

HOUSE OF ASSEMBLY
Monday, 24 September 2018
ESTIMATES COMMITTEE A

Chair:

Mr P.A. Treloar

Members:

Hon. A. Koutsantonis

Hon. J.R. Rau

Mr M.J. Cowdrey

Mr D. Cregan

Mr C.J. Picton

Mr J.B. Teague

The committee met at 13:30

Estimates Vote

COURTS ADMINISTRATION AUTHORITY, \$92,441,000

Minister:

Hon. V.A. Chapman, Deputy Premier, Attorney-General.

Departmental Advisers:

Hon. C. Kourakis, Chief Justice, Courts Administration Authority.

Mr T. Pearce, Chief Financial Officer, Courts Administration Authority.

Ms J.-A. Burgess, State Courts Administrator, Courts Administration Authority.

Mr. M. Church, Manager, Accounting Services, Courts Administration Authority.

Mr C. Black, Business Analyst, Courts Administration Authority.

The CHAIR: Welcome back, everybody, to the second hearing of Estimates Committee A. I advise that the following members have requested to be discharged—the members for Reynell, Taylor and Croydon—and have been replaced by the members for Kaurana, West Torrens and Enfield. I am going to make some opening remarks as Chair. The estimates committees are a relatively informal procedure and, as such, there is no need to stand to ask or answer questions.

I understand that the Attorney-General and the lead speaker for the opposition have agreed on an approximate time for the consideration of proposed payments, which will facilitate a change of departmental advisers. Can the Attorney and lead speaker for the opposition confirm that the timetable for today's proceedings is accurate, as previously distributed?

The Hon. V.A. CHAPMAN: As printed.

The CHAIR: Are you comfortable with that?

Mr PICTON: Yes.

The CHAIR: Thank you for that. Changes to the committee membership will be notified as they occur. Members should ensure that the Chair is provided with a completed request to be

discharged form. If the Attorney undertakes to supply information at a later date, it must be submitted to the committee secretary by no later than Friday 26 October 2018. I propose to allow the Attorney and the lead speaker for the opposition to make opening statements of about 10 minutes should they wish.

There will be a flexible approach to giving the call for asking questions, based on about three questions per member, alternating each side, with some flexibility in that. A member who is not part of the committee may ask a question at the discretion of the Chair. Questions must be based on lines of expenditure in the budget papers and must be identifiable or referenced. 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; 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 is purely statistical and limited to one page in length. All questions are to be directed to the Attorney, rather than the Attorney's advisers. The Attorney may refer questions to advisers for a response. The committee's examinations will be broadcast in the same manner as sittings of the house are broadcast, through the IPTV system within parliament house and via the web stream link to the internet.

I will now proceed to open the following line for examination: the Courts Administration Authority. The minister appearing is the Attorney-General. I declare the proposed payments open for examination and refer members to the Agency Statements, Volume 1. Attorney, do you wish to make an opening statement?

The Hon. V.A. CHAPMAN: Firstly, I am glad to be here on this side of the table. Secondly, I would like to introduce to the committee, for those who do not know, the Chief Justice, the Hon. Chris Kourakis SC, to my right, who is with us here as the head of the Courts Administration Authority. We also have the State Courts Administrator, Julie-Anne Burgess, to my left and the Chief Financial Officer, Trevor Pearce.

There are all sorts of other eminent wise members of the CAA behind me and advisers, who I hope will be able to assist in the inquiries of the committee today. I wish to place on record my appreciation to the Chief Justice and members of the judiciary in his court, the District Court, the Magistrates Court and, to no lesser extent, the Coroner's Court, for the work they do during the year, and to Ms Burgess and her team for the administration. They have recently celebrated their 20th year as a rather unique model of administration in South Australia, which is an excellent achievement.

I would like to formally place on the record my appreciation to the government for their support in the appointment of Mr Patrick O'Sullivan, to replace Judge Millstead in the District Court, and to ensure that there is a continuity of judicial officers available for the important work they do, which is to administer justice on behalf of the people of South Australia.

The CHAIR: Thank you, Attorney. Member for Kaurana, do you wish to make a statement?

Mr PICTON: Thank you, Chair. I will not make an opening statement. I welcome the Attorney-General in her new role. I am sure she will enjoy it much better on that side of the table. I welcome her officers, but particularly welcome the Chief Justice and thank you for lowering yourself to our humble status here in the House of Assembly.

An honourable member interjecting:

Mr PICTON: Well, that's true. I think we are technically the highest court, so welcome to our higher court.

The CHAIR: Welcome to all, committee advisers and guests in the gallery. I invite questions. Member for Kaurana.

Mr PICTON: Thank you, Chair. My first question relates to Budget Paper 4, Volume 1, page 145, probate fees, where it is detailed that this year there is projected to be an increase in probate fees, from \$9.3 million up to \$9.7 million—an increase of \$600,000 that the government is

expecting to receive in probate fees. Can the Attorney or the Chief Justice outline how that was arrived at.

The Hon. V.A. CHAPMAN: I am happy to seek some support from Mr Trevor Pearce, who is the minister for money at this end of the table. I am sure that he can provide some explanation for the initiative that was commenced by the previous government.

Mr PEARCE: On 4 May 2015, cabinet approved the introduction of a tiered probate application fee structure as part of their 2015-16 state budget. The fee structure, as it stands now, is as follows: up to \$200,000 the fee is \$797; from \$200,001 to half a million dollars, \$1,594; up to \$1 million is \$2,125; and over \$1 million is \$3,187. The tiered fee structure replaced the flat probate application fee of \$1,114 in 2015-16 terms and came into effect on 28 February. The new fee structure was estimated to collect an additional \$2.5 million annually, bringing the total annual collections from probate applications to approximately \$9 million.

During the course of the year, there was an increase in the actual probate lodgements, and \$10.9 million was actually collected above the current budget of \$9.4 million. It was a \$1.5 million increase.

Mr PICTON: You are saying that \$10.9 million was received, even though the budget papers are saying that there was an estimated result of \$9.3 million for 2017-18?

Mr PEARCE: That is correct. There were additional—

Mr PICTON: So the budget is wrong?

Mr PEARCE: No, there were additional lodgements during the course of the year, and that resulted in the increase above the budget estimate.

Mr PICTON: Why would that not be reflected in the—

The CHAIR: Member for Kaurua, can I interrupt. I have a little bit more housekeeping. There are two things I want to bring up. The first is that any questions from any members will be directed to the Attorney. In the first instance, you identified the Chief Justice, as well. You must, in fact, address the Attorney. The other thing is that I omitted to welcome the member for Kavel, who has replaced the member for Hammond. Member for Kaurua.

Mr PICTON: Thank you. To the Attorney, and obviously it is up to you to delegate as required, you are outlining to the committee that the budget paper estimate of 2017-18 of \$9.3 million is wrong and that \$10.7 million, I believe you said, was actually received in that year?

The Hon. V.A. CHAPMAN: Yes. I will ask Mr Pearce to confirm the extra deaths and/or applications in the 2017-18 year.

Mr PEARCE: The figure arrived at was \$10.9 million. There were CPI increases since the original budget and, because the fee has only been in for a couple of years, we were actually still estimating what the total budget should be. That is why the figure is above what the initial budget set was.

Mr PICTON: Does that mean that the estimated budget for 2018-19 of \$9.7 million is actually lower than the revised estimate would be, based on the revised estimated result from 2017-18?

Mr PEARCE: No, we are still estimating that it will be \$9.7 million, because we do not have a fixed trend to indicate that it is going to be higher.

Mr PICTON: Is this something that the courts or the AGD have consulted with Treasury about in coming up with these estimates?

The Hon. V.A. CHAPMAN: Not that I am aware of.

Mr PICTON: Attorney, do you still share the view that these fees, which are obviously increasing, are the reintroduction of death duties? To quote you from the house:

...a huge profit of millions of dollars a year from the probate fees, not with any great benefit that I can see back to the probate office, but it still sits there with the same people, just about with quill and ink doing their work in fairly primitive conditions, I think, in the worst court in Australia in the sense of its infrastructure and amenities.

The Hon. V.A. CHAPMAN: I think the new formula that was introduced by the previous government is a form of reintroduction. It is fair to say, as I also said at the time, that it is cheaper to die in Victoria than it is to die in South Australia. Nevertheless, fortunately the application of funds towards a new electronic system in the courts has been a very substantial cost.

As you can see, member for Kaurana, whilst this revenue has provided a much greater revenue stream than even expected from the former government's formula, significant moneys have been applied towards the new electronic system, on which the probate division is the first to go online. I am happy to invite the Chief Justice to make any other comment in respect of that and how it is advancing for opening later this year.

Chief Justice KOURAKIS: The launch of the electronic court management system will be at the end of November—I think 26 November—with the introduction of electronic applications for probate. The system will be online and will be operated by smart forms with drop-down boxes. If legally represented, the applicants will not even have to take the original will into the probate office but will provide it electronically. It will speed up the processing of applications for probate, which will more quickly release substantial amounts of money that are ordinarily tied up in the estate of deceased persons.

Mr PICTON: What is the current length of time for a grant of probate in South Australia and how does that compare with other jurisdictions?

Chief Justice KOURAKIS: I think it is around six weeks. I am not sure of that exact figure, but it has blown out recently: there is a backlog of about 600 to 700 cases. That has been exacerbated by the need to take staff online to prepare for the electronic court management system and electronic filing.

Later, in October, we will cease receiving applications in hard paper altogether. Between then and the launch of the electronic system in November, all outstanding applications on paper will have been disposed of and will be in the new system at the end of November, where the applications are, as I said, processed electronically and very quickly.

Mr PICTON: So, if I were to pass away right now, how long would it take for probate to happen on my estate?

Chief Justice KOURAKIS: It is doubtful that the application would be put in on paper before we stop taking paper applications, so it would not be until sometime in December.

Mr PICTON: Probate would be granted on a death today in December; is that what you are saying?

Chief Justice KOURAKIS: Yes.

Mr PICTON: How does that compare with other jurisdictions?

Chief Justice KOURAKIS: I think it varies. There are a couple of state jurisdictions—New South Wales in particular, I think, has always had a faster turnaround than South Australia. I suspect that we will lead the country with the electronic applications. No other system in this country will be as advanced electronically. Just to give you an idea, the applicant, as I said, will use a smart form format to lodge the application. The back end of the system will then translate all that information into a grant of probate automatically. Our examiners, who at the moment pore over paper and give the paper to clerks who manually prepare a grant, will simply review and check a grant which will have been generated electronically and automatically.

We are expecting the system to be much faster. It will reduce mistakes. To give you a simple example, the Greek nursing home for the aged at Ridleyton is actually in Brompton. That address is often confused, requiring a requisition to be sent to the applicant to change the address of the place of death. The system will now automatically generate the correct address of the nursing home as soon as it is entered. That gives you an idea of the potential that this system has for speeding things up.

Mr PICTON: What reduction has been made in FTEs for the Probate Registry both this year and in coming years in the forward estimates?

Chief Justice KOURAKIS: There are clerks who would have dealt with the hard copy who will be put into the general Civil Registry as a result of this move. I think there are two or three who will move from probate into the general Civil Registry and who will not be required full-time in probate matters. The actual reduction of FTEs overall as a result of the introduction of the electronic court management system will have to await the rolling out into civil, where we are hoping there will be many efficiencies as well.

Mr PICTON: Will the increased income that is coming through stay with the Probate Registry or in the Courts Administration Authority, or does it go back to Treasury and consolidated revenue?

Chief Justice KOURAKIS: There is a complex arrangement with the fees. Some fees the court takes go into what is called the administered budget, a special budget that pays for judges' salaries and the like; others go back into general revenue. Probate fees go into the administered budget, that is, a special allocated budget for judicial salaries.

Mr PICTON: I have one last point of clarification on this subject. I understand what you are saying in terms of a death now and how long of a wait there is. Of the people who are currently waiting, what is the longest wait that anybody has had at this point in time?

Chief Justice KOURAKIS: I do not know, and it would not be very useful just to pick that figure out because some of the waits are as a result of requisitions, that is, requests for corrections and further information. There might be all sorts of reasons for the delay. In terms of a delay where no requisitions are required, I am not sure what the longest has been because it has varied.

Mr PICTON: Could you take that on notice?

Chief Justice KOURAKIS: We can provide that information. Can I say that we have actually had staff working overtime, on weekends and the like, to try to keep up with the applications, so it has varied over the last few months. A number of measures have been taken to try to speed it up as much as we can.

The Hon. A. KOUTSANTONIS: Attorney, did you consult with the former solicitor-general before you made a payment to Henry Keogh—

The CHAIR: Member for West Torrens, do you have a budget line for that?

The Hon. A. KOUTSANTONIS: Yes. Agency Statements, Budget Paper 4, Volume 1, page 124, ministerial responsibilities. Did you consult with the former solicitor-general before you made a payment of \$2.57 million to accused murderer Henry Keogh?

The Hon. V.A. CHAPMAN: I am struggling to see any reference in the budget to that matter, and as the member knows—

The Hon. A. KOUTSANTONIS: The former solicitor-general is sitting alongside you. He wrote a detailed report on the guilt or innocence of Henry Keogh. Did you speak to him before you made that payment?

The Hon. V.A. CHAPMAN: As the member knows, these are matters that I have canvassed in the parliament.

The Hon. A. KOUTSANTONIS: We are in the parliament again; you can canvass them again. Did you consult with the former solicitor-general before making a payment?

The Hon. V.A. CHAPMAN: I will not be adding to the comments I have made in the parliament.

The Hon. A. KOUTSANTONIS: Do you refuse to answer the question?

The Hon. V.A. CHAPMAN: Mr Chairman?

The CHAIR: Member for West Torrens, does this relate particularly to the budget? The Attorney has suggested that it is not referred to.

The Hon. A. KOUTSANTONIS: Ministerial responsibilities, Mr Chairperson. The opening statement of the objective is that the 'courts administer justice on behalf of the people of South Australia'. Did the Attorney-General consult with the former solicitor-general, who did an in-depth

report into the Henry Keogh case and the murder of Anna-Jane Cheney, before making a payment of \$2.57 million to accused murderer Henry Keogh?

The Hon. V.A. CHAPMAN: As indicated, I refer to—

The Hon. A. KOUTSANTONIS: He is right next to you; you can just ask him.

The Hon. V.A. CHAPMAN: I refer to my answers in the parliament on this matter.

The CHAIR: Member for West Torrens, it does not quite work in the way that you are suggesting, that is, asking advisers to answer the question. You must direct your questions to the Attorney.

The Hon. A. KOUTSANTONIS: I have not directed any questions to the Chief Justice, although I note that the Chief Justice is an independent officer and can speak his mind when he sees fit. Again, I ask the Attorney-General: did she consult with anyone in the Courts Administration Authority about a payment of \$2.57 million to Henry Keogh?

The Hon. V.A. CHAPMAN: Again, I have answered questions in relation to this matter to the parliament, and I refer to my answers in *Hansard*.

The Hon. A. KOUTSANTONIS: Have you issued any instructions to any officers within the Courts Administration Authority not to cooperate or not to answer any questions with any integrity agencies?

The Hon. V.A. CHAPMAN: Again, I have answered questions in the parliament, which you would know, member for West Torrens, because you asked the questions.

The Hon. A. KOUTSANTONIS: Is the Courts Administration Authority subject to investigation by the Ombudsman on behalf of actions taken by the Attorney-General?

The Hon. V.A. CHAPMAN: I would have to look at the Ombudsman Act again, but I do not think that would be the case in relation to the Courts Administration Authority being the subject of it, but I will certainly take that on notice and will check with the Ombudsman Act.

The Hon. A. KOUTSANTONIS: So, when deciding to pay accused murderer Henry Keogh \$2.57 million, did the Attorney-General at any stage think to pick up the telephone to the former solicitor-general at any stage of that decision-making process?

The Hon. V.A. CHAPMAN: As I have indicated, they are matters which I have answered in the parliament with which you are familiar because you asked the questions.

The Hon. A. KOUTSANTONIS: I do not recall ever asking you whether you consulted with the former solicitor-general.

The Hon. V.A. CHAPMAN: Again, as the member for West Torrens fully knows, these are not matters in the budget. I note that you have asked questions of the Treasurer in respect of—

The Hon. A. KOUTSANTONIS: Well, I disagree with you because there is a note—

The Hon. V.A. CHAPMAN: Mr Chairman—

The CHAIR: Point of order, member for Heysen.

Mr TEAGUE: I have been having a close look at page 124. I do not know whether the member for West Torrens has a different page 124 from the one I have, but I do not see any reference there—

The Hon. A. KOUTSANTONIS: To Henry Keogh? No, there is no mention of Henry Keogh anywhere in the budget—nowhere.

The CHAIR: Nor, member for West Torrens, is there any indication or budget lines relating to telephone conversations that the Attorney may have had. Please, come back to questions relating to the budget.

The Hon. A. KOUTSANTONIS: I will. It is interesting that the Attorney says that she did not consult with the former solicitor-general. Is it not true that the former solicitor-general did an in-depth report into the Keogh matter?

