget submissions relative to counter-terrorism and state disaster equipment issues, including building projects.

A range of budget submissions have been supported and announced by the government in this budget. Of particular note, there will be a provision for funding (and I will go into that a little more) for a high technology bomb robot, a new mobile tactical command centre and a new mobile intelligence command vehicle. In fact, as we have said, in the face of the ongoing threat to terrorism, the government has allocated an extra \$4.2 million for what I have just outlined, and some further work in training facilities and technical equipment.

I think it can be said that the government and, in particular, SAPOL, have responded swiftly and with purpose to the emerging threat of terrorism. But, as we all know, we live in a very dangerous world, and all we can do as a state is to prepare ourselves as best we can, ensure we undertake the necessary steps and be vigilant.

Mr KOUTSANTONIS: Before I ask my next question, maybe the minister can give some advice on how the federal government is cooperating with SAPOL through the federal police (the AFP), and whether that has been adequate. Recently, concerns have been raised in the media about the AFP's commitment in some of the states off the eastern seaboard, such as South Australia, Western Australia and the NT, in terms of their counter-terrorism operations. My last question is about road safety and, in particular, about the reduction of road trauma, which obviously concerns the South Australian community. What is the minister and SAPOL doing to try to address a reduction in road trauma?

The Hon. K.O. FOLEY: Thank you for this question. Some people have asked me why there will be an increase in revenue from speeding fines and red light camera offences. The reason is because too many people are being killed and seriously injured on our roads. We have made a very firm commitment and SAPOL has, quite correctly, increased its efforts to police our roads. Quite frankly, as the Treasurer, nothing would give me greater delight than to have a blow-out in my budget because revenue from speeding fines fell well short of the mark, because that would mean that more

parents are getting home to their families, and more kids are living full lives because they are not getting injured, maimed or killed on our roads. I think that, as a community, we have to do more to ensure that the message gets through. Quite simply, if you do not like copping a speeding fine, do not speed. It is not a terribly difficult thing to work out. If you do not speed, you will not be fined; if you do not run a red light, you will not be fined.

The road safety strategy adopted by SAPOL involves education as well as enforcement and engineering. Education includes school and community programs, media publicity and the ongoing cautioning of offending motorists by SAPOL. SAPOL takes every opportunity to promote the road safety message and markets strategies through community groups and networks established with key stakeholder groups. The enforcement undertaken by SAPOL is intelligence led. Drivers who do not wish to comply with road laws and create an unsafe environment on our roads are detected and prosecuted. Enforcement campaigns are conducted by police on a regular basis.

Engineering is undertaken with stakeholders to identify unsafe locations in our road system that can be made safer through engineering practices. A specific capital allocation of \$1.44 million was approved to SAPOL in the 2003-04 budget for the implementation of the road safety reform project. Most of the initiatives require legislative support, with the road safety reforms bill being passed on 2 June 2003. The following regulatory changes to the road safety reforms bill directly affect SAPOL resources: introduction of mobile random breath testing; introduction of mandatory loss of licence for second and subsequent offences for .05 to .079 blood alcohol content; introduction of demerit points for camera detected speeding offences; enabling the use of red light cameras for speed detection; and the introduction of a 50 kilometre built up default speed limit.

All the above changes, with the exception of the introduction of the 50 kilometre built up speed limit, have been authorised by the road safety reforms bill. As the 50 kilometre speed limit necessitated an amendment to regulations, this initiative commenced on 1 March 2003. Following a three-month education phase, full enforcement of the 50 kilometre built up default speed limit (I will just call it 'speed limit') commenced on 1 June 2003.

I might say, just to reinforce that point, that it is a terrible reflection on all of us as a community that we continue to have one of the highest road tolls in the nation, I understand, and an incredibly high trauma rate. I pay tribute to all members—the members for Enfield, West Torrens, Heysen and Mawson—for their support and endorsement (enthusiastically, I might add) of the measures adopted by the government, because these are not always as popular as one would like decisions to be. But the argument and reasons are compelling and overwhelming, and I am pleased that all members of this house so strongly endorsed the approach of the Minister for Transport and welcomed this move (and supported by the police minister and SAPOL) to give us stronger, tougher, safer roads in our state.

The CHAIRMAN: Just following up that point, is it the government's intention to continue to identify speed camera locations by the media, and is there any plan to increase the number of cameras or hand-held laser guns?

The Hon. K.O. FOLEY: I might allow the Commissioner to answer the question, as he sees fit.

Mr HYDE: The identification of next day's speed camera locations is part of an issue in raising awareness of road

traffic enforcement and therefore to induce more awareness and better driver behaviour. We do not identify all the next day's locations. They are only some of the locations, and we make that clear. It is also a combined initiative to promote road safety generally with Channel 10 and also to promote Neighbourhood Watch as a good community-based policing program. So, there are many elements to the publicity given to forthcoming sites for some speed cameras.

We have found that, overall, it does not have a negative impact. There is quite a degree of debate about whether speed cameras ought to be identified specifically whilst they are operating or whether they should operate covertly. We are generally of the view that covert operations are the best way to use speed cameras but, in the interests of creating more awareness, this initiative has been put into place. We have not really had any negative feedback from the initiative. The media picks it up pretty well and it becomes quite a topic of discussion, which all goes to the purpose of what we are trying to achieve.

In terms of the additional hand-held radars and mobile radars, there is funding, I think, for about 35 additional mobile radars for the next financial year. We find that those devices are particularly useful in country areas where speed cameras are not as useful because they can be identified quite readily in country locations and, obviously, we have to keep moving them around. However, because of the mobility in country areas, the mobile radar devices are more effective. I do not have any information to hand about any additional hand-held radars. I can provide that information if it is required.

Additional Departmental Adviser:

Mr B. Flaherty, Chief Inspector, SAPOL.

Mr BROKENSHIRE: I turn now to the area of the hand gun buyback. Under 'Targets 2003-04' at page 4.13, SAPOL is to conduct a hand gun buyback between 1 July and 31 December 2003 as a result of legislative changes. We were told, after the Premier had been to COAG back in December, that there was a general agreement between the Prime Minister and premiers for a hand gun buyback. Why is no legislation currently before the parliament for a hand gun buyback that is supposed to start from 1 July this year (that is within two weeks), and was there sufficient consultation during the period straight after Christmas until now with those people who are disaffected, namely, sporting shooters, etc.?

Even though the budget papers indicate that SAPOL was ready for a 1 July start-up on the hand gun buyback (and, in fact, I understand from advice given to me that SAPOL has put everything in place ready for this as of 1 July, and the Treasurer has indicated some staff going across from other areas of SAPOL for a period for the hand gun buyback), why is it now going to be October before the agreement between the Prime Minister and Premier Rann commences?

The Hon. K.O. FOLEY: That is a fair question. The work at SAPOL in this respect has been very good, as one would expect, but with any legislative approach to this type of issue there are always complications, sensitivities and difficulties. The Prime Minister and the Premier have been corresponding on this matter. The fact is that some states have legislated effective from 1 July and some states have not. Some states will start in July and some states will not. I am advised, for the honourable member's benefit, that it is expected that New South Wales will commence on 1 October.

It is our intention to be in a position, parliament willing (and that is more in the honourable member's court than ours), of course, to legislate to ensure that we are in place to run on 1 October. A letter was received by the Premier from the Prime Minister on 2 March seeking to clarify sporting events that would be exempt from restrictions. The letter states:

All other processes, including the introduction of implementing legislation, will necessarily be delayed until the list of exempted sporting events is settled by COAG.

The reply from the Premier to the Prime Minister dated 28 May proposing those events included the Police and Fire Games. We would want those games to be exempt, and that includes the International Practice Shooting Confederation, the Police and Services Match and the NRA Action Match. The Prime Minister's response dated June 2003 repeats that only western action and metallic silhouette weapons would be exempt. I assume that means that there has been some toing-and-froing between the commonwealth and our state as to what would and would not be exempt; and to get the legislation right we want to seek that clarification.

The Premier wrote to the Prime Minister on 13 June this year and, if the honourable member would like, I can read that letter.

Mr BROKENSHIRE: The minister can table it and just highlight the main points.

The Hon. K.O. FOLEY: We cannot table the letter. The letter simply reconfirms this government's strong support for the Prime Minister's initiative to make our community safer. In part, the letter states:

We are giving urgent consideration to the Prime Minister's letter and, as we had only just received the Prime Minister's advice on details of the hand gun buyback, it will be impossible for South Australia to meet the 1 July 2003 commencement date.

I do not want to be critical of John Howard and the federal government because it is a courageous and brave effort by the Prime Minister but, if the Prime Minister writes to us and we have not been able to consider that letter and get the scheme up by 1 July, well, we cannot get it up by 1 July. The letter further states:

The timing of negotiations and of your latest letter do not leave time to introduce the relevant legislative amendments to parliament before 1 July. I therefore propose a commencement date for the buyback in SA of 1 October 2003 in line with that already proposed by New South Wales. This will allow time for consultation, legislative change and introduction of new administrative arrangements. Please ensure the changes are made in relevant regulations to allow for a six month hand gun buyback period in South Australia from 1 October 2003 to 31 March 2004.

Advice from officers is that there is also some uncertainty about the potential start dates in some other states. I cannot confirm this but there may be some drift potentially to August in both Queensland and New South Wales. All the states are moving together but, as a former minister, I think the honourable member would appreciate that getting consistency in approach amongst states has never been an easy task. We are moving as quickly as we are able to in this area. At least I assume that the honourable member is indicating that he will allow swift passage of the legislation when it is brought into the house?

Mr BROKENSHIRE: As a supplementary question—

The CHAIRMAN: Second question.

Mr BROKENSHIRE: A supplementary question—

The CHAIRMAN: Second question.

The Hon. K.O. FOLEY: I am sorry. I should have introduced Brad Flaherty, Officer-in-Charge of the Firearms Branch of SAPOL.

Mr BROKENSHERE: I acknowledge the fact that we need to protect the World Police and Fire Games: it was a Liberal initiative to push the bid for 2007, and we strongly endorse and support it. But, I have a problem with part of the Treasurer's answer because the letter from the Prime Minister, as I understand, was a qualification to ensure the general agreement of a start on 1 July, following agreement back in December, or thereabouts, last year. The letter came in March and the response from the government did not go back to the Prime Minister's office, as I understand it, until the end of May, which is quite a long time.

The Hon. K.O. FOLEY: The last letter from the Prime Minister was received in the office of the Premier, it would appear, on 11 June.

Mr BROKENSHERE: The first letter confirming 1 July came to the Premier's office, as I understand it, in March.

The Hon. K.O. FOLEY: That is correct.

Mr BROKENSHERE: And it was 29 May before he got a response, which is a couple of months.

The Hon. K.O. FOLEY: Yes. These are not things that one can quickly turn around. Again, as police minister—and I appreciate in opposition one can be a little less particular about these matters—you do not just get a response from a Prime Minister and shoot back a reply on the next day on something as controversial and sensitive as this is concerning the sporting shooters in our state, as you would appreciate. Yes, the response took until late May, the Prime Minister replied on 11 June and we responded to the Prime Minister on 13 June. So we are moving quickly.

But I think the member for Mawson should be fair when looking at this and in his comments to the media, because the parliamentary schedule is not necessarily conducive to a date earlier than 1 October, which was agreed to between the government and the opposition. We have some legislative restrictions in terms of when this legislation can move through the house.

Mr BROKENSHERE: I preface my next question by saying that I support and endorse good consultation with all the sporting shooters and the firearms traders council, because they are the people who will be disaffected by this legislation, as I see it—and I hope that has been going on since the meeting in December. My question is: how much money has the department (SAPOL) spent on establishment costs, including any extra rent for property, and any extra materials, equipment and staff that are shifted over for the hand gun buyback?

Further to that, I ask a question on behalf of a number of people who have approached me. I have seen a letter and I am advised that SAPOL was not only ready to go on 1 July but, indeed, in correspondence to people who owned registered firearms, was in effect enacting the forecast legislation before it was passed. Some people have raised concerns about that with me, and I would like to know whether or not it is correct that the department was working towards the future before that legislation was tabled.

The Hon. K.O. FOLEY: The Commissioner has advised me that approximately \$120 000 has been expended, including commitments.

Mr BROKENSHERE: And the second part of the question?

The Hon. K.O. FOLEY: Would you repeat the second part?

Mr BROKENSHERE: I have had a number of people come to me who are registered firearms owners expressing concern that, several months back, they received material about firearms and transfers (or anything to do with firearms) with respect to hand guns that was based on the legislation to be passed and that SAPOL was ready for 1 July. They are asking why SAPOL was working in that direction, before the legislation was passed, in its general management of the issues surrounding the hand gun buyback and those pistols and revolvers that would not be available after 1 July.

The Hon. K.O. FOLEY: I will start an answer to that question and let others conclude. We are debating at the margin here: we are consulting about issues at the margin. The intent of what the Prime Minister expects and the states have agreed is known. I would have thought it was obvious that SAPOL would begin the work of communicating that so we can move swiftly.

Mr FLAHERTY: The general gist of what sort of hand guns were going to be bought back was pretty well finalised earlier this year. We had applications from people who wished to purchase firearms that fell into the restricted categories, and we advised them that purchasing these firearms would put them in a position where, with the intended 1 July start date, those firearms would become prohibited firearms and they would have to hand them in for purchase by the government.

Due to the fact that current legislation allows for the Deputy Registrar to restrict the purchase of those firearms under what is called a genuine reason (I think under section 15 of the Firearms Act), the determination was made to not allow those people to purchase those hand guns. However, where the hand guns were examined and found to be outside the guidelines as set down by COAG, those people were allowed to purchase them.

Mr BROKENSHERE: My next question is: how many WorkCover claims has SAPOL received this year and how does that compare with the previous year? How many sick days have been taken in the year to date, and how does this compare with the previous year?

The Hon. K.O. FOLEY: We will take that on notice. We have some information, but we will come back to you with a full answer.

Mr BROKENSHERE: My next question is directed to the police minister. I note that he is talking about road safety initiatives, and the Liberal opposition and I strongly endorse that: in fact, I would like to see more finance going to police to assist them with their good work. Why does the government in its budget papers expect to fine more than 40 000 more motorists for traffic offences next year than this year and thereby collect an extra \$14 million more than last year in the forward estimates for next year's budget?

The Hon. K.O. FOLEY: Because we have more enforcement. Parliament has legislated that we have various new measures relating to red light cameras and, as the Commissioner indicated, some 35 additional mobile radars. Of course, with the introduction of the 50 km/h speed zone, we assume people will take some time to adjust to the new regime.

As I have said, there is red light camera use, and, I am advised, additional mobile radar and the introduction of the 50 km/h zone. There was a decrease in 2002-03 of approximately \$3.1 million, which reflects the change in work practices brought about by the introduction of the 50 km/h default speed limit on 1 March, with a three-month education phase into June 2003, resulting in 6 249 cautions of people

not observing the 50 km/h zone. Of course, there was a grace period in place, but 596 expiation notices were issued. So, that accounts for a decrease in the figure at the end of the year.

For completeness of my answer, it is proposed that SAPOL will acquire an additional 36 mobile radar units, with an increased activation of speed through red light cameras; as I have said, an additional allocation of resources, with extra use of the 17 speed cameras, and an increase in the number of weeks from 26 to 31 weeks per year. We are making no secret of the fact that it is an increased traffic enforcement strategy, but I would be happy to cop a \$10 million hit to my budget if we did not catch any more people speeding.

The CHAIRMAN: Minister, what input does your portfolio have in relation to improving the justice system? I talk to police, from time to time, many of whom express frustration at what they see as the recycling of criminals through our court system, with juveniles often seeming to get away with no real penalty. To what extent do the police have a meaningful say in trying to address some of these issues in the total justice system?

The Hon. K.O. FOLEY: That is a good question. As a new arrival to this portfolio, I am probably the least qualified at the table to answer that question. I will ask the Chief Executive Officer of the justice portfolio to make some comments, and then ask the Commissioner if he would like to add his comments.

Ms LENNON: The justice portfolio actually has a justice portfolio leadership council, of which the Commissioner is a member. The council was set up to take a strategic view of the justice issues that affect all the agencies, so that we could be more effective in the way in which justice is delivered. All areas—whether it be from prosecution to juvenile justice, new programs or new policy, are discussed by that council. We have a task force (which includes police representation) for specific issues, and we also regularly meet with the judiciary. The DPP is also a member of the leadership council. A lot of the issues raised by the Chairman are discussed at that meeting so that we can actually work together and everyone's view is put into the project or the policy decision which goes to cabinet. So, police involvement is fairly extensive on a whole range of issues in the portfolio.

Mr HYDE: One additional way in which police have particular input in improvements within the justice system is to make proposals for legislative reform. More recently, that has been the case with the forensic procedures legislation and the expansion of the use of DNA technology in terms of detecting offenders. We are very alert to improvements in legislation, and we do make quite a number of suggestions from time to time to, from our point of view, improve issues involving the justice system.

The Hon. K.O. FOLEY: I am happy for the shadow police minister to have the remaining 25 minutes. The only way I can deal with my terror of the member for Mawson is to confront him. I believe that if I confront my fears I will be a better minister at the end of the day, and I will no longer have sleepless nights before estimates committees.

Mr BROKENSHIRE: Why have the police not been given significant cash increases directly from fines and penalties for extra police and programs, given Labor's policy statement that all fines revenue (which is approximately \$50 million a year) will go to police and Transport SA safety initiatives?

The Hon. K.O. FOLEY: The shadow minister, along with a few of his colleagues, must be Rob Lucas's worst nightmare. No wonder we hear so little from the shadow treasurer about anything relating to the budget: he has every shadow minister running around out there and telling us how to spend money. No wonder I inherited a basket case. They are just out there spending. Rob Lucas has no control but, then, he had no control over his ministers whilst in government. That is really just another way of answering your earlier questions.

The government established the road safety fund into which all road fines money goes. We are the first government, from my recollection, to do such a thing. I would have thought that it was a good measure and that the shadow minister would be applauding it. From memory, he supported it in parliament (although it may not have been a legislative measure—I am not sure whether it was legislative or administrative). We have a road safety fund administered by the Minister for Transport, and that is where all the money goes.

Mr BROKENSHIRE: Page 4.13 of the budget papers shows an amount of \$1 million, which I understand is extra money for SAPOL within the AP lands project. Can the Treasurer confirm that the police assigned to the AP lands will be extra police funded by the \$1 million and, further, why did SAPOL advise police in the north that this program would be discontinued in May 2003, at about the same time as the Treasurer announced it in the budget? Will the minister confirm that Marla police will not be used to provide all the police to the AP lands, as per the minister's budget speech?

The Hon. K.O. FOLEY: We put additional money into the AP lands for policing. Very few things have disturbed me as much, in my short time in government, as the briefing we received from Wayne Chivell, the State Coroner. We brought him into cabinet (I was Acting Premier that day, and I remember it very clearly), and he talked through the terrible tragedy unfolding in the Anangu Pitjantjatjara lands. It is a disgrace, and a poor reflection on our community, that Aboriginal people are killing themselves. Their society is dysfunctional, and the basic standards one would expect of civilised society are at best limited and at worst beyond description. We as a government have acted upon the request and advice, in part, of the Coroner but also upon the work being undertaken by the senior management council of government.

Last week, I think, chief executive officers of government departments were involved, and I know that the Commissioner has visited the lands on a number of occasions. We treat this as an absolute priority, and we are putting substantial new funding in this budget of, I think, about \$12 million. In particular, we are putting money into policing in the lands. SAPOL was provided with \$250 000 in 2003-04 to maintain two-person patrols at Amata and Umuwa. The funding is required to cover additional penalties, allowances, equipment, air travel and motor vehicle costs of four officers re-assigned from Adelaide to the Far North LSA.

