

HOUSE OF ASSEMBLY
Monday, 23 November 2020
ESTIMATES COMMITTEE A

Chair:

Mr P.A. Treloar

Members:

Hon S.K. Knoll
Mr D.R. Cregan
Dr R.M. Harvey
Ms A. Michaels
Mr C.J. Picton
Mr J.K. Szakacs

The committee met at 13:00

Estimates Vote

COURTS ADMINISTRATION AUTHORITY, \$109,443,000

Minister:

Hon. V.A. Chapman, Deputy Premier, Attorney-General, Minister for Planning and Local Government.

Departmental Advisers:

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

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

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

Ms L. South, Executive Director, Corporate Services, Courts Administration Authority.

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

Ms J. Carney, Chief of Staff, Attorney-General's Department.

The CHAIR: Welcome, everybody, to a reconvened Estimates Committee A. I have a short statement to make at the outset. I remind members that following the adjournment on 18 November, pursuant to standing order 268 I requested the Speaker to vary the sitting schedule in accordance with the statewide lockdown order. The committee resumes today in accordance with the revised schedule issued by the Speaker on 20 November.

I advise members that the following proposed payments the committee was considering on Wednesday 18 November remain postponed until a future date. Those payments are the Department of the Premier and Cabinet, Administered Items for the Department of the Premier and Cabinet and Premier—other items.

I remind members that the estimates committees are a relatively informal procedure and, as such, there is no need to stand to ask or answer questions. I understand the minister and the lead speaker for the opposition have agreed 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 as previously distributed is accurate?

The Hon. V.A. CHAPMAN: Correct.

Mr PICTON: Yes, I believe so.

The CHAIR: Changes to committee membership will be notified as they occur. Members should ensure the Chair is provided with a completed request to be discharged form. If the minister undertakes to supply information at a later date, it must be submitted to the Clerk Assistant via the answers to questions mailbox no later than Friday 5 February 2021.

I propose to allow both the minister and the lead speaker for the opposition to make opening statements of about 10 minutes each 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. Supplementary questions will be the exception rather than the rule. A member not on the committee may also 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. Questions are to be directed to the minister, not the minister's advisers. The minister 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, via the webstream linked to the internet and the Parliament of South Australia video-on-demand broadcast system.

I will now proceed to open the following lines for examination. The portfolio is the Courts Administration Authority and the minister appearing is the Attorney-General. I declare the proposed payments open for examination, and I call on the Attorney to make a statement if she wishes and to introduce her advisers.

The Hon. V.A. CHAPMAN: Good afternoon, Mr Chairman, and members of the committee. May I confirm that joining with me today is the Chief Justice, the Hon. Chris Kourakis. Behind me, now at a safe distance, is Ms Julie-Anne Burgess, the State Courts Administrator. Behind her is Ms Linda South, the Executive Director of Corporate Services. To the administrator's left is Mr Trevor Pearce, the chief financial officer, and behind him is Mr Chris Black, the Business Analyst, Courts Administration Authority.

I will simply make a couple of comments and confirm my appreciation to the Chief Justice and members of the judiciary and staff for their diligent work during the course of the COVID times this year. It has been a difficult year for everyone, inconvenient to many and very distressing for some. The courts are no exception, and the opportunity to have disputes resolved, and determine matters in relation to the criminal area, is pressing, particularly if any of the parties are in custody.

An enormous amount of work has been undertaken by the courts to ensure that justice has continued and that the operation of the courts has been maintained. Although there has been some interruption by the sheer area required for jury trials, I am very pleased to report that there has been excellent attention.

Members might note from material that has been presented in the budget that significant funds have been made available to ensure that AVL opportunities for the courts, Corrections (prisons, in particular), and the police were furnished with funding to facilitate during that time. Apart from those short comments, I invite questions from the committee in due course.

The CHAIR: Thank you, Attorney. Lead speaker for the opposition, the member for Kaurna.

Mr PICTON: Thank you, Chair. I would like to thank the Chief Justice for coming here again, and I welcome the fact that we are here. I appreciate all the hard work of particularly public health officers that means this committee was able to convene, as was requested and planned.

The CHAIR: With the introductions done, I invite questions.

Mr PICTON: I refer to Budget Paper 4, Volume 1, page 139, and specifically questions relating to the fourth dot point, under the heading 'Key agency outputs', regarding fostering an environment where staff can contribute to the effective performance of the courts system.

First, through you, Attorney, I would like to know when or if the Chief Justice, as the head of the Courts Administration Authority, was made aware of issues in terms of bullying, intimidation and serious human resource issues at the Courts Administration Authority, specifically in the Sheriff's Office, as reported by the Statutory Authorities Review Committee in its recently released report, the Inquiry into the State Courts Administration Council Sheriff's Office?

The Hon. V.A. CHAPMAN: I assume that is the report tabled in the Legislative Council on 17 November 2020, and I invite the Chief Justice to comment on that.

Chief Justice KOURAKIS: I first became aware of the matters being investigated by the committee as the investigation progressed. There was one occasion in 2015 when I saw a memorandum concerning disciplinary action that was taken against one particular Sheriff's Officer. That came to my attention because the Sheriff's Officer had written to the Chief Magistrate in the form of a complaint and asked it to be brought before the council.

My assessment of the memorandum and what it said about that Sheriff's Officer was that he had adopted an oppositional and disruptive stance, perhaps because of underlying personality traits. My subsequent review of the matter, for the purposes of the hearing before the committee, served only to confirm that assessment and, in particular, reports, which had been prepared by medical practitioners concerning his condition, spoke of that.

That was the only occasion on which a matter came before council. I was not aware of allegations of widespread bullying or bad behaviour within the workplace until they were disclosed in the course of the committee's hearings. I must say that even now I have not had access to the confidential material that was given to the committee. I invited the committee to provide that to me on the basis that I would not disclose it to management and review it myself for two reasons: firstly, to help the committee evaluate it and, secondly, to inform my work as Chair of the Courts Administration Council in what needed to be done going forward.

The council declined to provide the material to me. I understand that it was given to them confidentially. I do not know whether or not they approached their informants to see if they would consent to it coming to me. But I can say now to those informants that, if they wish to speak to me or make that material available to me, I am more than happy to hear from them directly, as I am as any other Sheriff's Officers, former or serving Sheriff's Officers.

Mr PICTON: Thank you for the answer from the Chief Justice. It seems clear that there were some issues made aware, but the totality of the issues have certainly not been made aware to you. What steps has the Chief Justice taken or ordered to address the issues that have been raised in the report, bearing in mind it has only been released for some days so far?

The Hon. V.A. CHAPMAN: Chief Justice?

Chief Justice KOURAKIS: I started to read the report last week. It is a complex report covering a wide range of matters and this is not the place to go to that detail. Obviously, ahead of this committee meeting, I have over the weekend accelerated my thought process about what needs to be done. I can state this—that I was surprised by the findings and recommendations of the committee but, as I said a moment ago, I have not had access to the confidential submissions.

I can only take the report at face value but, doing that, I have this morning instructed the State Courts Administrator to take immediate steps to do two things; the first is to establish an independent grievance complaints body. It is not intended—and indeed this body could not—to replace the legislated grievance procedures in part 7 of the Public Sector Act, procedures which, I might say, allow for internal and external review before the Employment Tribunal.

What I have in mind will not replace those steps. It will look at complaints about systemic matters within the Sheriff's Office and indeed the Courts Administration Authority, although I have to say that the number of complaints and concerns outside the Sheriff's Office pale into insignificance compared to the issues that arise out of that particular office. What I propose is something that will look systemically throughout the organisation and it will deal with matters that may even be simply matters of perception.

The body will receive confidential complaints, if that is what the employee prefers. It will do more than just take and pass on the statement. We have already had something that does that for some months now and it has received no complaints from anybody—an anonymous service. The body I propose will do more than that. It will have the full cooperation of the senior management of the Courts Administration Authority and will therefore be able to interrogate that management about the matters on which complaints are made, as I said, either anonymously or openly.

That body will be invited to make recommendations directly to the council. The Courts Administration Council comprises the Chief Justice, the Chief Judge and the Chief Magistrate. I do not know precisely what structure it will take. It may be established through the public sector commissioner, if the commissioner thinks that falls within their power and is prepared to do so. It may be necessary for the Courts Administration Authority to engage independent consultants to perform that function—that is number one.

The second thing that will be done is to embark upon a procedure that will again engage independent consultants, the purpose of which will be to provide information sessions to all Sheriff's Officers about the implications of a transfer of their employment to the Department for Correctional Services. I would propose that the officers of the Department for Correctional Services attend those meetings, together with officers of the Courts Administration Authority, and propose to invite the Public Service Association to attend those meetings.

After those general meetings, when the broad implications are discussed, the consultants will make themselves available to discuss how a transfer might affect individual employees, and that again can be done anonymously or openly. After that process has been completed, the independent consultants would organise a survey of all Sheriff's Officers. The precise mechanism—and it is likely to be electronic—will have to be discussed, but it will be such that respondents can answer anonymously or openly as they wish and it will make provision for differentiation between different operations in which Sheriff's Officers are engaged.

If the committee's findings are sound, naturally we would expect a large number of the Sheriff's Officers—indeed, a large majority of them—to elect to move to the Department for Correctional Services. If they do, subject to two matters that I will mention in a moment, I would support their wishes being fulfilled. Whether the Department for Correctional Services decides to offer that employment is, of course, a matter for them, but can I elaborate on the complexities of this because it is no simple matter.

Sheriffs' functions are diverse. A number of Sheriff's Officers are employed in the basement cells of the Sir Samuel Way Building. Their job is to receive prisoners from G4S, a private security contractor that transports them from prisons, hold them in the cells and then take them to courts as they are called on. I have been concerned for some time at the inordinate amount of time that managing largely interpersonal conflicts with that office has taken from senior management of the Courts Administration Authority. It is time that could be spent on improving the delivery of services to ordinary South Australians in accessing our civil courts and in dealing with our criminal courts. Given how I have described it, that is an area that would fit easily within the structure of the Department for Correctional Services.

Indeed, that we have continued to directly employ our Sheriff's Officers in the basement cells is an anomaly. In all Magistrates Courts, a private security contractor manages the cells and takes the prisoners from the cells into the courts. Much of the report deals with the basement cell Sheriff's Officers. They are an anomaly. If they wish to go, to ensure that all similar services are done in a similar way, I would support those basement Sheriff's Officers going to the Department for Correctional Services. What the Department for Correctional Services then does about how it manages them is for it to decide.

If the basement cell Sheriff's Officers decide to stay with the authority, and I hope that they will—if the committee's report is right, they will not—I will do everything I can to ensure that their workplace is one in which respectable behaviours are prevalent and in which their concerns are properly addressed.

The other area of a Sheriff's Officer's function is front of house: checking people as they come into court. The Federal Court employs private security officers to do this. There is no element of core functionality in having Sheriff's Officers do it. I would be very sorry to see many if not all of those Sheriff's Officers leave and go to the Department for Correctional Services. I see them daily as I walk through the courts. I communicate freely with them and they with me, and just today I had a chat with two of them about the findings of the report. But if they do decide to move across to the Department for Correctional Services, I will support that move. If they decide to stay, again I will do everything I can do to assure that their workplace remains a respectful one.

To the reservations, there are Sheriff's Officers whose job it is to take the names and particulars of people appearing in busy courts and give them to clerks, the chamber staff of the presiding judicial officer. There are Sheriff's Officers highly trained and carefully selected who work with juries. The Sheriff's Officers in those areas have to work closely with judicial officers and the staff of judicial officers. It would be very difficult to have lines of management bifurcated for those Sheriff's Officers. I hope that I can give them the assurance that they need to decide to stay with us.

The final matter is the position of the Sheriff itself. Unfortunately, it is lost in the mist of history a little, but the Sheriff is the officer through whom court orders are enforced. If the courts did not have an executive officer at their disposal to enforce their own orders, they would hardly be courts. Sheriff's Officers around the country generally are offices held within the court services department of an office of Attorney-General. The reason for that is clear: the Attorney-General, as first law officer, can be relied on to make the Sheriff available to properly perform the function of enforcing court orders.

I have not known of any area or any jurisdiction in which the Sheriff has been under the control of the Minister for Correctional Services; I would be concerned with that. The budget for the enforcement of largely, we are now talking, civil orders—because the taking in of prisoners to prison is dealt with in the ways I have already discussed—and the position of Sheriff in terms of enforcing civil orders should remain within the Courts Administration Authority. I distinguish that formal position from the employees, and the report deals with their functions, but I draw a distinction between the constitutional office of Sheriff and the different functions that I have referred to. That is the immediate proposal. There will be time, after we ascertain what the Sheriff's Officers actually want, to discuss some of the detail in the report.

The Hon. V.A. CHAPMAN: I thank the Chief Justice for outlining his response identifying both the challenges in relation to the Sheriff's position itself and some of the information that has come in the said report. I advise the committee that, consistent with the obligations, the report has been transferred to my office although, in fact, I was sitting here in this parliament when I had word on 17 November that this report was tabled in the Legislative Council. I have not read the full report myself yet but, similar to the Chief Justice, there are aspects of it which have already been reviewed.

Nevertheless, I will confer with the Chief Justice in relation to the matters he has raised and, doubtless, members of his senior staff, and the Sheriff's Office and the Department for Corrections in relation to this matter. The recommendations require a government response within four months, and I will ensure that that is provided. I have provided a short briefing to the Minister for Corrections so that he is aware of a proposal that suggests he might have an extra area of responsibility, so as a courtesy he has been advised. Otherwise, obviously, the government will provide its response in due course. I do note the matters raised by the Chief Justice as to whether any other alternate agency should have responsibility, particularly in light of the split role of the Sheriff's Office, for both a security and an enforcement role. I thank the Chief Justice for that.

Mr PICTON: Thank you very much, particularly to the Chief Justice, for that fulsome answer. I am glad I asked that question.

Chief Justice KOURAKIS: I think it would have got out anyway.

Mr PICTON: Yes, you were probably expecting that. In terms of what you have announced in relation to the grievance body firstly, do you have a time frame around when you expect that to be established, and how will you make sure that that is truly independent from the Courts Administrator and the Courts Administration Authority?

The Hon. V.A. CHAPMAN: Member for Kaurua, I assume that is not a question that I will answer but that you are asking the Chief Justice to provide that information, so I will refer it to him.

Chief Justice KOURAKIS: I would like the survey completed before the four months is up. If there is going to be a response, I think it should be informed by the wishes of the Sheriff's Officers. There are really two ways in which to ensure its independence. The first is to actually engage independent bodies to do both things, whether it is the public sector commissioner, the Commissioner for Public Sector Employment, or whether it is an independent human resources or psychological organisation-type body. I don't know; it would depend on who is willing to do what. That is the first thing. The second is to have it reporting directly to council.