The Hon. V.A. CHAPMAN: Again, Mr Chairman, these are matters that I have canvassed in the parliament. There is no reference in the Courts Administration Authority provision, which we have open in the committee, so I just refer the member back to the parliament.

Mr PICTON: Attorney-General, to be quite honest I have not asked you about this in the parliament, but I have listened very attentively to the questions that you have been asked in the parliament and the answers that you have given. You have not at any time answered whether you have spoken to the now Chief Justice and former solicitor-general about this matter before you decided to give Henry Keogh \$2.5 million of taxpayers' funds. He is sitting right next to you now.

The CHAIR: Member for Kaurua—

Mr PICTON: I think it would be appropriate—

The CHAIR: Member for Kaurua—

Mr PICTON: —if you could explain to us what you have not done in *Hansard*—whether you consulted him on this payment.

The CHAIR: Member for Kaurua, it is not for this committee to ask the Attorney whether or not she has had conversations. These are queries about budget lines and expenditure.

The Hon. A. KOUTSANTONIS: Well, \$2.57 million is not expenditure?

Mr PICTON: Chair, I raise a point of order in terms of the fact that \$2.57 million has been acquitted of taxpayers' funds, which deserves to be asked about in this parliament, and, secondly, that we are asking about the Courts Administration Authority, which we know is a body which the Attorney-General, of whatever stripe, can consult from time to time about matters of the justice of this state. We think it is appropriate that the Attorney should have to answer as to whether or not on this matter of important justice in this state she has consulted the judiciary?

The CHAIR: So your question to the Attorney is?

Mr PICTON: The question is—

The CHAIR: To the Attorney?

Mr PICTON: —to the Attorney: did you consult with the Chief Justice and former solicitor-general before you made a payment to Henry Keogh?

The Hon. V.A. CHAPMAN: As I have indicated, I have answered questions—

Mr PICTON: No, you have not.

The Hon. V.A. CHAPMAN: —in the parliament.

Mr PICTON: You have not answered that.

The Hon. V.A. CHAPMAN: And should the member want to raise other questions in the parliament, he is entitled to do so.

Mr PICTON: This is the parliament.

The Hon. V.A. CHAPMAN: But this is the committee.

Mr PICTON: This is the parliament.

The CHAIR: This is a committee of the budget estimates.

Mr PICTON: This is the parliament.

The CHAIR: Attorney.

The Hon. V.A. CHAPMAN: As a committee of the parliament, it is vested today with the responsibility of being available to answer questions in respect of the budget. The member well

knows that there are other forums in which he can ask those questions, and he can do so. Accordingly, I refer to the matters I have raised in the parliament.

Mr PICTON: This is the highest forum in the state. This is the state parliament. This is the committee stage of the examination of the budget in which money is allocated to the judiciary to perform its functions. I think the people of South Australia, particularly the parliament, deserve to know whether or not you consulted the judiciary about this payment.

Mr TEAGUE: Point of order: what the member for Kaurana might take a view about one way or the other is a matter for the member for Kaurana. What has fallen just now is simply the expression of his opinion or otherwise a statement. I do not hear a question. The members have obviously been asked to address questions to the Attorney, rather than just give gratuitous statements.

The CHAIR: I accept the point of order, member for Heysen. This is the opportunity to ask questions. It is not the opportunity to provide commentary or make a speech. Member for Kaurana, I am still struggling to see a budget line relating to these particular questions.

The Hon. A. KOUTSANTONIS: I will give you one: Budget Paper 4, Volume 1, page 128. There is a description/objective, which states:

Provision of administrative support to participating courts in the criminal jurisdiction necessary to allow them to resolve matters fairly, justly and efficiently.

Did the Attorney-General read the former solicitor-general's report into the Henry Keogh matter before making that man a payment of \$2.57 million?

The Hon. V.A. CHAPMAN: Again, this is a matter which relates to the objective of the criminal jurisdiction and the administration of such matters in the courts. The matter that is being questioned now is entirely outside the remit of sub-program 1.1. While we have members of the Courts Administration Authority here, I invite any other members of the committee to ask any questions they would like of importance to the substance of the budget.

The CHAIR: Member for Florey, do you have a question?

Ms BEDFORD: Yes, I do. Thank you for drawing me in at this particular moment. I refer to Budget Paper 4, Volume 1, page 127 and a couple of other places where it talks about a fair and just justice system. How much has been saved by the closure of the Holden Hill courthouse? Is there any indication from data collected since the closure to show where these cases have been heard?

The Hon. V.A. CHAPMAN: I thank the member for her question because she has raised this previously. Indeed, I took the opportunity at the time to inquire of the Courts Administration Authority as to questions of costing in relation to that decision, now an historical decision, for her benefit. I am advised that these are matters that were referred to in a previous Budget and Finance Committee. My recollection—I think even the Chief Justice might remember this—is that it was about \$1 million. We will check that, of course, and get back to you. The relocation of services was to the Elizabeth court. Some work was done to the Elizabeth court to accommodate extra work and, in addition, some to the Adelaide Magistrates Court. I am advised that it is \$320,000, so over the forward estimates about \$1.2 million.

Ms BEDFORD: Has any thought been given to reopening the Holden Hill courthouse to remove the disadvantage to members of the surrounding community?

The Hon. V.A. CHAPMAN: As that is a matter for the CAA, I will throw to the Chief Justice.

Chief Justice KOURAKIS: Within the current budgets under which we operate, there is really no prospect of finding the money to reopen Holden Hill.

Ms BEDFORD: How much money do you think would be necessary to reopen Holden Hill?

Chief Justice KOURAKIS: At the very least you would have to find new premises.

Ms BEDFORD: New premises?

Chief Justice KOURAKIS: Yes; I think the sale of the Holden Hill premises is well on the way.

The Hon. V.A. CHAPMAN: I will ask Ms Burgess to elaborate on that.

Ms BURGESS: The sale of Holden Hill is now with the Department of Planning, Transport and Infrastructure for them to take that through the process that goes with disposal of those assets; so that is on its way to being disposed of.

The Hon. A. KOUTSANTONIS: Attorney, next to you is sitting one of the most pre-eminent legal minds in South Australia.

The Hon. V.A. CHAPMAN: Can I just have a budget line?

The Hon. A. KOUTSANTONIS: Sure. I refer to Budget Paper 4, Volume 1, page 128, 'resolve matters fairly, justly and efficiently'.

The Hon. V.A. CHAPMAN: Yes.

The Hon. A. KOUTSANTONIS: Next to you is sitting one of the most pre-eminent legal minds in South Australia. Before he was appointed Chief Justice of the Supreme Court, he was the solicitor-general and he wrote a detailed report on the Henry Keogh matter. Can you imagine people watching this on television at home, seeing you sitting right next to him and thinking it is absurd that you will not allow him to speak—

Mr CREGAN: Point of order, Chair.

The Hon. A. KOUTSANTONIS: —or that you will not answer a question about whether or not you consulted him—

The CHAIR: Member for West Torrens—

The Hon. A. KOUTSANTONIS: —before you paid an accused murderer—

The CHAIR: Member for West Torrens—

The Hon. A. KOUTSANTONIS: —\$2.57 million.

The CHAIR: Member for West Torrens, order!

The Hon. A. KOUTSANTONIS: Yes, of course, sir.

The CHAIR: Thank you, member for West Torrens. We have a point of order?

Mr CREGAN: Mr Chairman, it is intolerably clear that what is being put is in fact not a question: it is an opportunistic statement and it leads to matters that have been ventilated in the parliament. Quite apart from anything else, the member for West Torrens has not drawn us to a budget item and has not asked a question in relation to a budget item.

The CHAIR: He referred to a budget line; I will give him that. The question was very broad and it seemed to me to contain a lot of commentary. I ask the member for West Torrens to—

The Hon. A. KOUTSANTONIS: I am waiting for an answer.

The CHAIR: What was the question? Could you repeat the question for me?

The Hon. A. KOUTSANTONIS: I will repeat it; yes, I will. Next to the Attorney-General—

The Hon. V.A. CHAPMAN: I am happy to answer the question. Firstly, I do agree that both people sitting next to me are eminent people in the field of judicial administration in this state.

The Hon. A. KOUTSANTONIS: Hear, hear!

The Hon. V.A. CHAPMAN: As to the rest of the question, they are matters that I have canvassed in the parliament. That is the forum in which any further matters can be raised. We are here today to give an opportunity for members of the committee to ask questions as to this year's budget, and we are here with the personnel ready to do it.

The CHAIR: You are quite right, Attorney. That is the opportunity before the committee, and I ask them to—

The Hon. A. KOUTSANTONIS: I have here an email sent by Lucinda Byers—

The CHAIR: No, member for West Torrens, no.

The Hon. V.A. CHAPMAN: Mr Chair, I ask you to rule out any other questions on this matter.

The CHAIR: No. I am going to rule that out of order.

The Hon. A. KOUTSANTONIS: You do not know what it is, sir.

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: You have not heard what it is.

The CHAIR: You are quoting from an email.

The Hon. A. KOUTSANTONIS: From the Attorney's office. She says it is not a budget matter. She says, 'Only that the AG wants it settled,' the Keogh matter, 'asap, and that it is apparently helpful from a budget perspective to have the cost accounted for this [financial] year'. Why?

The Hon. V.A. CHAPMAN: Mr Chairman, I would ask that you make a ruling in respect of further questions on this matter.

The CHAIR: Yes, look—

The Hon. V.A. CHAPMAN: You can continue to ask questions—

The Hon. A. KOUTSANTONIS: Why did you rush this payment?

The Hon. V.A. CHAPMAN: —and I will continue to give the same answer.

The CHAIR: Member for West Torrens, member for Kaurana and all members, we have exhausted the questions and the answers on this particular topic—

The Hon. A. KOUTSANTONIS: So much for openness and transparency.

The CHAIR: —and I ask that the questions, from now, refer to the budget papers.

The Hon. A. KOUTSANTONIS: They have, sir.

The CHAIR: Member for Kaurana.

Mr PICTON: I have a question in relation to Budget Paper 4, Volume 1, page 124, in terms of the objectives of the Courts Administration Authority. Can the Attorney outline any matters on which she has consulted the Chief Justice or the Courts Administration Authority since she was appointed as the Attorney-General in March?

The Hon. V.A. CHAPMAN: As Attorney-General, I have written on a number of occasions to the Chief Justice, almost on a weekly basis, in respect of the administration of the courts but, more particularly, in relation to his advice or opportunity to make a contribution as an important stakeholder on proposed legislation.

The judiciary is an important part of our judicial system, as are other relevant stakeholders, such as the Aboriginal Legal Rights Movement, the Law Society of South Australia, the Bar Association and South Australia Police. They are all relevant stakeholders in many of the laws that are generated from the Attorney-General's Department. So, yes, there are a number of matters on which I have written to the Chief Justice, particularly on law reform, and I am pleased to have had his advice on the same.

Mr PICTON: It is obviously quite a close relationship in terms of meeting weekly, as I think you said, and also writing to the Chief Justice to seek his advice in relation to matters where you believe there is an interest in terms of the administration of justice in the state.

The Hon. V.A. CHAPMAN: Just a small correction. I do not meet with him weekly—I think he has many more important things to do—but I do correspond. On average, I would send a letter once a week. Sometimes it relates to the administration of the courts and sometimes it relates to areas of law reform. There are occasionally other situations where I would seek the advice of the Chief Justice because he has a dual role, both as the head of the council that is responsible for the administration of courts in South Australia and as the head of the administration of courts and justice

in South Australia. As the Chief Justice in that role, which is the only role he has had since the change of government, from my perspective, I have continued to consult on those matters.

Mr PICTON: Yet you will not tell us whether you consulted him on the Keogh matter.

The Hon. V.A. CHAPMAN: These are matters on which the Chairman has already indicated a ruling.

Mr PICTON: Because you did not.

The CHAIR: Point of order, member for Colton?

Mr COWDREY: No, sorry; I have a question.

Mr PICTON: I have another question.

The CHAIR: Member for Kaurana, before you go on, I will say again that we have exhausted questions on this topic. We have 25 minutes left on the Courts Administration Authority, and I call the member for Colton.

Mr COWDREY: My question relates to Budget Paper 4, Volume 1, page 24. Can the Attorney inform the committee about the additional funding provided to Forensic Science SA in the budget?

The Hon. V.A. CHAPMAN: The reason I particularly think this is important, and the reason the government felt it was important to provide additional funding for coronial services, was to support the increase in the number and complexity of post-mortems and pathology reviews requested by the Coroner.

The budget provides an additional \$490,000 in this financial year and over \$400,000 ongoing from 2019-20 to Forensic Science SA. This is \$1.8 million over four years for forensic coronial services. Obviously the agency provides independent, high-quality and expert scientific evidence, opinion and information to the justice system. It was important—in fact, we felt critical—that there be some additional resource here to ensure that we arrest the delay and extra work that was being undertaken by the coroner. An additional temporary deputy state coroner was appointed as part of the increased budget allocation from, at that stage, back in 2017, and she continues in that role.

Importantly, in this last financial year but continuing, firstly, the joint inquest into the deaths of Graziella Daillér and Dion Muir has now been completed and we are awaiting a finding in that regard—a matter which I am sure members of the committee who were here in the previous parliament would appreciate was a very serious matter and received some attention in the parliament—and, secondly, the inquest into the death of Jorge Castillo-Riffo is part heard, which involves the sad death on the Royal Adelaide Hospital site. So a significant amount of extra work has been undertaken. There is also an inquest into the death of Alexander Kuskoff, which has commenced and will be completed in the 2018-19 year.

Complex coronial inquests do, of course, absorb considerable funds and the time of the Coroner's Court. We hope that the extra funding for Forensic Science SA will assist in dealing with that matter. The Chief Justice would also like to make a contribution.

Chief Justice KOURAKIS: The Forensic Science services budget you just mentioned is not a budget allocation to the Courts Administration Authority but, as I understand it, directly to that centre. There has been a difficulty in a budget being allocated to us for reports, because we have no control over the centre and their cost basis but, as I understand it, this is a direct contribution to Forensic Science to help them with their expenditure in doing this work.

Mr PICTON: I refer to Budget Paper 4, Volume 1, page 126, which refers to the higher courts redevelopment. Attorney, could you clarify for the committee whether you still regard this, as you have previously been quoted, as 'putting new carpet in the Colosseum and expecting the Christians to be grateful'. If so, why have you not been successful in getting more funding for the courts for any further redevelopments in this budget?

The Hon. V.A. CHAPMAN: I am pleased to report to the committee that the higher courts redevelopment is continuing. I have been receiving briefings in respect of both the work at the

Sir Samuel Way Building and planning for the work at the 1 Gouger Street Supreme Court to facilitate this redevelopment. I am going to ask the Chief Justice to give the committee an update as to how that is progressing, which I am sure he will be pleased to do.

Chief Justice KOURAKIS: Hansen Yuncken is the principal contractor that is going to undertake these works. They have given us a contractual assurance—I cannot remember exactly what it is called—to the effect that they should be able to manage the building work within the allocated budget.

We expect the first work on the redevelopment of the courtrooms on the Supreme Court Gouger Street/King William Street corner complex to start next month or in November. The completion of those works and the Sir Samuel Way works is at the end of 2019. I think the architect, Hassell, have really made a silk purse out of a sow's ear with the ideas they have, and we are looking forward to the completion of those works.

Mr PICTON: The original completion date for this project was going to be June 2019, and this budget paper reveals that it has now been delayed until December 2019. What has caused that delay, and has that resulted in any changes or blowouts to the budget? What has accounted for that six-month delay in this project?

Chief Justice KOURAKIS: I think it is just the sort of creep that you often see with these things. Most of the procurement process went according to plan. It might have crept over a little, but the staging of the works—the works were primarily to get criminal courts on the fifth floor of the Sir Samuel Way Building, which is all civil courts. That could not proceed until we upgraded the civil courts in the old Supreme Court complex; these works have to be sequential.

In between that, there is the building that used to be Jeffcott Chambers, which needs to be renovated. We are trying to work out where that will happen, as between the old Supreme Court building and the Sir Samuel Way Building is tricky. Until we get all the tenders in and determined, we will not really know exactly how to proceed. As I said, I think it is primarily the creep of these things. It has not led to any blowout. As I said earlier, the assurance is that we should be able to manage this within the budget.

Mr PICTON: Attorney, just returning to my original question, which you did not answer—

The Hon. V.A. CHAPMAN: If I could just perhaps add to the previous answer to indicate that as at 30 June this year the project had expended \$1.6 million of the total \$30.955 million budget allocation.

Mr PICTON: Attorney, you have previously been on the record saying that this is basically an outrageous development, that it is akin to expecting the 'Christians to be grateful for new carpets in the Colosseum'. You have gone around, particularly in this house, complaining about the need for new courts in this state. Are you disappointed that you have not been able to achieve new courts in this year's budget now that you are the Deputy Premier?

The Hon. V.A. CHAPMAN: I am pleased to have heard the Chief Justice's description of this project as progressing well, and I think it is now described as 'making a silk purse out of a sow's ear'. That is within the Colosseum.