This is an operational matter, and I am extremely vigilant in ensuring that I do not stray into operational matters. As the shadow minister would know, in parliament, if there is a whiff of it being an operational matter, I will defer to the confidence the government has in the Commissioner to undertake operational matters, and I would not dare walk down that path. I ask the Commissioner to expand on that.

Mr HYDE: Yes, the funds are for additional operating expenses for patrols to work in the lands. The \$1 million

relates to four years funding of approximately \$250 000 per year. We have been conducting operations under the name of safelands. We had another operation for three months earlier this year. It discontinued in about May. It was intended to run for three months, but it ceased a little earlier because we had some industrial issues with the Police Association on the payment of some allowances to the officers. Bearing in mind that it was going to cease a short time later, we stopped it. That is not to say that we do not intend to resume those operations. Indeed, the funding is to be made available for that purpose.

We are looking to have four officers operate in the lands—two from Amata and two from Umuwa. Some will come from Adelaide, and it is likely that some will come from Marla as well. Those sort of things have not been finally resolved. We have relocated some accommodation into Umuwa, so we have some base accommodation for officers to work from. We have found that, as good as the community constables have been over the years, the community really needs to have a police presence back into the lands, so we are looking for a way to do that. Clearly there are some significant problems in getting officers to reside and work within the AP lands, and we are working to try to overcome those issues and are committed to upgrading our service to the communities in those lands.

Mr BROKENSHIRE: Will the Minister for Police confirm the current number of officers working in operation Avatar and say whether that number has been consistent over the past 18 months or thereabouts? Will he confirm that there are still 20 officers for the southern and 20 officers for the northern relief pools, and have those numbers been kept constant?

The Hon. K.O. FOLEY: As that is clearly an operational matter, I will ask the Commissioner to comment. Some of the information may be sensitive, but that is a matter for the Commissioner.

Mr HYDE: The numbers should have been maintained. I do not have any information available today to the contrary, so I can only undertake to obtain that information and provide it to the committee.

The CHAIRMAN: There seem to be a lot of arson attacks in the metropolitan area against private and public property, although not quite every night. Is there any special group within the Police Force trying to tackle this issue? It is not a easy one to deal with. Almost every day you hear in the media that something has burned down, yachts are being burnt out or a factory has gone up. I do not know whether it is systematic crime or is opportunistic. I have been trying to encourage the Insurance Council to provide significant rewards for information, but this costly activity in the metropolitan area seems to continue.

Mr HYDE: Arson is a particular problem and ranges in significance from very minor arson attacks to major problems in factory premises or bushfires. We have an operation called Operation Nomad whereby officers are targeted in dealing with these issues. We normally have the operation running during the fire danger period, and the operation bases its activities on intelligence. We have looked to expand the operation to times throughout the year. I would have to provide more specific information on that. More generally, arson offences are dealt with through our local service areas. We find that the best way to deal with the majority of crime is by local ownership and initiatives, and that is the case with most arson offences, apart from those that are particularly targeted through Operation Nomad. We have not seen the

need at this stage to develop a centralised squad or section to investigate arson, but we would be mindful of any trends in this area so that if the need arises we would have a close look at the best way to deal with it.

Mr BROKENSHIRE: I refer to payments and receipts, on page 4.33—budget: property, plant and equipment for 2002-03, where there was estimated expenditure of \$12.008 million. It shows the result for that period being only \$5.821 million. What was not purchased and why was it not purchased?

The Hon. K.O. FOLEY: That would deal with matters of carryover and what has been agreed and has not been agreed. We have details in the budget, and I am not in the business of doing the opposition's work for them.

Mr BROKENSHIRE: As I cannot find it in the budget papers, would the Treasurer get a considered response back in due course?

The Hon. K.O. FOLEY: I have answered the question to the best of my ability and I do not intend to add to it.

Mr BROKENSHIRE: In the IT section for SAPOL at page 4.14 it shows in the 2003 budget \$6 million for expenditure. The estimated result was \$420 000. In the call centre for 2003 it shows a budget figure for expenditure of \$1.065 million, but the estimated result is \$696 000. Why was there an underspend on those initiatives?

The Hon. K.O. FOLEY: As a former minister you would appreciate, particularly with IT equipment and complex programs, that, whilst you may budget for a year, to actually spend the money can be difficult or it can shift and can move from one year to another. I ask the Commissioner to add to that.

Mr HYDE: The \$6 million referred to is for our mobile data project. We are currently out to tender for that and tenders are being evaluated, and that includes trialing a number of devices in vehicles. It has proved to be a little complicated because in the fixing of these devices in the vehicles we need to look closely at the Australian design rules. In particular, they can impede the air bag on the passenger side of a vehicle, so we are working through those issues at the moment. However, it has meant that there has been a longer delay in bringing this project to completion. So the funds are available next year and the year beyond to complete that project.

With the call centre, I am not sure why the money has not been fully expended. We do not have any difficulty with the program, and going to 24 hours a day, seven days a week, has been an aim for some time, and it is well on track. In fact, we have just started that operation, even though funding does not come into place until the next financial year. I can check on whether the equipment purchases are fully planned for that expenditure, but I do not have that information readily available at this stage.

Mr BROKENSHIRE: In Budget Paper 4.33, what is the \$7.6 million from the commonwealth in the area of receipts (the grants and payments section)? There is a one-off amount this year of \$7.6 million. Will the minister tell the committee what that is for?

The Hon. K.O. FOLEY: I am advised that it is the commonwealth contribution to the gun buyback scheme.

The CHAIRMAN: I know that the Premier has taken a keen interest in the matter of the illegal use of knives, stabbings and so on. Will the minister, or the Commissioner, indicate whether that problem is diminishing, or whether it is still a serious problem in South Australia?

The Hon. K.O. FOLEY: That is clearly an operational matter. If the Premier were here, he would probably launch into his own views on knives, but I will hand this question to the Commissioner.

Mr HYDE: Yes, we are generally concerned about the carriage and use of knives in committing criminal offences. We would prefer to see fewer knives being carried in public places, particularly by young people. A raft of measures exists to deal with that problem, but we still see serious criminal assaults being committed with the use of knives. Whilst I cannot give you any particular data today, it is one of those areas which we should remain very careful to deal with in the future and continue to scrutinise whether what is occurring in public places, in particular, is what we want to occur.

The CHAIRMAN: Is the law adequate in terms of what the police need to be able to do?

Mr HYDE: Some refinements could be made to the legislation to tighten up, for example, on the excuses that people can give legitimately. When I say 'legitimately', I mean in terms of what the law provides, rather than the reality. There could be some tightening up on what sort of excuses are acceptable for the carriage of knives, particularly placing the onus on those who carry knives to justify their carriage. I am not in a position to give a definitive answer, because it is not something to which we are paying particular attention at the moment. Certainly, I have not come prepared today with that information.

Mr BROKENSHERE: Why has the government not approved a police station for Golden Grove, as requested prior to the last election by the member for Wright?

The Hon. K.O. FOLEY: Because we are building police stations in Victor Harbor, Mount Barker, Gawler and Port Lincoln.

Mr Koutsantonis interjecting:

The Hon. K.O. FOLEY: Exactly. This is a very interesting point. We are acting on the advice of the police as to the areas of most need.

Mr BROKENSHERE: So the member for Wright is irrelevant.

The Hon. K.O. FOLEY: The member says that the member for Wright is irrelevant; that is offensive. What this government is demonstrating is that, unlike the former government, it will make decisions based on good policy, not on political considerations. The urgent demand is in the Liberal held seat of Mount Barker; we are building them a police station. In the Liberal held seat of the deputy leader, we are building a police station. In the Liberal held seat of Flinders, we are building a police station. In the Liberal held seat of Light, we are building a police station. Why? Because the police advise us that they are the areas of most need. I think that it would be wrong for government to allow political considerations to influence its decision making as it relates to these types of matters.

That is not to say that Golden Grove should not be considered for a police station: it is simply to say that the advice of the police to us is that, as a priority at this point (and it may change), this is not a station that meets the test of the most urgent need for our policing. That is not to say that it may not in the future—not at all. However, I would have thought that we would be applauded for making sound policy decisions and for not being influenced by politics.

Mr KOUTSANTONIS: I have a question about a constituent that I want to ask the minister. I have a constituent in a Housing Trust home who volunteered her home to the

police for an observation unit on people who were involved in illicit crimes. She is now being persecuted persistently by the people on whom the police performed the surveillance. In my opinion, the police have been very good and have done everything they can. However, as yet, no arrest has been made. What sort of follow-up is there for these people who volunteer and put themselves at risk by allowing surveillance units in their homes? After the police have gone, could any special mechanism be put in place so that these people might be better serviced?

The Hon. K.O. FOLEY: Because that is clearly an operational matter, I will ask the Commissioner to comment.

Mr HYDE: What measures can be taken really depend on the circumstances in which people find themselves. Generally, there is no particular mechanism that can be used; however, the law does provide assistance through restraining orders and ways of dealing with stalking and harassment. If any further, more serious matters occur, obviously the criminal law can be used. I cannot give a definitive answer without more information. If the member cares to provide that information, I will be very pleased to follow up on that matter and provide some advice.

The CHAIRMAN: We have time for one question—member for Mawson.

Mr BROKENSHERE: Given your ruling, Mr Chairman, I will ask only one more question. However, I ask whether I can table some omnibus questions.

The Hon. K.O. FOLEY: No, I think that you have to read them. We could not get away with that, although I tried it a few times!

Mr BROKENSHERE: I will read them as quickly as possible. Did all departments and agencies reporting to the minister meet all required budget savings targets for 2002-03 set for them in last year's budget?

The Hon. K.O. FOLEY: I will answer that question. As I have said in an earlier committee as the Treasurer of South Australia, we put down quite significant savings, reallocation and efficiency requirements in agencies. We are hopeful, as best as we can be, that those savings requirements will be met. However, as I said yesterday, we will know that only in 2003-04.

I do not want to single out this agency against others. The expectation is that the requirements of agencies will be met. We have measures in place to monitor and track their achievements in responding to those targets. There may be incidences where those targets are not met but, in general, I am confident that we will achieve a level of savings that is consistent with what we require. If we fall short of that, we fall short but, at this point, I am reasonably comfortable about how things are tracking.

Mr BROKENSHERE: How much training has been put into mental health incident management in 2002-03? What is intended for 2003-04? What other training are police receiving in special areas for 2003-04?

The Hon. K.O. FOLEY: That is a good, detailed question and it will require a considered response. We will take it on notice and provide the member with an answer.

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

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

Membership:

Ms Chapman substituted for Mr Brokenshere.

Mrs Geraghty substituted for Mr Koutsantonis.

Mr Hanna substituted for Mr Snelling.
Mr Scalzi substituted for Dr McFetridge.

Courts Administration Authority, \$62 789 000

Witness:

The Hon. M.J. Atkinson, Attorney-General, Minister for Justice, Minister for Consumer Affairs and Minister for Multicultural Affairs.

His Honour Mr T. Worthington, Chief Judge, attended on behalf of the Courts Administration Authority.

Departmental Advisers:

Ms K. Lennon, Chief Executive, Attorney-General's Department.

Mr W. Cossey, State Courts Administrator, Courts Administration Authority.

Mr T. O'Rourke, Director, Corporate Services.

Mr M. Church, Manager, Financial Services.

Mr K. Pennifold, Director, Strategic & Financial Services Unit.

Mr R. Mathews, Acting Fund Manager, Strategic and Financial Services Unit.

The CHAIRMAN: The estimates committees are a relatively informal procedure, and as such there is no need to stand to ask or answer questions. The committee will determine an approximate time for consideration of proposed payments to facilitate changeover of departmental advisers. I take it that has been done. Changes to committee membership will be notified. If the minister undertakes to supply information at a later date, it must be submitted to the committee secretary by no later than Friday 25 July.

I will allow both the minister and the lead speaker to make a brief opening statement if they wish. There will be a flexible approach to giving the call for asking questions, based on approximately three questions per member, alternating each side. Supplementary questions will be the exception rather than the rule. A member who is not part of the committee may, at the discretion of the chair, ask a question.

Questions must be based on lines of expenditure in the budget papers and must be identifiable for reference. I do not ask members to read out those lines each time because it takes up a lot of time of the committee, but, if members stray from the purpose of the committee, I will bring them back to that requirement. Members unable to complete their questions during the proceedings may submit them as questions on notice for inclusion in the Assembly *Notice Paper*.

There is no formal facility for the tabling of documents before the committee, but documents can be supplied to the chair for distribution to the committee. The incorporation of material into *Hansard* is permitted on the same basis as applies in the house, that is, that it is purely statistical and limited to one page in length. All questions are to be directed to the minister, not to the minister's advisers. The minister may refer questions to advisers for a response. I also advise

that, for the purpose of the committee, some freedom will be allowed for television coverage by permitting a short period of filming from the northern gallery.

I declare the proposed payments open for examination and refer members to Appendix D, page 2, in the Budget Statement, and Part 4, pages 4.1 to 4.11 and 4.78 to 4.99, Volume 1 of the Portfolio Statements. Does the Attorney wish to make a brief statement?

The Hon. M.J. ATKINSON: No, sir.

The CHAIRMAN: Does the member for Bragg wish to make an opening statement?

Ms CHAPMAN: No, sir. Following the Drugs Summit, the government announced that it was committed to ongoing funding of the Drug Court, and we applaud the continuation of this excellent Liberal initiative. The latest report of the Courts Administration Authority shows that in fiscal year 2001-02 there were 68 acceptances into the program and 27 people completed it. What is this year's funding allocation to the Drug Court, and has the court been evaluated by an independent person or body? What is the result of the latest evaluation of the Drug Court program?

The Hon. M.J. ATKINSON: It is true that the Drug Court was an initiative of the previous Liberal government, and I congratulate the previous government on that. It was a good initiative. However, it was left without funding when the new government came in, and it is the new government that gave it recurrent funding; otherwise it would have fallen over. A decision had to be made, and we made the decision to provide it with the money. The allocated funding in this budget will be used to enable more effective assessment, processing and treatment delivery to Drug Court participants, and also enable an increase in numbers accepted into the program.

The government will be introducing legislation also to put the diversionary courts on a proper legal basis. It may be that some of the orders that have been made in the diversionary courts are rather informal, so we are still working on that legislation and hope to introduce it to parliament. I believe that the Chief Judge would like to add some remarks.

The CHIEF JUDGE: I cannot answer directly some of the parts of that question but I can say that, since it began in May 2000, my information is that there have been 584 referrals to the program. The Justice Strategy Unit is presently monitoring the pilot program. There is a management committee chaired by the Chief Magistrate, and the Office of Crime Statistics is presently doing a final evaluation and report on the pilot project. I also understand that 17 per cent of referrals have graduated, that is, have been totally successful. On my rough calculations, that is about 100. There have also been withdrawals of the order of 14 per cent for various reasons, such as the charge being dropped, employment reasons or some other mixed reasons. However, I do not have information to answer what the intake is in the present calendar or fiscal year.

The Hon. M.J. ATKINSON: I can add that the funding is \$1.465 million for this financial year, and that is split between three departments: the Courts Administration Authority gets \$371 000; the Department of Correctional Services, \$589 000; and the Department of Human Services, which provides a number of the services needed to make diversion effective, receives \$505 000.

Ms CHAPMAN: The latest annual report of the Courts Administration Authority refers to the Mental Impairment Court. Its formal title is the Magistrates Court Diversion (Mental Impairment). The purpose of the program is to divert

individuals who have impaired intellectual and mental functioning away from traditional court processes. The program applies only to certain offences and only to cases where a person has pleaded guilty.

The report notes that the CAC received a grant of \$213 000 for the program in 2001, but nothing in fiscal 2002. It was recently reported that there was a backlog of cases in the program within the Magistrates Court. The magistrate who presides in the court, Mr Terry Iuliano SM, has been quoted as saying that the staff assigned to work in the program are unable to cope with the high number of referrals. He also said that the effectiveness of the program depends on early intervention and that its success has been compromised by delays and understaffing. How much funding has been allocated to this program in the current year and what steps have been taken to address the situation described by the magistrate? Has the program been evaluated, by whom and with what result?

With reference to page 4.96 in the budget papers, 'Approved funding for extension of mental impairment program', where is the extension to occur and how much funding is to be provided for that extension?

The Hon. M.J. ATKINSON: This year, \$515 000 will be allocated to the mental impairment diversion courts, and there will be an extra \$350 000 to roll out the program to regional areas. Regarding the question of evaluation, there was a three-year evaluation of the Magistrates Court diversion program, and the preliminary results are that there is a reduction in the level, frequency and seriousness of offending for those who successfully complete the program. That information was provided to the opposition last month. I should add that there has been a 40 per cent increase in the referral rate to the program. So, clearly, the people for whom it is intended regard it as beneficial, and apply to be part of it.

Ms CHAPMAN: Who is undertaking the evaluation?

The Hon. M.J. ATKINSON: The Justice Strategy Unit of the Justice Department.

Ms CHAPMAN: In last year's estimates (1 August 2002, page 146), the Attorney-General reported that X-ray scanning equipment had been installed at the Elizabeth Magistrates Court and the Christies Beach Magistrates Court and that Port Adelaide and Holden Hill have been identified as the next sites. The Attorney-General has also said that criminal docks in metropolitan courts would be upgraded by the installation of toughened glass, or similar screening. Has the court scanning equipment been installed at Port Adelaide and Holden Hill? Is it to be installed elsewhere? Have all the docks in metropolitan courts been modified? Has there been any assessment of the effectiveness of security in the courts? And, specifically on funding, how much was spent in the 2002-03 financial year on court security, and how much is proposed to be spent in 2003-04?

The Hon. M.J. ATKINSON: I think Bill Cossey will be able to answer the member's question.

Mr COSSEY: In respect of the additional magistrates courts requiring the installation of X-ray scanning equipment, they have not yet been done, because minor works are required to the foyers to enable equipment to be installed. However, at those courts there are normal devices for scanning of individuals using hand-held wands. The security has been upgraded at those courts, but not to the point of introducing the full X-ray scanning equipment.

In respect of the upgrading of criminal courts to make the docks more secure, there has been a program of adding

toughened glass, or similar screening, to docks. One dock at each of the Holden Hill, Elizabeth and Port Adelaide courts has been updated. The Christies Beach and Adelaide Youth Court docks were updated when the recent building works were undertaken, and one dock in the Sir Samuel Way Building has been upgraded as part of the refurbishment for the matter of the Crown versus Bunting and others trial. The remaining 10 criminal court docks in the Sir Samuel Way Building are being upgraded as part of our ongoing program this financial year, and a dock at the Mount Gambier courthouse, including the addition of screening, is to be upgraded this year. I do not have the precise costs of those works, but I can provide that information separately.

The Hon. M.J. ATKINSON: We will take on notice any parts of that question that we were not able to answer fully and obtain the details for the member.

Mr HANNA: I have a question for the Chief Judge, and it relates to the civil jurisdiction (the reference is Budget Paper 4, Volume 1, Sub-program 1.3, page 4.84). My question relates to the resolution of disputes in the District Court concerning the property affairs of de facto couples. I wish to know the extent to which the court's resources are devoted to those types of matters—in other words, where a man and woman who have been living as a married couple have a dispute and have fallen out and, thus, seek an equitable property distribution. I am not sure whether statistics are available, but can the Chief Judge advise how many of those cases might be seen, for example, per year and what resources are available to meet that particular demand?

The Hon. M.J. ATKINSON: I am happy to refer that question to the Chief Judge.