Mr PICTON: Obviously through the Attorney, in relation to the potential transfer of people to the Department for Correctional Services, would that have to be an all or nothing proposal? Presumably, you could not have some people working for DCS and some people still working for the Sheriff's Office. There would have to be a policy decision overall that you would reach a view after these surveys were conducted. There might even need to be legislation as well, would there not?

The Hon. V.A. CHAPMAN: Member for Kaurua, that will be a matter ultimately for government and/or the parliament if legislation is required, and I think we have heard a fulsome response from the Chief Justice as to some of the diverse duties of the Sheriff's Office. That will be a matter that will be considered by government.

Mr PICTON: I guess what I am asking is whether you could have a situation in which, say at the front desk, you have some people working for DCS and some people working for the Sheriff's Office, or would you have to transfer each individual unit?

The Hon. V.A. CHAPMAN: Again, the structure of how that operates assumes for the moment that there will be a separation of the role between the Sheriff and the security services that are provided by Sheriff's Officers, and they are all matters to be considered. At this stage, I think the Chief Justice has made it very clear he would like to undertake a survey and review the matter comprehensively before he would put any recommendation to me as to what he might ask the government to consider, and obviously we will respect that. There are serious issues that have been raised in this report and, clearly, they need to be addressed one way or the other; accordingly, that will be undertaken.

Mr PICTON: How often was the welfare or issues to do with concerns raised, including bullying of Sheriff's Officers, discussed between the Chief Justice or the Judicial Council and the State Courts Administrator, Julie-Anne Burgess?

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

Chief Justice KOURAKIS: The only matter that came to council since my time was the memo concerning Mr Gillies. I also have regular meetings with Ms Burgess—weekly meetings. I had them just with me and Ms Burgess to start with, but I expanded it to include the Chief Judge and the Chief Magistrate soon after I took office and we meet weekly. In the course of those meetings, particular disciplinary proceedings against particular Sheriff's Officers have been raised. The question of a problem of bullying or harassment was not.

Can I just say that, in my entire time as Chief Justice, neither the Public Service Association nor any occupational health and safety representative has raised, formally with the executive or informally with me, a question of harassment and bullying within the Sheriff's Office. I find that surprising, I have to say. Given what the committee has found, that the Public Service Association either did not know or decided not to raise it with me, is a matter that really does surprise me. I think it is really important that we, in a careful, informed and qualitative as well as quantitative way, ascertain the views of current Sheriff's Officers.

Mr PICTON: Following from this, is the Attorney or the Chief Justice aware of the level of staff turnover in Sheriff's Officers in terms of resignations or dismissals over the past five years.

The Hon. V.A. CHAPMAN: I will start in response to that question. In short, no. Of course, I have been in this job for 2½ of those five years, so I am not familiar with anything before that. To the best of my knowledge, apart from an issue that was raised by the member for Frome in respect to a Sheriff's Office matter, I do not recall any other matters being raised with me.

Chief Justice KOURAKIS: I am not aware of the numbers. Again, in all the disclosed material that I saw I did not see reference to a high turnover, but you have to remember that there are 120 Sheriff's Officers all-up for the last financial year and this financial year just gone. Some of them are permanent, many of them are casual, and so they might be coming or going, leaving or staying for all sorts of reasons.

I forgot to mention, and I think this is really important, that in just this year our human resources department administered a particular test or survey tool developed by La Trobe University called the Participant Hazard and Identification Risk Management Toolkit. The committee was given this, but it is not in the body of its report. Of the 120 Sheriff's Officers, 94 responded.

There were 10 basic concerns, which they identified as being a risk or hazard in the workplace. I have combined some of them but, as you would expect, number one was coping with unhappy people, lack of opportunity for new skills and promotion was another and lack of variety and repetitive work was another. That is just in the nature of the work of Sheriff's Officers, and you can see why those matters would contribute to a stressful workplace in which they work.

Lack of facilities was another, and people getting things done without following all the correct procedures, and the 10th was people not being treated fairly, but that related to the number of hours they were given because they are casual, so it was an extra-hours problem that they had identified. Harassment and bullying in administering this tool, which has been designed to identify risk factors for harassment and bullying, was not on the top 10 list.

Mr PICTON: Thank you, Chief Justice. Through the Attorney, what is the total establishment number of Sheriff's Officers, how many of them have been subject to disciplinary proceedings in the past five years and how many instances of leave have been taken due to stress or mental health issues?

The Hon. V.A. CHAPMAN: Chief Justice?

Chief Justice KOURAKIS: The full complement, as I said a moment ago, as of 30 June 2019 was 120. That is what was funded, but there were actually 114 in place at the time. As of June 2020, it was 122, but the actual FTE was 120.8. The actual number, because there is part-time work, is 150.

Over the last 10 years, there were 11 internal reviews in the Sheriff's Office—requests for internal review of a disciplinary decision—and I do not know what the results were for that. Only three of them sought an external review, which I said earlier may have been in an employment tribunal some years ago; it might have been something else. There were four unfair dismissal applications in the last decade. I will take the rest of the question on notice.

Mr PICTON: They are people who have appealed a disciplinary action, but you are not sure, or you will take on notice, how many disciplinary proceedings there have been or how many people have been on stress or mental health leave.

Chief Justice KOURAKIS: Yes, I will take those on notice. Can I put it this way: of the few matters that were disclosed to me, in terms of disciplinary proceedings and about which complaints of procedural fairness were made, many of them actually admitted the misconduct that was alleged, so those people would not have sought internal or external review, plainly enough. I do not know how many people who did not admit the misconduct then took it up with internal reviews as a proportion of the total number of disciplinary actions. What was disclosed, what I have seen, is not huge. I would think that the number of internal reviews is probably a higher proportion of the number of disciplinary proceedings, but I will have to take that on notice.

Mr PICTON: I refer to the same budget line. Has the State Courts Administrator, Ms Julie-Anne Burgess, previously had her contract extended twice? Was the most recent time to assist with the transition to the new Electronic Court Management System?

Chief Justice KOURAKIS: Yes.

Mr PICTON: Is the current State Courts Administrator contract being timed to end when the new Electronic Court Management System is fully implemented?

Chief Justice KOURAKIS: Yes, it will be shortly after. We expect the criminal component to be implemented September 2020-21, and the contract expires at the beginning of 2023.

Mr PICTON: The start of 2023 is when the contract for the administrator expires?

Chief Justice KOURAKIS: Yes, 8 January 2023.

Mr PICTON: Were there any other factors taken into account in relation to that extension other than the new court system?

Chief Justice KOURAKIS: Do you mean as a reason to extend?

Mr PICTON: Correct.

Chief Justice KOURAKIS: Yes, but only to the extent that Ms Burgess's competence and service were obviously taken into account. We had no difficulty in extending her employment to ensure the full implementation of ECMS, confident in her administration of the authority.

The Hon. V.A. CHAPMAN: For the benefit of the committee, I might just add that the position of the State Courts Administrator is an appointment made by the Governor. I indicate that the Chief Justice's explanations on those questions are within the envelope of his recommendation to me to present that to cabinet.

Mr PICTON: Is it correct that that was recently extended? My understanding is the previous expiry date was January 2021; is that correct? And now it is 2023.

The Hon. V.A. CHAPMAN: The position is that it is due to expire shortly. There has been no extension.

Mr PICTON: I thought the Chief Justice just said that it is now expiring in January 2023.

The Hon. V.A. CHAPMAN: There is a recommendation that has been put to my office for the position to be extended to 2023. It has not yet been presented to cabinet.

Mr PICTON: In your consideration of that recommendation, will you consider the issues raised by the report into the Sheriff's Office?

The Hon. V.A. CHAPMAN: In relation to the current matter, that may well be a consideration for cabinet, but at this stage it is not before cabinet.

Mr PICTON: Specifically, does the State Courts Administrator have responsibility over industrial workplace issues in the Courts Administration Authority?

The Hon. V.A. CHAPMAN: Yes.

Mr PICTON: So presumably that would be a factor in terms of consideration?

The Hon. V.A. CHAPMAN: I think they are all matters that are canvassed in the actual SARC report as to areas of responsibility. There are obviously some recommendations as to who should have responsibility for those matters in the future and some apparent plight to have that brought within the public sector.

It appears from what I have read of the report to date that there is some consideration given to other jurisdictions. It is not clear from the report that I have read so far whether the Sheriff or Sheriff's Officers have actually been asked whether they would like to be moved. In any event, they are all matters that will be looked at, as the Chief Justice has pointed out, from his perspective and also from the government perspective in their response.

Chief Justice KOURAKIS: I can say this: in the material that was disclosed to me, I went through the way in which a number of disciplinary complaints were conducted by the State Courts Administrator or her delegate. I can only speak on the face of the documentation of those disciplinary proceedings.

Save for one matter, which I brought to the attention of the committee and which they have included in their report, there was nothing that would cause me to hesitate renewing Ms Burgess' contract. I carefully went through each of the matters that was disclosed, the open ones and, save for that one matter, I saw no evidence that Ms Burgess had not acted appropriately on the face of that documentation. That one matter would not cause me and does not cause me to hesitate in recommending her reappointment.

I have not seen the material that we have only had a peek into, which the committee has, that there is a really big issue here, which is why I asked the committee to consider disclosing the documents to me. I cannot not employ someone nor can I dismiss someone on material that is anonymous. If the committee thinks that there is a reason in something they have seen which I have not, then it should be formulated as a particular proposition and the material provided to me. But on the material that is publicly available, not secretly given, I would not hesitate and do not hesitate in recommending the reappointment of Ms Burgess.

Mr PICTON: In relation to the Courts Administration Authority and particularly given this report from SARC, there are a number of issues in relation to allegations of workplace bullying, misconduct and cultural issues. I understand there are particular issues raised that these are pronounced in regional courts. In that light, is Mr Brian Morris still engaged by the Courts Administration or the council as a consultant to attend its meetings and provide a non-legal perspective on matters such as governance, finance and management?

The Hon. V.A. CHAPMAN: I just indicate that, apart from the one issue that was raised with me by the member for Frome, I have recently visited some of the regional courts, in particular, to announce at Port Pirie the government's extra security provision, and Port Pirie, Berri, Mount Barker, Murray Bridge and Whyalla are five regional locations of significant upgrade. Whilst I had conversations with a number of security officers, those issues have not been raised directly with me.

I also regularly meet with the Chief Magistrate, who has the responsibility for, in number, most of the courts scattered around the regional areas, some of which host superior court circuit attendances and the like, and it has not been raised by her. Nor have I received anything from my regular meetings with the Chief Justice, the Chief Judge or any other heads of jurisdiction, that are relevant to those matters. Obviously, as Attorney-General, I am also responsible for the South Australian Civil and Administrative Tribunal, which is not within the CAA but which has a role dealing with the public in dispute resolution and also has security matters to consider from time to time. To the best of my knowledge, that has not been a matter that has been raised with my office, but I will invite the Chief Justice if he has heard of any concerns in relation to regional South Australia.

Chief Justice KOURAKIS: Two of the serious disciplinary matters that occupied some of the attention of the committee concerned Sheriff's Officers in Mount Gambier, one of whom drew and posted an appallingly sexually offensive purported parking ticket and placed it on the windscreen wiper of a solicitor employed by the Aboriginal Legal Rights Movement. When he did so, his fellow Sheriff's Officer was seen by that solicitor standing at the court door laughing. The clear inference is that they were both involved in doing that.

The only officer who was disciplined—and I think it might only have been a reprimand—was the one who drew the purported parking ticket and put it on the windscreen. He was very lucky to have simply been reprimanded, and the other Sheriff's Officer was very lucky not to have been disciplined himself. Years later, the Sheriff's Officer who drew this offensive parking ticket and the other Sheriff's Officer fell out, and an accusation was made by the one who put the ticket on the windscreen against the other, and that officer was disciplined and transferred to Mount Barker.

The other regional matter concerned a Sheriff's Officer in Port Pirie who made a complaint against the Senior Sheriff's Officer in Port Augusta about her discriminatory treatment of him. That complaint was dismissed but then a complaint was brought against the Port Pirie officer for deliberately and mischievously making the complaint, and that was found proven.

That is the one matter that concerned me that I mentioned earlier and I have acknowledged to the committee was not appropriate; that is, to bring a disciplinary complaint against someone for bringing a disciplinary complaint is not appropriate, and I acknowledged that. I informed the State Courts Administrator of my view about that as soon as I realised that that was what happened.

To come back to your question, that indicates a real issue about management of sheriffs in regional locations. The problem is that they report to managers, ultimately, in Adelaide because of the small numbers in the regions. I have been wondering about whether we can improve the management of Sheriff's Officers in the regions through the registrar of the courts, who is not in the formal sheriffs' hierarchy but might nonetheless be a circuit-breaker.

To repeat what was said to me by a former regional magistrate—and I will keep his confidence—what happens is that one Sheriff's Officer rings the manager in Adelaide and says, 'He said, she said,' then the other Sheriff's Officer rings the manager in Adelaide and says the converse, and the Sheriff's Officer in Adelaide has to sort it out. That, to me, is an unsatisfactory position and we are all thinking about what we can do to improve it. So that is the question about regional.

I am not sure what Mr Morris's connection with that is but, yes, he is employed as a consultant but his job is to sit with us on council, review all the council documents, interrogate us, challenge us about our approach on certain things and obviously bring his accounting experience to bear.

The Hon. G.G. BROCK: I apologise; I have just got here because we had a death in our family yesterday, so I am sorry I am late. Further to the member for Kaurana's question, with the investigations for supporting claims by sheriffs of bullying to the CAA members, can you tell me how many were done and how many came back in favour of the sheriff who made the bullying claim?

The Hon. V.A. CHAPMAN: Member for Frome, thank you for joining us and I am sorry to hear of your bereavement. The Chief Justice has outlined quite a detailed process about what was in mind in relation to the outstanding claims, as agreed to the committee to provide answers to that on notice. I will just refer to him in case there is anything else in your question in addition to the issues that were previously raised.

Chief Justice KOURAKIS: I will have to take on notice as to the exact numbers. Can I just say that, again on the material that I have seen—the publicly open material—the complaints are more about particular incidents than about general harassment or bullying, but I can get you numbers on particular incidents.

It is the kind of complaint that says, 'I was in this common room. Sheriff's Officer A walked past and pushed me and he was angry at the time.' That was a complaint made by a supervising sheriff or a manager about a Sheriff's Officer, not the other way around. I am struggling to think, on the material that I have seen, whether there was ever an accusation of a manager either pushing or in any other way assaulting or yelling at a sheriff. I might be wrong but I just cannot bring it to mind at the moment.

The sort of complaint that has been made by sheriffs about managers has been more along the lines of unfair treatment—that is, not treating everyone the same, whether it is in terms of working conditions or whether they are allowed to go out for a smoke or not and things of nature. I will get the numbers and respond in writing.

The Hon. G.G. BROCK: I have another question, if I may, Mr Chairman. Are the investigations put out to tender or is it the same firm or person who does all the investigations on behalf of the CAA against any bullying claims?