Mr PICTON: Do you now owe an apology to all those people you have been promising that you will upgrade the courts?

The CHAIR: Member for Kaurana, that is out of order.

Mr PICTON: Why?

The CHAIR: Can I remind all committee members that questions are to be about what is in the budget, not what is not in the budget.

Mr PICTON: With respect, Chair, the higher courts redevelopment is in this budget. I think we are entitled to ask the Attorney whether she thinks that is an appropriate project. She has previously said it is not an appropriate project and not an appropriate use of taxpayers' funds. Now she will not clarify whether she does think it is a good project or whether she thinks, as she previously did, that it is not and that there should be a grander courts redevelopment project.

The Hon. V.A. CHAPMAN: If I might respond, Mr Chairman, by indicating that I am, I think like most of the legal and judicial world, deeply disappointed at the former government's announcement prior to the last election that they were going to build, I think, a \$550 million redevelopment, which they then cancelled shortly after the election. It had been announced and cancelled several times since the time I have been in the parliament. It is bitterly disappointing when an extraordinary amount of work goes toward a redevelopment of our higher courts in South Australia, which have been described as the worst in the country.

I share the view with not just a number of those who have to work in the courts but also the witnesses, the victims, and even the defendants, plaintiffs and respondents who appear in these courts, that the level of infrastructure has been very poor. I think this could easily be described as an interim measure for the ultimate resolution of the rebuild of the infrastructure in this important area, the higher courts redevelopment, as it is known. This \$31 million project will give the courts at least some urgent jury room space for criminal trials in the Sir Samuel Way Building and extra civil courts at 1 Gouger Street, as well as some accommodation for our registrars—masters, I think, actually; at least the masters in any event—in the old Jeffcott Chambers building.

These are all initiatives that will help to at least provide some interim urgent support. Nevertheless, I think it is commonly known and would be greatly appreciated by all those who have to work in this environment, particularly by any of those who slip down the stairs and fall into a mattress, which was disclosed in this committee several years ago as being the work health and safety model to protect those who work in 1 Gouger Street. I think that it is disappointing that that project had not been progressed.

As a new government, obviously we are conscious of the importance of this infrastructure and we will continue to look at how we might advance some appropriate redevelopment in relation to this area. However, in doing that, the first thing I have done as a new Attorney is to inspect the sites of those premises that we have to date. They include, obviously, the Coroner's Court, which sits at the back of the Magistrates Court in Adelaide, and some of the regional courts. In fact, the member for Kavel and I visited the Mount Barker court in his electorate. These are all important pieces of infrastructure that really are in high need of some redevelopment, and the higher courts—that is, the Supreme Court and District Court—are in current premises that are in urgent need.

This \$31 million redevelopment will provide what I would see as a sort of 10 to 15-year provision of support, but it will be on the agenda of the new government to look at how we might, in the long-term, remedy what has been a disgraceful abandonment of higher court facilities in this state.

Mr PICTON: Attorney, are you saying that you are commencing work to undertake a process of now investing in a higher court upgrade, or is there no action being undertaken by the government in relation to the higher courts?

The Hon. V.A. CHAPMAN: The first budget of the government, I think it is clear, is one where we needed to identify where areas were in urgent need of funding. Even with projects that might otherwise be meritorious, we have had to look at how we might trim that for the purpose of ensuring that we honoured the commitments of the new government that we made to the people of South Australia in the lead-up to the election. We have done that and we are proud to have done that. However, with that, of course there have to be some efficiency measures, and they are matters that obviously are the priority of the first budget.

I can assure the committee that it is the cabinet's long-term view, though, to look at other proposals that have been put to the government, many of which are meritorious, but the first budget is to get our books in order, to get our house in order and to ensure that we are in the best possible position to be able to then prioritise what are the next stages for decision of the government.

Mr PICTON: So, Attorney, you do not regard your previous comments in terms of the courts—the many, many comments that you have made in terms of the courts needing to be upgraded, including today—as any sort of commitment to take action in terms of building new courts?

The Hon. V.A. CHAPMAN: I think I have answered that.

Ms BEDFORD: I refer to Budget Paper 4, Volume 1, page 12 and others, about the efficient and fair justice system.

The Hon. V.A. CHAPMAN: Sorry, what was the page?

Ms BEDFORD: I refer to pages 12 and 127. They both mention fair and efficient justice systems. I understand there is a strategy to expand audiovisual appearances and online access to courts. I would like to know whether any money is allocated for these measures?

The Hon. V.A. CHAPMAN: I am happy to invite the Chief Justice to give you an update in that regard. I think it is fair to say that it is something that he has championed, and he will have an opportunity to outline to you the work that is being done in this area. This is an opportunity especially to make available audiovisual links that are better able to meet the obligations of courts and tribunals providing judicial work to those in regions as well. It has been an important initiative for which I commend the Chief Justice. I invite him to advise you on an update.

Chief Justice KOURAKIS: In terms of AVLs, they were first introduced in 2007-08, with something like 48 units in the Courts Administration Authority and 12 in Corrections. Since 2011, that has been increased to something like 207 audiovisual link endpoints. They are all managed by the Courts Administration Authority and there is a budget for managing them, in terms of maintenance and the booking systems that are done by the Courts Administration Authority. I do not think there is any current budget for expanding it beyond what it is now, so there is no new initiative. There has been that increase from 2007-08 through to the present time. Courts use it extensively.

We were hoping for substantial savings in prisoner movement budgets. I do not think we have achieved that to the extent that we had hoped because, as many as we do by AVL, there is still an occasional need to bring some prisoners to courts and that has a certain expense, but we have been trying to reduce that budget and make savings there.

Our biggest problem at the moment is the lack of facilities in correctional institutions and in police cell areas and that means there is a backlog. If one court hearing goes over time then that puts out many other courts. We are trying to find ways of working with the Department for Correctional Services to find different forms of links. Sometimes even a telephone link will do the job. We are hoping that will happen in the future. In terms of electronic access generally, the new electronic court management system will provide that, especially in the civil area for, obviously, civil disputes. In the criminal area, it will primarily help the laying of charges. The benefits will be with other justice agencies: the DPP and police.

Ms BEDFORD: So there is really no benefit at all for the increased number of, say, domestic violence cases that might have been heard at Holden Hill and now have moved to either Elizabeth or the city? So that measure is not going to help anyone in our area at all really, is it? It is really more for regions.

Chief Justice KOURAKIS: In the audiovisual area or the electronic court management system?

Ms BEDFORD: The audiovisual. Apparently, one of the things that people were told about recently, following on from my last question, was that the closure of the Holden Hill courthouse would be helped by this new strategy, but, in actual fact, that is really not going to be the case, is it?

Chief Justice KOURAKIS: As far as I know, most appearances in the domestic violence courts are still in person, so it has not—

Ms BEDFORD: That is right, so you have an increase in those cases and the closure of the Holden Hill courthouse is going to exacerbate that, in that those people now have to go further to appear in court in what is already a very difficult situation for them.

Chief Justice KOURAKIS: There may be people who will have to go further. There are swings and roundabouts with these things. The court location depended on police regional distribution of work as well. Sometimes it might actually help some people and not others. I am not aware of any analysis of just how much further people have had to travel by moves, primarily, to Elizabeth from Holden Hill.

The Hon. V.A. CHAPMAN: I might just add for the member's benefit that one of the other areas—apart from the AVL and the ECMS projects, both of which have been outlined by the Chief Justice—is the digital capacity in our courts to deal with a modern form of court reporting. Brilliant court reporters, who also work here in our parliament, are a rare species now and are therefore not able to complement and replace those who go into retirement, so there has been a slow introduction initiated by the former government to provide for digital capability in the courts.

I think about \$0.8 million was allocated in last year's budget to install the digital audio remote monitoring technology. For the benefit of the committee, I can report that that is now in 10 criminal and six civil courtrooms in the Supreme, District and Youth courts. That, of course, is a significant cost but, obviously, with great long-term benefits. I commend the Courts Administration Authority for not only presenting this as an option as to how we might deal with future transcription services, which are, of course, critical in our criminal courts particularly, but also their work in continuing to implement that and for South Australians to enjoy the benefits of it.

Ms BEDFORD: There is nothing really in the budget to assist with the larger numbers of domestic violence cases, is there?

The Hon. V.A. CHAPMAN: I will try to find the material on that for the member. There has been, firstly, an additional magistrate. In December 2015, there was a COAG agreement in respect of national domestic violence policy and one of the outcomes from that was that, in the 2016 funding, the government allocated to appoint an additional magistrate. I can report to the committee that magistrate Duncan was appointed to the position of manager of family violence on 8 April this year. I can honestly say that the current government does not take credit for that, because the preliminary work had been done by the former government.

This year, on 9 April, magistrate McGrath was appointed to the position of the major family violence list until 8 April 2019. The numbers and frequency of the dedicated family violence list, for which there is some extra detail in the budget papers, have been increased, where required, in some Magistrates Court locations. There is at least one specialist family violence intervention order list weekly at all metropolitan courts. Magistrates attended a commonwealth training initiative for the National Domestic and Family Violence Bench Book resource.

The manager for the family violence list regularly presented at internal and external forums to inform and exchange information in relation to family violence issues. The manager for the family violence list attended the June 2018 APY lands circuit with the circuit magistrate to identify needs. A commitment was made to hold a court user group meeting, attended by representatives of Cross Borders and the APY council, on the last morning of future circuits. There is quite a lot of extra information with which I have been provided, which I am happy to forward to the member.

This is a priority for the new government, that is, to protect women and children, particularly in respect of family and domestic violence. This service is indeed important for the first Council of Attorneys-General, which I attended in Perth on behalf of the new government. The federal Attorney-General raised with me and other members the opportunity to support some of the utilisation of our state's and magistrates' work to receive and deal with federal jurisdiction matters.

Quite obviously, like any other state jurisdiction, we are looking for some financial support if the federal administration wishes us to undertake this role. It is fair to say that in a number of cases, particularly where children are involved and there is the existence of any Family Court orders, we do not want to have a tension between either the orders to protect children or the safety of South Australians dealt with in state courts, as distinct from, perhaps, access or contact rights of a non-custodial parent to children.

We are looking at how we might better implement that so that we address the biggest concern we have had in relation to court matters for people and families in distress: to ensure that they are not having to go to one court to get protection—

The Hon. A. KOUTSANTONIS: Point of order.

The CHAIR: Yes, point of order from the member for West Torrens, and I take the point of order. Attorney, we have reached the allotted time for that particular portfolio. Given that, I declare

the examination of the proposed payments for the portfolio of the Courts Administration Authority to be completed.

ATTORNEY-GENERAL'S DEPARTMENT, \$93,884,000

ADMINISTERED ITEMS FOR THE ATTORNEY-GENERAL'S DEPARTMENT, \$76,968,000

Minister:

Hon. V.A. Chapman, Deputy Premier, Attorney-General.

Departmental Advisers:

Ms C. Mealor, Chief Executive, Attorney-General's Department.

Mr A. Swanson, Chief Financial Officer, Attorney-General's Department.

Ms T. Brooks, Principal Accountant, Attorney-General's Department.

Mr D. Corcoran, Manager, Financial Services, Attorney-General's Department.

The CHAIR: Attorney, once again I will ask you if you have any opening statements. At the very least, could you introduce your advisers, please.

The Hon. V.A. CHAPMAN: I am happy to do that. Firstly, may I place on the record my appreciation of those who were here representing the Courts Administration Authority and for their attendance this afternoon. In respect of the Attorney-General's Department, I introduce to my right the Chief Executive, Caroline Mealor, the new government's first appointment for the Attorney-General's Department and a very impressive appointment, we feel. To my left is Chief Financial Officer, Andrew Swanson, whose appointment is no less impressive, but we did not appoint him. Behind me, of course, are other advisers who may be able to assist from time to time.

Can I say, in relation to the Attorney-General's Department, that I am very proud to be here in estimates as the new Attorney-General and that I have found the tasks associated with this new job to be both exhilarating and tiring from time to time. Of course, that is something that is part of a new job and I am very pleased to have it.

I also want to say that I am very proud of the government's appointment of Ms Bronwyn Killmier as the new Commissioner for Victims' Rights at the conclusion of Mr O'Connell's appointment. Ms Killmier has been appointed, and I report to the committee that she is now active in that role and giving us advice in relation to how we might particularly deal with victims of domestic violence in regional areas and in South Australia, both areas in which she has had extraordinary exposure and experience in her career in the police force.

I also want to acknowledge the very hard work of the Crown Solicitor's Office, the Solicitor-General and the Legislative Services, in particular, for their work. Immediately upon our coming into government, they were given jobs including the appointment of a special investigator, which had to be done in seven days, across to the preparation and support of 22 pieces of legislation to implement commitments of the new government. This has been a large call on a number of the agencies of the Attorney-General's Department, and I place on the record my appreciation of the same. It does not mean that it is going to get any easier for them, because we have a long list of things that still need to be done, but I just wish to record my appreciation of the same.

The CHAIR: Does the lead speaker for the opposition wish to make a statement?

Mr PICTON: No.

The CHAIR: Then I invite questions.

The Hon. A. KOUTSANTONIS: I refer to Budget Paper 4, Volume 1, page 13, ministerial office resources. Does the Attorney-General operate a private email account?

The Hon. V.A. CHAPMAN: No.

The Hon. A. KOUTSANTONIS: Have you sent any emails on a private email account since being sworn in as Attorney-General?

The Hon. V.A. CHAPMAN: To a private email account?

The Hon. A. KOUTSANTONIS: No, from a private email account.

The Hon. V.A. CHAPMAN: No. To be clear, I have an Attorney-General's email and I have a Bragg email account for the parliamentary office. I do not think I have another one. I will just check.

The Hon. A. KOUTSANTONIS: I would have thought you knew.

The Hon. V.A. CHAPMAN: I do not use it, but I will just make sure.

The Hon. A. KOUTSANTONIS: Okay. If one exists, I take your word for it that you have not used it since being sworn in as Attorney-General.

The Hon. V.A. CHAPMAN: Correct.

The Hon. A. KOUTSANTONIS: Could you explain to the committee why you needed to make the payment to Henry Keogh in the previous financial year?

Mr TEAGUE: Point of order: as I understand it, the member for West Torrens is at page 13 of Budget Paper 4, Volume 1; is that correct?

The Hon. A. KOUTSANTONIS: Page 12, then, ministerial responsibilities.

The CHAIR: Alright. I have that.

The Hon. A. KOUTSANTONIS: Why did you need to make the payment to Henry Keogh in the last financial year?

The Hon. V.A. CHAPMAN: Again, I think I have answered these questions. I am still struggling to see on page 12 or 13 where there is reference to the payment by the Attorney-General's Department to Mr Keogh or anyone else.

The Hon. A. KOUTSANTONIS: You did not make a payment to Mr Keogh: the Treasurer did. I am asking you why you advised SAicorp to have it made in the previous financial year.

The Hon. V.A. CHAPMAN: Again, that is not the subject of this committee.

The Hon. A. KOUTSANTONIS: When you issued a direction to the Solicitor-General and your chief executive before you made comments to the parliament, what section of the Public Sector Management Act did you rely on to issue that direction?

Mr CREGAN: Point of order: I am not at all clear to which budget item the Member for West Torrens is referring.

The Hon. A. KOUTSANTONIS: Ministerial responsibilities. The Attorney-General issued a written direction to her chief executive and the Solicitor-General. Under what provisions of the Public Sector Management Act does she feel she had the legal ability to do so?

The Hon. V.A. CHAPMAN: I have indicated my position on this.

The Hon. A. KOUTSANTONIS: When?

The Hon. V.A. CHAPMAN: This is just a repeat of questions—

The CHAIR: Yes. Honestly, member for West Torrens—

The Hon. A. KOUTSANTONIS: If we cannot ask questions about a payment made using budgeted moneys by the Attorney-General, then what is the use of the estimates, Mr Chairperson?

The CHAIR: Member for West Torrens, you have asked a number of questions about this today in the previous portfolio.

The Hon. A. KOUTSANTONIS: Now we are in the Attorney-General's portfolio. We have evidence from SAicorp and the Treasurer that they were instructed by the Attorney-General to make

the payment. It is a very simple question: under what provisions of the Public Sector Management Act did you issue a lawful direction to the Solicitor-General?

The Hon. V.A. CHAPMAN: I refer to my answers in the *Hansard* in the parliament on this matter.

The Hon. A. KOUTSANTONIS: Well, what is the answer?

The CHAIR: The Attorney is referring to her answers in the house, I understand—

The Hon. A. KOUTSANTONIS: To which answer is that, sir? On which day did you answer—

The CHAIR: —which she has done already today.

The Hon. A. KOUTSANTONIS: Did you seek any independent advice on SAicorp before instructing SAicorp to issue a payment to Mr Keogh?

Mr CREGAN: Point of order: further to my earlier point of order, it is not at all clear to me to which—

The Hon. A. KOUTSANTONIS: 'These are uncomfortable questions. Please stop asking them.' Is that your point of order?