The CHIEF JUDGE: I cannot give statistics. I am not sure if any have been kept, but I would be very happy to inquire about that, if that would be helpful. It is fair to say that, over the last three years, it has been noticeable that there have been more of those types of cases—that is, the de facto property disputes—than there were previously. To what extent that is due to the federal jurisdiction position I am not sure. As I understand it, there has been a reference back to the federal jurisdiction. I am not sure whether or not it has been accepted (my understanding is that it had been) that these matters be dealt with in the Family Court. What effect that will have on the number of cases that come to the District Court I obviously cannot say.

As far as resources are concerned, like any other civil case, it has to be dealt with within the judicial resources that can be allocated for any civil case, be that a registrar at one level, a master or, ultimately, if the matter goes to trial, it would be a judge.

Mr HANNA: Can the Chief Judge also comment on the extent to which similar types of cases are brought by same sex couples for resolution of property disputes?

The CHIEF JUDGE: I am unable to answer that question.

Mr HANNA: For my third question I need to provide a little background. I wrote to the Attorney-General in July last year about the procedures governing the resolution of de facto property disputes. The particular concerns that I raised related to the confidentiality of the proceedings and also the opportunities for mediation of the dispute. These are, obviously, features of the Family Court proceedings that would apply to married couples. In November, the Attorney-General wrote back and, so as not to quote out of context, I will read out three paragraphs of that letter:

Although these types of matters are difficult and demanding, both the Chief Justice and the Chief Judge doubt that it would be possible to copy the arrangements in the Family Court because of the very different legislative basis applying to that court.

Cited in particular was the legislative basis of the Family Court, which enables confidentiality and restricts publication. The majority of court proceedings in the District and Supreme courts in South Australia are open to the public. Another factor which must be taken into account is that it would not be possible for judges of our court to mediate on such matters. The Family Court is a specialist jurisdiction and its justices preside only on family law matters. Supreme Court justices and District Court judges are required to deliberate on both criminal and civil matters. Such judges have a high trial and case load.

I can advise that an attempt was made last year by the District Court to discuss possible changes to current procedures with interested members of the legal profession but it proved impossible to convene the required meeting and it seemed that the lawyers lost some interest in pursuing changes. The Chief Judge is not convinced that the types of changes that the legal profession seemed to have in mind would have worked and it is his view that these matters would best be handled by the Family Court, whose structure and legislative basis are better able to meet the family law jurisdiction.

Of course, I do not seek the view of the Chief Judge in relation to policy matters, but I would ask the Chief Judge whether he cares to revise any of the views attributed to him in that letter and to elucidate on any practicalities or questions of resources which might prevent reforms of the kind I mentioned being introduced into the court.

The Hon. M.J. ATKINSON: I ask the Chief Judge to respond to that question.

The CHIEF JUDGE: If I have properly understood the question, I think I could take it in two parts: first, the problems that existed with regard to confidentiality, which were a concern, I know, on a very wide basis, have been addressed by the recent amendments in this parliament to the Evidence Act. I am not sure whether they have been proclaimed but they have certainly, I think, been passed.

Mr HANNA: They have been introduced, I believe, but not debated yet.

The CHIEF JUDGE: I see. I was not aware of that. They are here, anyway. Those proposed amendments to the Evidence Act closely mirror the legislative basis that the Family Court has got for confidentiality, and that would address the issues about confidentiality and the inability of the courts here to do anything about it under the existing section 69 of the Evidence Act. As the honourable member would be aware, it is very limited in those areas. When and if that legislation is passed that will address that problem.

The second issue is the question of mediation. I think that is the other part of the question. What facilities have we got? The information that was referred to earlier is correct: that the amount of time judicial officers would have for conducting mediations, certainly on any regular basis, just would not exist because the judges are fully occupied doing the other work, both criminal and civil. What we did have, though, and going for some three years or so, was a pilot program for mediation where we were using retired judicial officers. They would accept referrals for mediation. That pilot program came to an end a little over 12 months ago. The Chief Justice and I, in conjunction with a working group from both the Law Society and the Institute of Arbitrators, have been putting together a scheme which is not quite yet in operation but which should be very soon.

It is envisaged using private mediators who would be on a list recommended by the presidents, chairmen and chairpersons of the various bodies involved, and they would be acceptable to the Chief Justice and me. That would involve

some cost, but the court is not in a position to provide funded mediation. We can provide facilities for it. If more information is needed about that, with your permission, Mr Attorney, Bill Cossey could explain that. However, a suite that we can use has been taken near the court, the idea being that matters suitable to mediation can be referred by consent or, as there is now power under the District Court Act and the Supreme Court Act, compulsorily to mediation. I am not sure whether that covers the question sufficiently.

Mr HANNA: That is helpful, thank you.

Mr SCALZI: In May 2002 the Courts Administration Authority published an internal review of the jury system. The review, which was conducted by the Sheriff, recommended increasing the travelling allowance to jurors from 20¢ per kilometre to 50¢ per kilometre, and also increasing the maximum level of reimbursement for jurors' loss of wage from \$80 to \$180 per day. The amount that jurors can be reimbursed for the cost of travel to and from court was set at 20¢ per kilometre in 1988. It has not been increased since then. These days the generally accepted rate for reimbursement is between 48¢ per kilometre for a small vehicle and 59¢ for a larger vehicle.

Many jurors, especially those who are called to serve in either Mount Gambier or Port Augusta, have to travel many kilometres each day. Car parking is an issue for jurors in Adelaide. They must pay for their own. The Courts Administration Authority report in 2002 said that a budget bid was being made for additional funds. However, new regulations were made in August 2002 with no increase being allowed for transport reimbursement. Does the Attorney-General agree that citizens who undertake jury service should not be out of pocket for fulfilling their civic duty?

Was the budget bid made this year for funding the recommendations of the Courts Administration Authority for increasing the travelling allowance for jurors? Thirdly, would the Attorney-General explain why the recommendations of the Sheriff were not accepted by the government?

The Hon. M.J. ATKINSON: That is a most pertinent question. I do think that the allowances offered for jurors is a meagre sum; it is a mean offering. A bid was made during every year of the previous government and was refused on every occasion. There was no bid for this financial year. A substantial increase was made for jurors in long trials, such as the 'bodies in the barrel' murder case. I am hoping there will be a bid for next financial year. That process will commence in November. I agree with the honourable member that the daily allowance and the travelling allowance is inadequate.

Membership:

Mr Snelling substituted for Mr Hanna.

Mr SCALZI: In the latest annual report for the Courts Administration Authority for the year 2001-02, which was tabled in parliament on 5 June 2002, the Chief Justice, as Chairman of the State Courts Administration Council, referred to the condition of the Supreme Court buildings. The Chief Justice said:

The Supreme Court building in Adelaide and associated buildings are well below the standards that the public and our staff are entitled to expect. In the coming year the authority will ask the Executive Government to support a major rebuilding program that will include the demolition of the five-storey brick building (commonly known as the Library Building) at the rear of the original Supreme Court building. As I have said repeatedly, the existing facilities are inadequate and not appropriate to the position of the court. The

council is reluctant to spend money improving the existing Supreme Court building unless it knows that expenditure will be justified having regard to the long-term use of buildings.

My question is: did the Courts Administration Authority seek funding for the rebuilding programs referred to by the Chief Justice? If so, what decision did the government make in relation to this matter? When does the Courts Administration Authority expect to receive funding for this project?

The Hon. M.J. ATKINSON: I cannot walk across Victoria Square without being importuned about this matter. The refurbishment of the Supreme Court complex has been one of the Courts Administration Authority's highest priorities for years. The work completed within the initial project cost estimate addressed the complex's fire and mechanical services, because they were placing the occupational safety of judges, authority employees, and members of the legal profession and the public at risk. In addition to the finalised fire and mechanical issues, there are outstanding staff occupational health, safety and welfare and building infrastructure matters that are severely affecting staff well-being and the efficiency of the administrative function of the court. Examples of the outstanding issues are: improved sanitary conditions in the lavatories; upgrading of work-stations to meet occupational health, safety and welfare standards; and amalgamation of the civil and probate registries to improve client service deliveries. The identified changes are necessary and will allow staff to be more appropriately catered for until such time as decisions are made with regard to a public private partnership project and/or a capital works program for the Supreme Court.

Mr SCALZI: During the current year, Justice Williams has retired from the Supreme Court and has been replaced by Justice Sulan. Sadly, Justice Wicks, who had to retire on account of ill health, has not been replaced. For a number of months during the year Justice Prior was engaged in duties as Chair of the Electoral Boundaries Commission. Last week Justice Bruce Lander was appointed to the Federal Court of Australia. The last annual report of the Courts Administration Authority does not suggest that the work load in the Supreme Court is increasing. Is it intended to appoint a new Supreme Court judge and, if so, when is the appointment likely to be made?

The Hon. M.J. ATKINSON: Judge Sulan replaced Justice Wicks; Justice Williams was not replaced, which was a budget decision; and I am yet to commence consultations to replace Justice Lander. I will be commencing consultations when the Chief Justice returns from Ireland and an appointment would be desirable by the middle of July, but we may not meet that timetable. So, I think it is important that you have clear in your mind who replaced whom. It was Justice Williams who was not replaced, and that was a budget decision which was announced at this time last year. I cannot imagine that the Supreme Court is happy about that, but it is a decision we took and legal practitioners can inform us how the Supreme Court lists are going.

Mrs REDMOND: Do you rely on legal practitioners to inform you how the Supreme Court lists are going, as you just stated?

The Hon. M.J. ATKINSON: Principally, I rely on the advice from the Chief Justice, the Chief Judge and the Courts Administration Authority, but I also like to have close contact with legal practitioners. I like to walk up and down the Arab street (Gouger Street) and receive reports about how matters are going in the courts. Isn't that what the member for Heysen would expect me to do?

Mrs REDMOND: No, I would expect you to get official figures from somewhere.

The Hon. M.J. ATKINSON: Well, I obtain those also.

The CHAIRMAN: Attorney, this is a large question. We do not seem to hear a lot about significant attempts to reform the court system as a whole. I know it is bound in tradition and we do not want to diminish principles of justice and so on, but it is a very expensive system, bureaucratic and time-consuming. In your role as Attorney do you see yourself as a reformer who might look at some innovative ways to bring about significant change? Is there scope for change in the way our courts are presently arranged? Are there some new ways in which we can have a less bureaucratic, less time-consuming, less expensive system of justice for certain aspects of the law, or are we just going to keep on doing the same old thing in the same old way?

The Hon. M.J. ATKINSON: I always enjoy your questions: they are just like your letters. They are the big questions, asked succinctly. I am in favour of incremental change to the legal system, but I think we are blessed by our British inheritance of the rule of law and the courts system and I am not a revolutionary in that respect. I have not yet read Evan Whitton's book denouncing the entire British legal system.

The CHAIRMAN: I am certainly not denouncing it but I think—

The Hon. M.J. ATKINSON: But we are doing useful things in technology, in review of processes, in alternative strategies such as the diversion courts—the Drug Court, the Mental Impairment Court, the Nunga Court and domestic violence programs—so I think it could be argued that South Australia leads the nation in sensible reform.

The CHAIRMAN: I think Don Dunstan would be pleased if we engaged in some reform.

Mrs REDMOND: Following on from the question from the Chairman, I notice on page 4.86 of Budget Paper 4, Volume 1, that program two sets out some details about alternative dispute resolution services and, in particular, shows a slight increase in the number of referrals to family conference from, under the previous government, 1 404 to a target for the next year of 1 655. But I am puzzled as to why, in the description of the program above, it includes family conferencing, family care meetings and mediation and negotiation services but the only thing detailed under the quantity and quality provisions is family conferences. So, the first part of my question is: are those other services (family care, mediation and negotiation) still being provided, and what are the figures relating to them?

The Hon. M.J. ATKINSON: Bill Cossey from the Courts Administration Authority will field that question.

Mr COSSEY: The reason that we have only reported on family conference meetings is that they are the majority of the hearings that are held, and there is no reason we could not produce the figures for the others. I am aware that we hold about 350 family care meetings for care and protection matters in the Youth Court each year. I do not have figures for the mediation services. These are largely services provided in the Magistrates Court as a result of people initiating proceedings and being given the opportunity to undergo some voluntary mediation. That service has really been pushed only in the last couple of years. The numbers are increasing, but they are not anywhere near the size of the numbers of family conferences. I am happy to provide a separate figure on the number of mediations that have been

conducted in the Magistrates Court, which would comprise the majority of the rest of those.

Mrs REDMOND: I would be interested to know what the increase has been, from some sort of baseline, and what percentage of cases are actually resolved in that way. Once they have been initiated, what percentage are actually resolved that way?

Mr COSSEY: We would be happy to provide that information. I certainly have not included in this the activities of the normal civil jurisdictions in all courts where judicial officers and court staff engage in a process that attempts to achieve resolution without them going to trial. I do not think that is intended to be covered by that sub-program.

Mrs REDMOND: I would appreciate those figures. What measures, if any, does the Courts Administration Authority propose putting into place to monitor the recently announced rehabilitation program for sex offenders? The question is prompted by a statement made by the Premier on 29 May, as follows:

My message to the judges, the lawyers, the Parole Board is: we have given you the resources for your rehabilitation program, now prove to me and to the community that those rehabilitation programs work. . .

I know that the Attorney-General has placed on the record, under questioning from me, his view that these rehabilitation programs do not work. However, I am interested in how the Courts Administration Authority is going to put it into place, and also whether the Premier conveyed his so-called message to the judges in any way other than by the media.

The Hon. M.J. ATKINSON: No, I do not think that the Premier conveyed his message to the judges, other than through the columns of the *Australian*. My view is that it was perhaps an unfortunate remark for the Premier to make, because I do not believe that the judges have to establish anything. It would be fair to say, though, that the Premier's remark was a response to remarks made by Justice Nyland when sentencing a sex offender a week or two before the budget. My recollection is that Justice Nyland refused to exercise a particular authority, or declined to make a decision, until she had more information about rehabilitation programs in prisons. It was that that prompted the Premier's remarks.

However, any evaluation of the sex offender treatment programs now funded by the government will be done between the Department for Correctional Services and the Justice Strategy Unit, both of which, of course, are within the broader Justice Department.

I stand by the answer I gave in question time to the member. An academic study was done in Western Australia by, I think, Professor Greenberg, which indicates that these sex offender treatment programs do not represent value for money. Nevertheless, the government has responded to the member for Heysen's call, and the call of others, to fund such a program. We have done it, and we can hardly be criticised if we express in the house our reservations about whether or not they would be effective. There will be a strong emphasis on accountability and the quality in evaluation of the programs. I would hope that the member for Heysen is not so blinded by her enthusiasm for these programs that she would not expect a rigorous evaluation.

Mrs REDMOND: I would expect and applaud a rigorous evaluation, Attorney. The opposition, like the Attorney, I am sure, applauds the work done by the Courts Administration Authority to increase public awareness of the judicial system, in particular, the sentencing and remarks online, which I

know the Attorney accesses frequently and uses on various radio programs to explain—

The Hon. M.J. ATKINSON: Paraphrases on talkback radio. I hope the member has no difficulty with my paraphrases.

Mrs REDMOND: Absolutely not; I applaud the Attorney for doing that. In the latest Courts Administration Authority annual report it was noted that the possibility of placing all judgments online was being explored. The same report also notes that the authority engaged a consultant to conduct a public relations and resource review (at a very modest cost, I might add, of \$21 000). Has the Courts Administration Authority reached a decision about placing all judgments online, and what resources, within the authority, are devoted to public relations, and do they have any plans to expand the public relations aspect?

The Hon. M.J. ATKINSON: I am an enthusiastic reader of judgments of the Supreme Court, but I cannot imagine that there is going to be a wide demand for them. Nevertheless, I will ask Chief Judge Worthington whether he would care to comment.

The CHIEF JUDGE: The present position is that the sentencing remarks, as the member has mentioned, have been online now for a little over 12 months. At the present time, the judges of both the Supreme Court and the District Court are looking at the question of putting all judgments online. A final decision as not yet been reached, but, as far as I am aware, the machinery to do that would be available within the system.

Mr RAU: Attorney, some mention has already been made about the library complex in the Supreme Court precinct and the inadequacy of that structure for future needs, despite the great year of its initial construction—

The Hon. M.J. ATKINSON: I thought that the member had made earlier comments as to its heritage value.

Mr RAU: Yes; but even Harry Seidler's buildings are sometimes not well regarded. In any plans that might be forthcoming, hopefully, for a replacement structure, has consideration been given to the functionality and effectiveness of the Magistrates Court complex? As I understand it, there has been some perceived difficulties with the space available in courtrooms and things such as this?

An honourable member interjecting:

Mr RAU: Yes, well, I'm trying to be as neutral as I can about it. Have any lessons been learned, through the process of the construction of the Magistrates Court buildings and the feedback about the way in which that has operated, and will those factors be fed into any planning that might go into the ultimate construction of new buildings in the Supreme Court precinct?

The Hon. M.J. ATKINSON: The Courts Administrator, Bill Cossey, will comment but, first, I have heard that the busiest courts are held in the smallest courtrooms and that the larger ones are not so busy, and so there is a problem with the allocation of courtrooms. That has come to me. I will take it up with the Chief Magistrate; but I will ask Mr Cossey to comment meanwhile.

Mr COSSEY: In terms of the general principle, we try to learn from each of the constructions what does and does not work. With the redevelopment of the Supreme Court, the thinking we are applying at the moment is probably less attuned to what might be happening in the Magistrates Court because the Magistrates Court has to deal with high volumes of people, whereas the Supreme Court tends to deal with much lower volumes. I am not sure we would find ourselves

in the same position. One of the considerations we will have in the redevelopment of the Supreme Court is that mediation facilities are clearly being sought—either mediation that is being handled externally or through the sorts of conferencing processes in which judicial officers and staffing engage. The Supreme Court as it is, with both the old heritage building and the library building has precious few resources for that. Much of the thinking going into the Supreme Court is based around that.

Mr RAU: By way of supplementary question, would you also take into account the feedback received on the architectural merit of the Magistrates Court building when putting together a proposal for the Supreme Court, because I am sure you will receive almost a unanimous voice in relation to that?

The Hon. M.J. ATKINSON: This was a question I asked the then Hon. Trevor Griffin before I was a minister, and I believe the Magistrates Court exterior received an architectural brickbat, but I am not sure from which organisation.

Ms CHAPMAN: It received high architectural honours also.

The Hon. M.J. ATKINSON: The member for Bragg says that the Magistrates Court received high architectural honours as well. We will take these matters into consideration in the very important project that faces us.

The CHAIRMAN: What is the situation in regard to the numbers of prisoners in the remand centre? There has been comment over time about accommodation problems and the length of time people are kept there.

The Hon. M.J. ATKINSON: That will be a matter for corrections, and minister Roberts will be on tomorrow evening.

The CHAIRMAN: Surely the processing relates to the courts system. They are not there because the Minister for Corrections wants them to be there.

The Hon. M.J. ATKINSON: That may be so. Obviously, the Adelaide Remand Centre is full and there is a spillover of remand prisoners to the Yatala Labor prison, which is undesirable.

The CHAIRMAN: Which is because the courts are not able to deal with cases.

The Hon. M.J. ATKINSON: No, it is because South Australia has the highest remand in custody rate of any state in Australia. Only the Northern Territory has a higher remand in custody rate. It is true that many prisoners remanded in custody are not subsequently sentenced to a term of imprisonment. The government is concerned about the high rate of remand in custody. Obviously, it carries with it a cost and means that some remand prisoners are being put into the same prison as prisoners that have been convicted, which we regard as undesirable on principle. However, if we were to lower our remand in custody rates, that is, grant more bail, that would carry with it a different risk, namely, reoffending against the public. We have seen a spectacular example of that with a young man on bail on a murder charge killing a woman in a cause death by dangerous driving case.