The Hon. V.A. CHAPMAN: I will just indicate again, member for Frome, that there has been a proposal set out to the committee already, but I will invite the Chief Justice to repeat some of that for your benefit.

Chief Justice KOURAKIS: There is a panel and selections are made from the panel. The numbers vary. There is one particular investigator who has had a significant number more than others, but that would be affected depending on where the investigation is and whether the investigator is prepared to travel there. It depends on their availability. If they are new and they are starting up, they will get more.

Can I say this: again, under the cloak of secrecy, an allegation was made to the committee that there was a special relationship between the State Courts Administrator and one of those investigators. The State Courts Administrator denied that on oath. Nothing was put to her in any sort of particularity to support the allegation and yet the allegation is still published in the committee's

report. It has been denied under oath by the State Courts Administrator and I have not seen anything from the committee that would cause me to doubt her sworn testimony.

Mr PICTON: Further to that, I understand the Chief Justice has said when he was before the committee that extra funding, especially within the regional courts, would assist with altering workplace culture and assist with bullying and harassment issues faced by the authority. Has the administration authority been provided with sufficient resources to tackle the issue of bullying and harassment?

The Hon. V.A. CHAPMAN: I have not read all the transcripts that support the report as a result of the inquiry by the Statutory Authorities Review Committee, but I think I have just comprehensively heard today a suggestion to the committee by the Chief Justice that the level of bullying and harassment that has been referred to therein is not accepted.

That being the case, I would find it unusual to find a statement. I am happy to have a look at the report and you can indicate to me if there is a direct quote that says that to be able to deal with the bullying and harassment cases that apparently are denied, he needs more resources. It seems rather inconsistent to me, but I am happy for you to reference it.

Chief Justice KOURAKIS: Can I just say that I am not denying it; I am just making the obvious point that I have not seen confidential material. The material I have seen is not indicative of that; it is more indicative of particular incidents of disciplinary conduct.

Everyone would like more money to do things better. I would love to have a bundle of money to start retraining that would start with Sheriff's Officers, so that their job and focus is oriented towards, as I said to the committee, being client services officers. For many of them there could be that orientation; it is a bit trickier for those people who have to handle prisoners.

That would be expensive. I do not have the current resources to do it, the Courts Administration Authority does not. I would love to have that to roll out a full training program, and I am sure many departments would. Whether I make a request for that sort of funding will be informed by the discussions with Sheriff's Officers and the survey and what is reported back from the grievance mechanism—which, I hope, will be established very quickly.

Mr PICTON: Thank you. There is clearly no funding in this budget to deal with the training and workplace culture issues that were identified. In terms of the—

The Hon. V.A. CHAPMAN: Can I just respond—

Mr PICTON: Sorry, Attorney; if I can just ask the question—

The Hon. V.A. CHAPMAN: Well, you have made a statement to that effect—

Mr PICTON: No—

The Hon. V.A. CHAPMAN: I just want to be clear; I think the Chief Justice has made it clear that he has not asked for that at this point, but he may indeed do that once he has undertaken his review of the matter. I am not sure how there would be extra funding in for something that has not been asked for.

Mr PICTON: Quite clearly—and I am happy to read the transcript, if you like—the Chief Justice did make comments. However, I am not intending to get into an argument: I am trying to ask a question, Attorney, which is the purpose of this exercise.

Given those issues, there has not been any additional funding—which, I think, is quite clear now. The Chief Justice has raised issues today in terms of setting up a new grievance process, bringing in consultants to undertake a survey. Will they be provided with additional funding from the state government or will the Courts Administration Authority have to find funding for that from within its own resources?

The Hon. V.A. CHAPMAN: At this stage there has not been any request for funding for consultants or otherwise. If you have a look at the annual report of the Courts Administration Authority, you will see that considerable money is spent, as part of their budget each year, for

consultants. There were a number of those in the 2020 report, for example, with nearly a million dollars on recruitment consultancies.

It has a budget for consultancies, depending on what it wants to use it for. I have heard the Chief Justice give an indication of a proposed course of action that he would like to take to review and then consider matters that have been raised before the Statutory Authorities Review Committee, and to consider those recommendations. If I receive something it will, of course, be considered.

The CHAIR: If I can interrupt, we are due to finish this examination at 2 o'clock.

Mr PICTON: Thank you, sir. I am trying to use the time efficiently. Going back to Mr Morris, how was he engaged for his role assisting the council? Was he engaged through an open procurement process or a tender? Is he a consultant? Is he full time? What are his expenses, and where does the money for that come from?

The Hon. V.A. CHAPMAN: I will ask the Chief Justice or one of his advisers to answer that.

Chief Justice KOURAKIS: He receives \$10,000 annually. I asked her—I am not sure whether it was Ms Burgess or Mr Thompson before her—to approach Mr Morris. I knew him because he regularly gives evidence in court in commercial matters, and I valued his intellect and understanding. I thought he would do the job well. It was not an open process. He was approached, and he has served the council very well in what must be six or so years now, maybe more. He has provided great assistance, for \$10,000. He enjoys it.

Mr PICTON: When he sits on the Courts Administration Council meetings, what is his function and role, his purpose, there?

Chief Justice KOURAKIS: He does not vote. As I said earlier, he is there to test our approach, to challenge us, to question us, and to provide his experience from private enterprise and his work as an accountant. Can I just say that Mr Pearce, who is sitting behind me, has now served the Courts Administration Authority for a decade and has been at estimates committee hearings in all that time, and this will be his last one. We had thought that he might get on the tram and go home directly after this, but we are going to need him for a bit longer. I just want to acknowledge his excellent service to the Courts Administration Authority and to this house through his attendance here.

Mr PICTON: I share that acknowledgement, and I am sure he will miss coming to estimates committees in the future.

The CHAIR: Thank you for that, Chief Justice.

The Hon. V.A. CHAPMAN: Given that statement, if there are any last questions you think Mr Pearce might be able to assist the committee, I am sure he would love one last question. No? You are relieved, Mr Pearce, and thank you for your service.

The CHAIR: Thank you, Chief Justice. There being no further questions, I declare the examination of the proposed payments for the Courts Administration Authority complete.

ATTORNEY-GENERAL'S DEPARTMENT, \$182,398,000

ADMINISTERED ITEMS FOR THE ATTORNEY-GENERAL'S DEPARTMENT, \$72,300,000

Minister:

Hon. V.A. Chapman, Deputy Premier, Attorney-General, Minister for Planning and Local Government.

Departmental Advisers:

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

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

Mr A. Kilvert, Executive Director, Policy and Community, Attorney-General's Department.

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

Ms J. Carney, Chief of Staff, Attorney-General's Department.

The CHAIR: The next portfolio to be examined is the Attorney-General's Department and State Records. I declare the proposed payments open for examination. Attorney, do you wish to make a statement?

The Hon. V.A. CHAPMAN: Thank you, Mr Chairman and members of the committee. Can I confirm that the monetary amount you identified is not all for State Records but in fact for the entire Attorney-General's Department. I indicate that joining me today is the Chief Executive of the Attorney-General's Department, Ms Caroline Mealor.

The advisers also available to support the committee information are Mr Andrew Swanson, the Chief Financial Officer—I think he is also in charge of people and performance and has a very long, flash title, but in any event he is in charge of the money; Mr Adam Kilvert, who is the Executive Director of Policy and Community; and Mr Darren Corcoran, who is the Director of Financial Services.

Can I open by again indicating my appreciation to the Attorney-General's Department. There are two outstanding issues for which they need recognition this year; one is the service to the whole of government and the community in respect of the response to COVID-19. Whilst the Attorney-General's Department is an agency that is not required to be available to support other areas of government in a circumstance such as this, it did so willingly and has been of great assistance to other agencies.

Advice on urgent legislation in relation to emergency management in other areas, particularly by the Crown Solicitor's Office and the Solicitor-General's Office, has been immeasurable, together with the support of a number of our other agencies, including Forensic Science and the like, which has had to deal with issues such as autopsies and circumstances where there has been extra call upon our agencies.

The deaths of people in South Australia during this period have needed to be monitored carefully, especially if they may have been a carrier of COVID-19 and/or for example the daily scrutiny in relation to any potential suicide cases that may be identified. This is all extra work that is undertaken by agencies, including the Coroner's Office, to assist in all the different facets that relate to this emergency. Sometimes they go unnoticed, but I place on the record my appreciation to so many of the services within the Attorney-General's Department.

The second area relates to the fact that the Premier has given me the delightful opportunity to be the Minister for Planning and Local Government. That new-found obligation has brought with it a whole lot of new challenges and, most importantly for my chief executive, another 230-odd staff and about another \$290 million, so there is extra work for her as well as the department. Again, I think the department has taken up those challenges in respect of the ministerial responsibility changes under the governance arrangements, and I thank them for that.

The CHAIR: Member for Kaurua, do you wish to make a statement at all?

Mr PICTON: I have no statement, thank you, sir. I refer to Budget Paper 4, Volume 1, page 13, the ministerial office resources. In 2019-20, did the Attorney or her staff use any public resources for the purpose of personal legal matters, as occurred in the previous financial year?

The Hon. V.A. CHAPMAN: I am not exactly sure what you are referring to there. I employ staff in my office, through the ministerial office budget, with total salaries for 2021 of \$2.292 million. That excludes my personal salary. There are 19 full-time equivalents and there are currently 11.5 FTEs employed under the Public Sector Act out of the budget of 13 FTEs, so in fact I have less than a full complement, I suppose.

Nevertheless, in this last financial year I also have an additional four FTEs who have transferred to my office as a result of the Planning in Local Government machinery of government changes I just referred to. I am pleased to say they have been welcomed and are undertaking the

new areas of ministerial responsibility in my office. As part of the restructure in my office, two other personnel, who are non Public Sector Act employees, are undertaking work in relation to those two new areas, that is, local government and planning.

The CHAIR: Before I give you the call, I am going to ask the member for Schubert and the member for Newland to desist from chatting during the committee.

Mr PICTON: Excellent call, Chair. Thank you for restraining them. You did not quite answer the question whether any of those staff have conducted or used any public resources for the purpose of personal legal matters in the past financial—

The Hon. V.A. CHAPMAN: Personal legal matters?

Mr PICTON: Correct, yes.

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

Mr PICTON: As opposed to when you conducted some personal legal matters through your office, as we previously discussed in the last estimates?

The Hon. V.A. CHAPMAN: I do not accept that characterisation of the matters that were raised in the previous estimates, which were as hollow as they are now.

Mr PICTON: It is almost a year and a half since the last estimates hearing. Has the Attorney reconsidered any of her answers to questions on that topic in which she replied, 'Not that I am aware of,' or, 'Not that I recall'?

The Hon. V.A. CHAPMAN: No.

Mr PICTON: I refer to Budget Paper 5, page 22, which is to increase the victims of crime levy from 1 January 2021. In relation to the Victims of Crime Fund, what is the projected balance for each of the years in the forward estimates?

The Hon. V.A. CHAPMAN: To clarify, the proposed increase from 1 January 2021 is 50 per cent. For example, the main VOC levy fee is \$60 currently. That would increase to \$90, but that increase will be at the 10-year anniversary since it was last increased in 2011, when the previous government increased it by 100 per cent. The estimated increase to the revenue of the fund will be \$9.2 million per annum once implemented.

I am advised that for the half year, which will be for 2020-21, there will be an increase of an estimated \$4.2 million, and I will take on notice the periods after that. I do not immediately have that available, but I will just check. The balance of the VOC Fund as at 31 October 2020 was \$158.8 million. By comparison, the balance of the fund as at 30 June 2017, which was when the member for Kaurna's government was governing, was \$270.6 million.

The member might be interested to know that, apart from the \$146.4 million that was set aside from the fund and held in SAicorp to meet our obligations over the next 10 years in relation to the National Redress Scheme—and, quite frankly, I was very proud that our Premier in one of the first acts of government signed up to that—in addition, there has been an increase from \$25.7 million in 2016-17 to \$35 million in 2019-20 for payments that have been made from the VOC Fund.

It seems that I have also been a bit more generous in relation to the compensation payments that have been approved, which have increased from \$13.3 million in 2016-17 to \$19.9 million in 2019-20, and the average compensation has increased from \$12,400 in 2016-17 to \$17,000 in 2019-20. I am not always known for my generosity in lots of things—

Mr PICTON: No.

The Hon. V.A. CHAPMAN: —but it seems in this area I have far outstripped my predecessor in relation to compensation. I remind the member that one of the other important aspects of this fund is to support a number of services that are funded.

To give you an update on the money that is coming out of that fund, \$2,436,819 over two years is to be paid to Relationships Australia SA for the counselling of victims of crime, \$2.01036 million over four years to the Women's Domestic Violence Court Assistance Service (Legal

Services Commission) and \$1.661 million over four years to the 24/7 Domestic Violence Gateway at the SA Housing Trust.

There will be \$954,000 over three years to Yarrow Place Country Response Program under the Women and Children's Health Network, \$375,000 over three years to the Yarrow Place forensic medical services at the Women's and Children's Health Network, \$125,035 to the forensic Victims' Register for the North Adelaide Local Health Network (that is a year's payment), \$125,000 for a year's payment to the Office for Women for the Family Safety Framework and \$8,000 for the Homicide Victim Support Group. It will receive \$9,003, I am advised, in 2020-21, with some carryover.

That gives you some indication of the expansion of and some of the continued services that the Victims of Crime Fund provides for, in addition to direct payments to the victims themselves and ex gratia payments that come before me.

Mr PICTON: I am sure that was the answer to some question, but it was not the answer to the question I asked, which was specifically: what is the projected balance for each of the years in the forward estimates of the fund? You have mentioned \$158 million, but what are the projected estimates over the forward estimates?

The Hon. V.A. CHAPMAN: I do not know whether the member for Kaurana is not listening, but I said right at the beginning that I provided this year's figures and I indicated that I would provide further information. I do not have it here today, but I was hoping this other information would be useful. I will just check with my chief executive in case she has those immediate numbers. No, we do not have them with us today.

The CHAIR: So the Attorney is taking that on notice, member for Kaurana.

Mr PICTON: Thank you. How much was in the Victims of Crime Fund prior to the 2019-20 budget when you slashed \$1.2 million per annum from the Victim Support Service?

The Hon. V.A. CHAPMAN: I am sorry, what date are you asking for a balance?

Mr PICTON: Prior to the 2019-20 budget.

The Hon. V.A. CHAPMAN: So prior to the budget delivery for this 2020-21 year?

Mr PICTON: The previous year, when you slashed \$1.2 million per annum from the Victim Support Service.

The Hon. V.A. CHAPMAN: So we are back in June 2019; is that what we are talking about?

Mr PICTON: Correct.

The Hon. V.A. CHAPMAN: I will have to take that on notice.

Mr PICTON: How much was in the fund when you again slashed funding from the Victim Support Service this year?