Mr CREGAN: —budget item the member for West Torrens is referring.

The CHAIR: Could you repeat the point of order, please, member for Kavel, so I can hear you.

The Hon. A. KOUTSANTONIS: Is it debate? Is it relevance? What is it?

Mr CREGAN: It is not at all clear to which budget item the member for West Torrens is referring.

The Hon. A. KOUTSANTONIS: Page 12, ministerial responsibilities.

Mr CREGAN: That is an index.

The Hon. A. KOUTSANTONIS: That is right. Every page can be cross-examined.

The Hon. V.A. CHAPMAN: I refer to my previous answer.

The CHAIR: The Attorney is referring you to her earlier answers, member for West Torrens.

The Hon. A. KOUTSANTONIS: Okay. So that is no answer. In public evidence given by SAicorp they say:

Following a receipt of the Attorney-General's instructions, SAicorp sought and obtained an authority from the Treasurer to negotiate settlement with Mr Keogh.

What was the nature of that instruction to SAicorp?

The Hon. V.A. CHAPMAN: On this matter, I note that SAicorp is the responsibility of the Treasurer. The member presented questions to them last week on this matter so I do not intend to add to that.

The Hon. A. KOUTSANTONIS: Under what legal authority did you issue an instruction to SAicorp?

The Hon. V.A. CHAPMAN: And I refer to my previous answer.

The Hon. A. KOUTSANTONIS: Did you issue an instruction to SAicorp?

The Hon. V.A. CHAPMAN: I refer to my previous answer.

The Hon. A. KOUTSANTONIS: What triggered your involvement in the Keogh settlement?

Mr CREGAN: Mr Chairman, that question is clearly out of order.

The CHAIR: I do declare that out of order.

The Hon. A. KOUTSANTONIS: On what basis, sir?

Mr PICTON: Point of order: budget estimates is an opportunity for parliament to examine the government's use of taxpayers' funds. It is totally appropriate for the opposition to ask the Attorney-General about the process by which \$2.57 million was given to an accused murderer.

The CHAIR: And we have spent a lot of time on this today, member for Kurna.

Mr PICTON: And there is going to be a lot more time on this, because this is a very important point that the public of South Australia want to know about, and the Attorney-General deserves to provide answers to this parliament about it.

The CHAIR: She has provided answers.

Mr PICTON: No, she has not and she is getting protection from the government.

The CHAIR: Member for Kurna, order! She has provided answers today to this committee and also to the parliament previously. I suggest that you carefully consider the questions you ask for the remainder of the committee time and refer particularly to budget lines relating to the Attorney-General's Department.

The Hon. A. KOUTSANTONIS: Well, the government is covering up and will not allow any questions of an Attorney-General who has gone on a folly and paid an accused murderer \$2.57 million—

Mr CREGAN: Point of order.

The Hon. A. KOUTSANTONIS: —and she does not even have the courage to defend the decision in the parliament.

The CHAIR: Point of order, member for Kavel.

The Hon. A. KOUTSANTONIS: Is that how it is?

Mr CREGAN: They are statements of opinions from the—

The CHAIR: Member for West Torrens, there is a point of order. Point of order, member for Kavel.

Mr CREGAN: Well, it is argument, Mr Chair.

The CHAIR: It is. As I said earlier today—

The Hon. A. KOUTSANTONIS: We cannot have argument in the parliament.

The CHAIR: Member for West Torrens, as I said earlier today, this is not the opportunity to provide commentary or to make a speech for that matter. You may ask your question.

The Hon. A. KOUTSANTONIS: Sir, it is obviously not an opportunity to ask questions because we cannot get any answers.

The CHAIR: You can ask a question; you have the call.

The Hon. A. KOUTSANTONIS: Thank you very much. Was the only legal opinion relied upon by the Attorney-General to pay accused murderer Henry Keogh the one written by Jonathan Wells QC and Mr Doyle?

The Hon. V.A. CHAPMAN: I have answered these questions in the parliament; I do not wish to add to them.

The Hon. A. KOUTSANTONIS: Why did you need to instruct the Solicitor-General not to waive legal professional privilege?

Mr TEAGUE: Point of order: Mr Chairman, you have already ruled, on a number—

The Hon. A. KOUTSANTONIS: That these are uncomfortable questions, please stop asking them. Yes, we understand your point of order.

The CHAIR: Member for West Torrens, there is a point of order. I will hear the point of order.

Mr TEAGUE: The point of order begins to relate to standing order 272. In my view, Mr Chairman, the member for West Torrens is disrupting the business of the committee and, were it to continue, it might be described fairly as persistent disruption.

The Hon. A. KOUTSANTONIS: What is the consequence of that?

The CHAIR: Member for West Torrens, I will respond to the point of order.

The Hon. A. KOUTSANTONIS: What is the consequence?

The CHAIR: Member for West Torrens—

Mr Teague interjecting:

The Hon. A. KOUTSANTONIS: That I will be named?

The CHAIR: Order!

The Hon. V.A. CHAPMAN: Yes, you can be.

The Hon. A. KOUTSANTONIS: What is the consequence?

The CHAIR: Member for West Torrens, order! I take the point of order, member for Heysen. The point of order is 272. I do not believe that we have got to that point yet, but I take your point of order. Now, where were we? Attorney.

The Hon. A. KOUTSANTONIS: She will not answer any questions. Has the Attorney-General issued any other instructions to any employees being called before any of the integrity agencies of the government?

The Hon. V.A. CHAPMAN: I refer to my answers as I previously advised the parliament.

The Hon. A. KOUTSANTONIS: Will you cooperate with any Ombudsman's inquiry?

The CHAIR: Member for West Torrens, these are not questions necessarily relating to the budget.

The Hon. A. KOUTSANTONIS: It is \$2.57 million.

The CHAIR: Member for West Torrens, that previous question was not related to the budget at all.

The Hon. A. KOUTSANTONIS: Yes, it was. Sir, I respectfully disagree. The idea that the Attorney-General can come into the estimates and say, 'Don't blame me. I just work here,' is ridiculous. The Attorney-General issued a payment of \$2.57 million to an accused murderer—

The CHAIR: Your question—

The Hon. A. KOUTSANTONIS: —a murderer the Criminal Court of Appeal ordered a retrial into. Why did you pay him \$2.57 million?

The CHAIR: Member for West Torrens, you are warned.

Mr PICTON: Point of order, Mr Chairman.

The CHAIR: Wait, member for Kaurna; I am going to talk to the member for West Torrens. Your question was: would the Attorney cooperate with an Ombudsman's inquiry?

The Hon. A. KOUTSANTONIS: That is right, yes.

The CHAIR: That is not related to a budget line.

The Hon. A. KOUTSANTONIS: It certainly is, sir.

The CHAIR: It is not related to a budget line.

The Hon. A. KOUTSANTONIS: Of course it is, sir. The Ombudsman answers to the Attorney-General. She runs his portfolio, sir; of course it is. Has she issued any instructions to any public servants about what evidence they may or may not give? The Ombudsman has the ability to see the legal advice that the Attorney-General is keeping secret from the people of South Australia.

So does the ICAC Commissioner. I would like to know if she has issued any instructions to any public officers—

The CHAIR: Order, member for West Torrens! As I have said earlier, this is not the opportunity to make a speech or provide commentary.

The Hon. A. KOUTSANTONIS: Well, answer the question.

The CHAIR: Yes. We might just go to the member for Kaurana for a moment. Take a breath, member for West Torrens.

Mr PICTON: Point of order, Chairman. This is an opportunity to ask about the expenditure of public finance in this state. The opposition has very serious questions, as do the people of South Australia, about how \$2.57 million was acquitted from taxpayers' funds in the budget to go to an accused murderer. Asking questions about that is a fundamental part of the premise of budget estimates, whereby the parliament should be able to ask the government about the acquittal of public finances. Asking connected questions about that, about how it was acquitted, the process by which it was acquitted, is absolutely the role of this parliament and—

Mr TEAGUE: Point of order.

Mr PICTON: —sir, I object to you trying to stonewall questions from the opposition about these important matters of public finance.

The CHAIR: Member for Kaurana, the member for Heysen has a point of order.

Mr TEAGUE: On the point of order, Mr Chairman, proceedings of the estimates committee, pursuant to standing order 271, are to follow as far as possible the procedure observed in the Committee of the Whole House. Honourable members have been drawn to the requirement to draw attention to a particular budget line item in relation to which a question is posed. Mr Chairman, there is a persistent failure to draw attention to any line item.

The CHAIR: Member for Heysen, I have called to order the member for Kaurana and I have warned the member for West Torrens. As the Chair, I am going to declare that we take a break for five minutes—

The Hon. A. KOUTSANTONIS: The government is hiding and covering up again.

The CHAIR: No, seriously—

Members interjecting:

The CHAIR: Everybody needs to take a breath and calm down.

The Hon. A. KOUTSANTONIS: Tell that to the Cheney family, sir.

The CHAIR: We will adjourn until 2.52. I will see you in five minutes.

Sitting suspended from 14:47 to 14:53.

The CHAIR: We have reached 2.53pm. I call for questions to the Attorney. Member for West Torrens.

The Hon. A. KOUTSANTONIS: I refer to Budget Paper 4, Volume 1, page 14, Crown Solicitor's Office, expenditure of \$9.7 million. When the Attorney-General issued a direction to the Solicitor-General, was that on his advice or was it her initiative?

The Hon. V.A. CHAPMAN: In relation to what?

The Hon. A. KOUTSANTONIS: To the Keogh matter.

The Hon. V.A. CHAPMAN: I have answered those questions.

The Hon. A. KOUTSANTONIS: Does the Attorney-General accept that the government made a payment of \$2.57 million to Henry Keogh?

The Hon. V.A. CHAPMAN: Sorry, could you just repeat the question?

The Hon. A. KOUTSANTONIS: Does the government accept that the Attorney-General authorised a payment of \$2.57 million to Henry Keogh in the last financial year?

The Hon. V.A. CHAPMAN: Yes.

The Hon. A. KOUTSANTONIS: Could you please point out to me in the Attorney-General's Agency Statement where that payment is referenced?

The Hon. V.A. CHAPMAN: It is not because, as the member knows, it was a payment made by SAicorp, which is an agency under the responsibility of the Treasurer, which as a former treasurer I am sure you would know.

The Hon. A. KOUTSANTONIS: Thank you. On whose instruction did SAicorp issue that payment?

The Hon. V.A. CHAPMAN: Technically, under the Treasurer's instruction.

The Hon. A. KOUTSANTONIS: Could you explain to the committee why SAicorp said in evidence to the Budget and Finance Committee that they were directed by the Attorney-General to make the payment?

The Hon. V.A. CHAPMAN: I do not know the answer to that question.

The Hon. A. KOUTSANTONIS: Why are you trying to cover this up?

The Hon. V.A. CHAPMAN: No, I do not know—

Mr TEAGUE: Point of order, sir.

The Hon. A. KOUTSANTONIS: It is a payment. Not you, Attorney—

The CHAIR: Point of order, member for Heysen.

Mr TEAGUE: The honourable member's question asked the Attorney to opine on matters that cannot be within the Attorney's knowledge.

The Hon. A. KOUTSANTONIS: Well, according to SAicorp, she instructed them.

The CHAIR: Member for Heysen, I am going to suggest that that question is within the bounds of this committee.

The Hon. A. KOUTSANTONIS: Thank you very much, Mr Chairman. What was the nature of the instruction from the Attorney-General to SAicorp?

The Hon. V.A. CHAPMAN: I have not had any direct discussions with SAicorp in relation to this matter. The matter, as I think was evident in last week's estimates with the Treasurer, was that he instructed SAicorp to make the payment after receiving advice from the Attorney-General's Department.

The Hon. A. KOUTSANTONIS: So when SAicorp told the Budget and Finance Committee, 'Following receipt of the Attorney-General's instructions, SAicorp sought and obtained an authority from the Treasurer to negotiate settlement with Mr Keogh,' they are incorrect in telling the select Budget and Finance Committee that it was your instruction that settlement be made; that was a decision of the Treasurer's, not yours?

The Hon. V.A. CHAPMAN: As I repeat, I have not had any discussions with SAicorp in relation to this matter—or at all, for that matter.

The Hon. A. KOUTSANTONIS: Alright, so I will report that to the Budget and Finance Committee, that that statement is incorrect and that your advice to the committee is that you had no role in that. Can I ask you: did you receive any advice from the Solicitor-General or any agency within government advising against making a payment to Mr Keogh?

The Hon. V.A. CHAPMAN: Again, I have answered that question in the parliament, and I refer you to *Hansard*.

The Hon. A. KOUTSANTONIS: Did SAicorp advise against the payment?

The Hon. V.A. CHAPMAN: I do not have any communication with SAicorp at all. It is not an agency—

The Hon. A. KOUTSANTONIS: Did the Solicitor-General advise against the payment?

The Hon. V.A. CHAPMAN: Again, that is a question I have answered in the parliament.

The Hon. A. KOUTSANTONIS: Did your chief executive advise against the payment?

The Hon. V.A. CHAPMAN: I have answered these questions in the parliament.

The Hon. A. KOUTSANTONIS: Did anyone in your agency advise you against making a payment to Henry Keogh?

The Hon. V.A. CHAPMAN: Again, I have answered these questions in the parliament.

The Hon. A. KOUTSANTONIS: Is it normal practice to pay a settlement without a formulated claim being lodged?

The Hon. V.A. CHAPMAN: Again, several times I answered this question in the parliament.

The Hon. J.R. RAU: Mr Chairman—

The CHAIR: Yes, member for Enfield.

The Hon. J.R. RAU: —the situation, as I understand it—this is a point of order, by the way—is we are in the committee stage of the bill, albeit a particular bill that has a certain amount of theatre attached to it; nonetheless, it is just a bill like any other. In the committee stage of each bill that I have been involved in, and there have been a couple over the years, the committee has invariably allowed all manner of questions to be asked—sometimes, I have to say, in the Attorney's former guise, tangential to the topic would be an understatement—yet they were never the subject of being called up or indeed a refusal to answer, although sometimes it was difficult to understand what the question was. We are in the same situation here. There is a failure to answer quite simple questions, and I think that is disorderly.

The CHAIR: Member for Enfield, I appreciate your point of order. My understanding of the Attorney's most recent answers at least has been to refer us, as a committee, to her comments in the parliament. Is that not fair and reasonable?

The Hon. J.R. RAU: First of all, I do not think it is responsive. Secondly, in a number of instances that particular response was given to things that have not been the subject of questions in the parliament. In particular, I make the point that the Budget and Finance Committee to which the member for West Torrens has been referring, as I understood it, had its relevant sessions some weeks perhaps after the original questions were being asked in this place during question time, which dealt with a fairly narrow compass of issues and which was the issue of what advice had been in the hands of the Attorney at the point in time and how many sources of advice there had been. Other issues about directions to public servants and suchlike were never the subject of questions during that period.

The CHAIR: Thank you for that commentary, member for Enfield, even though I have ruled against providing commentary. Is there a further question? Member for West Torrens.

The Hon. A. KOUTSANTONIS: I refer to Budget Paper 4, Volume 1, ministerial responsibilities on page 14 or 12—the Attorney-General can choose. In a response to a question from the member for Enfield, the Treasurer stated to committee B that, in effect, the legal opinion of Mr Jonathan Wells QC and Mr Ben Doyle was that the state was at minimal risk from any action from Mr Henry Keogh. The Treasurer confirmed that to be the case. Does the Attorney-General agree with the Treasurer's point of view?

The Hon. V.A. CHAPMAN: I have read the transcript of the Treasurer from last Friday's estimates and I do not agree with the interpretation of what has just been presented—of what he said.

The Hon. A. KOUTSANTONIS: So the Treasurer misled committee B?

The Hon. V.A. CHAPMAN: No—of your description, member for West Torrens.

The Hon. A. KOUTSANTONIS: What do you think he said, then?

The Hon. V.A. CHAPMAN: I have the transcript here.

The Hon. A. KOUTSANTONIS: Read it out to us.

The CHAIR: Through the Chair.

The Hon. A. KOUTSANTONIS: Through the Chair, of course.

The Hon. V.A. CHAPMAN: If you want some assistance in that regard, I will just need to find it.

The Hon. A. KOUTSANTONIS: How about you give us your opinion? Does the legal opinion of Jonathan Wells QC and Mr Doyle leave you with the impression that the state was at considerable risk of action from Mr Keough?

The Hon. V.A. CHAPMAN: Again, I have answered questions in the parliament on that matter, but I will just try to find the reference in the transcript I have here.

The Hon. A. KOUTSANTONIS: It was a response to a question by the member for Enfield.

The Hon. V.A. CHAPMAN: Yes, I will just find it, if you do not mind. There are quite a few pages on this.

The Hon. A. KOUTSANTONIS: A great way of wasting time.

Mr PICTON: Any luck?

The Hon. V.A. CHAPMAN: No, not so far.

The Hon. A. KOUTSANTONIS: This is getting ridiculous.