In August a pilot program will commence, initiated by the Legal Services Commission working in cooperation with the courts, to try to get legal advice immediately to people who might wish to apply for bail to advise them of their rights to see if the remand in custody rates can be reduced marginally by that device. Mr Cossey will add to my answer on how better videoconferencing might assist reduce remand in custody rates.

Mr COSSEY: There are a couple of aspects to the question. A number of people on remand in custody have

been given bail and have breached bail conditions, so there is not much alternative in those situations than for those people to be placed into custody. There are also plans, as part of this year's budget, to introduce a comprehensive range of videoconferencing facilities in the metropolitan Magistrates Courts and in the prisons so that there can be direct communications between prisons and the courts and the holding of more easily organised hearings that would enable people who have legitimate claims for bail to be heard quickly and their matters to be resolved more speedily in respect of bail, which we hope will have a two-fold effect: first, to reduce the number of adjournments in the Magistrates Court; and, secondly, for those people who are legitimately able to obtain bail to be able to have that matter heard more quickly, so the time they would spend in custody would be reduced.

Ms CHAPMAN: The question of videoconferencing was raised. Is it proposed that the court will convene in the normal manner and only the prisoner videoconferenced, or will his or her counsel be present at the prison?

Mr COSSEY: The plans are still being developed, but I understand that the counsel will not be with the prisoner in prison but in the courtroom, and that the set-up of the videoconferencing suite in the prison will be such that the court will be able to see the entire domain within which the prisoner is seated so that there cannot be any suggestion of coercion and, equally, the prisoner will be able to see all the proceedings going on in the courtroom. The expectation is that mostly the counsel will be operating from the court rather than from the location of the prisoner.

Ms CHAPMAN: I am pleased to hear that, but I throw in for the purposes of consideration the importance of the prisoner's being able to confer with counsel. If it is an option rather than a requirement that could be helpful.

Mr COSSEY: It is certainly the case that we are looking at providing facilities for counsel to have videoconferences with their clients in advance of the hearings.

Mr RAU: My question is about unrepresented individuals, particularly those appearing in the High Court, the District Court and the Supreme Court. Is the Attorney able to advise the committee whether, over recent times, there has been any noticeable trend in relation to the numbers or the types of cases in which unrepresented individuals are appearing before the courts? Does this present problems for the administration or the functioning of the courts with which they are finding it difficult to deal? Are there any plans or suggestions as to how the problems, if they do exist, in some way might be ameliorated?

The Hon. M.J. ATKINSON: The Chief Judge will field that question.

The CHIEF JUDGE: I cannot say that there is a noticeable trend, but there is always (and remains) a percentage of unrepresented litigants, both in the civil and in the criminal jurisdictions. Yes, it can (but it does not have to) present a problem for the administration of justice. Firstly, as the member is well aware, certain legal requirements are put upon a judge in, say, a criminal trial to ensure, of course, the fair hearing for an accused. However, at the same time, the judge is constrained by not being properly instructed as to what issues need to be raised to assist the accused. In the process of conducting a fair trial, the judge must ensure that he does not cross the line and become helpful, as it were, in the sense of being an advocate.

So, the difficulties are obvious if, particularly in the more serious matters, a judge is called upon to conduct a trial with or without a jury. If it is a trial by judge alone, the problem

can be even more acute, because the judge is the ultimate finder of fact, whereas in a jury trial the judge directs the jury on the law, but it is the jury's domain on the questions of fact.

The other problem that it causes is delay, or an extension of time for the trial. I cannot give you anything other than anecdotal evidence and, to some extent, I rely on my own experience of unrepresented litigants appearing before me, especially in the criminal court. However, I think it is fair to say that, in the interests of fairness to the accused, because of procedural matters (particularly in pre-trial examinations, the voir dires), the court has to stand down for a time to give the accused the opportunity to collect his or her thoughts, or even to seek some assistance on the point they are trying to argue, which may have a bearing on the ultimate conduct of the trial before the jury. So, delays are an issue.

Similarly, often matters are canvassed in the course of a trial that do not need to be canvassed, because they are not perhaps as relevant as the person may think. The reality is that they do not have the overview of the issues and the ability to stand back from it because, of course, they are very enmeshed in it themselves. Apart from the court or judicial officers doing their best to ensure a fair trial and a fair hearing within the rules (in other words, not going too far), it is very difficult to know what the courts can do in that regard. At the moment, we are working on our web site and improving the amount of information available to people who may elect or be forced to appear unrepresented so that they have a better idea of how to go about things.

However, as may be appreciated, a trial is a live animal, and no-one can predict what will happen from one stage to the next. Quite how you load someone up with all the necessary information beforehand so that, once they have set off, they can keep going in that direction, I do not know. If anyone cares to look at the web site, it can be seen that some information is already available. However, we think that we can improve on that.

For example, at the last District Court Judges' Conference at the beginning of April this year (and they are held annually), this matter was addressed at some length. Some plans of action were put into play to work on the web site so that that information is more readily available.

Mr RAU: The answer may only be anecdotal, but does the Chief Judge have any sense as to the split between the self-represented individual who is electively in that category and the self-represented individual who is by dint of circumstance in that category?

The Hon. M.J. ATKINSON: I will ask the Chief Judge if he would care to guess the proportion.

The CHIEF JUDGE: Thank you, Mr Attorney; I will not guess. No, I do not know, and I am not quite sure who might know the answer.

Mr RAU: Statistics are not kept on that issue?

The CHIEF JUDGE: We have no way of knowing. Perhaps the people who might know are those in the Legal Services Commission, or they may have some idea, based on refusal rates. However, it is not an appropriate matter for the judge to canvass as to the circumstances of someone's being unrepresented. It might transgress other rules. I am sorry; I cannot assist with that matter.

Ms CHAPMAN: Last year, the Attorney-General reported that Magistrate Fred Field was to be stationed at Port Augusta. The appointment was a 12-month pilot. From my recollection of last year's questions, the magistrate was to be provided with a house. Does the government intend to appoint other magistrates to any other regional centres? If so,

when will they be appointed? Have any of the magistrates appointed since the estimates committee hearings given an undertaking that they will reside in the regional centre, if so directed? Has any undertaking been sought from any of the new magistrates?

The Hon. M.J. ATKINSON: Magistrate Field started duty as the resident magistrate at Port Augusta on 30 September last year as a pilot. It was intended to run until the end of the current calendar year. The country court circuits managed from Port Augusta include Coober Pedy, Oodnadatta, Roxby Downs, Leigh Creek and Peterborough. Mr Field is residing in a house that was secured by the Courts Administration Authority, in cooperation with the Office of Government Employee Housing.

The Chief Magistrate is in the process of interviewing interested parties to obtain comments about the present arrangements, and he will report to me on the progress of the pilot. My understanding is that it has been an unqualified success. It meets with the approval of the Mayor of Port Augusta (and that is pretty hard to achieve). My party promised this resident magistracy from 1994 onwards. The member will recall that it was an initiative of the previous Liberal government to abolish resident magistrates in the South Australian countryside. When we advertise vacancies for magistrates, we include in the advertisement a warning, I suppose, that, in the selection process, we will ask for an undertaking whether the candidate for the magistracy is willing to serve outside metropolitan Adelaide, and that undertaking is sought from those we interview for magistrates' positions.

The first selection process after the undertaking was sought attracted far fewer applicants than previous advertisements. However, the most recent one has attracted the usual number of applicants. The government is keen to have another magistrate in Port Augusta if the report on the pilot is good, and we are interested in having a resident magistrate in Mount Gambier. My understanding is that there is no shortage of volunteers to go to Mount Gambier.

Ms CHAPMAN: Unless they are a surgeon.

The Hon. M.J. ATKINSON: Yes. Indeed, as the member for Bragg knows, the government holds community cabinets in the suburbs and country towns of South Australia, and at a recent community cabinet one of my appointments was one of the local people, a magistrate who is very keen to go to Mount Gambier. There is much enthusiasm. Indeed, there will probably be difficulty getting them back from Mount Gambier once they go. I think there will also be volunteers to go to Port Augusta. We are well satisfied with carrying out that part of our election program.

Ms CHAPMAN: As a supplementary question, is it the minister's understanding that Mr Field is residing in Port Augusta, not just using the house like politicians do when they go to Canberra, for example?

The Hon. M.J. ATKINSON: Yes, I am quite confident that Mr Field and his wife are residing permanently in Port Augusta, and thoroughly enjoying living there. I know that the member for Bragg had some anxieties about this in the last estimates committee and suggested that a resident magistrate at Port Augusta might return to Adelaide on weekends, and she wanted me to rule that out.

Ms CHAPMAN: The Courts Administration Authority targets for 2003-04, page 4.79, list as a target 'Undertake design brief for revised location of the Port Augusta courts complex development'. Last year's budget stated that this project was due for completion in June 2004. This year,

Budget Paper 5, page 16, shows that this project is still budgeted to cost \$7.4 million but is due for completion in July 2005. What is the reason for this delay and what assurance is there that a new design brief will not result in higher project costs?

The Hon. M.J. ATKINSON: I am glad that the member for Bragg has asked that question. The original proposal was to build a much needed new court on the same block in town as the existing Magistrates Court and District/Supreme Court building, the other court building. Members of the local community, including businesses, the council and a local solicitor, complained to me that the location of the new court on that site was not in the best interests of the town. We listened to what they had to say. After considering it, we canvassed other sites in the town and eventually a different site was chosen.

Land has been obtained and this will change the project and, of course, it has delayed it, but I am sure that the delay is worth it so far as the people of Port Augusta are concerned. They would like the court to be a little further out of town and not right in the middle of the town centre. The Aboriginal community also advised us that they supported that initiative because many of the accused in matters before the Magistrates Court sitting at Port Augusta are Aboriginal people, and they did not want accused from their people to be gathering outside a court in the middle of the town. They preferred also that the court be a little way away from the town centre, so we have complied with their wishes. As to the technical matters, I will ask Mr Cossey to respond.

Mr COSSEY: We are in the process of doing the design. On the original site, because the ground area was limited, we were going to have to build a multistorey building, probably three to 3½ floors. The site that has now been agreed is much bigger, and we expect that we will be able to produce a building that is either single storey or 1½ storeys. At this stage we have not been able to make an assessment of what that will do in terms of the change to the price, but that will be evaluated as soon as the design briefs are known.

Obviously there are offsets. A three or four-storey building would need several lifts at considerable expense. If we are able to do it on a full ground floor site, we will not have those, but there may be some other costs. At this stage, the only estimate we have is the original estimate, and that will be examined when the design briefs are completed.

The CHAIRMAN: Do any of the courts operate at night and on Saturday and, if not, why not?

The Hon. M.J. ATKINSON: The answer to that is no, and the Chief Executive of my department will answer the second question that she has answered in her glittering career.

Ms LENNON: In the 1970s, the Magistrates Court piloted night courts and courts on Saturday morning, and they did that for several years. In the end, it was decided not to continue because people did not attend. There were various reasons. In winter, the attendance dropped off quite spectacularly. In the areas that were piloted, such as Elizabeth and Holden Hill, people did not feel safe going out in the evening, and the television programs and series at the time dictated whether people attended. Also, if the football was on, that was another reason why people did not go. So, the weather and television killed it. It struggled valiantly for a number of years and then in the end it was too costly and people were not using it.

The CHAIRMAN: It is a sad indictment if people feel it is unsafe to go to a court at night.

The Hon. M.J. ATKINSON: The current Chief Magistrate has ensured that the great majority of magistrates are available to hear applications by telephone after hours, and that occurs with bail, and it used to occur with forensic procedures, but, as members know, we have changed the law on DNA sampling so that the senior police officer in a station can take a sample without resort to a magistrate. Fines enforcement is also different today, and many fines can be paid electronically or by means other than payment into the court registry, so perhaps the need to have the courts open for that purpose is no longer compelling. The Chief Judge would like to add something.

The CHIEF JUDGE: I can also add briefly that, with respect to the Supreme Court and the District Court, of course, if a matter is urgent it will be heard by a judge out of hours, or over the Christmas break, or whatever. A very common example of that would be an urgent injunction. To that extent, courts sit on an as needs basis.

The CHAIRMAN: I was thinking more of a routine thing rather than an exceptional case.

The CHIEF JUDGE: No.

The CHAIRMAN: But I take your point.

Mrs REDMOND: I just want to put one question on the record—and I do not necessarily expect to receive an answer right now. I note that, on page 4.79, in the targets for 2003-04, the second last item is 'Implement improved procedures for enforcement of civil judgments', which I commend, but I would like to know exactly what that involves—what those improved procedures for enforcement of civil judgments might be. I was puzzled, when I reached page 4.88, under Sub-program 3.2, to see that, whereas under the last Liberal budget the management of the finalisation of penalties imposed in the civil jurisdiction of the courts had been \$229 000, it is shown as the target for next year at minus \$30 000. I am puzzled as to what that figure means and how it comes about, and how that fits in with any program to improve the enforcement of civil judgments. I am happy to take that question on notice. I realise that we are out of time.

The Hon. M.J. ATKINSON: We will take the question on notice and provide the information.

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

State Electoral Office, \$2 065 000

Departmental Advisers:

Mr S. Tully, Electoral Commissioner

Mr D. Gully, Deputy Electoral Commissioner

The CHAIRMAN: I declare the proposed payments open for examination and refer members to Appendix D, page 2, in the Budget Statement, and Part 4, pages 4.1 to 4.11 and 4.1 to 4.113, Volume 1, Portfolio Statements. Does the minister wish to make an opening statement?

The Hon. M.J. ATKINSON: I do not have an opening statement.

Mr RAU: What are the benefits to South Australia of the State Electoral Office being considered as part of the justice portfolio?

The Hon. M.J. ATKINSON: The State Electoral Office is South Australia's electoral authority responsible for conducting state, local government and non-government

elections and for providing electoral research and some public education. The State Electoral Office was created in September 1993 amid some controversy that its relationship to the then proposed Department of Justice compromised the Electoral Commissioner's independence. The government declared that the Commissioner's independence was not at risk. I realise that the state Electoral Commissioner would prefer the State Electoral Office to negotiate its budget directly with the Treasury. However, I have every confidence in the abilities of the state Electoral Commissioner to continue and, if necessary, to highlight and then resolve any threat to the independence of his office that may result from its continuing to be part of the justice portfolio. Indeed, the justice portfolio (as the member for Enfield would know) is made up of many independent and semi-independent agencies, such as the Ombudsman's office, the Director of Public Prosecutions, the Police Complaints Authority and the office of the Liquor and Gambling Commissioner, to name but a few.

I understand that the Commissioner does not advocate South Australia's moving towards an arrangement such as exists in Victoria, where the Victorian Electoral Commissioner draws on an account for whatever money is required to conduct the Victorian state election (it sounds a little like the Speaker's proposals for parliament). Successive Labor and Liberal state governments have seen cost saving benefits to the state in having the State Electoral Office be part of the justice portfolio, and I have every confidence that the arrangement will continue to serve the state well.

Ms CHAPMAN: I welcome Messrs Tully and Gully as the representatives from the Electoral Commission. Undoubtedly, we are well served in South Australia in relation to that service and the great work they do. My question relates to the electoral redistributions. The Attorney may be aware that some members of parliament are strongly in favour of having a redistribution after every second election rather than after every election, as is the case at present. I know that such change would require legislation. However, from the point of view of cost, does the Attorney-General consider that the cost of a redistribution after eight years would be markedly greater than after four years? Regarding the state electoral boundaries redistribution that was completed at the beginning of this year, were any logistical or other difficulties encountered in finalising this year's redistribution, and how does the cost of this latest redistribution compare to earlier redistributions?

The Hon. M.J. ATKINSON: I ask the Electoral Commissioner to respond to the latter questions on the cost of the redistribution, and I may then comment on the legislative aspect.

Mr TULLY: The last Electoral Districts Boundaries Commission concluded its determination and order in March this year. The final costs have not yet been totalled up but that is expected to be done very shortly, and it is in the vicinity of \$550 000. I would expect that that compares fairly favourably, given just general adjustments from the 1998 commission being about the same in real terms. For any future commissions, we will have to invest in some more computer power. The computer system that we have used for the last two redistributions has now passed its use-by date. I would have thought that some small cost increases would be required because of that.

In that regard, I am trying to negotiate with the Australian Electoral Commission to get access to its map info system, which I think would work for our redistribution purposes. Of

course, we would need to do some special modifications to take into account fairness criteria and some other special considerations that we have; but I am confident that we will be able to come to an arrangement about that. So, in real terms, around half a million dollars is what the redistribution has cost. For this most recent redistribution we did have some timing difficulties with the census data becoming available.

We wanted the most current census data to be at our fingertips so that we could use those projections for the next election period in 2006. That caused a slight delay in the deliberations; but those delays, I think, were worthwhile in terms of the quality of the data we got as a result of waiting. That was the major technical difficulty we had with the last redistribution.

The Hon. M.J. ATKINSON: With respect to the policy question, I think there is a tension between making the electoral arrangements so that a party which wins a majority of the two party preferred votes wins enough seats in the Assembly to form a government on one side and then, on the other side, having a stable relationship between electors and their local member of parliament. And, so, I think that if the parliament in 1990 had been aware of the consequences of having a redistribution after every election the parliament would have decided differently and, instead of having a redistribution after every three elections, as we did then, we would have put up a proposal for redistributions after every two elections as a reasonable compromise.

To give an example of the difficulties of having redistribution so frequently, there was a case in my area of a constituent who approached her, in this case, federal member, asking for help on a taxation matter and was told by that federal member's office, 'Oh, you're redistributed out of our area after the next election. We don't deal with your particular suburb,' which was West Hindmarsh. Now, that is an awful result. It was put right with some correspondence. However, there is a temptation, I think, for members to ignore those parts of their electorate which are redistributed out of their projected seat only about 12 months after the general election.

I think that is an unfortunate result. But my understanding is that it would now require a constitutional amendment, indeed, a referendum of the voters of South Australia, to abolish that requirement of a redistribution after every election. And, despite the matter perhaps being canvassed at the Constitutional Convention, I cannot see it happening unless there was some cooperation between the two major parties in this state.

Mr SCALZI: In the recent New South Wales election it was widely reported that computer failures were hindering the count for the last member of the Legislative Council. The fact that the 'forever wrong' Ms Pauline Hanson was one of the candidates in contention may explain why the issue got so much attention.

The Hon. M.J. ATKINSON: Mr Chairman, I did not get that reference.

Mr SCALZI: Pauline Hanson was the candidate.

The Hon. M.J. ATKINSON: What point was the honourable member making?

Mr SCALZI: As someone who waited for two weeks for a result in 1997, I am concerned about counts. However, I waited for the House of Assembly and I was happy with the outcome. It was worth waiting for. Is the State Electoral Office aware of the problems that were encountered in New South Wales? Is the Electoral Commissioner satisfied that a similar situation could not occur in South Australia where the count for our Legislative Council is also computerised?

The Hon. M.J. ATKINSON: I ask the Electoral Commissioner to respond to the honourable member's question.

Mr TULLY: The problem in New South Wales was getting the computer to output the result. It certainly accepted the data and it was, I think, at the end of the day, quite a relatively small technical matter that could not be dealt with. However, the right people did fix the problem. Of course, the issue with any computing system lies in its testing. You test as many times as you can for as many scenarios as you can and with as much data as you can. Certainly, the New South Wales data load was four times as significant as ours.