The Hon. V.A. CHAPMAN: I thought I had provided it as at 31 October 2020. I think the balance as at 30 June 2020, if it is not directly in the full budget—I do not have that information before me. I think I have just provided you with October 2020, but if you want a date as at 30 June 2020, I will need to take that on notice. It may be somewhere else in the budget but I am not sure.

Mr PICTON: In your very long statement earlier, you mentioned \$2.4 million is being provided to Relationships Australia. Is it correct that that is a significant reduction compared to the support that was previously given to the Victim Support Service?

The Hon. V.A. CHAPMAN: The Victim Support Service, as the member would well know—I think we canvassed this last year—was providing other services for the funding it received. Counselling was then put out to tender and we went through that, and the other services have been accommodated in the Commissioner for Victims' Rights office, and she has been given extra funding to accommodate those services.

Mr PICTON: How much extra money has she been provided?

The Hon. V.A. CHAPMAN: I will take the detail of that on notice. Specifically, there was \$250,000 to deal with the extra services. Some of that included, from memory, assistance with the preparation of victim impact statements, which was a service that was from time to time offered by the Victim Support Service. The Commissioner for Victims' Rights has advised the government—and I know I have reported it to the parliament before but I am happy to report it to this committee as well—that there was significant overlap of services provided.

She has undertaken to look at that but is yet to give a final report on how that should be restructured. Instead, what has occurred to date is that Relationships Australia SA has provided its service in relation to counselling, including across regional parts of South Australia. Just as an update, there are nine physical locations: Adelaide, Hindmarsh, Port Adelaide, Marion, Salisbury, Elizabeth, St Agnes, Berri and the newly opened office in Mount Gambier. A tenth physical location will be established in Port Augusta next month.

This is an organisation that has been providing services for 70 years. It also has an outreach visiting service provided at Gawler, Noarlunga, Clare, Loxton, Baramba, Murray Bridge, Mount Barker, Port Augusta and Ceduna. The other services are currently in-house. She has rewritten a lot of material that is available for public education purposes, and I have seen some material which is excellent, and I invite members of the committee to review the online material available in that regard.

Another thing that has been sought is for another agency, Crime Stoppers SA, which is about to receive a significant amount of extra money. Crime Stoppers SA will receive \$200,000 indexed annually to assist in improving safety and will include, in particular, methods to stop rural criminal activity. That has been announced in this year's budget and I am very pleased that that has been done.

As the member would know, Crime Stoppers is a longstanding not-for-profit organisation, which obviously supports crime fighting. It is not only a crime-fighting charity but it also helps police achieve cold case breakthroughs from time to time in high-profile cases. It is dedicated to assisting SAPOL in that regard. From memory, the call service is within SAPOL for Crime Stoppers.

I have had a number of meetings with representatives of this organisation, and it is the government's view that they provide a valuable service and their funding has therefore been extended in this year. As I say, in particular the rural criminal activity is a matter that needs some attention. In fact, just recently it was brought to my attention by the Outback Communities Authority—

Mr PICTON: Point of order, Mr Chair. I have been very patient. The Attorney was wrapping up, but she has gone way, way off the topic, which was asking about the Victims of Crime commissioner and the support being provided to her.

The CHAIR: I understand that, member for Kaurna.

The Hon. V.A. CHAPMAN: It also pays for her office.

The CHAIR: I would remind all members that when questions are asked, the minister is able to answer in the way they see fit. I am sure you will come back to the question, member for Kaurna.

Mr PICTON: Yes, thank you. From what you have said, \$2.4 million has been given to Relationships Australia, and an extra \$250,000 has been given to the Commissioner for Victims' Rights. How does that compare to what has previously been given to the Victim Support Service? What was the total amount of money that was being given to the Victim Support Service?

The Hon. V.A. CHAPMAN: I will have to go back to last year. The Victim Support Service funding amount for 2019-20 was \$2.28 million. That was in last year's budget.

Mr PICTON: So there is an overall cut. Given the extra funding that you are receiving in relation to the victims of crime levy, will you reinstate funding to the Women's Domestic Violence Court Assistance Service?

The Hon. V.A. CHAPMAN: That has already been provided to the Legal Services Commission, and it was in the list I just read out to you.

Mr PICTON: Do you have any data—

The Hon. V.A. CHAPMAN: The service continues. It is being operated by the Legal Services Commission. One of the things that became evident in relation to that service is that that Victim Support Service, which is not a legal service, actually had a contract to provide the legal support service. In fact, I remember reading the contract when in opposition. It was actually on a social work contract. I am not quite sure how that worked but, in any event, I remember raising it with the former Attorney-General. When we came into office, that was a matter that was put out to tender.

From memory, I was advised after the tender process that the Legal Services Commission was the recommended body, but one of the other bodies, for example, was JusticeNet, which put in a proposal. I can't remember any others at the moment but, in any event, entities providing a legal service tendered for it and the Legal Services Commission was successful and is currently providing an excellent service.

The CHAIR: Before I go to the member for Kaurua, the Attorney may have extra information for that answer, or not?

The Hon. V.A. CHAPMAN: I do not think there is anything else that could really assist. I think I have covered all the matters that would be helpful to the committee.

Mr PICTON: How much money is being provided to the Legal Services Commission to run the Women's Domestic Violence Court Assistance Service per annum compared to what that program was previously receiving?

The Hon. V.A. CHAPMAN: I will just pull that up again: it is \$2,081,036 over four years.

Mr PICTON: Is that more or less than what was previously being funded?

The Hon. V.A. CHAPMAN: I would have to take that on notice, but I think it is the same. I am advised that, due to the ability of the Legal Services Commission to deliver a more efficient service, there are savings of over \$150,000.

Mr PICTON: There you go.

The Hon. V.A. CHAPMAN: It was made in 2019-20, with savings increasing to \$205,000 annually from 2020-21. It shows what can be done when you put something out to tender with someone who has a service, bearing in mind, for the Legal Services Commission, as perhaps other parties might have been able to put, this is their core business. It is unsurprising to me that they can provide a more efficient service. That is not to say that the former service at VSS was a bad service in any way, but they are not legal advisers.

Mr PICTON: Do you have any data to demonstrate the success of the Women's Domestic Violence Court Assistance Service since you transferred it with less funding to the Legal Services Commission than under its previous incarnation? More specifically, is it run better or worse since you have put in a new provider with less funding?

The Hon. V.A. CHAPMAN: I have regular meetings with Gabrielle Canny and Mr Jason Karas, who is the new Chair of the Legal Services Commission. Most of his are online from Hong Kong, no doubt because of his international work and COVID. The information I have about the service, since it has been undertaken by Legal Services Commission, is that between 1 July 2019 to 30 June 2020—the former full financial year—the service provided a total of 1,201 service activities to 845 clients, including 318 provisions of information and/or referrals, 630 provisions of legal advice and/or minor assistance, 69 duty lawyer attendances and 184 legal representations. I am not sure I can give any comparison to the VSS because, bear in mind, they did not have the lawyers for legal representation. So it seems as though the Legal Services Commission for less money are doing more.

Mr PICTON: Is there any unmet need for the Women's Domestic Violence Court Assistance Service now that it is being provided by the Legal Services Commission with less funding?

The Hon. V.A. CHAPMAN: Not that I have been advised. I have not had any request from the Legal Services Commission. They have undertaken a number of extra roles. More recently, for example, they had some commonwealth funding to provide a service for bushfire victims in the Yorke Peninsula, Kangaroo Island, Adelaide Hills regions. They do take up the opportunity to provide

services when required. I meet with Ms Canny probably once a month, I think, and to date I have not had any indications from her that there is some requirement for extra funding for that service. It seems to be going very well, on the information that she has provided to me. Obviously, it is an important service, and that is why our government has continued it. I am very pleased the Legal Services Commission is operating it.

Mr PICTON: How do you respond to comments from former Attorney-General Chris Sumner, and I quote:

The fund is being used improperly and not in accordance with the purposes determined by Parliament...

The levy is no longer a levy imposed for the specific defined purpose of providing compensation and other assistance to victims of crime...

The Hon. V.A. CHAPMAN: I do not agree with it, but I have also had a meeting with Mr Sumner and invited him to, if he wishes, review the Auditor-General's Report.

Mr PICTON: The Law Society has issued public comments in relation to the 50 per cent increase to the victims of crime levy, and I quote:

...the Society maintains that there is scope to increase payments to eligible victims of crime claimants while still preserving the Fund.

In relation to that, the government says that the levy has not been increased since 2011. Therefore, will there be an immediate increase of payments to victims of crime?

The Hon. V.A. CHAPMAN: That is already happening. I think I have made that very clear. There is a very significant reduction in the account, so that is precisely what we are doing. I make no apology for the fact that we will require criminals to pay this levy into the fund, that after 10 years will increase by 50 per cent, at such modest amounts that are paid, to make that contribution.

I think I have outlined that there are very substantial benefits that come from this fund every year to meet the operations of the Commissioner for Victims' Rights and her division; secondly, to provide all those services that I have listed; and, thirdly, to provide for compensation and ex gratia payments. I am very proud that our government has made a commitment to that in addition to setting aside \$146.4 million to ensure that victims of institutional child sexual abuse are able to recover funds.

In relation to that, I should point out to the committee that for South Australia the anticipated cost of participating in the scheme includes \$9.8 million to deal with 114 accepted redress offers. I might point out, this is the scheme that the previous government refused to sign up to. In addition to payments for counselling and psychological care, the average payment to date is \$86,267.98. Across Australia, there have been 7,000 applications, with average redress payments of \$81,796. The extra payment in addition to the average of \$86,267.98 has been an average payment for counselling and psychological care, being \$4,210.11.

I point out that from time to time as Attorney-General I am asked to approve whether a victim or a claimant under that scheme should be able to receive a redress payment, notwithstanding that they may have committed criminal offences themselves and may or may not be in gaol. From time to time, the state Attorneys-General around Australia who have signed up to this scheme need to consider that.

I think probably I have had perhaps 10 or 12 of those applications. There is one I just received this morning, and as Attorney-General I am asked to consider whether they should receive that, notwithstanding that they have gone on in their life to commit offences themselves. As one might expect, quite often they are very serious offences and so there have been some that I have rejected. That can be ignored by the commonwealth when they make the application.

There are a couple of those cases where I have considered it not appropriate for the person to be given a redress payment because the nature of the crimes they have subsequently committed are so heinous that that would be inconsistent with public acceptance, but nevertheless the commonwealth felt that they should at least have some consideration. I am not the ultimate arbiter of that, but I do have an opportunity to make a contribution on behalf of South Australia.

Mr PICTON: How do you respond to comments from the former Attorney-General Chris Sumner, and I quote, 'The levy is a tax by another name,' and:

The Marshall Liberal Government has taken this to a new level. Not only is all the Fund not being spent on victims of crime but funding to victims has been cut.

The Hon. V.A. CHAPMAN: I will take that as a comment. As I say, I have had a meeting with Mr Sumner and obviously we have different views.

Mr PICTON: How do you regard this 50 per cent—

The Hon. V.A. CHAPMAN: I notice that he did not make those statements over the many years of the Labor administration, including his own, when the old Criminal Injuries Compensation Act applied. I remember that there was up to \$1,000. In fact, I recall one case where I sought an application for a woman who was raped multiple times and the maximum was \$1,000 under the old Criminal Injuries Compensation Act. All through the 1980s, when he was the Attorney-General and during the subsequent 16 years of the Labor government in this century, I do not recall that statement being made.

I probably made a few comments about it against the former government because I felt that there had been an inadequate level of payment. Attorney-General Atkinson seemed to ignore that, but Attorney-General Rau did eventually increase the maximum entitlement to a \$100,000 payment. When I say he did, the parliament did, of course, but he brought it to the parliament. Unfortunately, he introduced a formula that is so convoluted that very few people get more than between \$10,000 and \$20,000.

Nevertheless, there was a doubling of the maximum available, clearly for the most serious offences, under that redress scheme. For the benefit of newer members of the committee, that is designed to be a fund of last resort. Nevertheless, it is often the only moneys available, as frequently those who commit crimes are of no means; they are men or women of straw. Therefore, we have this public fund to call upon to give some redress in a circumstance where they have had physical injuries. It is not a property damage fund.

Mr PICTON: How do you view this budget measure of a 50 per cent increase in the levy as consistent with the government's supposed commitment to reducing cost-of-living pressures?

The Hon. V.A. CHAPMAN: As I have said, I am not at all apologetic about the obligation for criminals to make this contribution.

Mr PICTON: They are all criminals?

The Hon. V.A. CHAPMAN: It is the criminals who pay the levy once they are convicted.

Mr PICTON: Or pay a fine or an expiation.

The Hon. V.A. CHAPMAN: My understanding is—and I think this is still the case—that the order of obligation to meet costs and fines and levies is that the compensation to the direct victim, if there is a court order to that effect, is the first charge, then I think the levy and then I think, thirdly, the fine, if there is a fine to apply, and then court costs. There may then be some other costs that a court will order, but largely the victim directly affected with the particular crime, if the judge or magistrate determines that there ought to be a specific order for compensation, can make that order. That is the first charge in order of obligation.

I recall that this was something I discussed with the fines and enforcement unit—whatever it is called; Mr Ovenstone is in charge of it—which is now a fines recovery unit plus an enforcement agency for a number of government departments, so it has had an expanded role. He was explaining to me about the order of obligation in that regard. So they can pay—tough!

Mr PICTON: The budget papers mention that the first full-year increase of this is going to deliver a \$9.174 million increase to the fund. What is the total amount in 2021-22 that will be received in terms of the fund?

The Hon. V.A. CHAPMAN: I think I gave you for the half year.

Mr PICTON: Presumably a 50 per cent increase would be, testing my maths, in the order of \$27 million.

The Hon. V.A. CHAPMAN: Yes, but I think for the balance of the year, if it increases from 1 January—

Mr PICTON: Not the balance.

The Hon. V.A. CHAPMAN: —it would be \$4.2 million and a full year is to be \$9.2 million per annum, once implemented.

Mr PICTON: Yes, but how much in total will be collected?

The Hon. V.A. CHAPMAN: In total? That would be \$33,575,000 for the 2020-21 year, so that has a half year with the increase in it, then 2021-22, which will be the first full year, is \$40,556,000.

Mr PICTON: How much was collected, estimated, in 2019-20, before the increase?

The Hon. V.A. CHAPMAN: \$25,516,000.

Mr PICTON: Out of that funding, either for \$25 million, if that is easier, or the \$40 million for the future year, how much is collected by way of expiations and how much is collected by way of payments through courts after convictions, etc?

The Hon. V.A. CHAPMAN: I will take that on notice. I do not have that information before me.

Mr PICTON: There is no breakdown in terms of that?

The Hon. V.A. CHAPMAN: I do not know, but I will take it on notice. If it is available, there is no reason why the committee cannot have it that I am aware of. My chief executive is nodding.