The Hon. V.A. CHAPMAN: Oh well, I was trying to help, but never mind.

The CHAIR: Perhaps, Attorney, you can take that one on notice and come back.

The Hon. V.A. CHAPMAN: Take on notice my offer to assist the committee questioner to formulate the question?

Mr PICTON: Further, Mr Chairman, in relation to the Treasurer's evidence before committee B, which the Attorney-General was referring to, the Treasurer did invite us to ask you some particular questions that he was unable to answer during his estimates hearing, and to check some particular facts. The first of these was: did the former government communicate to Mr Keogh's representatives that a payment would not be made, based on legal advice?

The Hon. V.A. CHAPMAN: Yes, I recall that question, or thereabouts, being put to the Treasurer on Friday. I did not understand it when I read it, nor do I understand it now, but I assume it is an inquiry as to whether the former government had received advice that there was no basis for a claim that was being presented by the solicitors for Mr Keogh at the time—that is, back in May 2017—when they sent a letter outlining a request for consideration of an ex gratia payment. Is that right? Is that what you are getting me to answer?

Mr PICTON: I can ask it again if the Attorney-General would like.

The Hon. V.A. CHAPMAN: Yes.

Mr PICTON: Did the former government communicate to Mr Keogh's representatives that a payment would not be made based on legal advice?

The Hon. V.A. CHAPMAN: I do not know what the former government did, but I did peruse correspondence which went back and forth and, up until March 2018 when there was a change of government, there was continuing correspondence. At no time did I see a letter which said, 'Get lost. See you in court,' or anything like that. In fact, I think the then treasurer, the now member for West Torrens, had approved something like \$250,000 in legal costs in relation to the ongoing negotiations in relation to the matter.

The Hon. A. KOUTSANTONIS: No, that was for a defence.

Mr PICTON: If you are not sure—

The Hon. V.A. CHAPMAN: I have not seen anything that suggests there had been a refusal to continue discussing matters with the former—

Mr PICTON: If you are not sure, Deputy Premier, you could invite your chief executive, who would—

The Hon. V.A. CHAPMAN: No, I am not sure about what the former government did. On the material that I have read, I am not aware—

Mr PICTON: You could ask your chief executive, who would have been there, to respond.

The CHAIR: That is not really appropriate.

The Hon. V.A. CHAPMAN: —of any indication; in fact, quite the reverse, that is, continued negotiations.

Mr PICTON: The second question, Attorney-General, was: what legal advice was provided to the South Australian Government Financing Authority (SAFA) by Mr Wells QC and Mr Doyle, and then your agency's own views about the matter—anything else?

The Hon. V.A. CHAPMAN: I am not really sure I understand the question, but if the question is, 'What legal advice was given to SAicorp?', I do not know specifically in relation to what they might have sought. I assume that they would have, for the purposes of making their own assessment of the payment—which they do, of course, on a regular basis in relation to ex gratia payments—sought some advice in relation to that, but what advice they received and viewed I do not know.

The Hon. A. KOUTSANTONIS: So the Attorney-General played no role in the settlement of the Keogh matter then?

The Hon. V.A. CHAPMAN: I think it is clear from my statements to the parliament that I did, as the Attorney-General, in relation to the consideration of this matter, and my answers to the parliament still stand. What I had not done was have any role in relation to the instruction or direct advice to SAicorp, which is an agency of Treasury.

The Hon. A. KOUTSANTONIS: Who first brought—

The CHAIR: Member for West Torrens, the member for Heysen has a question.

Mr TEAGUE: I refer to Budget Paper—

The Hon. V.A. CHAPMAN: Something relevant.

Mr PICTON: We take up five minutes' time with calling a suspension of proceedings and now another five or 10 minutes on a dixer.

The CHAIR: Member for Kaurana, the reason I called the suspension was the behaviour that was being exhibited within this committee—

Mr PICTON: Because there were not any answers being provided.

The CHAIR: —and every member of the committee has the opportunity to ask a question. The member for Heysen has the call.

Mr TEAGUE: I refer to Agency Statements, Budget Paper 4, Volume 1, page 56, at about point 5 on the page. Attorney, could you please detail to the committee the allocation there of \$146.4 million to allow for redress for victims of institutional child sexual abuse?

The Hon. V.A. CHAPMAN: I thank the member for the question because this is a matter of very significant interest to South Australians. In particular, members may be aware that the Royal Commission into Institutional Responses to Child Sexual Abuse was established by state and federal governments in November 2012 and commenced its hearings in 2013. Reference has been made at point 5 on page 56 of South Australia's contribution to the National Redress Scheme.

However, since 2016, officials from the commonwealth and all state and territory governments worked together to design a scheme that was consistent with the recommendations of

the royal commission. In May 2018, the Premier and federal Attorney-General formally opted in to the National Redress Scheme on behalf of South Australia and the commonwealth. The Premier had signed up to the agreement after attorneys-general had met in Perth, and I am proud to say that South Australia was at the table and prepared to resolve this matter.

We were concerned to deal with one final area of unresolved determination, and that was how compensation might be applied, if at all, to persons who were both victims of child sexual abuse and had gone on in their later life—usually adult life—and perpetrated abuse on others. That was a vexing question that was left unresolved when we came into government, but we decided that this was a matter which we did need to contribute to and which we did need to resolve.

Like other states, we agreed that it should be left as a discretionary matter for the Attorney-General of each state, but otherwise we signed up to that. The reference in the budget paper confirms the \$146.4 million set aside to support this scheme over the 10-year period of its operation. I confirm that, if not exhausted, there will be a refund of any part thereof of those moneys back to the Victims of Crime Fund from which it was sourced.

In terms of the scheme costs, modelling commissioned by the federal government has estimated that around 3,000 claims might be expected in relation to the South Australian institution, around half of which relate to state government institutions. The redress available is in three forms: access to counselling, which will either be access to services provided directly by a state or territory or a payment of between \$1,250 and \$5,000 to access services of choice, depending on where the person lives—

The Hon. J.R. RAU: Point of order: all these matters are on the public record. I think there was extensive—

The CHAIR: Yes, I take your point of order. Attorney, could you bring your answer to a close.

The Hon. V.A. CHAPMAN: In relation to the other forms, the provision, of course, is for payments and a direct personal response. Importantly, the balance of the Victims of Crime Fund as at 31 August this year was \$150.5 million; in 2018-19 budgeted revenue for the fund is around \$61.1 million; and budgeted expenditure is around \$31 million. The committee can be assured that payment out of the Victims of Crime Fund has not only still left it flush with funds but, additionally, it is receiving a very significant revenue stream outside of its normal commitments.

Membership:

Mr Odenwalder substituted for Hon. A. Koutsantonis.

Mr PICTON: I refer again to Budget Paper 4, Volume 1, page 20, the CSO's accounting. Did the CSO provide the government with advice which you relied on, Attorney-General, to issue instructions to the Treasurer that officers should not answer questions before the Budget and Finance Committee and in other places in relation to the Keogh payment of \$2.57 million?

The Hon. V.A. CHAPMAN: Sorry, could you just repeat the question again?

Mr PICTON: Yes. Did the CSO (Crown Solicitor's Office) provide advice, which you relied on to issue instructions to the Treasurer that officers should not answer questions before the Budget and Finance Committee in relation to the Henry Keogh payment of \$2.57 million?

The Hon. V.A. CHAPMAN: I did receive advice in relation to waiver of legal professional privilege and cabinet confidentiality. At no time did I receive any advice or give instructions to members who were being invited to attend at the committee that they were not to answer questions.

Mr PICTON: In relation to that payment of \$2.57 million, if there are to be investigations by any integrity bodies into that payment will you issue any instructions in relation to public servants, in terms of what they can and cannot say before any integrity bodies?

The Hon. V.A. CHAPMAN: I am not sure what that actually means, but I assume it is: would I at any time give instructions to the public sector as to how they might or might not answer questions?

The answer to that is no. I have given notice to some members as to whether the Attorney-General, on behalf of the state, waives legal professional privilege or cabinet confidentiality. I have done that and I would again.

The CHAIR: Member for Kaurna, it seems to me that was a hypothetical question that was put.

Mr PICTON: I think the question is: is the government's approach consistent, in terms of you have given advice to public servants, in terms of what you can and cannot say before the Budget and Finance Committee of this parliament.

The Hon. V.A. CHAPMAN: Let me be absolutely clear, member for Kaurna. At no time have I given instructions to public servants about what they can and cannot say

Mr PICTON: You have given advice.

The Hon. V.A. CHAPMAN: I have advised them that as Attorney-General I do not waive legal professional privilege of the state, which is on behalf of the people of South Australia, and furthermore I do not give consent to cabinet confidentiality being breached. Those are the two things that I have informed persons, but I have not given instruction as to what they can or cannot say before a committee, and I do not intend to.

Mr PICTON: In terms of integrity bodies, public servants would be free to provide evidence to integrity bodies, if required.

The Hon. V.A. CHAPMAN: At this stage, there has only been a request on behalf of a committee of the parliament, which has been respected, as best I understand it, of people who have been asked to come and give information to that committee. I am not aware of any other request of any other body.

The CHAIR: As I said earlier, member for Kaurna, that seemed to be a hypothetical question, so back to the budget.

Mr PICTON: Moving on to Budget Paper 5, page 15, in relation to crime prevention grants being completely cut from the budget, why did the Attorney-General approve cutting this program?

The Hon. V.A. CHAPMAN: The crime prevention grants are being discontinued, as is the CCTV grants program, which I think you have referred to. The measure is proposed to save \$1.1 million per annum through discontinuing the crime prevention and CCTV grants. I note that there is some concern about discontinuing any service. I think that is a matter where meritorious programs sometimes are sacrificed when we are left with having to clean up the mess of previous governments.

What is important to note is that, firstly, the previous government left several hundred thousand dollars in unallocated grants money in relation to CCTV. One of my first jobs as Attorney-General was to identify and distribute as much of that money as we possibly could to ensure that it was not lost.

Mr PICTON: There is no more now.

The Hon. V.A. CHAPMAN: I do not know what the priorities of the previous government were in this regard, but nevertheless—

Mr PICTON: We had a program.

The Hon. V.A. CHAPMAN: —we did what we could to make sure that those funds were allocated for the purpose for which they were originally identified. Secondly, although I think any crime prevention projects can assist, fortunately CCTV in very significant areas of the City of Adelaide and parts of North Adelaide, in their entertainment precincts, have been installed and this program was to assist in the continued maintenance of those—

Mr PICTON: That is a separate one. That is a different one. Check your budget.

The Hon. V.A. CHAPMAN: I should have actually checked.

Mr PICTON: There are so many cuts.

The Hon. V.A. CHAPMAN: As I said, it was two: one was the crime prevention grants program and the other was the CCTV grants program, so I hope you were listening.

Mr PICTON: There is a third one: the CCTV maintenance program.

The Hon. V.A. CHAPMAN: The Adelaide city council continue to play a role in this regard as well. Over the weekend, for example, two very serious incidents occurred that were made public involving assaults on people who were visiting the precincts—one in Pulteney Street, I think, and one in Hindley Street, both areas that are under CCTV surveillance, I am advised.

As has been pointed out, unfortunately, if CCTV is observed by a person who is about to inflict an assault on somebody, they might be minded to curb their behaviour if they were to see that they were under surveillance.

Mr PICTON: And you might catch them afterwards.

The Hon. V.A. CHAPMAN: You would like to think so. CCTV is most valuable not necessarily because the prospective offender is intimidated or is modifying their behaviour after seeing a camera, but in at least assisting our authorities to gather evidence to identify persons who inflict an assault on someone else and, indeed, the detail of the assault. They play an important role and I would hope that they would do so in relation to the two incidents on the weekend.

The government's priority in this budget has been to focus on making sure that the public have access to police via police stations, and the member would be—

Mr PICTON: You are cutting police, too.

The Hon. V.A. CHAPMAN: —familiar with that, and to add extra police—

Mr PICTON: No, you are cutting the cadet course.

The Hon. V.A. CHAPMAN: —to be able to provide security and safety for people on the street. They are the priorities that we have identified to work with. By the same token, there are some programs in this budget that have been cut. That is regrettable, because if one were to simply look at the \$300 million that was overspent this year in central and northern health—

Mr PICTON: That is not true. That is not actually true.

The Hon. V.A. CHAPMAN: —the extraordinary amount of money we are now spending on trying to settle unresolved legal disputes—

Mr PICTON: Like Henry Keogh—\$2.57 million?

The Hon. V.A. CHAPMAN: —over the new Royal Adelaide Hospital, these are tens of millions of dollars in litigation—

Mr PICTON: You could have saved those grants if you did not pay Henry Keogh.

The CHAIR: Member for Kaurna, you have asked the question and the Attorney is answering.

Mr PICTON: We are having a very lengthy response.

The Hon. V.A. CHAPMAN: Unfortunately, we do need to resolve these matters. We will—

Mr PICTON: Point of order, Chair. The minister has gone completely off track and is talking about lines of the budget other than her own now.

The CHAIR: Is the Attorney winding up or finished?

The Hon. V.A. CHAPMAN: Yes. I am happy to say that this budget is committed to doing exactly that, that is, resolving those messes and honouring our commitments. Sadly, some things have had to be sacrificed along the way. As I indicated earlier to the committee, we would look to draw a line in the sand as a new government and make sure that other meritorious proposals that have been put to us, either to keep or to undertake, will be given due consideration.

The CHAIR: Member for Elizabeth.

Mr ODENWALDER: Thank you. Where will the Adelaide city council now look to fund the continuing maintenance and enhancement of their CCTV network?

The Hon. V.A. CHAPMAN: I am sure, as has been indicated by the Adelaide city council, they will continue to provide—

Mr ODENWALDER: By a mayoral candidate.

The Hon. V.A. CHAPMAN: The program concludes in 2020. Am I right on that?

Mr SWANSON: Yes.

Mr ODENWALDER: The Safe Cities does; that is right.

The Hon. V.A. CHAPMAN: Our expert man on money has confirmed that. I think it is like other matters that have been raised. We are keen, obviously, to consider if there is any uptake in demand or other alternate programs that need to be revisited in relation to other efficiencies that we have done. This program will continue until 2020, and if no other alternate programs are put in place or alternate measures that would assist in crime prevention, then these will all be matters that we will consider revisiting as a new government.

The CHAIR: The member for Kavel has the call.

Mr PICTON: Of course. Take up the time.

Mr CREGAN: Thank you, Mr Chair. I take the Attorney to Agency Statements, Budget Paper 4, Volume 1 at page 28, a page to which my colleague the member for Heysen took the Attorney. Can the Attorney inform this committee about measures in the budget that have been taken to restore access to justice in regional communities?

The Hon. V.A. CHAPMAN: I thank the member for this question because it is a very important measure. The Riverland community legal centre is, for members' benefit, in a region that has a high level of poverty and a high level of welfare demand. Just like certain regions of our metropolitan area, it is fair to say that, whilst the Riverland is rich in resources of fruit, horticulture and vineyards that feed the world and we should be proud of it, clearly it also has a community that needs a high level of support.

Consistent with that is the fact that they also have a court facility at Berri in the Riverland. Until recently, under the previous government, they had a community legal service. A full-time community legal service will be returning to the Riverland under the new government, along with associated outreach services, because of the \$600,000 in funding that we have announced as part of this year's budget. After providing free legal advice and expertise for almost 20 years, the Riverland Community Legal Service did not have its funding renewed, as I said, by the former government, and it closed its doors in June last year. Prior to the closure—

The Hon. J.R. RAU: That was by the commonwealth.

The Hon. V.A. CHAPMAN: The member for Enfield interjects to say that it was by the commonwealth. Let's have clearly on the record that the commonwealth also announced some cuts, but they were, perhaps, under pressure; nevertheless, they backflipped. They reinstated their money. Let's just go back to where we are at. Prior to the closure, the Riverland community centre at the Legal Services Commission had classified the Riverland in the category of 'most disadvantaged', with many of the people using these services needing in-person assistance.

Vulnerable people should be able to access legal services in person regardless of where they live. Prior to the election, the Marshall Liberal team committed to reinstating the service, which was strongly supported by the Riverland community. The new government is delivering on its election promise, and we are proud to do so. We are cleaning up a lot of mess and returning the budget to a sustainable position. This funding will ensure that there is a permanent presence in Berri, while ensuring that outreach services to Waikerie, Morgan, Cadell and the Mallee can also continue.

I remind members of the committee that the Riverland and surrounding regions face a number of ongoing social challenges, so reinstating a full-time community legal service based in the Riverland is a service that most disadvantaged South Australians need. We are currently working on

the establishment of the full-time Riverland office as soon as possible. It is anticipated that a permanent service can begin operations before the end of the year.

The CHAIR: Thank you, Attorney. Can I remind the committee that all committee members are entitled to ask a question about the budget, particularly government backbenchers who do not always have that opportunity. This committee gives them that chance. I propose to extend the time for a further five minutes given that this committee was suspended for that period of time. I call for questions.