That, I am sure, also contributed to some problems that was experienced. But the integrity of the system I do not think was at risk: the problem lay in simply dealing with the volume of data it had to process. In South Australia we have an arrangement, again with the Australian Electoral Commission, to use the Senate scrutiny system with modifications to our rules. We have certainly tested as much as we can. For the fiftieth state election we used the same system as we used in 1997. We put in some extra processes to try to speed up that count—in fact, so much so that I do not think we will ever be able to repeat the result in as short a time frame as we did.

We were working around the clock to get that outcome. But I hope that the system we will use for 2006 will be an upgrade of the system. I am negotiating with the AEC to get access to an upgraded system with superior reports. We will test that in front of party representatives to make sure they are satisfied with the way in which it is programmed and the way in which it will deliver the result. We will do the very best we can. There is no doubt that the night before is pretty sleepless wondering what will happen when you hit the button. I will be trying to do everything I can to ensure that I do sleep that night.

All we can do is continually test to make sure that it works. I am hopeful that we will be able to do that. Of course, in terms of the lower house seats, we have a requirement that governs very close seats, that is, we must wait seven days for postal votes to be returned and, when there is a relatively close margin, there is no way that we will declare polls if that result could be affected by the return of every possible postal vote. We know, in fact, that that does not happen. Many of them do not come back, but until we are at the point of closing off we will always have that issue unless the law changes in relation to waiting for postal votes.

Mr SCALZI: I would like to put on the record my thanks to the electoral commission for the way in which it made the waiting a lot easier. I knew that everything was being done with the utmost professionalism and integrity. I would also like to thank my scrutineers.

Mrs REDMOND: I realise that, in asking this question, I may not be able to get an answer at the present because I note that the first target for the State Electoral Office for next year states:

... complete analysis and evaluation of election conduct for the May 2003 local government elections, including a report on the elections.

I know that is still under way and it is only a relatively short time since those elections concluded. I am interested to know whether, at this stage, there is any general indication as to what cost the State Electoral Office incurred in that election and whether that cost was recovered in whole from local government. I would appreciate knowing, first, whether there is any rough guide to that question at the moment; and, secondly, to put on notice in due course an answer to the

overall question of the cost and what recovery we achieved from local government.

The Hon. M.J. ATKINSON: I ask the Electoral Commissioner to respond.

Mr TULLY: We are preparing invoices for the local government sphere at the moment and are hoping to get all our money in by 30 June for the costs that have been incurred by the State Electoral Office. It is a full cost recovery arrangement in which we take into account all the staffing costs; we recharge a reasonable portion of overheads. All printing costs incurred and all telephone costs, etc. are fully recovered. The only costs that are not recovered are the salaries for the Deputy Electoral Commissioner and the Electoral Commissioner, which are paid out of a separate fund. I expect that in the final analysis the cost of local government elections is around \$2.80 per elector.

We have a number of arrangements tailored towards each council's specific requirements. All metropolitan councils are managed through an arrangement either through the State Electoral Office or the Australian Electoral Commission on a service agreement basis, and a number of country councils conduct their elections under delegation with a person nominated by council. So, some of those costs are incurred not by the State Electoral Office but by the council and, of course, they are not recharged. But I would expect, in a true cost sense that we will get for our final report, the cost of running the local government elections would be around \$3.5 million.

Mrs REDMOND: Again, in regard to the local government elections that have just been held, of course voting is not compulsory and is done by post. Is the electoral office keeping records, and is it getting any indication in relation to the level of participation of the voting public in that method of election, recognising, of course, that because voting is not compulsory we would probably have scarce information about what the level was before moving to postal votes?

The Hon. M.J. ATKINSON: I will start by saying that when the proposal for having local government elections conducted by postal ballot was first made in the Australian Labor Party in the late 1980s, I rose at the convention to speak against it. My fear was that there would be fraud, that is, that candidates, or people acting on their behalf, would collect the ballot envelopes from letterboxes, fill out the ballot papers and return them. This has not occurred. Indeed, an allegation was made that it was occurring in a particular council which is partly in my electorate, and I was able, owing to my doorknocking, to supply the then Electoral Commissioner, Andy Becker, with a list of people who had moved out of the area but were still on the electoral roll or who had died and were still on the electoral roll. It was found that none of those people had voted and that, therefore, the allegation was not correct.

I think there is much support for the postal ballot system conducted by the State Electoral Office. I think I was wrong and that, indeed, it has been a success; and the turnout rates, at least in the council areas that cover my electorate, have more than doubled. So, in my view, it is a success and there is hardly any call to go back to the old attendance system. However, I will ask the Electoral Commissioner to say something if he wishes.

Mr TULLY: During this round of local government elections, in terms of fraud, I was keen to put out something through the Crime Stoppers network, which was a clear message on radio and in the print media, that it is okay to help anybody who is unable to complete their ballot papers

through illiteracy or disability but that it is otherwise not okay to fill in papers or to take papers from people. I thought that was a useful way also of getting a handle on people who might not want to ring the electoral office but who might feel more comfortable with the Crime Stoppers number to alert us to anything that was happening in the community, and I was advised that no calls were made to Crime Stoppers about any alleged fraud or other arrangement on the non-savoury side of voting.

We still remain non-complacent about fraud. In any system of voting it is something that we need to be aware can happen, but I am always pleased to go on the record—not in a complacent sense but in another sense—to say that I am not aware of any deliberate fraud that occurs in voting in South Australia.

In terms of participation rates, prior to the introduction of postal voting in some local government areas they were low, single digit numbers of 5 per cent, 6 per cent or 7 per cent, and those figures, in the main, have tripled and in some cases quadrupled. The participation rates, however, still remain patchy but in a pattern. The country participation rates are notoriously significantly higher than metropolitan participation rates, and the larger the metropolitan council the lower the participation rate appears to be. I will give some examples. In Kimba, the participation rate in 2003 was 68.18 per cent, and that is at the high end of the scale and, at the low end of the scale, the Onkaparinga council has a participation rate of 23.28 per cent.

So, overall, I believe the figure—and this is subject to final reports—will be very close to a 33 per cent participation rate over the state. That is a percentage of the total number of people in the state who are eligible to vote: there is no weighted percentage in that figure on a council basis. That is down somewhat on the 2000 elections, and there may be reasons for that for others to speculate on. But, overall, in terms of a voluntary ballot, it compares favourably with enterprise bargaining ballots, which affect people's salaries in large groups. We get around 40 per cent for other ballots that we run; for superannuation boards and the Nurses Board we get around 20 per cent. So, overall, the participation rate is still significant and one with which certainly the local areas in England would be very pleased.

The CHAIRMAN: Is anyone doing any research to find out or ask people why they did or did not vote? That is up to local government, I guess.

The Hon. M.J. ATKINSON: I will ask the Electoral Commissioner to respond, but my reaction to these figures would be that in country areas the local governments have fewer constituents and, therefore, people are more likely to know the candidates than in the bigger councils in the metropolitan area. Therefore, people are more likely to vote in the country than in the city. If you look at the result for the Adelaide City Council, you will see that there was a turnout of almost 41 per cent, which shows that if you spend money you persuade people to vote. I will ask the Electoral Commissioner to add anything he wishes.

Mr TULLY: We do surveys of an evaluation nature after the local government elections, as we do after state government elections, and we are surveying 1 000 electors to ask them a number of questions—and we do not know whether or not they have voted because we have not done a comparison to make that connection, although we have the means to do it. So, there may well be some information that comes back to us through that survey process that we will share in our election report.

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

Attorney-General's Department, \$49 996 000
Administered Items for the Attorney-General's
Department, \$53 887 000

The CHAIRMAN: I declare the proposed payments open for examination, and refer members to Budget Paper, Appendix D, page 2, and Part 4, pages 4.1 to 4.11 and 4.114 to 4.157, Volume 1 of the Portfolio Statements. Does the Attorney wish to make a statement?

The Hon. M.J. ATKINSON: No; I am happy to have the maximum time for opposition questioning, unlike previous administrations.

The CHAIRMAN: Does the lead speaker wish to make a statement?

Ms CHAPMAN: No, sir, but I do propose to read into *Hansard* the omnibus questions for the agreement of the Attorney.

The Hon. M.J. ATKINSON: That is okay by me.

Ms CHAPMAN: Thank you, Mr Attorney. For the record, the following questions are simply to be taken on notice, and we look forward to receiving the answers in due course.

1. For all departments and agencies reporting to the ministers, are there any examples since March 2002 where federal funds have not been received in South Australia, or will not be received during the forward estimates period because the state government has not been prepared to provide state funds for a federal/state agreement? If so, what issues and what level of federal funding has been or will be lost?

2. Did all departments and agencies reporting to the minister meet all required budget saving targets for 2002-03 set for them in last year's budget and, if not, what specific proposed project and program cuts were not implemented?

3. Will the minister provide a detailed breakdown of expenditure on consultants in 2002-03 for all departments and agencies reporting to the minister, listing the name of the consultant, cost and work undertaken?

4. For each department or agency reporting to the minister, how many surplus employees are there, and for each surplus employee what is the title or classification of the employee and the total employment cost of the employee?

5. In the financial year 2001-02, for all departments and agencies reporting to the minister, what underspending on projects and programs was not approved by cabinet for carryover expenditure in 2002-03?

6. For all departments and agencies reporting to the minister, what is the estimated level of under-expenditure for 2002-03, and has cabinet approved any carryover expenditure into 2003-04?

The Hon. M.J. ATKINSON: I am in the happy position of being able to answer one of those questions immediately, and that is about consultancies. I have a schedule, which I will table, of all consultancies for the Attorney-General's Department let during 2002-03, indicating to whom the consultancy was awarded; whether tenders or expressions of interest were called for each consultancy and, if not, why not; the reasons for and the cost of each consultancy; which consultants submitted reports during 2002-03; what was the

date on which the report was received by the government; and was the report made public.

The information within the schedule relates to consultancies paid for during 2002-03 as at the end of April 2003. The total amount paid for the financial year 2002-03 is \$231 835, but I will spare the member for Bragg by reading the detail.

The CHAIRMAN: They can be tabled, but they cannot be incorporated in *Hansard* unless they meet the standing orders restriction, which is one page or less and that it is purely statistical.

Ms CHAPMAN: If the minister indicates that he will provide a copy of the table, I am happy with that.

The CHAIRMAN: They will not be in the record.

Ms CHAPMAN: I appreciate that. Last year, the Attorney-General acknowledged that the justice portfolio had been set a savings target of \$68 million over the next four years, with a target of \$16 million to be achieved in 2002-03. The Attorney-General acknowledged that \$800 000 was cut from the local crime prevention program in last year's budget. The Minister for Correctional Services admitted in the estimates committee last year that \$2.8 million had been cut in programs and that the Cadell Training Centre therapeutic unit had been closed as a saving initiative. He also admitted that funding of two psychologists had ceased, as well as the funding for the chair in forensic psychology at the end of January 2003. Further, he acknowledged that the Operation Challenge program at the Cadell Training Centre had been closed.

These disclosed savings do not amount to \$16 million. Accordingly, were the savings of \$16 million achieved in 2003-04, in which areas of the portfolio were they achieved, and what program areas will be cut in this financial year?

The Hon. M.J. ATKINSON: I apologise, Mr Chairman, for interrupting the member for Bragg, but each of the admissions she claimed I had made were, in fact, examples of the member for Bragg verballing me. All but one of them were savings in the correctional services department, which is not my portfolio. The one saving within my portfolio was the celebrated cut to the local government crime prevention program. I am pleased to say that our savings are on track.

Ms CHAPMAN: Supplementary to that, what program areas will be cut in this financial year?

Mr Koutsantonis interjecting:

The CHAIRMAN: Order! The member for West Torrens is not the Attorney.

The Hon. M.J. ATKINSON: All the cuts made by the government have been fully disclosed. However, to assist the member for Bragg, I would imagine she would be interested in some programs that have not been continued by the Crime Prevention Unit, including graffiti prevention, through providing funding to KESAB for coordination work across local and state governments; involvement with the South Australian vehicle theft reduction committee; coordination of the Australian and New Zealand Crime Prevention Ministerial Forum; early intervention in crime prevention; a pilot program in Port Augusta and a cluster of suburbs in Noarlunga; and discussions taking place with the Department of Human Services in an effort to ensure that these programs are taken forward under the DHS early childhood initiative. Regarding local government crime prevention, it is important to bear in mind that—

Mrs REDMOND: But you took all the money out of it, Attorney.

The Hon. M.J. ATKINSON: The member for Heysen says that we took all the money out of local government

crime prevention, which is wrong. We cut the program from \$1.4 million to \$600 000, so that is not all the money: \$600 000 of taxpayers' money is going into local government crime prevention. Negotiations have taken place between the three western metropolitan councils and the Crime Prevention Unit about a regional approach to crime prevention, bearing in mind the particular matters associated with employment contracts in two of the three councils.

A formal proposal was submitted by the three councils, proposing that funding be made available to the region from the 2002-03 budget, and it is then pooled with the amount of \$100 000 available for the western metropolitan region from 1 July 2004. So this would allow crime prevention officers at either Charles Sturt or Port Adelaide/Enfield to remain in their positions until the end of their contracts, namely, in June 2004. It was also agreed that the three councils share the service of the two remaining officers until June 2004, that crime prevention prioritise matters for the region—including graffiti management, alcohol free zones, licensing issues, break and enter, bullying and challenging offending behaviour programs—and that further discussions occur between the councils and the crime prevention unit in early 2004 to discuss the future directions for the program.

To the members for Bragg and Heysen, this approach demonstrates that council areas are prepared to work collaboratively to use the \$600 000 remaining. Furthermore, it enables crime prevention work to continue in the region and resolves matters associated with the two employment contracts, one of which I know is occupied by Councillor Sue Clearihan, now an elected member of the Adelaide City Council. So councils have indicated that they will contribute to the program from their own resources. Other savings in which the member for Bragg may be interested include fleet management across the justice portfolio.

Mr SCALZI: Are they cuts or savings?

The Hon. M.J. ATKINSON: They are savings.

Mr SCALZI: We look at them as cuts.

The Hon. M.J. ATKINSON: I ask the member for Hartley to tell me whether this is a cut: fleet management across the justice portfolio, implementation of a range of vehicle fleet procurement and management strategies to deliver savings. Is that a cut?

The CHAIRMAN: It is not up to the Attorney-General to question the member for Hartley.

The Hon. M.J. ATKINSON: Alas! Regarding library services across the justice portfolio, by the introduction of online library services and a rationalisation of the existing library facilities, implementation will be subject to preparing a detailed business case and a reduction in adjournments and remands in the Magistrates Court. A detailed business case will focus on providing a range of strategies to deal with the identified causes of adjournments, thereby creating efficiencies in process. Dear me, the member for Hartley will be disappointed that we are cutting the number of adjournments in the Magistrates Court! What a dreadful cut! Do you think that will cause electoral damage?

Mr SCALZI: It is often said that politicians use statistics like a drunk uses a lamppost: not for illumination but for support.

The Hon. M.J. ATKINSON: Videoconferencing in the Magistrates Court: through the introduction of videoconferencing technology, there will be a reduced need for the transport to and supervision of remandees at the Magistrates Court. That will reduce operational costs now incurred by Group 4, the contractor. These savings, which the member for

Hartley calls cuts, are subject to detailed business plans being developed. Justice portfolio shared services will develop, publicise and communicate the shared services model within the justice portfolio framework and will investigate and assess the feasibility of implementing shared services within the justice portfolio.

The members for Bragg, Hartley and Heysen say they are cuts: they are cuts I am proud to make. I call them efficiency savings.

Mr SCALZI: They are cutting remarks and there can be some savings.

Membership:

Mr Koutsantonis substituted for Mrs Geraghty.

The Hon. M.J. ATKINSON: We have made a decision in government to ensure that our savings do not affect service delivery—that is our aim. The list I just gave you is a good indication that we are carrying out what we promised.

Ms CHAPMAN: Unless you refuse them an adjournment, contrary to justice. I refer to the Crown Solicitor's Office. Paragraph 9.5 of the report prepared by Messrs Greg Crafter, John Fahey and Rod Payze recommended that the Crown Solicitor's Office crosscharge all agencies for legal advice and services provided. At last year's estimates hearings the Attorney-General said that a working party had been established between Treasury and the Attorney-General's Department to examine that recommendation. Is the working party still working on this issue or has a decision been made and, if not, when will the decision be announced on this important recommendation?

The Hon. M.J. ATKINSON: The working party completed its deliberations, the matter was discussed in cabinet and it was decided not to proceed with crosscharging.

The CHAIRMAN: A legal person is provided from your department, I understand, to service a select committee, but I understand they are charged out.

The Hon. M.J. ATKINSON: Let me qualify the answer to the member for Bragg. From 1992, some services provided by the Crown Solicitor's Office are billable and some are non-billable. The number of billable jobs has been going down and the number of non-billable jobs has been going up because departments have realised how to frame their requests to the Crown Solicitor's Office. So, the job you mentioned would have been a billable job. It is worth adding that the Labor government strains against outsourcing legal work, unlike the previous government. According to Treasury instruction No. 10, permission has to be sought before government departments or agencies seek legal advice from the private profession. It is my intention to uphold the Treasurer's instruction No. 10. I want a thriving Crown Solicitor's Office here in South Australia.

Ms CHAPMAN: I refrain from asking what the penalty will be if you do not. If February 2002, before the state election, the then Leader of the Opposition, Mike Rann, described persons in the Public Service who earned more than \$100 000 as quote 'fat cats'. He said that if Labor were elected 'one of the things we are going to do is cut 50 fat cats'. Last year the Attorney-General told the estimates committee that voluntary separation packages were being offered to public servants within the portfolio. How many public servants in this portfolio took up the offer of voluntary separation packages, what was the total cost to the government of those packages, what are the annual ongoing savings made as a consequence, and were any of the persons who

took VSPs in the Justice Department earning over \$100 000 per annum?

The Hon. M.J. ATKINSON: I think state public servants would rather be described by the Leader of the Opposition as fat cats than be described by a premier, in this case John Olsen, as servants of deceit. The answer to the member for Bragg's question is: not a lot. However, we will take that question on notice.

Mr SNELLING: What is the Attorney-General doing to improve the child witness service in the Office of the Director of Public Prosecutions?

The Hon. M.J. ATKINSON: The Office of the Director of Public Prosecutions has provided a witness assistance service for years. The service is staffed by social workers who support victims in processes that might lead to prosecutions and in any court appearances in which the DPP has a part. Robyn Layton's child protection review identified a range of concerns where children are involved in the criminal justice process. Some criticisms were made in the context of prosecution against children; other criticisms were made in the context of how the court processes treat children.

These matters caused me some concern. It became clear to me that one way child victim witnesses could be helped is by expanding the successful witness assistance service the equivalent of 1½ witness assistance officers. Social workers were funded temporarily to work with children and to help them negotiate the court process. I have decided to put the funding on a more permanent basis, by an annual grant from the Victims of Crime Fund. I have increased the grant to employ an additional two social workers, thereby more than doubling the existing child victim witness assistance service. This will mean the equivalent of either 3½ or four (I am not quite sure) full-time equivalent social workers dedicated to helping child witnesses.

In total, the Office of the Director of Public Prosecutions will receive about a quarter of a million dollars a year from the Victims of Crime Fund to provide the expanded child victim witness assistance service. To the member for Playford and to the committee, I say that I welcome more questions about the Office of the Director of Public Prosecutions. I hope that the opposition has some.

Mr SNELLING: What steps have been taken to implement the recommendations of the Drugs Summit?

The Hon. M.J. ATKINSON: Many—and I was perturbed to hear an honourable member suggest on radio that, since the Drugs Summit, little was occurring.

Mr KOUTSANTONIS: Who was that?

The Hon. M.J. ATKINSON: I think that it was the member for Mawson on Radio 5AA. He is, of course, incorrect. In December last year, the government announced \$3¼ million funding for initiatives that were a direct response to the Drugs Summit recommendations. This was a down payment on what will be a long and expensive campaign. In my portfolio, two important initiatives benefited from that funding.