Mr PICTON: I presume a very significant amount of it is paid by expiations. You are saying that this is only paid by—

The Hon. V.A. CHAPMAN: I do not know the answer to that. I know that we are increasing the levy. We have also—as we have already indicated previously, though not necessarily in this committee, so I will just repeat it for this purpose—proposed to remove the obligation for children to pay the victims of crime levy for several years now on a recommendation of former Judge Nyland when she undertook her institutional child sexual abuse inquiry. She recommended that there be at least a discretion of the courts not to impose a victims of crime levy. I do not think that since that time there has been a lot of revenue received from it, but we are proposing to abolish it.

Mr PICTON: You referenced earlier that criminals pay this. I presume you do not regard everybody who pays an expiation, particularly for road traffic issues, as a criminal, do you? That would be a very large percentage of the South Australian population.

The Hon. V.A. CHAPMAN: I use that in a general way.

Mr PICTON: The Law Society issued a statement in relation to the changes to the levy and the 50 per cent increase. They noted that the fund generated \$46 million during 2019-20, which is different from the \$25 million figure you provided, so I guess I would question that. It had total expenses—

The Hon. V.A. CHAPMAN: Perhaps it could be why there is such a diminishing balance, that I keep spending more than is coming in.

Mr PICTON: Well, the figures they had said you generated \$46 million but you only spent \$35 million, so this delivered a surplus of \$11 million. Therefore, will increasing the levy not—

The Hon. V.A. CHAPMAN: Before you go on, member for Kaurua, I might just stop you there. What you asked me was the revenue from the victims of crime levy. There are other recoveries, confiscations, interest and appropriation that go into the fund—I assume that is from the state Treasury—which total up to the \$46.6 million that I think the Law Society is referring to.

Mr PICTON: They were pointing to that figure of \$46 million, saying that the expenses were only \$35 million and that there was a surplus of around \$11 million. Won't increasing that by another \$11 million just double the surplus but deliver no extra benefits to victims than what is already being provided?

The Hon. V.A. CHAPMAN: I think the member extrapolating the experience in the 2019-20 year as being evident of all years would be a mistake, particularly as we have had significant reduction in court work and other factors that would affect that. For example, I suppose it is hard to say but 2019-20 was quite a significant year of recoveries and confiscations, with over \$5 million. The 2020-21 year is expected to drop down to \$3.9 million. Interest was \$6.9 million, close to \$7 million, and for 2020-21 it is proposed to be \$4.5 million. There is a similar amount of appropriation increasing slightly in those years, so I think to take the 2019-20 year as significantly applicable to the usual years would be a mistake.

Mr PICTON: As I understand it, the maximum criminal injury compensation payment was doubled from \$50,000 to \$100,000 under the previous Labor government.

The Hon. V.A. CHAPMAN: Yes.

Mr PICTON: Are you going to increase that further?

The Hon. V.A. CHAPMAN: There is no plan to do that. I think it is worth having a look at the formula that ultimately was implemented under that expansion because, in general, if I can put this as best as I see it, it moved from a maximum entitlement of \$50,000 in a claim to \$100,000, but it is a lot harder to get it. It was a bit like giving with one hand and taking a bit away with the other.

That still troubles me, but it is a matter I will have a look at in due course. It just seems to me, from the regular reports I get on what money is available in relation to these claims, that it is very difficult to be able to get a full amount, up to the \$100,000. I think that is a matter worth looking at, particularly in circumstances where there is really no other chance of recovery.

Another thing we have looked at, and I am not sure where it has progressed at this point, is to ensure that we do not automatically seek recovery. The current scheme, if I can just explain it, has an expectation that the offender can be obliged to contribute all or part of that money back into the fund. That is, the victim gets paid the money but there is a capacity for it to be recovered from the offender. Frankly, that does not happen a lot because, very often, if people have committed a crime they are in custody or they do not have much income or they do not have any assets to seek; that is not always available.

However, under consideration is the question about whether we do that in a circumstance where it might put the victim at risk; namely, it may enrage the offender that the victim has made a claim, and that could cause other problems. We are looking at how we can best protect a victim in those circumstances. For example, a person in a partnership—maybe a husband or a de facto partner—who assaults somebody and is in custody as a result does not have much income, and they get served with a notice of the claim. That just creates another factor that really causes more difficulty. So it is some relief in that regard.

Here we are; my ever efficient chief executive has pointed out to me the Victims of Crime (Offender Service and Joinder) Amendment Bill 2019 in which are those amendments to the Victims of Crime Act 2001 to remove the requirement in section 18 for the victim to serve a copy of the application for compensation on the offender:

This ensures that all communications with the offender occur after compensation has been paid and the matter finalised with the victim and will come directly from the Crown Solicitor's Office. The victim will have no need to make any kind of contact with the offender, reducing the risk of triggering renewed violence.

That has comprehensively set out what I was trying to say.

Mr PICTON: If you were talking to a victim who was looking at this increase of 50 per cent in the levy being collected by government, and they were saying, 'Well, why would you not increase the maximum amount payable by 50 per cent?', you would say, 'That is not under consideration at this time.'

The Hon. V.A. CHAPMAN: No, I would say, if I were asked about that matter, that, for the reasons I have outlined in the last 15 or 20 minutes, the fund is being drawn upon for valuable services increasing; secondly, for increased compensation payments; and, thirdly, for the provision of services and support to the redress scheme. I am proud of it, and I think that is beneficial for them. To try to extrapolate last year's income versus distribution as being effective, or in any way related to every year, is not something that provides any reliable outcome.

Mr PICTON: What is the projected surplus or deficit for the fund for this financial year?

The Hon. V.A. CHAPMAN: This year, I understand the estimate is, in round figures, \$20 million, but we still need to do an update, apparently, of the VOC levy, which I previously indicated to you is expected to recover 33.579. I have no idea yet what the confiscations will be, but there is an estimate here of 3.9. I am told they have yet to be reviewed.

Mr PICTON: So for 2020-21 the estimate is a surplus of \$20 million; is that correct?

The Hon. V.A. CHAPMAN: I am just indicating to you that is what is recorded there at present, but there are two of those components that need to be reviewed by Treasury.

Mr PICTON: So it might be slightly less than that, or more, or—

The Hon. V.A. CHAPMAN: I do not know.

Mr PICTON: Do you have an estimate for any future years?

The Hon. V.A. CHAPMAN: I will try to do the calculations on each of these but can I just indicate that I will take that on notice and provide for what future years we have.

Mr PICTON: Whose suggestion was it to increase the levy by 50 per cent?

The Hon. V.A. CHAPMAN: We review levies, fines and those matters from time to time. I cannot recall specifically, but that was one aspect that had not been reviewed. If it was introduced to be an increase next year, it would be 10 years since it had last been reviewed.

Mr PICTON: But was it your suggestion, or Treasury?

The Hon. V.A. CHAPMAN: I cannot recall but I will make some inquiry if it is able to be located. It was certainly put to me at the time as being an opportunity to be reviewed on the basis that it had not been since 2011.

Mr PICTON: And who put that to you?

The Hon. V.A. CHAPMAN: As I just said, I do not recall.

Mr PICTON: Did you make any commensurate requests to increase the amount being provided to victims when that was put to you?

The Hon. V.A. CHAPMAN: Well, no, I think I have answered all those questions. We had, after years and years of asking for an increase, a new scale that was introduced by the former Attorney-General so that the maximum allowed was up to \$100,000. I still think the formula of application has some aspects that seem to result in the fact that very few people are actually able to benefit from that increase. Still, on the data that is before me, as a result of this, we end up with a large proportion of all claims being between \$10,000 and \$20,000.

I have not done any forensic assessment of which of those should perhaps have been at a higher level. All I recall is that at the time we debated this, there was much accolade given to the increase to \$100,000 but very little seemed to translate after that into availability for claimants. It is just one of those long to-do list matters to have a look at.

Mr PICTON: You mentioned before, in relation to the women's domestic violence court advocacy scheme, that it was not a provider of legal services. Are you aware that the Victim Support Service had fully qualified lawyers in the women's domestic violence court advocacy scheme?

The Hon. V.A. CHAPMAN: I was, yes.

Mr PICTON: So it was providing legal services?

The Hon. V.A. CHAPMAN: I am just indicating that the Victim Support Service was not a provider of legal services as its core business; it was a counselling and support service, which is what it is there for. As you know, it was established back in 1979. As the former Attorney-General reminded me, he was advocating for this during the 1970s where there had been a development of that. He commended the previous Liberal government—probably an LCL government that far back—for actually introducing a compensation benefit to parties.

That could have been in 1981 but, in any event, from what he told me, it was a matter which he had advocated for. The Tonkin Liberal government actually established the VSS which, as an agency, has operated ever since. It has had a long history and has provided a valuable service to the community as has Relationships SA when the matter went out to tender. Relationships SA has a 70-year history, significantly also in counselling services.

As I have said, the Commissioner for Victims' Rights has undertaken a body of work to make sure that we do reduce the overlap and also ensure that we provide a comprehensive suite of services. One matter which clearly seemed to be inconsistent with the charter of VSS was the provision of legal services. I was aware that at least one lawyer had been employed for the purposes of assisting in that service but this was not a new issue of concern. I had raised it with the former Attorney-General.

There are of course aspects in the provision of a service which get dangerously close to breaching the Legal Practitioners Act if people who are not legally qualified are supporting or providing legal services. But, yes, I was aware that VSS had employed a lawyer—or more than one. I think it was only one but it may have been one full-time equivalent or something of that nature. I am not saying they did not provide a valuable support to people at court, but it was a matter that we felt, quite appropriately, should be the provision and purview of a legal service provider.

Accordingly, a tender went out and the Legal Services Commission was successful. They provide multiple services at multiple court sites. In fact, we have 27 court sites around South Australia and another four that relate to joint police and court facilities in regional South Australia. We have a lot of services that are needed in Adelaide and regional South Australia.

Of course, the Legal Services Commission is a statewide commission. It provides services in regional towns and outreach services and has lawyers who attend individually for hearings, so it was unsurprising really that they were able to provide a comprehensive service, as I have pointed out, even more cheaply with further services with the data that I have outlined. At the moment, it seems we are getting that particular service more comprehensively and for less money.

Mr PICTON: In relation to the Victim Support Service, which obviously lost its contract and less funding is being provided now to Relationships Australia, is it correct that Relationships Australia, as the new provider, had not previously specialised in victims services but it did offer a lower price?

The Hon. V.A. CHAPMAN: The recommendation came to me as a result of a panel that was employed for the purpose of the review of the tender. I will ask the chief executive if she wants to make any contribution about the tender process. I will perhaps ask the chief executive to outline the tender process because she is in charge of those matters. I get the recommendation at the end.

Ms MEALOR: A competitive procurement process was undertaken to identify a service provider to deliver the counselling service. The service of providing the counselling had never been the subject of a tender process and so that was why government made a decision to go to market. As you know, Relationships South Australia won the tender. It has 70 years' experience in therapeutic trauma-informed counselling. As the Attorney already pointed out, obviously the service being provided is at a cheaper cost, which is obviously a good outcome.

Mr PICTON: How many regional offices closed when the Victim Support Service lost that contract?

The Hon. V.A. CHAPMAN: I think I outlined that there had been a delay in the establishment of one at Mount Gambier, which has now opened, and a tenth is on its way to being established at Port Augusta next month. It currently delivers at nine physical locations in Adelaide, Hindmarsh,

Port Adelaide, Marion, Salisbury, Elizabeth, St Agnes, Berri and the newly opened office in Mount Gambier.

The outreach visiting service is provided at Gawler, Noarlunga, Clare, Loxton, Baramba, Murray Bridge, Mount Barker, Port Augusta and Ceduna. I visited the Relationships Australia office to view its online service capability last August and I directly spoke with a counsellor in Berri via videoconference to hear how COVID-19 was impacting the types of matters that were currently coming to the attention of RASA in the regional area.

They have a statewide network of services. I suppose, a bit like the Legal Services Commission, when you have a statewide structure and you are providing services to multiple areas and sites across the state, probably it is a little easier to be able to provide a more comprehensive service and that may well have weighed on the minds of those who make the recommendations on these selections to be able to provide that service. But that is not to diminish what work the VSS have done over the last 40 years in relation to the provision of counselling, and I thank them for their service.

The CHAIR: This is your final question, member for Kaurana.

Mr PICTON: I will have to re-ask it because the Attorney did not answer the question. Exactly which towns lost their Victim Support Service offices? In addition, how many of those regional towns that lost their Victim Support Service office have an in-person service available today, not online, not using outreach or drop-in once a month or something?

The Hon. V.A. CHAPMAN: I will take it on notice. I do not think I can be any more prescriptive as to what was there. I recall at the time that there was not immediately available a provision at Mount Gambier, but that is now there and I am advised it has been operational. That was one that had previously provided a service. The VSS had a person who was there and that is the only one I can recall. The information I have is that it was on its way and it has now happened.

The CHAIR: Having reached 3pm, the allotted time, I declare the examination of the proposed payments for the Attorney-General's Department complete. The committee will reconvene at 3.15pm.

Sitting suspended from 15:00 to 15:15.

ELECTORAL COMMISSION OF SOUTH AUSTRALIA, \$6,901,000

ADMINISTERED ITEMS FOR ELECTORAL COMMISSION OF SOUTH AUSTRALIA, \$490,000

Minister:

Hon. V.A. Chapman, Deputy Premier, Attorney-General, Minister for Planning and Local Government.

Departmental Advisers:

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

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

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

Ms J. Carney, Chief of Staff, Attorney-General's Department.

The CHAIR: The portfolio under examination now is the Electoral Commission of South Australia. I declare the proposed payments open for examination and call on the Attorney to make a statement and introduce her advisers.

The Hon. V.A. CHAPMAN: Thank you, Mr Chairman and members of the committee. Joining me today is the Electoral Commissioner of South Australia, Mr Mick Sherry, to my left. Behind

me, he is ably assisted by Mr David Gully, the Deputy Commissioner—who will be well known, I am sure, to members of the committee—and Mr Ian Clayfield, who is the chief financial officer, otherwise the man with the money. I understand that, apart from some omnibus questions being asked, I have an opportunity to say a few things.

I would like to firstly thank the Electoral Commissioner and his members of staff for the ongoing work that has been undertaken to support parliamentary reform and the continuation of preparations for the next state and local government elections and ongoing interim work, providing services to various entities to conduct their work. I also wish to thank him for the advice that has been received by me in respect of further improvements we might look to support for the next state and local government elections, some of which have been incorporated in the budget, and also reform bills currently before the parliament for both state and local government.

With those few words, I want to thank him for his continued service, especially during the 2020 year, which of course has been problematic with COVID-19. We appreciate that work that has been continued to be undertaken.

The CHAIR: Member for Kaurana, do you wish to make an opening statement?

Mr PICTON: I would like to make a couple of comments. Firstly, we are obviously an interconnected world, and we see what happens in other democracies. I think we have all looked at what is happening in the United States at the moment with a bit of concern in terms of the state of democracy.