Mr PICTON: In relation to Budget Paper 5, page 15, the crime prevention grants cut from the Attorney, on *Seven News* on 16 September 2018, it was reported that 'the government says it will be reinvesting the money into a heightened police presence'. Does the Attorney agree with that characterisation, and can she demonstrate anywhere in this budget where the reinvestment of these funds is outlined?

The Hon. V.A. CHAPMAN: I would ask the member to perhaps raise those matters with the Minister for Police for the detail of the programs funded under his budget, not under this budget.

Mr PICTON: So you are not aware of anywhere where this funding from this cut is being reinvested elsewhere? So that was wrong, that characterisation of this cut?

The Hon. V.A. CHAPMAN: No, I think that the member for Kaurna is perhaps confusing the statement, which relates to a cut in relation to the CCTV grants program, and assuming that the money saved from those, which I have just referred to, directly goes somehow into the police budget. The way it works—

Mr PICTON: It is just going into consolidated revenue, isn't it?

The Hon. V.A. CHAPMAN: —is that if the Attorney-General's Department has a saving—

Mr PICTON: It is just a cut.

The Hon. V.A. CHAPMAN: —it does not mean that that money is somehow earmarked through some transfer to the police department. It means that the allocation from Treasury to the police department will still need to be made if in fact SAPOL's budget needs further funds for that purpose. There is no automatic transfer of a cut in one portfolio to the application of funds for an extended or new program in another portfolio. I am not sure what day the Minister for Police is presenting to the committee, but I am happy to find out for you and let you know so that you can ask him some questions.

Mr PICTON: So if an adviser from the government had said that to the media on 16 September, that would have been inaccurate because, essentially, this is just going into consolidated revenue and other budgets are worked out independently of this cut?

The Hon. V.A. CHAPMAN: I think that you are misinterpreting the statement made.

The CHAIR: The member for Enfield has a question.

The Hon. J.R. RAU: Yes, as just a slight change of topic, I refer to Budget Paper 5, page 18. The grant to SANTS has been cut. I am just interested in what you can tell the committee about the other resources that are available, in particular to the native title unit to continue its work, and whether there will be any restriction, cut or diminution of resources available to the native title unit within the budget parameters?

The Hon. V.A. CHAPMAN: I thank the member for his question, and I indicate that the South Australian native title unit within the Attorney-General's Department has already given valuable services to me and I am sure to the member when he was attorney-general. In fact, I was very pleased very shortly after coming into the position—I think that very next week—to have an opportunity to attend at the Federal Court precinct to witness the settlement of a very substantial claim. I think it had been running for 19 years or close to 20 years—but in any event a very long time.

Clearly, these are cases that do require and deserve to continue to be able to have sufficient support to resolve a number of disputes, including native title claims. The measure will save \$550,000 per annum from 2018-19 by ceasing the grant paid to the SA Native Title Services (SANTS)

to participate in the native title negotiations. These changes will still leave SANTS able to prosecute native title claims.

The native title representative body for South Australia—that is, the SANTSL, often known as SANTS—represents either directly or by engaging external solicitors most native title claimants and holders in South Australia, and it is funded to do that by the commonwealth and allocates funds between claims.

The Hon. J.R. RAU: Sorry, if I can just save the Attorney going on further on that, I am interested in the native title unit within the Crown. I understand what the policy is about SANTS; I get that. What I am interested in knowing is whether, for the people within the Crown whose job it is to keep this work happening, there is going to be any reduction in their FTE numbers, any reduction in the resources available to them, anything of that nature.

The Hon. V.A. CHAPMAN: Yes, I am sorry, I misunderstood the question in that regard. I am advised that the Crown Solicitor, Mr Wait, is the person who determines how to make the savings; I am unaware at this stage that that will include a reduction in staffing in the unit within the CSO. They will be matters, of course, for which he will be responsible.

The CHAIR: The member for Kurna has a question.

Mr PICTON: One more question, Chairman.

The CHAIR: A quick question and a quick answer.

Mr PICTON: I refer to Budget Paper 5, page 14, the discontinuation of the communication partner grant. Can the Attorney outline whether she has had any advice from the Principal Community Visitor, Maurice Corcoran, about this, whether she has had any correspondence, or whether she consulted him before deciding to go ahead with cutting this program.

The Hon. V.A. CHAPMAN: The communication partner program, together with another program in relation to the development of training for professional persons within the departments, are both initiatives undertaken or announced under the previous government to support the new vulnerable persons legislation, which enabled persons with a vulnerability, usually a cognitive impairment or someone under a certain age, to give evidence. They were there to support adults and children post probably the most significant profile case of the St Ann's child sexual abuse matters.

The training program for professionals has trained up some 150 via Griffiths University under a previous contract. The communication partner was to be a support person to enable them to provide extra support to the person either in an interview with the police or while giving evidence in court and things of that nature. I am advised that the Uniting Communities have their funding up until 29 February 2020 under this announcement. It will cease at that time. They have trained up some 20-odd people to provide this service. In fact, I recently met with parents of one of the victims in the St Ann's matter and was interested to hear—

Mr PICTON: My question was about Maurice Corcoran, the community visitor.

The CHAIR: I might bring the Attorney to a close.

Mr PICTON: It was a specific question, Chairman, about the community visitor and whether there had been consultation.

The CHAIR: And I asked that there be a quick question and a quick answer. Attorney, can you close in 30 seconds?

The Hon. V.A. CHAPMAN: Not only have I met with parents of a victim in that situation but I am scheduled this week to meet the head of Uniting Communities to discuss with him whether I have met with Mr Corcoran, who I assumed—

Mr PICTON: Have you met or received correspondence or consulted with Mr Corcoran?

The Hon. V.A. CHAPMAN: I have not received any correspondence from him that I am aware of.

Mr PICTON: Did you consult with him about it before you cut it?

Mr TEAGUE: Point of order.

The CHAIR: Yes, point of order. Member for Kaurana, you have already asked your question; the Attorney is responding. I am asking the Attorney—

Mr PICTON: She is answering everything else except the question that I asked.

The CHAIR: Has the Attorney finished?

The Hon. V.A. CHAPMAN: As best as I can recall, there has been no consultation with Mr Corcoran, but since the budget has been published I certainly have not received any correspondence or communicated with him that I am aware of.

The CHAIR: Having gone past the allotted time by eight minutes, in fact, we will now take afternoon tea. I declare the examination of the proposed payments for the portfolio of the Attorney-General's Department to be completed. In accordance with the amended timetable, the committee stands suspended until 15.50pm. The bells will ring for just two minutes. I understand that all those present here are invited to afternoon tea in the members' lounge.

Sitting suspended from 15:38 to 15:50.

ELECTORAL COMMISSION OF SOUTH AUSTRALIA, \$4,676,000

ADMINISTERED ITEMS FOR ELECTORAL COMMISSION OF SOUTH AUSTRALIA, \$461,000

ATTORNEY-GENERAL'S DEPARTMENT, \$93,884,000

ADMINISTERED ITEMS FOR THE ATTORNEY-GENERAL'S DEPARTMENT, \$76,968,000

INDEPENDENT GAMBLING AUTHORITY, \$1,890,000

Minister:

Hon. V.A. Chapman, Deputy Premier, Attorney-General.

Departmental Advisers:

Mr M. Sherry, Electoral Commissioner, Electoral Commission of South Australia.

Mr D. Gully, Deputy Electoral Commissioner, Electoral Commission of South Australia.

Mr I. Clayfield, Chief Financial Officer, Electoral Commission of South Australia.

Ms C. Mealor, Chief Executive, Attorney-General's Department.

Mr A. Swanson, Chief Financial Officer, Attorney-General's Department.

The CHAIR: In this session, we are dealing with the Electoral Commission of South Australia and State Records, which is under the Attorney-General's Department. I also need to reopen the Attorney-General's Department and Administered Items for the Attorney-General's Department, which I closed prematurely. I declare the proposed payments open for examination. Attorney-General, would you care to introduce your advisers.

The Hon. V.A. CHAPMAN: I introduce to the committee our Electoral Commissioner, Mr Mick Sherry, who is here next to me, and our Deputy Electoral Commissioner, Mr David Gully, to my left. I am sure that both gentlemen are well known to you. Less well known, but equally important, is the Chief Financial Officer, Mr Ian Clayfield, to my further left, and I have some extra advisers behind who look very familiar. I indicate that this is obviously a separate section in our budget because the commissioner has a statutory base.

I place on the record, on behalf of all members in the parliament, my appreciation of the work that has been done in this last financial year which of course, most importantly, included the state election. That is a very significant part of the work of the Electoral Commission, so we appreciate

that. It is quite a significant cost, but it is democracy at work. Of course, they are busily embarking in this financial year on that unenviable task of managing the local government elections, so we wish them well in that regard.

We look forward to Mr Sherry's report post the state election in this financial year to inform us as a government, but also as a parliament, as to whether we might need to advance any reforms in respect of the application of the act, particularly in relation to new initiatives, such as public funding and disclosure laws that were operating in this last state election. With that, I invite members of the committee to raise any issues they have.

The CHAIR: Thank you, Attorney. Member for Kaurua, do you wish to make any statement?

Mr PICTON: No.

The CHAIR: I invite questions but, before I do so, I remind the opposition that they need to read the omnibus questions at some point in the next hour.

Mr PICTON: Thank you very much for your guidance and thank you for the witnesses. I refer to Budget Paper 4, Volume 2, page 42, the administered item of the Electoral Districts Boundaries Commission. I also refer to the Constitution Act 1934, section 82(2)(c), which states that the commission is to start proceedings within 24 months after each polling day. I ask the Attorney, and via her if she wishes to refer it to the commissioner: will the commissioner seek to start the redistribution process earlier than it was in the previous parliament, considering that the previous process finished so close to the election?

The Hon. V.A. CHAPMAN: Yes, I will invite the Electoral Commissioner to give a response to the committee in relation to what his expectations are in that regard. He knows what the law is.

Mr SHERRY: The chair of the redistribution committee will be a judge of the Supreme Court, and that person is appointed by the Chief Justice, so the redistribution committee will not commence until the chair has been appointed. The legislation talks about it happening within two years of the previous election.

Mr PICTON: When will the Chief Justice of the Supreme Court make that invitation to appoint the chair?

The Hon. V.A. CHAPMAN: In the absence, apparently, of giving advice that he has already, I am happy to make that inquiry of the Chief Justice. If that information is able to be provided, I will make sure the committee is informed of that. To the best of my knowledge, if the Chief Justice—not that I think he has to be accountable to me in this regard—has made that determination and I am at liberty to provide it to the committee, I certainly will. If he has not made it and he is happy to indicate his anticipated time frame in that regard and I am able to provide it to the committee, I will do so.

I note that one of the things that held up the previous Electoral Districts Boundaries Commission was identifying who would be around long enough to actually complete the task of the Electoral Districts Boundaries Commission hearings and determination because, as I recall, there were a couple of senior puisne judges who were reaching retirement or were going to be retired prior to the anticipated conclusion time for the commission. That did seem to delay it a bit. I think there were a couple who were probably due to be the next in line and then were not because of their imminent retirement, and it ultimately fell to Justice Vanstone.

In any event, I will make that inquiry with the Chief Justice. If that information can be available, I will convey it to both the committee and to the Electoral Commissioner.

Mr PICTON: How does it work? Does the Chief Justice of the Supreme Court wake up one morning and say, 'Alright, I think it's time under the Constitution Act to start this process'? Or is it a matter where the Electoral Commissioner would give advice to the Supreme Court Chief Justice and say, 'Here are the steps that we think are appropriate and here are the time frames that we think are appropriate,' and then the Chief Justice would consider that advice from the commissioner and then make a determination on the time frames?

The Hon. V.A. CHAPMAN: I will add one or two comments in relation to that and then I will invite the Electoral Commissioner to expand if he feels that there is more information available to committee.

The Chief Justice, whom the committee knows and who has been here this afternoon, is not only presumed to know the law but of course has already been the Chief Justice during the time of preceding electoral boundaries commissions. I accept that he is familiar with the process and understands his role in the appointment and nomination as such of the electoral boundaries commissioner, which, from recollection, is the senior puisne judge on the Supreme Court under the act.

There is a role for the Chief Justice to play in that regard to nominate to that person. I think there is a fallback position in the act, from memory. In any event, from there, I would expect that the Electoral Commission itself would need to undertake its preparations, including the collation of data for the purposes of presenting to the commission. I invite the Electoral Commissioner to perhaps add to any role that he sees his agency contributing in that regard.

Mr SHERRY: There is not much more to add, other than to reinforce the fact that the boundaries commission is totally separate to the Electoral Commission. I am but one member on the boundaries commission, so essentially we are still waiting for an invite for the commission to commence.

Mr PICTON: So you do not provide any advice to the Chief Justice before it is established?

Mr SHERRY: I do not feel it is my position at the moment to do that at this point, bearing in mind there are two years for this to occur. Should those two years start proceeding, I would be seeking to remind the Chief Justice.

The Hon. J.R. RAU: Just following on from that question, given that the last redistribution involved a framework which the parliament, in its wisdom, has since changed—in particular, the so-called 'fairness test'—would you agree that it is likely that there will need to be a potentially significant amount of work involved in the next piece of work, given that the perspective the commission has to bring to the question in front of it has now changed?

The Hon. V.A. CHAPMAN: Commissioner, would you like to make a contribution on that, if you can?

Mr SHERRY: I do not think it is appropriate for me to comment on that, to be honest. I am not the chair of the commission. The commission has not been set up yet. I think it is better, once the commission is established, to understand the full work ahead of it.

The CHAIR: I should not have to remind the member for Enfield or the member for Kaurua that questions are directed to the Attorney, please.

The Hon. J.R. RAU: I am happy for the Attorney to answer—

The Hon. V.A. CHAPMAN: I think I invited the commissioner to answer.

The CHAIR: Okay, thank you.

The Hon. J.R. RAU: I will ask a question on the same topic. Perhaps if I cannot lure you into looking at the future, I might invite you to look into the rear-vision mirror. At the last redistribution, as we know, something was said by the commission about the tolerances that would be acceptable and not acceptable. That was ultimately tested in the Supreme Court, as the framework then was, and found to be correct.

There is a completely different issue I wanted to explore with you. There appear to have been a number of seats. I cannot tell you off the top of my head which ones they are, but I suspect that the Chair's seat might be one of them—

The CHAIR: What was the question?

The Hon. J.R. RAU: Notwithstanding the requirement that there be no more than a 10 per cent deviation, some of the calculations appear to have been off, and seats were either more than 10 per cent over or more than 10 per cent under.

Mr TEAGUE: Point of order.

The Hon. J.R. RAU: No, can I just—

The CHAIR: You need to ask a question, member for Enfield.

The Hon. J.R. RAU: I am explaining what the question is about.

Mr TEAGUE: The point of order goes to the nature of the statement which might become a question. Much as I am loath to interrupt the flow of the former attorney, and much as it brings back happy memories, the statement we are hearing and the question that it might become—

The Hon. J.R. RAU: Should you not wait for the question?

The Hon. V.A. CHAPMAN: It is hypothetical.

Mr TEAGUE: —are not directed to—

Mr PICTON: Supposedly.

Mr TEAGUE: I have been listening carefully—

Mr PICTON: He has not asked a question.

Mr TEAGUE: —to the member for Kaurna's questions also, none of which have been directed to any particular line item within the budget, and we are now ranging over questions that would seek the expression of opinion from the Electoral Commissioner, which might be fascinating but has nothing to do with why we are here.

The CHAIR: Actually, member for Heysen, as we have said a number of times, the questions are directed to the Attorney rather than the Electoral Commissioner. Member for Enfield, could you ask your question right now, please.

The Hon. J.R. RAU: Can I get to the question? That was the preamble, exciting as it was for the member for—

Mr ODENWALDER: The prologue.

The Hon. J.R. RAU: The prologue.

The CHAIR: There is probably no real need for explanation; please ask the question.

The Hon. J.R. RAU: The question is: I am not looking for you to go into the future; I am looking at you to go back to the future. Jump in the DeLorean, head back to the last—

The CHAIR: Member for Enfield, could you ask the question, please.

The Hon. J.R. RAU: Head back to the last electoral redistribution. What I am asking you is: what would you suggest, on the basis of your experience from there, that could be done better in order to make sure that those going over the boundaries of 10 per cent because of errors, unforeseen changes in population, whatever—where do you think you could have improved that, and you will be able to improve that, in the next cycle? In other words, more integrity around the data—

The CHAIR: Thank you, member for Enfield. Attorney.

The Hon. V.A. CHAPMAN: He lost me at 'the rear-vision mirror' to start with, but then my driving is probably the worst in the parliament. It seems that the member is seeking information about how a future electoral boundaries commission will deal with the 10 per cent rule, if I can paraphrase it as that, in a future hearing. Whilst Mr Gully, to my left, as the acting commissioner was a member of the former commission, as has been pointed out by Mr Sherry, the commission is an independent tribunal and it is not yet convened. I think that it would be inappropriate for me to even call on Mr Sherry, if he is likely to be a member of that commission, to guess in relation to this hypothetical question.