In the first round of initiatives announced from the Drugs Summit, the government increased the recurrent funding to the Drug Court by \$226 000. This funding responded to the Drugs Summit recommendations for strengthening the Drug Court. The funding has been allocated and new positions have been created and filled, thus enabling the court to accept a larger number of referrals into the program.

Let us be clear about this. The Rann Labor government committed funds needed to keep the court operating. Our predecessors had not committed those funds when they left

office. Under their regime, we would have lost this important program. Participation in the drug diversion court is not automatic. A careful assessment is made to determine whether a particular offender is likely to benefit from participation in the program. It is incorrect to suggest that, if there were more money, we would put every accused with a drug problem on the program, and that is the suggestion the member for Mawson is making. It is not a free-for-all, and careful criteria have been set down to ensure that those chosen have the most chance of benefiting from the program. Taxpayers expect us not to throw money away on hopeless cases, or addicts with little chance of graduating from the program.

We have allocated more money to the program this year, and we are monitoring its success. We do not have the luxury of opposition to say that every government program should be topped up with windfall increases. Indeed, every parliamentary sitting day that we listened to the opposition in question time, in grievances, in Supply and in Appropriation debates, the opposition managed to spend more than the gross state product every day in its proposals.

Mr SNELLING: They are called the 'tax and spend liberals' in the United States.

The Hon. M.J. ATKINSON: The member for Playford refers to 'tax and spend liberals' in the United States. The only difference is that liberal is spelt with a small 'l' there and a large 'L' here in South Australia. If we are able to increase funds to the drug diversion court, in years to come we will make sure that resources are allocated where they can have the greatest impact. This may or may not be in the electorate of the member for Mawson, or even in the electorate of the member who succeeds him.

Mr SCALZI: I refer to Budget Paper 4, Volume 1, page 4.14. Line 2 indicates that crime prevention expenditure in the justice portfolio included in the last Liberal budget was \$125.8 million. This year, it is budgeted to be \$12 million less than that amount, namely, \$113.8 million. What is the reason for this significant decline in expenditure on crime prevention?

The Hon. M.J. ATKINSON: The member for Hartley's question relates to the police, and I am not in a position to answer his question. Those budget lines were deliberated on between 11 a.m. and 1 p.m. today, and they are passed.

Mr SCALZI: I will move on to the next question. The Office of the Director of Public Prosecutions provides a witness assistance service. The service provides support to vulnerable witnesses, victims of crime and their immediate family members. The latest annual report of the Office of the DPP indicates that there were 557 referrals to the witness assistance service. The opposition has been informed that it is proposed to reduce the number of staff operating in the witness assistance service. Will the Attorney advise the committee of the current number of staff and other resources devoted to the witness assistance service? Does the Attorney-General agree that the witness assistance service provides a valuable service to the victims of crime? Will the Attorney rule out any cuts, or savings, as he calls them, to the staffing or resources allocated to this service?

The Hon. M.J. ATKINSON: If the member for Hartley had been paying attention, he would have realised that the member for Playford just asked me that question, and I took the opportunity of today's estimates committee to announce that we were more than doubling the number of witness assistance social workers for children in the Office of the Director of Public Prosecutions. I thank the member for

Hartley for enabling me to make the announcement twice, but we are putting an extra quarter of a million dollars into witness assistance in the Office of the Director of Public Prosecutions. As to the number of people, I will get back to the member for Hartley, but I have not seen an opposition member walk into one like that before.

Mr SCALZI: Since it was so fresh in your mind, you could have given us the number.

The Hon. M.J. ATKINSON: It is two new ones bringing the total number to four. I think the member for Hartley ought to change the subject.

Mr SCALZI: In the additional administered items for the Attorney-General's Department 2003-04, Budget Paper 4, Volume 1, page 4.1, it is recorded that payments were made for the bodies in the barrel case in 2002-03 of: under supplies and services, \$2.638 million; grants and subsidies, \$2.617 million; total \$5.255 million. Mercifully for the taxpayer, nothing is budgeted for this item in 2003-04. Also mercifully, the total of \$5.255 million is less than the budgeted figure of \$7.066 million.

In last year's budget papers, the same table showed that \$5.85 million was actually spent on the bodies in the barrel case in that year. In the year before that, the item was less colourfully described as the Snowtown case, and the expenditure was \$2.364 million, and in the year before that, the amount was \$994 000. In summary, over the last four years, a total of \$14.472 million has been spent as follows: 1999-2000, \$994 000; 2000-01, \$2.364 million; 2001-02, \$5.589 million; 2002-03, \$5.255 million.

Has a reckoning been done of the total costs incurred by the government in this prosecution? Does the sum of \$14.472 million, calculated above, represent the totality of that expense? Will the Attorney-General provide a breakdown of the costs incurred by the state in this matter?

The Hon. M.J. ATKINSON: The first thing to say is that the money was allocated for the duration of the trial. Unlike other areas of government, carryover is permitted, indeed required. It is an administered item that is not touched. We do not break down the allocation of money for the defence, because we would have to break it down into individual law firms and we do not want to do that because of the emotions generated by the trial, for a start.

Total expenditure for the case as at 30 April 2003 is \$13.765 million. Funds on hand for the remainder of 2002-03 is \$3.576 million. Funding approved for 2002-03 was estimated to 30 June, but with carryover funding to 2003-04, currently funding is now estimated to be sufficient to fund the case until November this year. If the Haydon matters proceed as expected, a further cabinet submission for additional funding will be required during August 2003.

Mrs REDMOND: I want to ask questions about the criminal injuries compensation figures, and I refer to Budget Paper 4, Volume 1, pages 4.155 and 4.156. I notice that there are budgeted receipts for victims of crime. Adding up the various components, there are grants and subsidies, the main area of fines and penalties, victims of crime, and other receipts under A17. They come to \$6.563 million, which is about the same as last year, but the payments are significantly more. I am familiar with the Victims of Crime Fund—confiscation of profits and the Victims of Crime Fund—fines and penalties, and the interest is fairly obvious. However, a significant amount, \$794 000 is listed as 'Other Receipts' under the Victims of Crime Fund. I want to know what other receipt components there are for victims of crime.

Can the minister also explain why the receipts from fines and penalties have remained about the same over the last three years, because total receipts, looking at the figure at the bottom of the column, have increased? Can the minister provide an explanation for the fact that payments to victims have gone from \$12.715 million in 2002 to \$9.401 million in 2003, and are expected to rise to \$11.084 million in 2004. Lastly on criminal injuries, has any costing been done as to the likely increase of the cost of criminal injuries in the event of a successful prosecution with the removal of the date of 1982 for sexual offences?

The Hon. M.J. ATKINSON: There are a number of questions there and I think that I will take them on notice. The figure of \$794 000 mentioned by the member for Heysen is recoveries from offenders, our favourite way of meeting the cost of criminal injuries compensation.

Mrs REDMOND: I have a question supplementary to that, because I thought that would come under the Victims of Crime Fund, which is shown as \$5.435 million about halfway up that page. I thought most of the funds came from the offenders when they are prosecuted or they pleaded guilty.

The Hon. M.J. ATKINSON: That is levies as opposed to recoveries.

Mrs REDMOND: In the same volume of the budget paper, page 4.117, there is a decline shown in the crime prevention program, as shown in the net expenditure summary. The last Liberal budget was \$3.225 million and this year the amount proposed \$1.755 million. However, the first target for the year is to establish regional crime prevention programs in a number of areas involving local government or a key partner. The opposition is aware that the government is trying to cobble together something with a number of councils, which each previously had its own program, and there have been meetings with crime prevention people.

The Hon. M.J. ATKINSON: Some did, some did not.

Mrs REDMOND: For instance, I know that the member for Flinders has said that the City of Port Lincoln had an excellent local crime prevention program but, because of its being cut, it went. What is being offered to the people of Port Lincoln this year in terms of crime prevention? Does the Attorney-General believe that we can produce more effective crime prevention with less money?

The Hon. M.J. ATKINSON: First of all, the use of the figures made by the member for Heysen is misleading, because there was a carryover, and Treasury (as it did in so many areas of government) refused permission for that carryover to come into the budget this financial year. What has happened is that crime prevention has just gone back to its base funding. As for Port Lincoln, it will be offered a role in regional crime prevention, and it will be interesting to see if it is able to form a partnership with another area.

Ms CHAPMAN: Where do you suggest—Mount Gambier?

The Hon. M.J. ATKINSON: I was in Ceduna recently, and I had discussions with the woman who runs the Bush Breakaway program and with the policeman from Ceduna. I hope to be able to make an announcement about the Bush Breakaway program in Ceduna. But Port Lincoln is welcome to put a proposal as part of the regional crime prevention program.

Mrs REDMOND: I am a little puzzled by the Attorney's explanation about the carryover, because when I look at page 4.117, line 8, Crime Prevention, I see that the last Liberal budget had an actual expenditure of \$3.225 million. You then budgeted for \$3.332 million. According to your information

there, you have an estimated net result of exactly that amount, \$3.332 million. So, where is the carryover that leads to the lowering to \$1.755 million?

The Hon. M.J. ATKINSON: There had been a number of carryovers in successive years, but we will shortly demonstrate it conclusively to the member for Heysen.

Ms CHAPMAN: Page 4.156 shows two lines for the Constitutional Convention in 2002-03, \$320 000 for employee entitlements—on budget—and \$360 000 for service and supplies—\$110 000 over budget. No expenditure is budgeted for 2003-04, when the convention is to be held. The member for Hammond has been asking for a further convention next year. Why is no allowance made for expenditure in 2003-04, and will the government be funding a further constitutional convention?

The Hon. M.J. ATKINSON: The Constitutional Convention (about which I am sure the opposition is enthusiastic, which is why the Leader of the Opposition, Rob Kerin, signed the compact document containing the proposal for a constitutional convention) was to have been held in this financial year but, for one reason or another, it will be held in the next financial year—indeed, in August. So, in March, cabinet approved a second allocation of \$140 000 to fund the convention in accordance with—

Ms CHAPMAN: That is the total amount.

The Hon. M.J. ATKINSON: No. The funding for this financial year was \$570 000 and, as the member knows, we went on the roadshow and attended 26 town and country meetings all across South Australia (including, famously, Burnside, where the member for Bragg joined us), and in March cabinet has approved a second allocation of \$140 000 for the next financial year so that we can hold the deliberative poll of 300 randomly chosen South Australians here in Parliament House and fulfil our commitment to the member for Hammond—a commitment that the Liberal Party was also willing to make to him. As to whether there will be a second constitutional convention, I think I would prefer to wait to see how the first goes.

Ms CHAPMAN: As a supplementary question, in the event that \$140 000 is insufficient to convene a 300-person convention here at Parliament House (as I understand it), does the Attorney-General confirm that sufficient funds will be made available to complete that exercise?

The ACTING CHAIRMAN (Mr Koutsantonis): Order! Hypothetical questions are out of order.

Ms CHAPMAN: With respect to the crime statistics issue, page 4.117 shows that program expenditure on crime statistics will be reduced from \$1.1 million to \$942 000. Does this cut mean that the staff of the Office of Crime Statistics will be reduced and, if so, by how many? What other services will be cut? Is its publication or any other program to be removed?

The Hon. M.J. ATKINSON: I think we should take that question on notice, and we will obtain a definitive answer as to whether it is a carryover matter or whether it is the end of a commonwealth funded program. What I can say is that the Office of Crime Statistics does a magnificent job. I have found the staff to be most helpful. Their advice is swift and accurate. Since I became Attorney-General, some of the questions they have been asked are slightly different from the questions they used to be asked, and they are quite objective in highlighting statistics that are useful for all sides of the criminal justice debate.

Ms CHAPMAN: That is why you have cut their program.

The Hon. M.J. ATKINSON: No.

Ms CHAPMAN: It was reported in the *Australian* of 16 June 2003 that Australian Bureau of Statistics figures show that South Australia's Director of Public Prosecutions withdrew 23.4 per cent of all cases, compared to the national average of 12.4 per cent. The Attorney-General at that time was said to be unavailable. Has the Attorney-General looked at this issue and, if so, what is the explanation for our very high rate of withdrawals?

The Hon. M.J. ATKINSON: I have looked at the question since I returned from Melbourne. The ABS figures are different from those held by the office of the Director of Public Prosecutions. The courts and the office of the DPP differ in what they count. It will be necessary for the office of the DPP to obtain the court figures and check them against the office's figures to see where there are variations. This has not yet been done. But what the office of the DPP can say is that its nolle prosequi rate was what it was in 2000-01 and in 2001-02, and there is the same result for white papers.

What I mean by 'white papers' are matters, criminal prosecutions, that go to the Magistrates Court, and the magistrate commits for trial. After that committal, the matter is dropped or a lesser charge is substituted. White papers are where the Office of the DPP declines to lay a charge in the superior courts notwithstanding a magistrate committing for trial. This usually occurs in the circuit courts where matters are handled by the police. It is common for police to handle a committal at Port Augusta, Mount Gambier, Tanunda and Berri. The magistrate commits for trial, the papers then come to the DPP in Adelaide and a lawyer looks at the file and decides that the case is not as strong as the police thought and enters a white paper.

The circuit courts account for more than 80 per cent of white papers. I hope that the member for Bragg is not suggesting that the Office of the DPP should handle circuit court committals, because that would be costly. In 2000-01 the nolle prosequi rate was 10.63 per cent. In 2001-02 the nolle prosequi rate was 9.28 per cent, but you have to add to that the white paper rate. In 2000-01 white papers were entered in 7.54 per cent of cases, and in 2001-02 white papers were entered in 10.48 per cent of cases. So, to get the rate you have to add the nolle prosequi rate to the white paper rate and you are getting a figure of just under 20 per cent, which is different from the ABS statistics.

There are a number of reasons why there might be a discrepancy. The ABS is, of course, getting its stats from the courts. For instance, if the Office of the DPP proceeds on three counts but not on its fourth count, the DPP would not count the dropping of the fourth count as a nolle prosequi. Sometimes the courts do count this as a nolle, particularly where that was the major count on the information. Sometimes the Office of the DPP substitutes an information to reflect little changes to the case. The DPP says that the new information is a substitution, but sometimes the court will say that the DPP has nollied the first information. So, the courts would count it but the DPP would not.

Also, I suspect that the courts are counting matters which the Office of the DPP is counting as nolle matters which the Office of the DPP returns to the Magistrates Court for resolution. For instance, there might be a charge for a drug offence of trafficking in commercial quantities of a drug. It goes to the District Court, for instance, with evidence from a search of bags, credit list and the indicia of commercial trafficking and that search is declared by the District Court to have been an unlawful search; therefore, the DPP no longer has a case of commercial quantities and it is returned to the

Magistrates Court for mere possession. The courts would count that as a nolle and the DPP would not.

The honourable member can have her own view about that, but that does account for the discrepancy in the figures. So, I do not think we can be sure whether the ABS is comparing apples with apples. For years the states and territories have pursued consistency in counting but they have not yet succeeded. The Victorian figure is gobsmacking: I just do not believe it is correct, and there must be some explanation for that. Why does the Office of the DPP enter nolle or white papers? Well, the answer is that sometimes a victim will decide, late in the day, not to give evidence in the case. The victim might turn out to be a bad witness leading to a nolle prosequi, and those of us who serve in the House of Assembly can think of a case like that. Perhaps a witness goes—

Ms CHAPMAN: Are you thinking of the Emily Perry case?

The Hon. M.J. ATKINSON: No, we were not actually thinking of the cake baker of Plympton. A witness goes overseas or dies. Evidence may be ruled out on the voir dire leading to the withdrawal of the case. Often criminal prosecutions rely on a co-accused and, for one reason or another, the co-accused does not live up to the prosecution's expectations—indeed, the co-accused is playing with the prosecution. So, I would say rarely is a nolle prosequi about a bad legal judgment. We have an integrated justice program which is trying to improve case tracking. That will assist the Office of the Director of Public Prosecutions and SAPOL track charges and charge outcomes more effectively.

It will allow the DPP to integrate more closely with the courts through electronic lodgement and acknowledgment of court forms. I think that it will streamline the DPP's internal processes and management reporting and it will lead to consistent data. So, I would certainly defend the Office of the Director of Public Prosecutions against the suggestion of sloppy work, which is consistently made by my friend the Hon. Angus Redford. I notice that the shadow Attorney-General, the Hon. Robert Lawson, was on radio 5AA defending the Office of the Director of Public Prosecutions against the accusation of sloppy work by his Liberal colleague the Hon. Angus Redford. In fact, I was interested to see that Leon Byner, the host of the program, referred to the Hon. Angus Redford as the Hon. Robert Lawson's comprador. I had not heard that term before and, when I looked it up, the dictionary said 'native house steward or servant'.

Ms CHAPMAN: As a supplementary question—

The ACTING CHAIRMAN: The honourable member can ask a full-blooded question.

Ms CHAPMAN: I will ask a supplementary question on this matter because I have one other full-blooded question. I appreciate the Attorney's answers. However, given that the Attorney has not received that confirmation from the DPP as to the inconsistency in the data collection, do I take it that the Attorney does agree to provide that information?

The Hon. M.J. ATKINSON: And that was?

Ms CHAPMAN: In relation to those assumptions as to the disparity between the collection of data. I appreciate the fullness of the answer, but I think the Attorney started by suggesting that he had had a chance to look at it but that he needed to clarify whether that is the position with the DPP.

The Hon. M.J. ATKINSON: The member for Bragg is alert and I take her point. We will give her a follow-up answer on this matter. A couple of Saturdays ago I attended the criminal lawyers conference at Victor Harbor, and a

number of defence lawyers made the point that there are a lot of—

Mrs REDMOND: Were you well received?

The Hon. M.J. ATKINSON: I was well received, as it happens. I have attended criminal law conferences before. Indeed, when I was shadow attorney-general, I can tell the member for Hartley, I attended a criminal law conference in Clare hoping to get some rest, but I was kept up all night by two QCs in the room above me singing and dancing and drinking, but I will not name them.

At that conference, if I may be serious, a number of criminal defence lawyers made the point regarding police prosecutions that a lot of cases are withdrawn at police prosecutions level. I think it may actually be more of a problem there than it is with the office of the DPP.

Ms CHAPMAN: In the Rowan v Cornwall case, in which judgment was delivered last year, Justice DeBelle awarded the plaintiff, Mrs Rowan, \$330 425 plus costs. My questions are: is the government adhering to its decision to indemnify Dr Cornwall against any liability, and has there been any assessment of the total cost to the taxpayer of this case, including legal costs within the Crown Solicitor's office, and the amount of the judgment? Has the whole or any part of the judgment been paid? Is an appeal on this decision being prosecuted or likely, and when is it likely to be resolved? Finally, to clarify all this area, will the judgment be satisfied from the budget?

The Hon. M.J. ATKINSON: The member for Bragg leads with her chin on the question of indemnity for defamation proceedings. She asks about Dr Cornwall. Yes, Dr Cornwall has been indemnified all the way along, and during the eight years of Liberal government he was also indemnified. So, is the member for Bragg saying that the decision of the Hon. Trevor Griffin to indemnify the Hon. Dr Cornwall for this defamation action is a decision she would have changed had she become Attorney-General?

Ms CHAPMAN: You can avoid the question, but have you paid?

The Hon. M.J. ATKINSON: No, we have not paid yet because we are appealing because we disagree with the reasoning. And I would hope that the Liberal opposition, as a party which aims to form government at some time in the lifetime of the member for Bragg, would also disagree with the reasoning in the judgment of Justice DeBelle. So we are appealing and aiming to prevail in that appeal.