There are a number of things that we take for granted here in Australia in acceptance of democratic norms. One of the things that we all really appreciate, even more so now we can see what is going on on the other side of the world, is an independent Electoral Commission and its importance in our democracy—a commission that all sides of politics have confidence in and the community also has confidence in to be independent.

We see what is happening, particularly in the United States, with some very partisan displays of concern around the conduct of elections, and I hope that all of us can continue to have confidence in the great work of our Electoral Commission here at the state level and at the federal level because it provides a robustness to our democracy that we are sadly not seeing in the United States at the moment.

The CHAIR: Thank you, member for Kaurana.

Mr PICTON: I refer to Budget Paper 4, Volume 2, page 12. Specifically, my question relates to the objective for the Electoral Commission that is stated to be, and I quote:

To provide services which enable the fair and independent election of government and governing bodies which helps and encourages the community to participate with confidence and trust in the democratic processes of representation—

as I was just saying. With that in mind, what are the implications for the Electoral Commission in terms of polling locations, staff and other logistics when facing a state election, local elections and possibly even a federal election, all within a 12-month period of time?

The Hon. V.A. CHAPMAN: I thank the member for the question. I think it is fair to say it produces a number of challenges, and I have had discussions on that matter with the Electoral Commissioner. I will ask him to outline to you the obvious ones and also any other aspects he would like to advise the committee about.

Mr SHERRY: Thank you, Attorney, and thank you for those kind words. As most would know, we have always had to do the state and local government in the same year. I have made a number of representations about the challenges of conducting what are largely two significant elections in the same year. It is a massive challenge for us but, nevertheless, while the legislation is that way we will continue to navigate those challenges.

The year 2022—and I should perhaps extend that to perhaps the back end of 2021, which is the earliest possible time the federal election can occur—will result in essentially the South Australian electors having three elections in which they will need to participate. Fortunately, we have a very good relationship with the Australian Electoral Commission, which I work quite closely with.

We are currently coordinating the location of polling places, polling staff and, where appropriate, trying to harmonise our activities to the best use of our resources.

We also have to focus on, in particular, the local government election in November 2022. There will be a real possibility of what we call voter fatigue, that is, electors having to vote in a number of elections in a short period of time. We are very alive to that issue and we will be putting a lot of resources into reminding electors of the importance of continuing to vote in the local government election.

Mr PICTON: How do you manage that in terms of staff? Is there a crossover in terms of staff you might have for the AEC and the South Australian Electoral Commission? Do you potentially put out a joint call for staff? Do you work between each other to make sure there is sufficient staff for that purpose?

The Hon. V.A. CHAPMAN: Can I add one thing before I go back to Mr Sherry. The 2018 local government election report was prepared and tabled late last year. That has a number of recommendations, one of which includes legislative reform to enable elections to be in a different year. At the moment, in 2022 they are going to be in different financial years, but they are going to be six or seven months apart, so it remains problematic if they are in the same calendar year, even if they are in different financial years. For the actual practical implementation of that, I will ask Mr Sherry to provide any further information to the committee.

Mr SHERRY: On the question of the staff, there are probably two categories of staff to be aware of. There are our full-time staff who work currently in our organisation, and we have approximately 28. The AEC, of course, have a large number of staff in their offices across Australia, including the office here in South Australia, so we always exchange these experienced staff to help out with the respective elections, and we really could not run the elections without their assistance.

The next category of staff is our polling officials, and they are the 6,000-odd South Australians we really rely upon to provide a service; albeit they do get paid a humble amount, by and large these people are doing it because it is a community service. They are the same cohort of people who help out with the Australian Electoral Commission during the federal election as well.

The challenge for us, one of which I am very much aware, is that there are subtle differences between the commonwealth legislation and ours. It is incumbent on me in particular to make sure that our polling officials, who might have worked at the federal election just previously, are aware of the changes relevant to our legislation.

The Hon. V.A. CHAPMAN: If I can add to that, Mr Chairman, with the 6,000 casual employees required to conduct the state election every four years that has been identified, who need to be identified, reviewed, selected, assigned a role, etc., thoroughly trained and, of course, eventually paid, it was important that there be a thorough operational review and evaluation after the 2018 state election.

Improvements to modernise were identified, and so there is a budget measure to assist in that, at \$1.97 million, to have an end-to-end online employment system and a new learning and management system for the temporary election workforce, that is, those I have referred to. The employment system is obviously designed to align with the federal commission's employment system to ensure maximum efficiencies between the two commissions when dealing with largely the same workforce.

The learning system will provide online content and reporting to ensure that all staff are appropriately trained in election services. Also, \$590,000 is provided for additional temporary staff for the 2022 election to facilitate increased engagement for Aboriginal electors and additional organisation and supervision of processing centres and other improvements to project manage this major electoral event. An investing expenditure of \$144,000 has also been allocated to upgrade the online election results platform to increase accessibility of comprehensive election results.

Mr PICTON: You mentioned before, Attorney, the local government election and potential recommendations to change the date of that. Is that actively being considered by either the government or the commission in relation to the forthcoming local government elections, or will they definitely be going ahead in 2022?

The Hon. V.A. CHAPMAN: At the moment, we are working through all the recommendations. I just outlined one of those recommendations. I think there are 21 recommendations, so somebody is having a look through all those. My expectation is that we are unlikely to have any reform before, I think, November 2022.

Mr SHERRY: It is my understanding that is correct. It will not be the next election in 2022.

Mr PICTON: I think that we are all hoping that between now and March 2022 we have a vaccine and that we are able to not have COVID-19 restrictions and social distancing in place. However, that is by no means guaranteed, and I would hope that the commission is working on precautions and ways of managing that. Obviously, there have been a number of state and territory elections that have been happening during the pandemic. Through the Attorney to the commissioner, I am wondering whether we can get an outline of what preparations are being put in place for operating an election during a pandemic?

The Hon. V.A. CHAPMAN: Before I invite the commissioner to make further comment, may I say that a number of countries and states have undertaken elections during COVID. In fact, the member for Kaurua has mentioned the United States, although he sees what happened there as some threat to the processes of democratic elections.

I just perhaps remind the committee that we also have an appellate process in South Australia and Australia. We call it the Court of Disputed Returns, which goes to the Supreme Court. However, I think what the member was referring to was the fact that an election has occurred in the United States and that there is no resolution finally of the matter. Mr Biden is the president-elect, to take over on 20 January.

Mr PICTON: Can I just add that I meant in terms of the lack of independence of the electoral process—

The Hon. V.A. CHAPMAN: Mr Chair, could I just clarify this. Each of the laws that applies in the United States is challenged by the fact that there is a diversity of rules, and, of course, they have voluntary voting in the United States. I mention that not to have a dispute with the member for Kaurua, but I think we see a difficulty in elections that occur—even with independent processes—where after election night we still do not know who is forming government, and that is a challenge all around the world.

COVID makes it more difficult, and I would expect the Electoral Commission here in South Australia certainly to take the lead in a number of areas, and advice has been given to us which we have transferred into some initiatives in this budget to modernise election arrangements to try to minimise precisely that problem—that is, ensuring that we have fair elections, that people have the right to a democratic expression of their vote, that valid votes are counted and that we have decisions as promptly as possible.

I use the example of New Zealand, which had an election during the COVID world pandemic, and I am advised that they had some 70 per cent of their voting population present for pre-polling day voting. If it were replicated in South Australia's circumstances, this would itself raise even further challenges. I have spoken to the commissioner about experiences recently in Australia; Queensland and Northern Territory have both been through this difficulty. I am sure he will explain to the committee in more detail how expensive that can be and what an extra challenge it produces.

Mr SHERRY: It is a very relevant question, of course, in this current climate. There is a group called ECANZ, the Electoral Council of Australia and New Zealand. We meet regularly. It is a very collaborative group. We share resources, experiences, etc. It has been mentioned here today that a number of elections have been occurring in New Zealand as well as across Australia, and that is both state and local government. The biggest impact, if you like, is that of the additional cost required to run the election.

The reason for that is that more staff are required, in particular, to maintain social distancing outside a polling place. Just as importantly, extra equipment is required. For example, the plastic screens you might see if you go to Bunnings—you have to have one of those for every issuing point, and when you translate that to the number of polling places, issuing officers, it is a significant cost. Basically, there are lots of extra layers of resources that we need to put across.

Fortunately, all the planning has been done by my counterparts in other jurisdictions. All I can say is that we are very, very lucky not to have had a major election in the current COVID environment. Although I am totally confident we could have conducted one, the additional cost for resources and effort to go in is a lot more substantial than for a traditional state election, for example. All the other commissioners are providing their contingency planning, their business continuity planning, to all of us, for which we are more than grateful. So, let's keep our fingers crossed that the environment is somewhat different as we lead into 2022.

Mr PICTON: Thank you very much, commissioner. Firstly, just to correct the misrepresentation of the Attorney, I am not suggesting anything about results of the election. I am suggesting that, when we look at the United States, there are partisan election officials. Here I am very glad, and I presume the Attorney is as well, that we have a non-partisan Electoral Commission, which provides confidence for all parties and everybody in the community. Further to the answer from the commissioner, has there been any estimate in terms of what the additional cost of running an election would be if it was to occur now in terms of staffing, plexiglass and all the other components?

Mr SHERRY: I have deliberately stayed away from that at this current time. The state election is a big enough beast to worry about, so we are focusing on running it in a non-COVID environment at this point. However, I think in around March next year we will reassess the environment and, if it is likely that we will be operating in another COVID environment, we have a whole lot of contingency planning that we will re-act. These have been largely based upon the lessons of my fellow commissioners, of the cost and what they have put in place. It is fortunate that they have conducted these elections before us because we can utilise all their learnings.

The Hon. V.A. CHAPMAN: If I might add to the committee, consistent with the modernisation of improvements for future major electoral events, I think some of these will assist in the event that we are faced with the challenge of having to conduct an election in March 2022 or, indeed, November 2022 for state and local governments respectively.

Firstly, this budget provides for \$3.7 million over four years—this is extra funds—to undertake three reforms: the electronic roll mark-off in polling booths and pre-poll measures, which hopefully will assist in non-transfer of bugs; the online portal for candidate lodgements—again a measure by which I think it would assist in those circumstances, generally anyway; and the ability to apply for a postal vote over the phone or online, which I think will be valuable here and ultimately for our overseas Australians who are either resident or holidaying, to describe it, somewhere else in the world.

Mr PICTON: Is it the view of the Electoral Commission that there will be at least the same number of polling locations in the 2022 state election as in the 2018 state election?

Mr SHERRY: One of our major projects is the allocation of polling places. We probably spend at least six months looking at demographic voting patterns, availability of polling places and the like. We generally like to look at using the same polling places we have used previously and there are a couple of reasons for that. The electors are basically familiar with where to go and we spend a large amount of our time making sure that polling places are accessible to all electors. A large body of work has already been done anyway.

There are occasions when a particular place may not be available or suitable, for that matter, and we will have to change. Also, it gets back to the same implication of having the federal election around the time. Again, we are trying to harmonise our polling places to make sure that the electors are not confused by one election at a polling place here and then ours, for example, at a different location.

The Hon. V.A. CHAPMAN: If I could also add, the Electoral Districts Boundaries Commission's report was recently published, and that invariably changes some of the boundaries. My understanding is that whilst there are boundary changes, some of the places would still be available. A certain school in Rose Park, if I can use that as an example, at the last election was in the Premier's electorate, previously in mine, and now, under the boundary changes, will be back in my electorate of Bragg. Rose Park will now resume its rightful place in Bragg as a polling booth for

that part of the election. Obviously, there are changes that apply to joint booths that sit on the boundary of some of those changes.

Unfortunately, we have a really important system of electoral boundary redistribution, but it does cause some confusion at times for people who might live in the same street but be going down to the local school or polling booth each election only to find that they have a different candidate from the one they thought they were going to have. But that it is the system that we have. It is a very important part of our system, but it is one that does provide some challenges to the commission.

Mr PICTON: My commiserations to the people of Rose Park. Following on from what the Electoral Commissioner has said in relation to going through this process, will there be an assurance that we are aiming for at least the same number—obviously they might be in different locations and you might need to reallocate them depending upon the federal election process—or more, or would there be, for budgetary reasons or otherwise, a reduction in the number of polling places?

Mr SHERRY: Assuming that there are no budget implications that would cause me to reduce the number of polling places. We need to look at almost two models: the model of the current legislation and the model of any potential new legislation, which of course has no restrictions on early voting. It really is going to depend on what the final outcome of the legislation will be. As far as polling day, which I can talk about now, I do not anticipate significantly reducing the number of polling places that we used during the 2018 state election, if at all.

Mr PICTON: For any that would close, what are the criteria that you would consider in terms of whether or not they would close and what is the process by which you would make that consideration?

Mr SHERRY: The Deputy Electoral Commissioner will no doubt remind me shortly, but I am pretty sure that we did not close too many more in 2018 than we used in 2014. In fact, it is probably just a handful and that is likely because they were not available nor suitable. This is what is really important to understand. The polling place has to be accessible to all electors and if it is not, it is very hard to rent the place.

In the event we cannot use a polling place that we used in 2018, we will notify the electors by placing a sign outside that particular polling place and/or the local newspapers. But, as I said, it is certainly not my intention to reduce the numbers significantly, if at all.

The Hon. V.A. CHAPMAN: If I may just add, Mr Chairman, in relation to the challenge for the commission to keep the geographical locations available for voters, they also have to take into account the much greater demand for in-person, early voting facilities and the associated increase costs of personnel, ballot materials and premises during those periods that that is available.

In the 2014 election, a total of 80,087 votes was issued in early voting centres, representing 7 per cent of enrolled electors. In the 2018 state election, it increased by 50 per cent to 120,468 votes in early voting centres, representing 10 per cent of enrolled electors. One year later, at the 2019 federal election this increased by a further 103 per cent to 244,488 votes in early voting centres; that represented 20 per cent of the enrolled electors. It could be expected that early votes may constitute over 30 per cent of enrolled electors at the 2022 state election. If New Zealand is any example, if we are still in COVID it might be a lot, lot more.

Mr PICTON: I thank the commissioner, and I believe the member for Cheltenham has the unenviable task of reading the omnibus questions.

Mr SZAKACS: Underselling it, member for Kaurua. I read the following omnibus questions into *Hansard*:

1. For each department and agency reporting to the minister:
 - What is the actual FTE count at 30 June 2020 and the projected actual FTE count for each year of the forward estimates?
 - What is the total employment cost for each year of the forward estimates?
 - What is the notional FTE job reduction target that has been agreed with Treasury for each year of the forward estimates?