What I will say to the member—and I know because we were in debate late at night on the last day of parliament in relation to the abolition of the fairness clause where we had much debate about the 10 per cent rule—is this. That will clearly be a matter for the interpretation of the next

commission as to how they might vary, if at all, their approach to the interpretation of the obligations under the act as it now stands.

The Hon. J.R. RAU: I accept that point; that is not what I was asking, though.

The Hon. V.A. CHAPMAN: I remind the member that the 10 per cent is not something that is identified as at the time of the hearing but as at six months prior to the next election. To that degree it is a guesstimate, an informed estimate, but nevertheless it may have some variation ultimately.

The Hon. J.R. RAU: My question was not about the law; it was about the technique.

The Hon. V.A. CHAPMAN: If the member wishes, in his newly formed position in the parliament, he might have a bit of spare time to present the ALP's submission at the next electoral boundaries commission. In any event, that will be a matter for the next commission as to how (a) they will interpret the law and (b) the model that is to be interpreted. If the ALP is unhappy again with the commission's next decision, I suppose they will go to the Full Court again.

The Hon. J.R. RAU: Mr Chairman, through you to the Attorney, I understand her point, which was responsive to my first question, which was about, 'How do you think you will go in the future?' and everyone, perhaps wisely, decided not to answer my question. However, I then had a second question, which was: in terms of the technique, in terms of the methodology, in terms of the sources to which you had regard in assembling your projected data on populations, with the benefit of hindsight, having seen what you did and what the outcome was as it diverged from what would have been objectively the best possible outcome, have you learned anything and, if so, what is it?

The Hon. V.A. CHAPMAN: Again, I will say that that is a matter ultimately before the next commission, so thank you for the question.

Mr CREGAN: While we are in the field of reasonably broad questions and broad preambles, may I ask a reasonably important question that requires some preamble, and that is this: I understand it has been the past practice of the commission to set up polling stations in community halls throughout large rural electorates; I understand that at the last election schools were preferred. Attorney, will there be future expenditure directed towards hiring community halls or is it likely to be the intention of the commission to continue to use school facilities?

The Hon. V.A. CHAPMAN: I will ask the commissioner to answer that.

Mr SHERRY: In relation to polling places, the majority of those are in fact schools, and there is a very good reason for that. Firstly, there is no charge to the taxpayer: it is free. Secondly, most of the schools have had some form of development that makes it easy for people with various disabilities to enter polling places; however, where there is not a suitable location—a school, for example—we would look at the next best available location and that may well be, in fact, a community hall.

Mr PICTON: I refer to Budget Paper 4, Volume 2, page 43, key agency outputs, dot point 2, administering, monitoring and reporting on the requirements of the Electoral Act 1985, including donations and campaign expenditure, public funding and special assistance funding claims. Was the Electoral Commission happy with the performance of the online reporting portal that parties and donors were required to use during the last state election, and is the commissioner looking to implement a bespoke online reporting mechanism that is more fit for purpose?

The Hon. V.A. CHAPMAN: I will ask the commissioner to provide any detail in relation to that, but I can inform the committee that it is my understanding that, notwithstanding the arduous task of dealing with local government elections in the immediate future, we will receive, as is the usual practice, a full report from the Electoral Commission in respect of the state election by the end of the year still. I am getting a nod from the commissioner. I want that to be on the record to make sure that we get it.

In all seriousness, the question of public disclosure in exchange, if you will, for the entitlement to public funding was certainly new and I think a challenge for a number of candidates, especially those not in major political parties, but I think, in fairness, even to the major political parties, during the last state election. So I think as a parliament ultimately we will need to consider how we might

improve that. In the meantime, in relation to the technology, I will throw to the commissioner to outline any upgrades or proposed changes that he has in mind.

Mr SHERRY: It is correct that we are doing a full evaluation of the election this year, as opposed to in previous instances where it is done the following year, due to us having to deliver the local government elections, which are occurring in November. We are compiling, if you like, all the evaluations to do with the state election of which a large portion, rightly so, involve the funding and disclosure regime.

As you would well be aware, this was the first election to which this legislation was applicable and the first time the portal was used. We have sought feedback from key stakeholders and a number of interesting observations have been put to me in relation to suggested improvements, which we are currently considering.

Mr PICTON: Does the commission believe that they have the resources to properly manage complaints regarding misleading materials published during election periods?

The Hon. V.A. CHAPMAN: I will ask the commissioner to indicate with his budget submission for next year.

Mr SHERRY: It is a challenge managing complaints. Numbers-wise, we had 63 complaints in relation to the Electoral Act in the recent 2018 state election. That compares with 68, I think, in 2014. The advertising complaints authorisations size-wise are relatively easy to manage. The misleading one is a challenge because we rely on information provided to us in order to form a view. We do not have investigative powers as such to go out and interview people.

In answer to your question, most of the delays in finalising misleading complaints are associated with various individuals providing information to us. I am not aware of any complaint in relation to the 2018 state election that took an undue amount of time to finalise that was caused on our side. There were a number that took several months to resolve and that is purely because key parties did not get back to us in the required time.

Mr PICTON: I refer to Budget Paper 4, Volume 2, page 45, highlights, conducted during the 2018 election. The Electoral Commission states that Aboriginal voting has increased by 25 per cent. Can you outline what that is attributed to, which polling booths the increase is attributed to and, perhaps on notice, if statistics could be provided with a comparison of polling booth locations and turnout at the last state election?

The Hon. V.A. CHAPMAN: Yes. Under highlights, are we?

Mr PICTON: Yes.

The Hon. V.A. CHAPMAN: There was reference to APY voting, which I know is in here somewhere. Page 46—I knew I had read it somewhere. This is in relation to three electorates for female members of the APY Executive Board, is that what you were referring to?

Mr PICTON: No, I was referring to Aboriginal voting across the board for this election. I understand there was a—

The Hon. V.A. CHAPMAN: I thought I had seen that somewhere. There was APY—

Mr PICTON: I understand there was a concerted effort by the Electoral Commission to try to increase Aboriginal voting and that had succeeded.

The Hon. V.A. CHAPMAN: I cannot find it here, but I am happy to ask the commissioner if he has any data on that. I certainly have a note of the APY voting for the board. I think that was about item 7. Let me see if I have that.

Mr PICTON: I do not think we need it. Essentially, I was just referring to the highlights being that they conducted the election and, as part of that, whether you could outline the statistics in terms of Aboriginal voting.

The Hon. V.A. CHAPMAN: We have not found the reference, but we have found some information that might be of assistance, so I will invite the commissioner to make a contribution.

Mr SHERRY: One of my priorities with the 2018 state election was to make sure all members of the community had the opportunity, first of all, to be enrolled and also to vote. It is common knowledge that Aboriginal people are under-represented on the roll, as well as having low participation rates. In recognition of that, we spent considerable time, in particular in the APY lands, undertaking a number of strategies, which included engaging local community members to be Aboriginal information officers. Part of their role was to encourage people, first of all, to enrol and also to vote. We engaged two former AFL footballers, who are well recognised and resonate within the Aboriginal community, as ambassadors to encourage local community members to enrol and vote. That was an outstanding success.

We also partnered with the Australian Electoral Commission and TAFE SA to do a number of activities to encourage community members to fill out enrolment forms and obviously get on the roll to enable them to vote. Off the top of my head, I cannot remember the exact figures, but certainly enrolment in the APY lands increased in the vicinity of 15 per cent and turnout was about 17 per cent above 2014.

The Hon. V.A. CHAPMAN: The only other information that I can perhaps add is that, in addition to a significant increase in the enrolment percentage, I am advised that polling facilities were open for 57 per cent more hours, that is, 41.5 hours compared with 26.4 hours in the 2014 election, which obviously increased the accessibility for voting. Whether that translated into extra votes, I cannot be clear on, but there was an increase.

The CHAIR: Member for Kurna, last question for this examination.

Mr PICTON: Very quickly connected to that, if the Attorney could take the second part of my question on notice, in terms of what polling booth that was attributed to.

The Hon. V.A. CHAPMAN: How many polling booths?

Mr PICTON: No, which polling booths the increase in Aboriginal voting was attributed to.

The Hon. V.A. CHAPMAN: I am happy to take that on notice. I will get some information. It may have been more than one.

Mr PICTON: Great. Thank you.

The Hon. V.A. CHAPMAN: It is a mobile booth, from memory. The commissioner is happy to answer if the committee is happy to give an extra minute.

Mr SHERRY: I personally went up to the APY lands on two occasions to listen to the community members to get an understanding of how best we could accommodate their needs. The feedback provided to me was to spend longer in the locations than electoral commissions previously had. Taking that on board, we certainly increased the time at locations. For example, previously we might attend a location for three hours; we would then extend that to six hours to give local community members an opportunity to vote. The locations are not fixed as such; we go to the various communities based on numbers.

Mr PICTON: Would you take on notice the question in terms of the stats?

Mr SHERRY: Yes.

The CHAIR: Having reached the allotted time, I declare the examination of the proposed payments for the portfolios the Electoral Commission of South Australia and State Records to be completed. Thank you committee.

Departmental Advisers:

Mr D. Soulio, Commissioner, Consumer and Business Services.

Mr S. Bedford, Senior Regulatory Officer, Consumer and Business Services.

Ms C. Meador, Chief Executive, Attorney-General's Department.

Mr A. Swanson, Chief Financial Officer, Attorney-General's Department.

Mr D. Corcoran, Manager, Financial Services, Attorney-General's Department.

The CHAIR: For the committee's information, the next portfolio to be examined is the Consumer and Business Services and the Independent Gambling Authority. I declare the proposed payments open for examination and refer members to the Agency Statements in Volume 1. While the Attorney is getting settled, I might throw to the member for Elizabeth, who is going to read the omnibus questions.

Mr ODENWALDER: The omnibus questions are:

1. Will the minister provide a detailed breakdown of expenditure on consultants and contractors with a total estimated cost above \$10,000, engaged between 17 March 2018 and 30 June 2018 by all departments and agencies reporting to the minister, listing the name of the consultant, contractor or service supplier, the estimated total cost of the work, the work undertaken and the method of appointment?
2. Will the minister provide a detailed breakdown of the forecast expenditure on consultants and contractors with a total estimated cost above \$10,000 for the 2018-19 financial year to be engaged by all departments and agencies reporting to the minister, listing the name of the consultant, contractor or service supplier, cost, work undertaken and method of appointment?
3. For each department and agency for which the minister has responsibility:
 - (a) How many FTEs were employed to provide communication and promotion activities in 2017-18 and what was their employment expense?
 - (b) How many FTEs are budgeted to provide communication and promotion activities in 2018-19, 2019-20, 2020-21 and 2021-22, and what is their estimated employment expense?
 - (c) The total cost of government-paid advertising, including campaigns, across all mediums in 2017-18 and budgeted cost for 2018-19.
4. For each grant program or fund the minister is responsible for please provide the following information for the 2017-18, 2018-19, 2019-20, 2020-21 and 2021-22 financial years:
 - (a) The name of the program or fund;
 - (b) The purpose of the program or fund;
 - (c) Balance of the grant program or fund;
 - (d) Budgeted (or actual) expenditure from the program or fund;
 - (e) Budgeted (or actual) payments into the program or fund;
 - (f) Carryovers into or from the program or fund;
 - (g) Details, including the value and beneficiary, of any commitments already made to be funded from the program or fund; and
 - (h) Whether the grant was subject to a grant agreement as required by Treasurer's Instructions 15.
5. For the period of 17 March 2018 and 30 June 2018, provide a breakdown of all grants paid by the department/agency that report to the minister, including when the payment was made to the recipient, and when the grant agreement was signed by both parties.
6. For each department and agency reporting to the minister:
 - (a) The total number of FTEs in that department or agency;
 - (b) The number of FTEs by division and/or business unit within the department or agency; and

- (c) The number of FTEs by classification in each division and/or business unit within the department or agency.
7. For each department and agency reporting to the minister, could you detail:
- (a) How much is allocated to be spent on targeted voluntary separation packages in 2018-19?
- (b) How many of the TVSPs are estimated to be funded?
- (c) What is the budget for TVSPs for financial years included in the forward estimates (by year), and how are these packages to be funded?
8. For each department or agency reporting to the minister in 2018-19 please provide the number of public servants broken down into headcount and FTE's that are (1) tenured and (2) on contract and, for each category, provide a breakdown of the number of (1) executives and (2) non-executives.
9. Between 30 June 2017 and 17 March 2018, will the minister list the job title and total employment cost of SA executive positions—(1) which has been abolished and (2) which has been created?
10. Between 17 March 2018 and 30 June 2018, will the minister list the job title and total employment cost of SA executive positions—(1) which has been abolished and (2) which has been created?
11. For each year of the forward estimates, please provide the name and budget for each individual program administered by or on behalf of all departments and agencies reporting to the minister.
12. For each year of the forward estimates, please provide the name and budgeted expenditure across the 2018-19, 2019-20, 2020-21, 2021-22 financial years for each individual investing expenditure project administered by or on behalf of all departments and agencies reporting to the minister.
13. For each department or agency reporting to the minister how many surplus employees are there at 30 June 2018 and for each surplus employee, what is the title or classification of employee and the total cost of the employee?

The CHAIR: I invite the Attorney to make a short statement if she wishes and also to introduce her advisers for this session.

The Hon. V.A. CHAPMAN: Can I very quickly say thank you to the Director of State Records, Mr Simon Froude. He did not attract any questions in today's estimates; nevertheless, he and his division have been very helpful in providing information to my office. I wanted to place that on the record and also thank him for a visit to his premises at Cavan, which was a very interesting inspection and viewing of what they do out there. I thank them for their work.

In relation to Consumer and Business Services, to my left is the Commissioner for Consumer Affairs, Mr Dini Soulio. To my right is the reappearance of my chief executive, Ms Caroline Mealor. To my far left is the ever-effervescent Chief Financial Officer, Mr Andrew Swanson, back and ready to go.

In relation to this area, whilst as a new government we were disappointed that the gambling review undertaken by Mr Tim Anderson QC had been kept under wraps for a long time—in fact, for nearly two years—it was a commitment of the government, and we have since tabled a redacted report and announced our initiative in relation to the consolidation of gaming management and gambling as a direct result of the recommendations of that review. I read in the paper, I think today or yesterday—it blurs into one—a reference to some further work being sought by the police in respect of some extension of their powers.

Had this report been available two years ago or had we been able to view the submission of South Australia Police, that may have been a matter that could have been acted on more quickly. There are a number of other recommendations, including that in this report, which has now been produced and which we have tabled. It is the commitment of the government to review the balance

of those and look at how we might address that, including some aspects in relation to Club One, which were some other strong recommendations. I ask the committee to note that we are not ignoring those. We saw the principal recommendations in relation to the IGA as the priority, and we have acted on it in this budget.

The CHAIR: Questions, member for Elizabeth.

Mr ODENWALDER: Attorney, following an excellent report by the Economic and Finance Committee a while ago, the then attorney-general introduced legislation to regulate the labour hire industry. That commenced on 1 March this year, and enforcement was to commence on 1 September this year. I understand that you now intend to repeal the act that allows this scheme to operate. Can you tell the committee what the rationale is for repealing this legislation?

The Hon. V.A. CHAPMAN: Yes. I think we are at page 44, for the benefit of other committee members.

Mr ODENWALDER: I beg your pardon. Budget Paper 4, Volume 1, page 44.

The Hon. V.A. CHAPMAN: Yes, it is the government's intention to repeal the act. The position of the government has not changed since the issues were raised in opposition when this legislation passed. The act, as it passed, has not been brought into operation at this stage in any event. Although it was a bill that purported to protect vulnerable workers from exploitation, and obviously illegal conduct towards them in relation to their employment, we felt that the regulation that was going to apply was far too broad. Whilst the former government had indicated that they were prepared to look at exemptions, it became very clear that there was only a small area of application that may even need to be captured, if at all.

More importantly, this was legislation that was covered by other areas of law and therefore was a regulatory regime of licensing about which we maintain the view that it has not been necessary. To ensure that there is a complete consideration of the matter, it is proposed that a committee be established and that it will review the current laws and laws that have since been advanced in the commonwealth arena since the debate on this matter.

Unsurprisingly, we have had an enormous amount of response from our announcement positively that their industries will not be caught up in this mountain of red tape in relation to its application. I have met with Mr Szakacs from SA Unions a few times. In any event, I had not heard from him since the change of government in relation to the application of this law or otherwise, but he did write to me and seek an appointment to discuss this matter, and I think I am seeing him either tomorrow or the next day.

Apart from his letter, there has been an overwhelming response to my office indicating relief from those who had been seeking some clarity on the application of this law and who had had some indication from the former attorney-general that exemptions were going to apply but who nevertheless felt that the umbrella or scope of this legislation was unfair. Yes, that is the government's decision, and we will announce the task force-type group that will be charged with making sure that we are up to date, but should any members of the committee become aware of or have reported to them—

Mr ODENWALDER: There is a very good Economic and Finance Committee.