Yes, we have quantified the liability of the state, because all the defendants were indemnified—and there were many more defendants than just Dr Cornwall. But we cannot allow at least some aspects of the DeBelle judgment to stand. For instance, answering a parliamentary question or making a ministerial statement should never lead to a finding of misfeasance in public office. Of course we are appealing it.

But it takes a certain chutzpah for the member for Bragg to ask about Dr Cornwall when the South Australian taxpayers have had to fork out hundreds of thousands of dollars because of the misconduct of former Premier John Olsen and the Hon. Wayne Matthew, who have used—

The ACTING CHAIRMAN: Graham Ingerson?

The Hon. M.J. ATKINSON: Yes, and the Hon. Graham Ingerson, who have used taxpayers' funds to pay defamation judgments against them. It is clear that—

Ms CHAPMAN: I have a point of order, Mr Chairman. The Attorney-General has answered the question and now is straying into comment in relation to other issues. I appreciate, Mr Chairman, that you may not have caught all the comment

that was made, but the question is in relation to the Rowan v Cornwall case and indemnity, appeal and cost issues—which, in fairness, the Attorney-General has answered quite fulsomely. However, he is now straying into history and other non-relevant issues.

The Hon. M.J. ATKINSON: Which might that be, if you can tell the Chairman? I think it is the Olsen and Matthew defamation cases.

The CHAIRMAN: In the context of estimates committees the rules are even more generous than in normal proceedings of parliament, so there is really no point of order. Have we concluded that matter?

Ms CHAPMAN: My second point of order is that time has expired.

The CHAIRMAN: If there are no further questions about that portfolio area, we will move to the Minister for Consumer Affairs.

Additional Departmental Advisers:

Mr M. Bodycoat, Commissioner for Consumer Affairs.
Mr W. Pryor, Liquor & Gaming Commissioner.

Membership:

The Hon. D.C. Kotz substituted for Ms Chapman.

The Hon. M.J. ATKINSON: I introduce the Commissioner for Consumer Affairs, Mr Mark Bodycoat, and Bill Pryor, the Liquor and Gaming Commissioner. If there are any questions about liquor licensing, they could be asked first so that Mr Pryor can answer them and leave. Can I ask whether there are any questions in regard to the Office of Liquor and Gambling?

The CHAIRMAN: I would like to ask a couple of questions on behalf of the Hon. Kate Reynolds in another place, and you can take these on notice. How much interest is earned per year from the bonds lodged by tenants? Of that amount, what is the expenditure related to the tenancies branch of the Office of Consumer and Business Affairs? What are the costs of the Residential Tenancies Tribunal, and what happens to any remaining interest?

The Hon. M.J. ATKINSON: Yes, we will take those questions on notice.

The Hon. D.C. KOTZ: Can I say in the first instance that there are not many areas of the Attorney's portfolio that I am likely to compliment him on, but in the area of consumer affairs I do compliment him. He appears to have taken up discussions that we had during last estimates where no lines were identified in budget portfolio estimates, and I see that this year we have a complete set of budget lines for consumer affairs. So, for that, I thank him. It certainly is an area, as I said last time, that obviously has a lot of input to service and products throughout the state, and it is nice to see them itemised now in different budget line areas.

The Hon. M.J. ATKINSON: I can assure the member for Newland that the credit is due entirely to the Office of Consumer and Business Affairs.

The Hon. D.C. KOTZ: The operating statement shows that over the past 15 months there has been an increase of \$2.820 million in employee entitlements. Can the Attorney-General explain whether this is purely entitlement increases, or does this include staff increases?

The Hon. M.J. ATKINSON: Could the member direct us to the appropriate page?

The Hon. D.C. KOTZ: It is page 4.122—Operating statement.

The Hon. M.J. ATKINSON: The answer is that there is an increase in pay, owing to enterprise bargaining with the employees, and there may be an element of accumulation of long service leave in the figure.

The Hon. D.C. KOTZ: Will the Attorney-General advise the committee of the number of FTEs, and any other staffing components, employed under the consumer affairs program?

The Hon. M.J. ATKINSON: The number of full-time equivalents is 220.

The Hon. D.C. KOTZ: And there is no other staffing other than the FTEs? Is that the full component of staffing?

The Hon. M.J. ATKINSON: We have given the member the FTE figure, which is what I presume she wanted.

The Hon. D.C. KOTZ: Well, I did ask for any other staffing components.

The Hon. M.J. ATKINSON: We are not sure what that question means.

The Hon. D.C. KOTZ: Well, I will take the FTEs as read. I refer the Attorney-General to the same page and the same operating statement, under 'Regulatory fees'. It shows an increase in regulatory fees last year to this current budget of \$1.760 million, and an increase over the past 15 months of some \$2.19 million. Will the Attorney-General provide a breakdown of where fees have increased and the nature of the increase, in percentage terms, over the past year, and any areas of increase, in similar terms, for the current year?

The Hon. M.J. ATKINSON: The increase in regulatory fees, as part of the department's saving strategies, is \$1.281 million. The increase in regulatory fees, owing to the 3.9 per cent CPI adjustment (a formula we inherited from the former Liberal government), is \$51 000; impact of correcting journal to out years estimates, \$404 000; and other minor variations, \$73 000.

To put some flesh on the bones: increases in building and occupational services; partial recovery of professional and trade registration; casino regulators, recovery of costs; corporate affairs, improved compliance arrangements and associated fee revenue; Land and Business Sale and Conveyancing Act, introduction of fees for ministerial exemptions; Office of Consumer and Business Affairs, a range of fee increases; trade measurement, partial cost recovery of professional and trade registration. So, it is true that we have put up the fees.

The Hon. D.C. KOTZ: Thank you.

The CHAIRMAN: Attorney, I realise that a lot of this comes within the province of the federal government, and they are probably not keen to do too much. I notice that, in regard to a lot of supermarket items, we obviously have ongoing price rises (which you would expect), but there is also a much more subtle price rise; that is, altering the weight or the size of the product without necessarily making that clear. As the Attorney would appreciate, with deceptive packaging, it is possible to make it appear as though there has been no change when there is, in fact, a real price increase. Does the Attorney, through his ministerial council, have any discussion relating to marketing codes, or other practices, that impact on the average family?

The Hon. M.J. ATKINSON: This is a question about unit pricing, which is an idea that has a lot to commend it. I will ask the Commissioner for Consumer Affairs to respond.

Mr BODYCOAT: The issue of including unit pricing on the labelling of packages packaged prior to sale is currently under investigation by the Standing Committee of Officials

of Consumer Affairs, with a view to reporting to the Ministerial Council on Consumer Affairs. On the strength of the paper put to the standing committee by South Australia, the paper essentially recommends that unit pricing be explored further with a view to its compulsory adoption. However, consideration of the issue has not yet been completed, and I am not presently able to advise this committee as to when it will be completed.

The CHAIRMAN: I guess this is a related question (and I know that it would be of interest to the Minister for Health): the terminology used on some of the packaging, such as 'natural' 'light', and so on (and I understand that there is no definition of those terms) is, in effect, misleading. Is that something that also comes within your responsibility, either at the state level or, more likely, in conjunction with the federal authorities?

The Hon. M.J. ATKINSON: The Commissioner would be pleased to respond to that question also.

Mr BODYCOAT: Mr Chairman, while that does, in fact, involve issues related to health, it also involves issues about misleading or deceptive conduct. At present, it is possible, subject to there being sufficient evidence, to examine issues of that nature (that is, deceptive labelling) with a view to taking prosecution action under either the Fair Trading Act or the Trade Practices Act. In the case of the Trade Practices Act, I should point out, though, that this issue is the responsibility of the Australian Competition and Consumer Commission. However, liaison between the two agencies would allow us to refer that to them.

The CHAIRMAN: I appreciate that the dairy industry is undergoing significant deregulation, but dairy farmers are currently getting a reduced price of 24¢ per litre at the farm gate, and yet most supermarkets are charging \$1.40 for white milk, and anything up to \$3 for flavoured milk. I know that we do not have price control, but you do not have to be a rocket scientist to realise that someone is getting milked, and in this case I do not think that it is the cows. Once again, I do not know whether it is an issue that you can raise through a ministerial council, but I do not believe that it is peculiar to South Australia. The dairy farmers are certainly not getting the money, and if you contrast it with manufactured soft drinks, where you do not have the risk element a dairy farmer has, the mark-ups are enormous. It is fine to say that there is competition, but in reality there is none.

The Hon. M.J. ATKINSON: As consumer affairs minister, I do not think there is much that I can usefully add about the way that price comes together. There are inquiries into the dairy industry, and these matters are canvassed, but it is really not a matter for this portfolio.

The CHAIRMAN: The Attorney would be aware that I have previously raised not supporting price control but supporting price justification processes. I guess that is a long-term battle. The member for Enfield.

Mr RAU: My question will probably need to be taken on notice. In relation to the enforcement arm of the Office of Consumer and Business Affairs (that is, the policing aspect of it), to what extent do the present array of fines and penalties defray the operational costs of that function, which is within the department? Are there any future plans to change extent of cost recovery, whatever that may be? I am happy to take the question on notice.

The Hon. M.J. ATKINSON: I am advised that fines for breaching the Fair Trading Act and other legislation administered by Consumer Affairs goes into consolidated revenue. In nearly every case it does not come back to the Office of

Consumer and Business Affairs, but we will look at what does come back and advise the honourable member.

Mr KOUTSANTONIS: I refer to weights and measures. I was trying to find the act that governs such in South Australia—maybe it is a federal act. How is it policed? How can South Australian consumers feel certain that when they go into their local supermarket or store and buy certain produce for a certain weight that it is accurate? Is it regularly calibrated and do prosecutions take place?

The Hon. M.J. ATKINSON: I am astonished that the member for West Torrens has to ask this question because twice since I have been minister I have visited the trade measurement section of the Office of Consumer and Business Affairs and it is located in his electorate at West Thebarton. I will ask the Commissioner to elaborate.

Mr BODYCOAT: The requirements of the Trade Measurements Act are that every weighing or measuring instrument in use for trade should be verified as being accurate. The system in use in South Australia engages a series of private but licensed repairers and certifiers and the activities of those repairers and certifiers are regularly audited. They provide returns of the instruments they repair and certify and trade measurement inspectors at random test the accuracy of those instruments after the repair by the repairer or certifier.

In addition, there is another random program of testing instruments in use, whether or not they have been repaired. Our estimates are that during the forthcoming year we will test of the order of 700 to 750 machines after they have been repaired or certified and up to 7 000 at random in the general community.

The Hon. D.C. KOTZ: I refer to page 4.123, looking at subprograms 2.1 to 2.4. The programs shown at 2.1, 2.2, 2.3 and 2.4 all show a combined profit yield of some \$7.323 million. Does that amount make up part of the \$16.975 million shown as regulatory fees?

The Hon. M.J. ATKINSON: All the revenue raised by OCBA, other than the money raised by tenancies, goes to consolidated revenue.

The Hon. D.C. KOTZ: The operating statement itself shows an \$824 000 profit. What happens to that amount? Does that in any way reduce the cost of the fifth sub-program, which shows an expense of \$5.032 million?

The Hon. M.J. ATKINSON: It is a good question—so good that we will take it on notice.

The Hon. D.C. KOTZ: You spoke earlier of the savings across the agency and identified an amount.

The Hon. M.J. ATKINSON: Revenue raising, was it not? This is before consumer affairs began.

The Hon. D.C. KOTZ: No, that was in answer to one of the other questions I asked about the regulatory fees increase of \$1.76 million and you gave an answer about savings efficiencies across—

The Hon. M.J. ATKINSON: This is revenue raising.

The Hon. D.C. KOTZ: I thought you explained it as efficiency measures because you talked about a 3.9 per cent increase or savings.

The Hon. M.J. ATKINSON: We are talking about fee increases and when I referred to the 3.9 per cent CPI increase I was referring to the formula for increasing fees across government annually.

The Hon. D.C. KOTZ: I believe that in a previous estimate (which I just happened to overhear) the minister tabled a paper outlining consultancies undertaken across the whole of the justice portfolio. I will make a presumption that that

also includes the area of OCBA. I see nodding heads. In the understanding we have that that question is answered by the tabling of your document, outside of those designated consultancies were there any other forms of research and reviews undertaken in the OCBA program and, if so, do you have details of such research papers and reviews and the cost allocated for their conclusion in last year's budget and whether further costs have been allocated for the 2003-04 budget and who is to conduct those reviews or research papers?

The Hon. M.J. ATKINSON: I do not think many of the consultancies would have been for OCBA, but we will take the question on notice and separate them. We tabled that graph earlier in proceedings, so all the consultancies for the portfolio were tabled, but we will extract the Office for Consumer and Business Affairs consultancies for you.

The Hon. D.C. KOTZ: And you will take into consideration that I am also making a subtle difference between what could be research, or reviews, and what you may class as consultancies?

The Hon. M.J. ATKINSON: Yes, we take your point. For instance, the tenancies branch is doing a review of the residential tenancies legislation.

The Hon. D.C. KOTZ: In the operating statement on page 4.122, the amount indicates a reduction in supplies and services by some \$1.090 million over the last 15 months. Are we talking about services being cut? Will the minister explain the reduction of over \$1 million?

The Hon. M.J. ATKINSON: These are the kinds of savings that the member for Hartley so deplors. We are talking here about procurement, efficiency, getting better deals on tenders, and a reduction in the use of electricity (such as energy efficient computers). They are the kinds of 'cuts', as the member for Hartley would characterise them.

The Hon. D.C. KOTZ: I think the minister is doing the member for Hartley a disservice, and I am sorry to hear that efficiency cuts are not part of your program.

The Hon. M.J. ATKINSON: Alas, the member for Newland was not able to be here earlier in the proceedings, when the member for Hartley was waxing lyrical about savings all being cuts.

The Hon. D.C. KOTZ: It sounds very much like it to me. In subprogram 2.3 on page 4.124, under 'performance indicators' and the quantity line of number of compliance audits conducted—

The Hon. M.J. ATKINSON: Page 4.124?

The Hon. D.C. KOTZ: Yes. Under subprogram 2.3, Business and Occupational Services, under 'number of compliance audits conducted', I notice that, in the previous year, it went from a target of 9 000 to some 15 000, which is a substantial increase of 6 000. However, this year it is back to the previous year's target. The net cost of the program has differed in the 2003-04 year by some \$1.237 million expectation of increased revenue.

The other targets and estimated results throughout the graph do not seem to have changed a great deal, but there seems to be quite an anomaly in this increase of audits. Will the minister explain the connection? Does it mean that fewer audits are being conducted? How does that relate to an expectation of \$1.237 million in profit margins from this year's target?

The Hon. M.J. ATKINSON: The Commissioner will be pleased to respond to that question.

Mr BODYCOAT: The variation has two components. First, the increase in the number of audits is related to an expansion of the program and the conduct of larger numbers

of audits as a consequence. The intention is that that accompanies the reduction in the complexity of annual reporting by licensed occupations, who now lodge a much simpler report. However, on each occasion, the report has the potential to be audited to check that, in fact, it is accurate. At the introduction of that auditing program, the number of audits increased significantly. In the forthcoming year, it is expected that the number of audits will not need to be as high.

The change in the dollar numbers is related to what the auditing uncovers that requires rectification by way of a variation to a licence, for example, or by way of people having to become licensed, where previously they were not. Fees are attached to all those measures. If further detail is required in relation to the nature of the fees and the breakdowns, I will have take that on notice. However, in general terms, that is the way it works.

The CHAIRMAN: Are any current scams operating? In the past, we have had the Nigerian operatives, the pyramid schemes and the chain letters. Are we scam free at the moment?

The Hon. M.J. ATKINSON: No, there are always new scams, and among them are those fax scams run from a company in the United Kingdom. This company faxes out survey forms and asks the people who receive the fax to fill in the survey. In the case of the anti Iraq war survey, it claimed that the results would be passed on to Prime Minister John Howard or, in the case of the SARS survey, that it would be used for research by a Queensland university. One fills out the boxes, or multiple choice questions, on the fax, and then one is invited to fax it back on a 190 number. It is disclosed that there will be small cost. The trouble is that, if the fax goes slowly, that cost could be up to \$50, of which the promoter gets the lion's share.

So, these can be quite lucrative scams. There is no evidence that the anti-war sentiments were passed on to Prime Minister Howard, and there is no evidence that a Queensland university is researching the effects of SARS on tourism. That scam has come to my attention recently, and the Commissioner would be happy to alert the committee to others.

Mr BODYCOAT: There are regular resurgences in the popularity of the Nigerian scam. Currently, we have two separate scams circulating—both claiming to be sons of the late dictator in Nigeria, I believe; both having different names; and both talking about different amounts of money that they want to get out of the country.

In relation to other types of scams, we have noticed a recurrence in the international lottery scams, which appear now to be very popular in the Netherlands and Spain. There seems to have been a decrease in activity in the Canadian generation of those kinds of scams, and we have found also that they link up with a number of pre-payment type scams, where you are asked to acknowledge receipt of a piece of correspondence and to pay in advance of receiving a benefit. They all work in a similar way: there is nothing at the other end, and they are really after your money but hold out the promise of easy returns and cheap money.

In addition, some scams are circulating at present that have all been the subject of recent publicity. These scams focus on pseudo small business and offer the opportunity to make money at home. We have heard of the Edward L. Green scheme and the chain letter scheme. Occasionally, they make resurgences. A number of false invoicing scams have circulated over the last 12 months. An invoice is sent which claims to be for a service that was never delivered and which they

never had any intention of delivering. They rely on the fact that small business proprietors will panic because they do not want to get their name in Dunn & Bradstreet. It is generally called blowing or false invoicing. There never was a service and they expect people to pay up, effectively in terror. For the moment, that covers the range of extant scams as far as I know.

The Hon. M.J. ATKINSON: I have been in correspondence with the member for Flinders about another one, and that is the publication of an index of very important or distinguished people, and it involves an offer to be listed in this directory. It is sent to a vast number of people, and a gentleman on Eyre Peninsula applied, saying that he was a justice of the peace and would be willing to pay however much money to be listed in the directory. After some months, he contacted us saying that he had tried to contact the promoter and had been unable to get an answer to the question as to when the directory was to be published. I gather that that operation has gone to New Zealand now.

Mr RAU: A person approached me who received a promise of tens of thousands of dollars, or more perhaps.

The Hon. M.J. ATKINSON: *Readers Digest?*

Mr RAU: That was one, but this was another one. It came out of Geneva, and all they had to do was send back a cheque for \$50 to help with the cost of processing and they could get their cheque for \$250 000. Some very clever person wrote back to them and said, 'I am quite happy for you to deduct the \$50 and send me a cheque for the balance.' I do not think they got their money.

My question is of a more general nature. Given the range of legislation that OCBA is required to operate within and the extent of the activities that OCBA has, is there any scope for some harmonisation of the range of legislative measures or the range of penalties or any of the independently arrived at requirements that are imposed on the office that could deliver some sort of efficiency gains or revenue gains for OCBA? I realise that is a very general question.

The Hon. M.J. ATKINSON: So general it might have come from the Chairman! I have not considered that matter before, although I have been in communication with the member for Enfield constantly about fair trading matters. I will ask the Commissioner for Consumer Affairs to respond if he wishes to.

Mr BODYCOAT: The issue is one that might better be answered once a number of reviews that are currently under way or about to begin have been completed. As members would be aware, the Residential Tenancies Act is currently being reviewed. There is under way an examination by the working party on the member for Enfield's own report into practices in the real estate industry. We have recent reviews of a couple of the pieces of licensing legislation that we administer and, in addition, it is proposed that we review the Fair Trading Act to look at a number of issues, such as whether or not we have the right range of penalties.