- Does the agency or department expect to meet the target in each year of the forward estimates?
 - How many TVSPs are estimated to be required to meet FTE reductions over the forward estimates?
2. For each department and agency reporting to the minister:
- How much is budgeted to be spent on goods and services for 2020-21, and for each of the years of the forward estimates period?
 - The top ten providers of goods and services by value to each agency reporting to the minister for 2019-20; and
 - A description of the goods and/or services provided by each of these top ten providers, and the cost to the agency for these goods and/or services.
 - The value of the goods and services that was supplied to the agency by South Australian suppliers.
3. Between 1 July 2019 and 30 June 2020, will the minister list the job title and total employment cost of each position with a total estimated cost of \$100,000 or more which has either: (1) been abolished and (2) which has been created?
4. Will the minister provide a detailed breakdown of expenditure on consultants and contractors above \$10,000 between 1 July 2019 and 30 June 2020 for all departments and agencies reporting to the minister, listing
- the name of the consultant, contractor or service supplier;
 - cost;
 - work undertaken;
 - reason for engaging the contractor; and
 - method of appointment?
5. For each department and agency for which the minister has responsibility:
- How many FTEs were employed to provide communication and promotion activities in 2019-20 and what was their employment expense?
 - How many FTEs are budgeted to provide communication and promotion activities in 2020-21, 2021-22, 2022-23 and 2023-24 and what is their estimated employment expense?
 - The total cost of government-paid advertising, including campaigns, across all mediums in 2019-20 and budgeted cost for 2020-21.
6. For each department and agency reporting to the minister, please provide a full itemised breakdown of attraction and retention allowances as well as non-salary benefits paid to public servants and contracts between 1 July 2019 and 30 June 2020.
7. What is the title and total employment cost of each individual staff member in the minister's office as at 30 June 2020, including all departmental employees seconded to ministerial offices?
8. For each department and agency reporting to the minister, could you detail:
- (a) How much was spent on targeted voluntary separation packages in 2019-20?
 - (b) What department funded these TVSPs? (except for DTF estimates)
 - (c) What number of TVSPs were funded?;

- (d) What is the budget for targeted voluntary separation packages for financial years included in the forward estimates (by year), and how are these packages funded?
- (e) What is the breakdown per agency/branch of targeted voluntary separation packages for financial years included in the forward estimates (by year) by FTEs?
9. For each department and agency reporting to the minister, how many executive terminations have occurred since 1 July 2019 and what is the value of executive termination payments made?
10. For each department and agency reporting to the minister, what new executive appointments have been made since 1 July 2019, and what is the annual salary, and total employment cost for each position?
11. For each department and agency reporting to the minister, how many employees have been declared excess, how long has each employee been declared excess, and what is the salary of each excess employee?
12. In the 2019-20 financial year, for all departments and agencies reporting to the minister, what underspending on operating programs (1) was and (2) was not approved by cabinet for carryover expenditure in 2020-21?
13. In the 2019-20 financial year, for all departments and agencies reporting to the minister, what underspending on investing or capital projects or programs (1) was and (2) was not approved by cabinet for carryover expenditure in 2020-21? How was much sought and how much was approved?
14. For each grant program or fund the minister is responsible for please provide the following information for 2019-20, 2020-21, 2021-22, 2022-23 and 2023-24 financial years:
- (a) 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; and
- (g) Details, including the value and beneficiary, of any commitments already made to be funded from the program or fund.
15. For the period of 1 July 2019 to 30 June 2020, 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.
16. For each year of the forward estimates, please provide the name and budgeted expenditure across the 2020-21, 2021-22, 2022-23 and 2023-24 financial years for each individual investing expenditure project administered by or on behalf of all departments and agencies reporting to the minister.
17. 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.
18. For each department and agency reporting to the minister, what is the total cost of machinery of government changes since 1 July 2019 and please provide a breakdown of those costs?
19. For each department and agency reporting to the minister, what new sections of your department or agency have been established since 1 July 2019 and what is their purpose?

20. For each department and agency reporting to the minister:
- What savings targets have been set for each year of the forward estimates?
 - What measures are you implementing to meet your savings target?
 - What is the estimated FTE impact of these measures?

The Hon. V.A. CHAPMAN: I indicate that I am happy to take all those questions on notice and provide answers to the committee as soon as practicable.

The CHAIR: Thank you, Attorney, that is what we do with omnibus questions. Can I seek some clarification, Attorney, on one of your previous answers. You were talking about postal votes in the coming election and you mentioned phone calls and online registration for postal votes. Did I hear that correctly?

The Hon. V.A. CHAPMAN: Yes. I think that is a matter we have looked at also for the purposes of assisting those overseas. I am sure the commissioner could perhaps give us an indication of the number of votes that would involve, especially if other countries are going to struggle with COVID, even if we are in a manageable situation, and how we might best be able to deal with that. It is something that we have had recent discussions about. Would you like to add to that?

Mr SHERRY: I think there are probably two parts to the question; the first was about applying for a postal vote. We have put a recommendation in our 2018 election report for the ability to do that online. We are the only jurisdiction in Australia that cannot do that, so it is a fairly straightforward recommendation. The other area of concern, which was also made mention of in our election report, is overseas postal votes coming back in time. Page 52 of my report mentioned that only 5.7 per cent of all votes sent overseas came back in time to be included in the count, so it is an area of concern.

The CHAIR: Excellent, thank you. I thank the committee for their indulgence for my clarification. Having reached the allotted time, I declare the examination of the proposed payments for the Electoral Commission of South Australia and the Administered Items for Electoral Commission of South Australia complete.

ATTORNEY-GENERAL'S DEPARTMENT, \$182,398,000

ADMINISTERED ITEMS FOR THE ATTORNEY-GENERAL'S DEPARTMENT, \$72,300,000

Minister:

Hon. V.A. Chapman, Deputy Premier, Attorney-General, Minister for Planning and Local Government.

Departmental Advisers:

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

Mr F. Stroud, Director, Regulation and Advice, Consumer and Business Services.

Mr S. Bedford, Manager, Finance, Consumer and Business Services.

Mr J. Chapman, Small Business Commissioner.

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

Ms J. Carney, Chief of Staff, Attorney-General's Department.

The CHAIR: The portfolio open for examination now is Consumer and Business Services and the Office of the Small Business Commissioner. The minister appearing is the Attorney-General. I advise members that the proposed payments for the Attorney-General's Department remain open for examination. Attorney, you may wish to make a statement and introduce your advisers.

The Hon. V.A. CHAPMAN: Thank you, Mr Chairman and members of the committee. I advise that with me today are the Commissioner for Consumer and Business Services, Mr Dini Soulio, to my left; Mr John Chapman, the Small Business Commissioner, who is seated behind me; Mr Fraser Stroud, the Director, Regulation and Advice; Sean Bedford, Manager, Finance for CBS; and Mr Andrew Swanson, who is the Chief Financial Officer for the AGD, who has previously been part of the committee and who is also the man in charge of the money for the Attorney-General's Department.

Can I just say that if I were to list all the great things that these divisions in Consumer and Business Services and small business have undertaken during this shocker of a year with COVID-19, I would use the whole time. I do not want to do that; obviously, I want to make it available for the committee to ask questions, but please just take how grateful the government is for the work that has been undertaken.

Reflected in this budget is specific funding and initiatives to support the implementation of new programs, including the fuel price transparency scheme, and other digital systems, together with a lot of the relief for fees during COVID, which have affected this year's budget.

With that, can I say a big thank you to these agencies. If I were to give you just one example of how difficult it is to manage a COVID situation it is that suddenly we have health risks to people of a mature age—which, of course, is not you, Chair, but other very old people—who largely populate the valuable services of justices of the peace. The consequence was the closure of the frontline office and the availability of JP services.

That meant a greater reliance on the offices of members of parliament and other services at local councils. They closed, and this became an issue we had to deal with legislatively. This is just a practical consequence of the myriad things dealt with by these agencies, and I place on the record the government's appreciation for the same.

The CHAIR: Member for Enfield, would you like to make a statement or ask a question?

Ms MICHAELS: No, other than to wholeheartedly agree with the Attorney in expressing thanks for the efforts put in by Consumer and Business Services and the Small Business Commissioner during COVID.

I will start my questions by taking the Attorney to Budget Paper 5, page 19, and the last table on the mandatory fuel price transparency scheme and the two-year trial proposed in that. You have allocated a budget of \$1.2 million with only one FTE. Is that a realistic allocation of resources to ensure that the trial is run successfully for that two-year period?

The Hon. V.A. CHAPMAN: I will start by recognising what has been proposed. We changed the law, through the parliament, to provide for a mandatory obligation for retailers of fuel, not diesel and other provisions but unleaded fuel, and that is the legal obligation. The collecting of that material and its provision for consumer consumption—that is, is to enable them to be able to select the best, quickest, closest, cheapest fuel available—is the exercise being proposed.

I will ask the commissioner to outline the process of that but, as I have explained to the parliament a couple of times now, the time to employ that new obligation has somewhat extended because of the decision to undertake a procurement process to select somebody to collect the data. I understand that is underway and, as I have advised the parliament, my expectation is that that is going provide a decision on who is going to do this before Christmas. That is the primary party, who will then do the work to comply with the laws there.

However, we need to have a full-time equivalent person to be able to provide the monitoring and enforcement of that. As the member might recall, there is a significant fine—from my recollection, it is up to \$10,000 per noncompliance—with a right to waive that by the commissioner if it is for a trivial amount. I cannot remember the exact words, but basically it is to give some discretion to the commissioner to be able to say, 'Well, this technically is 10,000 breaches by virtue of an electronic repeating circumstance,' and the commissioner may exercise some discretion as to how that is going to apply for the enforcement purposes. In relation to getting the trial started, I invite the commissioner to make a contribution to the committee.

Mr SOULIO: Thank you, Attorney, and thank you for the question. I think a summary of your question would be whether one person is enough. The model involves the allocation of a fuel aggregator who will collect all the data and make sure it is available to be published by app providers. There will then be what we are calling a validator, another entity, who will assess and use data that is available to make sure that the fuel prices being published are accurate.

Between the two of them, we will have information that comes to us, as well as complaints from the public, to say that there will potentially be people who are noncompliant. We will then use that individual as an assessment officer or investigate those complaints from a compliance point of view.

Again, as with all of these, we make an assumption about how many complaints we will have to deal with and how many issues there are. We have determined that one FTE should be enough. If that is not the case, then we will have to assess and reallocate staff, but for the moment we are hoping that one will be sufficient.

Ms MICHAELS: Attorney, has that budgeted allocation of one FTE been done based on an assessment of what has been used in other states using this kind of fuel check mechanism?

The Hon. V.A. CHAPMAN: Queensland operates a system that is similar to the one that we as a parliament have approved here. As to the resources required, I have relied on the commissioner's advice from the calculations undertaken by his office. As the member may be aware with these processes, that then has the eye of the Treasurer's office over it to make some reassessment as to whether or not that is reliable. Of course with this agency it is always reliable. I will invite the commissioner to add anything further, but I have not picked the number; this has been on the professional advice of the commissioner's office.

Mr SOULIO: Certainly I would be more than happy to have more staff to do all the work that we have, but I have to be realistic about those requirements. We have looked at how Queensland have monitored their system and the resources they have engaged and came up with the assessment that, between the data assessment and that one FTE, we will be able to manage the work that comes through.

Ms MICHAELS: Attorney, I also have a question on whether you anticipate it is starting before Christmas or by Christmas. Have the contracts been signed for this?

The Hon. V.A. CHAPMAN: I have explained it to the parliament but, in short, you might recall during the debates there was an issue raised by one of the members of parliament who I think was scathing in her assessment of one of the parties that operates in Australia and provides the contract to the Queensland Labor government. As a result, it was the commissioner's decision to ensure that absolutely no criticism could be made and that it was appropriate to have a full process of invitation to tender on this matter.

It may be that the particular agency that has the Queensland contract is competent and very capable of doing it. I do not know. I would expect there are not a lot of players in this space. There may be only a handful in Australia providing this service. In any event, it was the commissioner's view that it should be put out to full tender. That was going to take some months.

I have consistently advised the parliament that there is an expectation the process will conclude before Christmas. A person will be identified—there will be a winner, as such—and then we can get onto its implementation in the new year. Would you like to add anything else, commissioner?

Mr SOULIO: No, that is correct. We are going through the evaluation of those that have submitted for the tender process at the moment, and there will be an announcement as to who the successful tenderer is and a contract to be executed. That announcement will be before Christmas.

Ms MICHAELS: And when do you expect the actual implementation to commence?

Mr SOULIO: We are working on March. It may be a bit earlier subject to the transition of data and whether developers of current apps are accessing the data earlier, but certainly March is the go-live time.

The Hon. V.A. CHAPMAN: For the benefit of the committee, I might further add that I have been pleased to notice the very low fuel prices around metropolitan Adelaide in recent times. There could be a number of factors in relation to why that is the case, but South Australia has enjoyed a fairly overall low fuel cost relative to other states and that is great.

In the meantime, until we have the mandatory disclosure process implemented, I remind members of the committee that a number of apps are available for the identification of fuel prices across South Australia. In fact, sometimes they operate across Australia, but we have a number of them.

The weakness of those apps, if I can describe it respectfully, which this new legislation will plug, is the fact that all retailers do not necessarily contribute to the data accumulation for those apps. There are certain retailers that do not. Therefore, if you go to them—I will not name one of them, but one of them is on my phone—you will not necessarily have every retail outlet displayed on the map and identified with the price of unleaded fuel next to it because not everyone has put their data in. The new aspect of this whole model is that it will mandate every retailer to make that provision and they will be fined if they do not update any change within—

Mr SOULIO: I cannot remember the time frame.

The Hon. V.A. CHAPMAN: It is a matter of minutes. If there is a change of price any time of the day or night, there is a time frame in which they are obliged to electronically—

Mr SOULIO: Thirty minutes.

The Hon. V.A. CHAPMAN: —thirty minutes—provide that and the penalty, of course, can be quite a hefty fine. The expectation is on the Productivity Commission recommendation that this will provide a saving of between \$3 million and \$8 million a year, potentially, but there are other services available in the meantime. Hopefully, for Easter 2021, we look like we will have the South Australian homegrown model in place.

Ms MICHAELS: I have one final question on this issue. Regarding the budget implications table that I referred you to, would you expect, Attorney, for that to be carried forward to 2022-23, given a 21 March commencement date?

The Hon. V.A. CHAPMAN: I would expect so. It is a two-year trial, so it depends on when we get started. As I said to the parliament during the debates, if it is successful, we would expect that it would continue. If it is not successful, I have indicated to the parliament that we may need to look at other options.

Another thing that we need to look at here is the fact that there is an enormous amount of technological advancement in relation to the data that is available in this space, and so what may apply in 2023-24 may be a different model again. As the commissioner has pointed out, most of the transmissions in relation to this are already in real time. We went to the election with a commitment to look into the best way to provide a service in this area and, even in the short time since the election, there has been massive technological change and we may have a different model again.

As you know, the member for Florey has frequently raised a model that has been used for 20-odd years in Western Australia. As I have indicated to her, if it was a situation where that took over as the most popular and the most contemporary model, it would be something we would consider, but the reality is that nobody else has picked up Western Australia's model in the last 20 years.