The Hon. V.A. CHAPMAN: —any act of exploitation of employees in the workplace, I would urge them to report the matter. Unfortunately, SafeWork SA is the agency—

Mr ODENWALDER: If only there was a scheme.

The Hon. V.A. CHAPMAN: —for the protection of workplace employees, safety in the workplace, and that is under review at the moment. It has had a few problems, clearly, but nevertheless we hope that it would be up and in order again. However, there are authorities to which to report illegal or exploitative behaviour of any employer, and I would urge members to report it to the appropriate authorities if they felt there were any breach of the law in this regard.

Mr ODENWALDER: Attorney, did you receive any written submissions from anyone following the election suggesting that this scheme should be changed or repealed?

The Hon. V.A. CHAPMAN: Quite a number, and I will ask Mr Soulio to outline the number—

Mr ODENWALDER: Can you provide copies of those submissions to the committee?

The Hon. V.A. CHAPMAN: —and the nature of the submissions, and he can indicate whether or not they are available publicly. I will ask Mr Soulio to answer that.

Mr SOULIO: I understand that a number of representations were made to the Attorney's office, and we will have to take on notice whether they are to be released. I would need the permission of the people who have written them to release them. I will take that on notice.

The Hon. V.A. CHAPMAN: I think that a number of those, if I am right, have been referred on to the commissioner's office for his information because, obviously, there was some regulatory process being reviewed as a result of the legislation that had previously passed, but, yes, certainly there are a number of them.

Mr ODENWALDER: Will Mr Soulio be managing the task force or the committee that is being set up?

The Hon. V.A. CHAPMAN: I certainly hope that he will be on it, but that is yet to be determined.

Mr ODENWALDER: Attorney, did any stakeholders who made submissions meet with members of the Liberal Party before the election or since the election or ever attend a Liberal Party fundraiser?

The Hon. V.A. CHAPMAN: It is a fair way back.

Mr ODENWALDER: You can take it on notice.

The Hon. V.A. CHAPMAN: I am happy to take it on notice. I know I spoke to the bill in the House of Assembly; I can remember that much. I do not think I was in charge of it in committee, but I may have been; there are so many. I am pretty sure I spoke about the proposed penalties, particularly the imposition of imprisonment for up to three years, to which I had a strong objection, as a member of the then House of Assembly. I can recall a number of wine industry personnel met with us. I just cannot remember the name of their organisation.

Mr ODENWALDER: You can take it all on notice, if you like.

The Hon. V.A. CHAPMAN: Yes. These were people who were saying, 'Look, if this is intended to deal with people who are brought in from overseas and who are badly treated or exploited, this is not us. We have a proper process,' etc. I am sure they were putting the same—

Mr ODENWALDER: They policed themselves, in effect.

The Hon. V.A. CHAPMAN: They were putting the same presentations to the then government that this proposed legislation, even its coverage, was just far too great to be justified in establishing a whole licensing structure. If the guilty are out there and allegations are made, they should be brought to account, but the innocent should be relieved of this type of umbrella of suffocating regulatory red tape.

Mr ODENWALDER: Since it came into operation, without the enforcement and to the point you decided or announced that you were going to repeal the scheme, how many businesses sought licences? What is the quantum dollar amount of those businesses seeking licences and will they be reimbursed?

The Hon. V.A. CHAPMAN: I do not know the answer. I am just informed by the commissioner that he does not have the number with him, but he can take it on notice and provide the information to the committee. I hope this is of assistance to the committee: in the time since the legislation passed, post March 17, as Attorney-General I have not received any correspondence of complaint, that I am aware of, in relation to exploitative conduct, instances of which need to be protected.

That does not necessarily mean that people out in the industry or the unions who might be representing some of these people would necessarily write to me as, Attorney-General, but I am just

not aware of any complaint in that arena. I will just check whether the commissioner has received anything along the lines of, 'Can you hurry up with this legislation because XYZ is happening and we need to be able to act on it?'

Mr SOULIO: No, no complaints have come to my office. I assume that, where there are existing concerns, they have gone to the relevant regulatory agencies such as the Fair Work Ombudsman, the tax office or SafeWork SA, etc.

Mr PICTON: I also reference page 44 and the government's new ticket scalping legislation. Can you outline how many FTEs the commissioner will be allocating to enforce the new ticket scalping act?

Mr SOULIO: We are still working through the resourcing in relation to that piece of work. At this stage, one person is assigned to it. They will be working through the implementation of enforcement, and that is largely desk-based, looking at online sales. Subject to how that progresses, I have the flexibility within my investigation and compliance workforce to move resources around depending on priority and need.

Mr PICTON: So this one person will be like the ticket scalping sheriff in town?

Mr SOULIO: Possibly; they will not have a badge and a coat.

Mr PICTON: Will they be actively doing investigations, or will it be passive and waiting for people to complain, and then investigating after that?

Mr SOULIO: We will be working through both proactive and reactive compliance options. We will certainly have someone who is looking at it. When we have looked at this previously, when an event is coming up, we will throw some more resources at that particular event, so we will have one full-time funded person. But, when there is an event coming up, like a major concert or a major final, we throw out some more resources to do some proactive scouring, but we will also then be responding to complaints in relation to ticket scalping opportunities.

We need to rely on members of the public to refer those to us where they find them so that we can then respond and address that conduct. With all our enforcement activity, we look for complaints from the public in a reactive way but also proactive responses where we can identify those breaches.

Mr PICTON: When will that person be starting in that role?

Mr SOULIO: Once the legislation is through, and we have confirmed that the legislation will be through, we will then look to recruit that person.

Mr PICTON: They do not work already within CBS; you would recruit from outside for that position?

Mr SOULIO: We have not worked that through. It may be that one of our current investigators or compliance officers slides across to be responsible for that, and we backfill that position with the funding, or we bring in someone separate to do that. Ideally, we have someone who has that experience within my office to step into that and we backfill them, but I have not finalised the details of it.

Mr PICTON: You do not have a particular target date of when that is likely to occur?

Mr SOULIO: With the vagaries of parliamentary process, I would rather not commit a funding resource until I know that the legislation is going to get through.

Mr ODENWALDER: I apologise for jumping around a little, Attorney. Still on page 44, can I go back to the labour hire scheme. For argument's sake, should the legislation to repeal the scheme not pass this parliament, will you continue to instruct CBS not to enforce those laws?

The Hon. V.A. CHAPMAN: Correct.

Mr ODENWALDER: You are able to do that?

The Hon. V.A. CHAPMAN: Yes.

Mr ODENWALDER: Ad infinitum, those laws will not be enacted, or they will not be enforced, I should say.

The Hon. V.A. CHAPMAN: Yes, my understanding is that that is right. Obviously, the law has to be proclaimed and it has to have regulations to actually be effective. The second part has not occurred.

Mr ODENWALDER: The regulations have not passed; is that what you are saying? The regulations have not been set?

The Hon. V.A. CHAPMAN: As I understand it, the regulations have not even been presented to the parliament at this stage.

The Hon. J.R. Rau interjecting:

The Hon. V.A. CHAPMAN: I do not think so.

The CHAIR: Does the member for Enfield have a question?

The Hon. V.A. CHAPMAN: I think the member for Enfield is inquiring whether the regulations had been tabled—not to my knowledge.

The Hon. J.R. RAU: Yes, through you, Mr Chairman, I have a vague recollection of having seen something about the regulations having been set aside or in some other way amended in the Legislative Council, but I may be wrong about that.

The CHAIR: Was that a statement?

The Hon. V.A. CHAPMAN: We will just make some inquiry about that.

Mr ODENWALDER: In any case, you have the authority to continue to instruct that those laws are not enforced, whether the regs are passed or not?

The Hon. V.A. CHAPMAN: I am advised that the regulations have passed, but there is a motion to disallow them in the Legislative Council.

Mr ODENWALDER: There is a motion sitting on the table.

The Hon. V.A. CHAPMAN: Yes. In relation to the operation of laws, obviously it is up to government, I have learned, to identify what parts of acts are to commence, what are proclaimed when they come through the system of the parliament.

I have certainly been disappointed to note, after becoming the Attorney-General, that a very particular aspect of law relating to the mental capacity of persons under the influence of drugs and alcohol in respect of criminal matters, an amendment of this parliament that had been added to the legislation during the debates, was never proclaimed. That was over a year ago. It is very concerning to me to note that governments would actually act, parliament having made a determination on a matter, to then say of its own volition, 'We are going to ignore that. We are just not going to proclaim a certain section.'

Mr PICTON: Point of order, Mr Chairman: is this relevant to the budget line of CBS?

The Hon. V.A. CHAPMAN: It is relevant to the request put to me about the application of laws, and in particular the labour hire law, in the event that it was not successfully repealed in the parliament. The second area of law brought to my attention before the election was the decision of the government when they had lost the long fight to stop a commissioner for children being appointed. They then decided they would not proclaim—

Mr PICTON: Chairman, this has gone way off track. The Attorney is just trying to suck up time to avoid scrutiny.

The CHAIR: I accept the point of order. Attorney, could you wrap up that answer, please.

The Hon. V.A. CHAPMAN: They will not proclaim the important human rights of—

Mr PICTON: You are defying the Chair now.

The Hon. V.A. CHAPMAN: He said to wrap up.

The CHAIR: Thank you, Attorney. Member for Florey, you have a question.

Ms BEDFORD: Thank you. I refer to Budget Paper 4, program 16, page 44. What role does Consumer and Business Services play in looking into complaints about unreasonable fees for car parking, particularly at places like the Airport and hospitals, where fees are a burden on sick people and families and friends supporting them? I note the government has committed \$70,000, in Budget Paper 2 on page 73, to making hospital car parking more affordable. I am wondering how you are going to allocate that amount of money.

The Hon. V.A. CHAPMAN: I will just find page 73, but in the meantime I will invite the commissioner to indicate if he has any information on complaints about car parking.

Mr SOULIO: Just for the chief finance officer, can you repeat the reference for the \$70,000.

Ms BEDFORD: I am told that it is Budget Paper 2, page 73. Are you not aware of the \$70,000 for hospital car parking?

Mr SOULIO: That is not for Consumer and Business Services.

Ms BEDFORD: The reference is about the fact that I am wondering what Consumer and Business Services does to look into complaints about unreasonable parking fees, and I just added that \$70,000 bit as an aside.

The Hon. V.A. CHAPMAN: Can we just clarify this: the \$70,000 is in relation to an initiative to contribute towards costs of parking—

Ms BEDFORD: At hospitals, which is an acknowledgement that they are obviously too high. That being the subtext of it all, what are you doing overall for the exorbitant prices that people are asked to pay at places like the Airport and other hospitals, particularly the ones I care about. Obviously I care about all of them, but some more than others. I am wondering what you are able to do to help people who are finding car parking fees exorbitant.

The Hon. V.A. CHAPMAN: Firstly, can I invite the member to perhaps raise with the Minister for Health the item in relation to subsidy to car parking.

Ms BEDFORD: I will do tomorrow.

The Hon. V.A. CHAPMAN: I think that may help in answer to that, the reason for that or how that is to apply. In relation to any complaint about car parking, I invite the commissioner to make a contribution.

Mr SOULIO: I can indicate that I am not aware of any complaints to my office in relation to the price of car parking.

Ms BEDFORD: Oh, I think historically there have been plenty. We will have to dig those out for you.

Mr SOULIO: I am happy to. Like I said, I am not—

Ms BEDFORD: The member for Enfield looks like he is going to contribute.

The CHAIR: I think, member for Florey, we will give the opportunity to answer. What Mr Soulio is saying is that his office has not received any complaints.

Mr SOULIO: I am happy to clarify. As I indicated, I am not aware of complaints in relation to the price of car parking, but I know anecdotally that people are concerned. I have had people certainly raise concerns in relation to the prices of general things at the Airport. I do not have any levers as the Commissioner for Consumer Affairs in relation to pricing of those sorts of items. Where there are market forces at play, unfortunately I cannot get involved in those fees.

If there are complaints in relation to the price of parking, as I said, I am not aware of them personally, but certainly I anticipate the response from my office would have been along the lines of, 'We don't control those prices and don't have levers in relation to that to address the price of parking in those sort of environments.'

The CHAIR: Last question, member for Kaurna.

Ms BEDFORD: I had one that followed on from that, which was around aged care. If there are complaints about aged care—

The CHAIR: Okay, member for Florey, you have the call. I will come back to the member for Kaurua.

Ms BEDFORD: I will be very quick. Part of your stated aim is to protect and enhance public trust. I want to know about proactive measures you might be taking to investigate and safeguard vulnerable South Australians from exploitation when they are in for-profit aged-care or nursing homes, given the fact that the federal government accreditation scheme approves nearly every home to 100 per cent when we know that things are not always—

The CHAIR: And the question, member for Florey.

Ms BEDFORD: Is there any mechanism in Business and Consumer Affairs to investigate complaints?

The Hon. J.R. RAU: It is federal.

Ms BEDFORD: I know it is federal, but in the end our South Australian people are in these places waiting for measures to take place that may take two years to take place. If people complain to you, are you going to be able to do anything about it?

The Hon. V.A. CHAPMAN: As the member for Enfield has helpfully assisted the committee, I think everyone has heard that the general complaints process is at a federal level, because that is the regulation. A committee of this parliament recently looked into elder abuse, and I think that covered both home and institutional care. I think it is fair to say that an enormous amount of work needs to be done in relation to elder-care abuse.

A national inquiry is being undertaken at present. Not only are people vulnerable by being frail aged, but they are sometimes vulnerable in their own homes due to financial deprivation by other family members or a spouse, for example. That is probably the most common example I hear about anecdotally as Attorney-General. At the moment, the regulatory process is federal. One only has to read the Oakden report to see some of the limitations or shortcomings in relation to a facility where there were residents with aged and mental health comorbidities.

The member is quite right: it is an important issue, but I think it is appropriate that we look at it as conscientiously as we can. It is certainly on the national agenda of attorneys-general and something the federal government have indicated they are going to prioritise. A royal commission into the institutional care of senior members of our community is being looked at as well, and we will see what falls out from that, but certainly there is some work being done at the moment.

I hope the member will also appreciate that one of the things we have been pushing for is to have the power of attorney law readdressed. The South Australian Law Reform Institute has looked into this, as the member for Enfield would be aware, and we are keen to advance law reforms in that regard as well. It is important that we protect the vulnerable. People in this category have served our country, raised families and contributed to our economy in their lifetime, and they ought to have protection and an opportunity to have the best time of their lives.

Ms BEDFORD: Given that some of them do not have two years of life left—

The CHAIR: Member for Florey—

Ms BEDFORD: —two years might be a long time to wait.

The CHAIR: Member for Florey, supplementary questions are not necessarily part of the format today, but thank you for taking part. The final question for the day goes to the member for Kaurua.

Mr PICTON: Thank you, Chairman. This could be a quick yes or no answer if the Attorney is so minded. I refer to Budget Paper 5, page 17, on the introduction of higher liquor licensing fees. Is the Attorney-General committed to realising all the \$3.2 million in revenue foreshadowed in this measure?

The Hon. V.A. CHAPMAN: The member would be aware that Mr Anderson QC, who undertook the gambling review, also undertook a liquor licensing review. The former government passed legislation to introduce significant amendments, such as streamlining licences, the protection of minors and all those things. This included a very significant change of regime for fees.

We felt, in coming into government, that the proposed annual fee increases across the licensed classes were too oppressive. As such, we settled on a model to introduce the \$3.2 million, which was less than the recommended proposal. I think the regulations in relation to that are going out to consultation shortly. There are some examples that might be helpful—

Mr PICTON: But are you committing to the full \$3.2 million?

The Hon. V.A. CHAPMAN: —in relation to the fees—

Mr PICTON: Yes, are you committed to the full revenue target?

The Hon. V.A. CHAPMAN: If a premises with a hotel has a capacity of up to 200 people and trades up until 2am, it currently pays \$805 in liquor licensing fees. Under the Anderson review, the fee would have increased to \$2,000. Under our proposed fee, it will be \$1,600, which will be a maximum of \$4.38 a day, with further discounts depending on the licence situation applied. A restaurant or cafe currently holding a restaurant licence which is licensed to trade in liquor until 2am and has a capacity of 350 has a current annual fee of \$115. If the premises is located in a regional area, they are entitled to a 25 per cent discount. Under the Anderson review, the fee suggested would be \$1,000; the fee proposed by the government, however—

Mr PICTON: Chairman, point of order: my question was quite specific. I did not ask for an outline of every fee under the proposal; I just asked whether or not she is committed to the \$3.2 million target.

The CHAIR: This is last question of the day. Attorney, could you wrap up your answer, please.

Mr PICTON: Say yes or no and we can be all finished.

The Hon. V.A. CHAPMAN: Yes.

Mr PICTON: Yes? Okay.

The CHAIR: Thank you. There being no further questions, I declare the examination of the proposed payments for the portfolios of Consumer and Business Affairs and the Independent Gambling Authority, and the estimate of payments for the Attorney-General's Department and the Administered Items for the Attorney-General's Department to be completed.

At 16:55 the committee adjourned to Tuesday 25 September 2018 at 09:00.