In fact, part of the examination will look at bringing the penalty regime more into line with the penalty regime that operates under the Trade Practices Act to provide such things. It is far from a decision being made, I should say. If followed all the way through, it will provide a range of penalties such as enforceable undertakings, and, although there is a variation on that theme in the Fair Trading Act at the moment, it does not really have the effect that we would have hoped.

In addition, we anticipate that being able to undertake reviews of other legislation such as the Associations Incorporation Act will also strengthen our hand in relation to

enforcement issues. It would be our expectation that we should examine the way in which those pieces of legislation relate to other pieces of legislation within the portfolio area. It clearly makes sense, then, to consider whether there is scope for harmony in the way in which those issues are managed and the penalties that apply.

The CHAIRMAN: To the credit of the car industry, it has improved on some of the things that used to happen years ago, but with backyard car sales it is difficult to require a private individual to give some indication of the roadworthiness or a general disclosure based on honest knowledge, and so on. It seems to be a problem that, in the private area, the backyarders can sell a heap on wheels without regard to safety concerns or considerations, and not being honest in terms of disclosure. Has any thought been given to tackling that issue, as well as the general aspect of having more open and accountable transactions at the private level?

The Hon. M.J. ATKINSON: The nature of backyarders in the motor vehicle trade is that they do not want to draw attention to themselves, so it is hard to catch up with them, but we do make an effort. When they are found to be selling more than the prescribed number of vehicles, they are fined. Indeed, I have read a recent case in the Supreme Court before Justice Mullighan and, like the Motor Trade Association, I thought the reduction of penalty was lenient on a backyarder.

We warn members of the public that there is no warranty when one is a party to a private sale, and I think that the difficulty with introducing warranties for private sales is that it would tend to encourage the trade, and we do not want to encourage the trade. We want to encourage people to buy from licensed motor vehicle dealers who are regulated in accordance with the current law.

The Chairman may have seen that I announced at Metro Holden on Port Road at Thebarton that the government would be considering introducing a cooling off period for the purchase of used cars, but that would only be for a purchase from a licensed dealer. I think that a cooling off period is a useful measure, because used cars are unique, unlike new cars, and potential purchasers can be pressured into making a decision that they later regret, particularly over questions of finance. In many cases, a purchaser signs a document about purchasing a used car and thinks that it is subject to finance, but later finds out that the detail means that it is not subject to finance and is forced to go ahead with the purchase without finance. I think that a cooling off period would be a useful thing. Indeed, the Motor Trades Association is quite sympathetic to it, and Metro Holden has been voluntarily applying it for a number of years.

With respect to the question of roadworthiness tests, really, that is more a matter for the department of transport than the Office of Consumer and Business Affairs. I think we are better off staying out of the question of roadworthiness.

The CHAIRMAN: I was thinking not so much of warranties on a private sale but of an honest disclosure. I guess people can take a remedy in the court, but the reality is that most people cannot, and will not. I think it is a matter that could be explored at another time.

The Hon. D.C. KOTZ: This question does have a certain relativity to one of the issues that we have recently discussed. I seem to recall that, some years ago, breaches of legislative requirements by traders, builders, dealers and other commercial enterprises were documented by OCBA in either a fact sheet or a brochure of some description that I vaguely recall,

and circulated in the community as well as to MPs in their electorate offices.

The Hon. M.J. ATKINSON: Yes.

The Hon. D.C. KOTZ: I found this to be particularly beneficial, as it certainly enabled MPs to alert members of their community of any fraudulent activity, whether it be scams being tried on innocent constituents, individuals trading without a licence, or it could be a list of dangerous toys or appliances that were being withdrawn from the market. Does OCBA still produce this type of material and, if so, where is it distributed? If not, will the minister consider making that happen?

The Hon. M.J. ATKINSON: The member for Newland's recollection is accurate. OCBA does produce that material. I think some of it is on the web site, but I will ask the Commissioner to flesh out the answer.

Mr BODYCOAT: The avenue by which the material is published is the licensing register, which appears on the OCBA web site. By virtue of the several licensing acts that we administer, a licensee who is, let us say, an occupational licensee (because that captures most of them) and who is convicted of an offence against one of the pieces of legislation administered within the office has that conviction recorded as part of the register, and the register is now published on the web site. On each occasion on which a significant prosecution produces a significant result (and there have been several of those recently), a media release is prepared and, in most instances, that is picked up by the *Advertiser* and published, although sometimes the articles are very small. In the case of licensing breaches, there are general letters—open letters—to the licensees and the organisations which represent them, which letters disclose the activity in relation to a number of issues, but one of those is, in fact, prosecutions of licensees.

The main focus of OCBA's prosecution activity over the last couple of years has, in fact, been on securing compliance with the occupational licensing legislation. There is at present no single point on which all the outcomes of prosecution activity will be published. Subject to whatever other comments the minister might wish to make, I am certainly prepared to consider whether that could be achieved.

The Hon. D.C. KOTZ: Yes, I understand that the annual report covers much of the material that we are talking about as a matter of public record.

Mr BODYCOAT: It does.

The Hon. D.C. KOTZ: I am not thinking so much about the extensive material that is involved in the production of both those areas, but something more like a fact sheet, which could certainly be of value in the community. I will leave that with the minister.

In last year's estimates, we talked about the progress of the new code that was introduced into the Retail and Commercial Leases Act for casual mall licences. The code, as the Attorney would know, outlines the framework within which small business can receive fair treatment from shopping centres, and so on. I asked the then attorney to give me a commitment to continue to monitor the progress of the new code and examine ways in which this model may be extended to include similar situations. The then attorney gave me that commitment at the time. Can the minister advise the committee whether problems were detected and reported in that area, and of any progress that may have been made to date?

The Hon. M.J. ATKINSON: The Commissioner has indicated that he would be happy to answer that question. I do recall that the question of casual mall licensing was an

initiative of Nick Xenophon and was supported by the then Labor opposition, and we amended a bill which the then attorney-general had before the parliament. We just took the opportunity to tack regulation of casual mall licensing on to a government bill. As it turned out, the bill was no longer necessary after a period, and the Hon. Trevor Griffin, to his credit, reintroduced our provisions, made them a government bill and put them through parliament, which I think was very sporting of him. I just want to acknowledge that.

The Hon. D.C. KOTZ: Which you also did during last estimates.

The Hon. M.J. ATKINSON: I never forget a good turn. The Commissioner will flesh out the answer.

Mr BODYCOAT: The code contemplates review at the end of 12 months of its operation. As I recall, it commenced operation in September last year, and the anniversary is yet to arrive. However, the first 12 months of its operation will be reviewed and a report provided to the Attorney by the Retail Shop Leases Advisory Committee on the first 12 months of operation.

There has been ongoing casual contact with the members of the committee in the time in which the code has been in operation. I am not aware, as a consequence of that contact, of any particular instance of difficulty in the operation of the code having been brought to my attention or to the attention of any other member of the committee. However, the review at the end of the first year of operation of the code will, in fact, provide us with an opportunity to formally canvass that issue.

The Hon. D.C. KOTZ: I note that, in the annual report from the Office of Consumer and Business Affairs, OCBA reports that it has maintained its involvement in the government's small business network, which comprises representatives from state and federal government agencies. The key objective of the network, as the annual report defines, is to foster communication and information sharing across agencies, to understand contemporary issues facing small business and, therefore, enable the government to provide better service and information to South Australian businesses. Is this network still current and, if so, will OCBA be initiating a strategy or project dealing with the most recent contemporary issue for small business, that of deregulation of shop trading hours and then transition to a seven-day trading week?

The Hon. M.J. ATKINSON: Yes, the network still exists and the Commissioner will deal with the question of whether it has deliberated on shop trading hours. It would have to have moved very swiftly to do that since it was only just through the parliament.

Mr BODYCOAT: The small business network is an informal network of a collection of state and commonwealth government agencies with interest in the small business field. It does not have any formal mandate and its purpose is mainly to provide an opportunity for the exchange of information, enabling the constituent agencies to inform themselves about what others have encountered and to work out whether they need to be able to do anything about it themselves. The network has not met since the most recent developments in the debate on trading hours and, as a consequence, there is not any opportunity yet for the network to form a position on those issues.

The CHAIRMAN: I am conscious of the time. It is time now to examine the Office of Multicultural Affairs.

Additional Departmental Advisers:

Ms J. De Leo, Director, Office of Multicultural Affairs.

Mr S. Everard, Secretary, South Australian Multicultural and Ethnic Affairs Commission.

The Hon. M.J. ATKINSON: Again, there will be no opening statement, as there has not been an opening statement all day, giving the opposition the maximum time for questions.

Mr SCALZI: I will make a brief opening statement. One of Australia's and, indeed, South Australia's greatest assets is its rich cultural and linguistic diversity. This includes our multi-faiths whilst acknowledging our indigenous heritage. People from around the world have come to settle here and have helped to make our great state what it is today. Indeed, in 1838 we had the first big influx of migrants from a non-English speaking background, Germany. They settled in Klemzig and Felixstow (Felixstow being in my electorate) and later Hahndorf and the Barossa Valley.

I am informed that in about 1910, 11 per cent of the population of South Australia spoke German, so we have had a tradition. South Australia is a state of immigrants, and multiculturalism is a significant resource and strength which has had many benefits for our state. Migrants have contributed greatly to the social, economic and cultural life of our state. Migrants have provided not only the energy but many of the ideas and enterprises for South Australia's ongoing social and economic development. Our recognition of these contributions have been enshrined in recent events, such as Harmony Day and other cultural occasions which call for us to reflect upon and celebrate our cultural diversity and which emphasise Australia's traditional values of equality, justice, fairness and mateship.

As an Australian from a migrant background, I am very involved in and committed to Australia's multiculturalism. I believe that immigrants in South Australia have made a massive contribution to this state, our economy and our community. We must also take into account our British heritage. We owe a lot to that heritage and the greatest gift it has given us is the Westminster system of government.

The Hon. M.J. ATKINSON: And the rule of law.

Mr SCALZI: And the rule of law. On 29 July last year during estimates the Attorney said:

I promise to be far more generous in allowing omnibus questions and answering them more promptly.

None of the six omnibus questions that were asked last year have been answered.

The Hon. M.J. ATKINSON: On?

Mr SCALZI: Multicultural affairs. In the circumstances as I have stated, I am reluctant to rely on the Attorney's assurances and, prior to commencing this year's estimates committee, I ask for the Attorney's commitment that he will answer the questions asked during estimates and that he will do this within the Premier's two week deadline.

The Hon. M.J. ATKINSON: Trust me again.

Mr SCALZI: The report of the evaluation of the access and equity strategy released by the South Australian Multicultural and Ethnic Affairs Commission (SAMEAC) in June 1997 was designed to provide a strategy where all South Australians could have fair access to an equitable share of government services regardless of their background and communication skills; and to ensure that all government agencies recognise the need to deliver services in a culturally inclusive manner. Will the Attorney advise the committee what steps the government has taken to implement the recommendations of the report and indicate how much

funding has been allocated to the continuation of this initiative within the 2003-04 budget?

The Hon. M.J. ATKINSON: I am glad the member for Hartley asks such a pertinent question. The state government is committed to ensuring equitable access to government services, including access and equity reporting requirements and renewed efforts to ensure availability of interpreters in critical areas. The 2001-02 Access and Equity Report has been printed and distributed, and the 2002-03 report is due for completion this October. In addition, agencies will be required to report on access and equity in their annual reports. A new access and equity implementation framework has been developed for agencies to adopt during the next 12 to 18 months.

The framework requires public sector agencies to carry out and report on results, for example, consultation carried out with culturally diverse communities, culturally appropriate services and programs, collection of client data and statistics, cultural awareness training for staff, use of the ethnic press and other media and use of interpreters and translated material, to name just a few. Comprehensive information on the 2001 census of population and housing, and related to our state's diverse population, is being provided to state and local government agencies to help them improve service delivery.

The interpreting and translating centres recruited and trained a pool of new interpreters in Port Pirie. These new interpreters will work primarily in the public health system and in the law courts. Simultaneously, a process has been started for the recruitment and training of interpreters in the Riverland to revitalise the pool of interpreters in that region, and I held forth about that for some time in question time recently. The South Australian Multicultural and Ethnic Affairs Commission actively pursues this matter on the government's behalf. The commission has listed access and equity as a priority. On the question of funding, I will ask Ms De Leo to amplify.

Ms De LEO: Access and equity, or ensuring equitable access to government services for people of cultural and linguistically diverse backgrounds, represents core business of the agency. Therefore, funds across most of the projects and programs of the Office of Multicultural Affairs and the commission are dedicated to ensuring that. So, those funds are embedded within many of those projects and programs. I do not have a precise figure here: I would have to extract that figure from each of those projects and programs to give a total.

Mr SCALZI: My next question is: supported accommodation for aged in South Australia is an issue of high priority for both the government and the opposition. Nowhere is the need for such services in higher demand than in multicultural communities. In fact, according to SAMEAC's Access and Equity Report, the greatest number of South Australian individuals with low or poor English skills are aged over 65 years and their numbers are increasing, as the post-war immigrant population is also an ageing population. Will the Attorney advise the committee what funding has been allocated in the 2003-04 budget to programs designed to ensure that culturally sensitive and appropriate solutions are found for supported accommodation for migrants?

The Hon. M.J. ATKINSON: It is a commonwealth program and OMA and SAMEAC are not directly responsible for it, but there are many examples across the metropolitan area of successful hostels and nursing homes for people of a non-English speaking background. In the course of my doorknocking I go into some outstanding hostels. One that

impresses me is St Anna's at Brompton, which combines people of Ukrainian, Belarus and Croatian background, and they live happily together. A number of elderly people of Anglo background also live in the hostel. And there are other successes.

But it is a commonwealth program and, in so far as it affects the state, my ministerial colleague Stephanie Key would have to answer those questions. But I understand the member's concern. I hope the successes to date continue. It seems to me that the next community that will be looking for aged care appropriate for their elderly is the Vietnamese community.

Mr SCALZI: It is not only for aged care but also for other individuals with disabilities from non-English speaking backgrounds. In fact, the Attorney would be aware that the Social Development Committee is looking at the reference of supported accommodation and—

The CHAIRMAN: The member should ask his question, otherwise we will run out of time.

Mr SCALZI: I thank the Attorney for his answer. At the last election, Labor pledged to 'improve the cultural and linguistic diversity of the membership of government boards and committees to ensure that they serve effectively the whole community and make use of all kinds of skills and expertise available'. I note that the funding for sub-program 4.3 on page 4.134, coordination and advice for multicultural services, has been decreased by \$100 000 in this budget. Can the Attorney advise the committee if this initiative will be affected by this funding cut and, if not, can he advise the committee which initiatives of this sub-program will have to be pulled back or cut—or savings made, as he has been saying?

The Hon. M.J. ATKINSON: The budget for OMA and SAMEAC will increase in the next financial year. The loss of money to which the member refers is the loss of the carryover, as is occurring so often.

In regard to appointing people from a non-English speaking background, I think one or more persons from such a background has been appointed to the Residential Tenancies Tribunal which, of course, is within the consumer affairs part of my portfolio. The Solicitor-General (whose appointment was criticised by the Liberal opposition, albeit not by the shadow attorney-general) is from a non-English speaking background; and also the latest Supreme Court appointment, Justice Sulan, was born in Prague in Czechoslovakia and is part of the Orthodox Jewish congregation in South Australia.

Mr SCALZI: I have a supplementary question. Can the Attorney give us the value of the carryover sum?

The Hon. M.J. ATKINSON: I reiterate that the core budget has increased and the carryover, in accordance with usual practice, has been lost.

Mr KOUTSANTONIS: In terms of the government spreading its message of services through the ethnic media, I have a number of constituents in my electorate from diverse backgrounds who rely solely on ethnic media for their information in terms of changing laws, new regulations, speed limits and other driving issues, and all sorts of government programs that have been changed. Is the government considering, as it has in Victoria, allocating a percentage of all government advertising to ethnic media?

The Hon. M.J. ATKINSON: I wrote to all portfolio chief executives shortly after I came to office urging them to use the ethnic media and to set aside funds in their budget for this purpose. I hope, later, to monitor whether there has been compliance with that.

But it is worth mentioning at this point that it is important, if the ethnic press wants to get government advertising, that their circulation be properly audited, and we would prefer to deal with ethnic media that use conventional methods of auditing their circulation. So, I think there is a quid pro quo in government advertising in the ethnic press. But I accept the member for West Torrens' point that, in trying to publicise routine changes to the law, it is very important to get them out through not just the ethnic press but also ethnic radio.

I am often surprised when doorknocking how often I will come to the home of a family from a non-English-speaking background and the radio is on—radio Doriforos for Greeks, Radio Italiana at the shop of Tony Tailoring, or EBI FM. So, radio is an important way of communicating changes to the law and policy to people from a non-English speaking background and the question is most pertinent, and it is incumbent upon me to follow up on the proportion of the advertising budget that is being spent on the ethnic press and ethnic radio.

I should add that the state government is willing to invest funds in the Riverland in cooperation with the Riverland councils to try to get a transmitting tower for SBS in the Riverland. It is important to get SBS radio broadcasting from Sydney into the Riverland and, in particular, to get the Punjabi program there for the large Sikh community around Glossop.

The CHAIRMAN: Our time has—

Mr SCALZI: If possible, I would like to read questions to be taken on notice.

The CHAIRMAN: The member will have to be very quick.

Mr SCALZI: In relation to the questions I asked the Attorney-General, in response to my last question, he said that the amount was lost.

1. Could the Attorney-General advise the actual amount lost in dollar terms?

2. Will the Attorney advise the committee how much funding was provided to the South Australian Multicultural and Ethnic Affairs Commission during 2002-03, and whether there was a surplus? If so, can the Attorney advise the committee whether this money has been carried over as additional funding for SAMEAC during 2003-04?

3. I note that net income for interpreting and translating services is estimated to decrease by 42 per cent during 2003-04. Can the Attorney provide the committee with a detailed

explanation of this financial result, including components of revenue and expenses?

4. On page 4.134, one of the performance commentary remarks regarding coordination and advice states that a weekly report on ethnic press is provided to the minister. Given that the government has committed to providing the opposition with access to all taxpayer-funded media monitoring, can the Attorney advise the committee why this weekly media report has not been forwarded to the opposition, and will he endeavour to rectify this situation?

5. According to Labor's election policy, as follows:

The racism and xenophobia which has gripped too many in this country in recent times is still leaving deep scars and is even pitching neighbour against neighbour, family member against family member and regrettably in some cases migrant against migrant.

On page 4.132, listed as an agency objective, is the goal of building 'a safe, harmonious and prosperous society'. Given this objective, will the Attorney provide funding and content details of initiatives and programs that the government will implement during 2003-04 to achieve this goal?

The Hon. M.J. ATKINSON: Could I add that using the term 'lost' to explain the carryover was probably not a felicitous expression on my part. The money remains within the justice portfolio.

The CHAIRMAN: I point out that members can put questions on notice—

The Hon. M.J. ATKINSON: —at any time.

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

Mr RAU: I move:

That the committee do now adjourn.

The Hon. D.C. KOTZ: I rise on a point of order, Mr Chairman. I wish to put on the record the protest of this side of the committee that, as the member for Hartley had only two questions left and his entitlement, therefore, his right to ask those questions has been tested in this instance. I am happy to second the motion.

The CHAIRMAN: I make the point that the member for Hartley chose to make a lengthy statement, which cuts into the question time.

The Hon. D.C. KOTZ: That is his choice, Mr Chairman, as you should know.

Motion carried.

At 6.33 p.m. the committee adjourned until Thursday 19 June at 11 a.m.