I am also corrected to say that it does include diesel. I am thrilled. I have a few diesel vehicles, so I would be very happy for that. I might need to check out where the closest diesel price is when sitting on a tractor but, in any event, that is excellent.

Ms MICHAELS: May I now take you to Budget Paper 4, Volume 1, page 31, line 17, which is the FTEs for Consumer and Business Services.

The Hon. V.A. CHAPMAN: Yes, it is 231.1 for this year.

Ms MICHAELS: It is 232.1 for this year.

The Hon. V.A. CHAPMAN: Yes, I am sorry.

Ms MICHAELS: The year 2018-19 had actuals of 250 and then there was a budgeted reduction for 2019-20 to 230.8. Can you explain the rationale for reducing the budgeted allocation of staff?

The Hon. V.A. CHAPMAN: Yes, I can. I will just find the exact information on it. The decrease in FTEs from 2018-19 actual to 2019-20 budget is mainly due to an increase in savings in 2019-20, which are allocated in the 2017-18 Mid-Year Budget Review.

Ms MICHAELS: Was there a particular area that those staff were reduced from?

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

Mr SOULIO: No, it was across the board where we were able to identify savings through moving to online products and changing the way we operated. There was not an area that was shut down, for example; it was more just across the board.

Ms MICHAELS: Thank you, commissioner. Going then to the 2019-20 actuals, which was 222.8—so eight fewer FTEs than the budget—was there a reason for that that you can inform the committee, Attorney?

The Hon. V.A. CHAPMAN: Again, I will invite the commissioner to deal with what I think is a similar situation; is that right?

Mr SOULIO: Yes. We were able to make more savings because we knew we had more savings to make. Where there was an ability to achieve greater savings in that year, we effectively banked those for future years.

Ms MICHAELS: Is that what has happened in 2020-21 with the budget of 232.1—so going up by about 10?

Mr SOULIO: Yes, effectively, we are running under budget to maintain those savings.

Ms MICHAELS: The Auditor-General's Report states the Births, Deaths and Marriages Registrar advised that delays in completing and reviewing the reconciliations of the Promadis to general ledger were due to a turnover of staff in the team leader position, and a similar issue had been raised in previous years by the Auditor-General. Attorney, have there been any investigations undertaken into the turnover of that staff position?

The Hon. V.A. CHAPMAN: No, not by me is the first answer to that. Although we have not yet had the Auditor-General's committee hearings on this matter, I am happy to invite the commissioner to identify if there is anything further to be added, but I do point out that the Auditor-General did give a clean bill of assessment. So that has not been identified as any conditional approval by the Auditor-General of the books of account. We are dealing here with the budget as distinct from the Auditor-General's Report. There will be an opportunity to ask questions on that in a different committee.

Ms MICHAELS: I now take you to Budget Paper 4, Volume 1, page 32, line 14 in the activity indicators table on residential tenancy bonds. Can the Attorney advise the committee how much money CBS holds at the moment on residential tenancy bonds or at least by 30 June 2020?

The Hon. V.A. CHAPMAN: Yes. The situation here on the number of residential tenancy bonds lodged and the number of residential tenancy bonds refunded—and we have all sorts of data here, and I will just try to give exactly the one available to you—I am having a quick look to see what is available on bonds, but of all that information they have given me they did not give specifically that, so we will take it on notice and provide that.

Ms MICHAELS: Thank you. Are you able to advise the number of unclaimed bonds that are held at 30 June 2020?

The Hon. V.A. CHAPMAN: I do not think I even have that. I will take that on notice. I am heartened to see that there had been a 55 per cent reduction in wait times, which tripled in the review of the operational area of the CBS late in 2019, and that bond refunds were processed 74 per cent quicker than projected. These are always important performance indicators.

As you know, the bonds in relation to residential matters are held and managed by CBS and the bonds in relation to commercial tenancies are, of course, under the management of the Small Business Commissioner. I am advised that the number of bonds held is available, and I can provide that information if the member would like that.

Ms MICHAELS: I believe that is already in the report, thank you. On the issue you just raised, Attorney, regarding the average working days to process bond lodgements, there is a target for 2020-21 for offline, which is double the actual for 2019-20. There is also an increase in the line below that: the average working days taken to process bond refunds target is five when the actual for 2019-20 was 3.1. Is there a reason for the increase in the wait time?

Mr SOULIO: So you are interested in projected wait times?

Ms MICHAELS: Yes, why were you budgeting or targeting for an increase in wait times?

Mr SOULIO: I think what has happened is that during the course of this year we anticipated that we would still be managing longer wait times, but with more moving to online we have actually been able to free up some resources. So that is probably not something that will necessarily continue as a wait time, hopefully, but that is where we were thinking it was going to go because of turnover in staff and changes to systems. But I think at this stage, we will maintain quicker turnaround times.

The Hon. V.A. CHAPMAN: It is 74 per cent quicker. Well done.

The CHAIR: Member for Enfield, just for my benefit, could you remind me which budget paper?

Ms MICHAELS: Budget Paper 4, Volume 1, page 32.

The CHAIR: Thank you.

The Hon. V.A. CHAPMAN: It is average working days taken to process bond refunds, Mr Chairman.

The CHAIR: Got it, thank you. Before I call the member for Enfield, I am going to ask committee members please to cease chatting while the committee is in progress.

Mr PICTON: This is the second time you have raised this now. They are still chatting.

The CHAIR: It is. Member for Schubert and member for Kavel, I am doing my best to hear both the questions and the answers. Please desist. Member for Enfield.

Ms MICHAELS: On that same budget paper reference, of the unclaimed bonds that are held, are you able to advise what percentage is due to tenants and what percentage is due to landlords? You may need to take that on notice.

The Hon. V.A. CHAPMAN: I expect we will have to take that on notice and will do so.

Ms MICHAELS: Are you able to advise how much interest was earned for unclaimed bonds in the 2019-20 year?

The Hon. V.A. CHAPMAN: We may be able to do that. No, I am told by everyone that that is not actually able to be done, at least immediately. We can do it; we will take it on notice.

Ms MICHAELS: Your annual report, Attorney, found that there was a CBS residential tenancies bond—

The Hon. V.A. CHAPMAN: Sorry, my annual report?

Ms MICHAELS: Your annual report, yes.

The Hon. V.A. CHAPMAN: Mine?

Ms MICHAELS: The Attorney-General's. The residential tenancies bond system was subject to a fraud incident in February 2020. Can you outline the circumstances relating to that?

The Hon. V.A. CHAPMAN: Yes. Between 8 January and 10 February 2020, the CBS residential tenancies bond service was targeted by a series of related attempts of fraudulent transaction. All payments and banking were placed on hold while CBS investigated the matter. These

were recommenced on 11 February. That investigation identified that a single amount of \$12,000 was obtained without appropriate authorisation by a fraudulent actor. No further transactions were identified. Software experts attended CBS. CBS reported the matter to the major fraud branch of SA Police and there is an ongoing investigation in relation to that.

At the request of SA Police, CBS also reported the matter to the Australian Cyber Security Centre. The matter was reported to the Attorney-General's Department Chief Executive, the Chief Financial Officer, the agency security executive and the cybersecurity adviser. I have received briefings on it. Then, on 11 February, the matter was reported to the Auditor-General. I note that you, I assume, member for Enfield, have read the Auditor-General's Report because there was nothing in that to suggest that he had concerns in relation to this matter. In any event, it is a matter that is ongoing with the police.

Obviously cybersecurity is with us. I am advised here, and I am able to tell you, that the initial advice from SA Police was that intelligence checks indicate the activity may have been carried out by an overseas offender, so somebody who is trying to break into our system and who has the benefit of \$12,000. CBS has also engaged SRA Information Technology to assist with a thorough and comprehensive review of the online bonds management process. Always we are dealing in this space with potential attacks at the cyber level. This was one that was effective, so it is really now in the hands of the police.

Ms MICHAELS: I now move to Budget Paper 4, Volume 1, page 32, line 10, in relation to liquor licensing applications. Of the 5,634 applications referred to in the 2019-20 year, are you able to indicate how many were new liquor licensing applications compared to transfers or variations?

The Hon. V.A. CHAPMAN: We will take that on notice.

Ms MICHAELS: Are you able to advise how many new liquor licensing applications were made in the last quarter of the 2019-20 financial year?

The Hon. V.A. CHAPMAN: Again, we will take that on notice, but obviously we were heavily under COVID in that time.

Ms MICHAELS: We have a projected number of liquor licensing applications for 2021 as being 5,000. Are you able to advise how many have been made to date?

The Hon. V.A. CHAPMAN: Do you mean in the last five months?

Ms MICHAELS: Yes.

The Hon. V.A. CHAPMAN: We will take that on notice.

Ms MICHAELS: Are you able to advise how many liquor licences have been transferred, varied or expired as a result of businesses going out of business due to COVID restrictions?

The Hon. V.A. CHAPMAN: I cannot personally, and I do not know that we retain that data. There may be some capacity to identify whether the state government has provided another service of counselling, support or mediation where that is claimed to be a factor. However, to the best of my knowledge there is no data that is available that we would keep in CBS as to the cause of the transfer or dissolution or, in other words, the withdrawal of the liquor licence.

For example, obviously there can be other reasons why liquor licences are transferred. It may be into family. There is one in a regional town at the moment we are looking at, where the whole town is changing its size and effect and what it might do, so the liquor licence may need to change. We do not have that, so I do not think I can assist you further.

I will say this, that although the liquor licensing industry—that is, hotels, restaurants and cafes where there are licensed events and where there has been a shutdown in that industry—has had to take quite a significant loss on the chin, certainly they have been supported with their staff being provided for on JobKeeper and the provision of business support opportunities.

It is fair to say that particularly the hotel industry is a major enterprise in the sense of the payroll, as well as both the revenue and expenses they have in their operation, but they, together with the gambling opportunities, have come back since the restriction on hospitality and had very significant patronage. I think it is fair to say that for those who have been able to operate a liquor

licence for the sale of liquor over the bar together with bottle outlets have in some ways been cushioned through this difficult time.

For example, I saw interviewed last night a hotelier who said, 'Look, we've had to shut down just in the last few days.' It was difficult, obviously, trying to come back on very quickly when the expected time frame for shutdown was then abbreviated, but she pointed out that they then had a very good trade at the bottle shop that continued to operate.

I am getting to the good bit from the commissioner because, of course, through the government approval, he has waived fees for these liquor licensing outlets. I have somewhere here who the big losers are, and that is CBS revenue stream. Annual liquor fees for 2019-20 will be down \$3.6 million; liquor application fees, down \$0.2 million; BDM fees, down \$0.6 million; and Casino and TAB recovery, down \$0.2 million. So minus \$4.6 million will be available.

There are also very significant gambling fees that were deferred. I do not have them. I have recently read about them. Again, there has been a significant hit taken in relation to COVID in this area. It is largely via the commissioner's department, which will have less revenue.

Ms MICHAELS: I refer page 32, limited liquor licence applications, where 4,600 was projected and the 2019-20 actual was 6,053. That is a substantial jump. Is there a reason behind that? I cannot envisage how that was COVID related.

The Hon. V.A. CHAPMAN: I will take that on notice as well.

Ms MICHAELS: I refer to Budget Paper 3, page 51, the table, regulatory fees. You may need to take this on notice.

The Hon. V.A. CHAPMAN: At what point? At page 51, I am, yes.

Ms MICHAELS: Page 51, in the table, a reference to regulatory fees.

The Hon. V.A. CHAPMAN: Yes, sales of goods and services?

Ms MICHAELS: Yes. Are we able to get a breakdown of how much the commissioner receives in revenue for each type of business in terms of licensing and registration fees? For example, how much is received from builders' licence registration, liquor licence registration?

The Hon. V.A. CHAPMAN: Yes, it can be; we will have to take it on notice.

Ms MICHAELS: Can we have for the actuals for 2019-20 and the forecast for 2020-21, if that is possible?

The Hon. V.A. CHAPMAN: The budgeted for 2020-21?

Ms MICHAELS: Yes.

The Hon. V.A. CHAPMAN: For each area of regulation; is that what you are seeking?

Ms MICHAELS: Yes, please.

The Hon. V.A. CHAPMAN: So whether it is an occupational licence or whether it is a liquor licence, gambling or whatever? Yes, I understand.

Ms MICHAELS: Yes.

The Hon. V.A. CHAPMAN: They earn quite a lot of money for governments, I am pleased to see. Not all my departments do; in fact, the only one in the courts, I think, is the probate office. They earned about \$12½ million this year; that was happy looking. Nobody wants to celebrate dying, I suppose.

Ms MICHAELS: I am conscious of time. I do not know if the Attorney would like to switch to the Small Business Commissioner.

The Hon. V.A. CHAPMAN: Do you have any questions for the Small Business Commissioner?

Ms MICHAELS: I do.

The Hon. V.A. CHAPMAN: I confirm that Mr John Chapman is here solo.

The CHAIR: For the benefit of the wider audience, we have moved to the Office of the Small Business Commissioner. Having introduced your advisers, Attorney, do you have a statement?

The Hon. V.A. CHAPMAN: I indicate that Mr Andrew Swanson is also still here, and he is in charge of everybody.

Ms MICHAELS: Attorney, I take you to Budget Paper 4, Volume 1, page 68, the second line which is the Office of the Small Business Commissioner. The Office of the Small Business Commissioner's annual report notes that on average, from July 2019 to March 2020, there were inquiries made to the Small Business Commissioner of about 92 per month, but in the final three months that dropped to 48. I wondered whether there was any reason for that, given that was a particularly tense time for COVID for small businesses.

The Hon. V.A. CHAPMAN: Yes, I will invite the commissioner to make any comment on that.

Mr CHAPMAN: Sorry, which level of inquiries?

Ms MICHAELS: Average inquiries for the month, per month, in your annual report, which I have here if you require it. Page 23 of your annual report had a table with a month by month breakdown of inquiries. If I average the first nine months it is about 92, and if I look at the last three months it drops to about 48.

The Hon. V.A. CHAPMAN: We will take that on notice.

Ms MICHAELS: There is no logic as to why it would have reduced in the last quarter during COVID?

The Hon. V.A. CHAPMAN: As I say, we will take that on notice. I will need to check the actual annual report.

Mr CHAPMAN: If I can make a point Attorney, the level of inquiries shifted very much towards the COVID act in terms of those inquiries. These inquiries related to the Small Business Commissioner Act. We saw quite a significant shift in our inquiries to retail and commercial leasing matters that were covered by the COVID act.

Ms MICHAELS: Attorney, can you advise how many complaints or ask the commissioner for advice on how many complaints he received in relation to late payments of accounts by small businesses by GFG Alliance?

The Hon. V.A. CHAPMAN: I cannot. The commissioner has provided ongoing support for that issue in our northern town, and I do not think it is appropriate that we provide particulars of that. I think that is a matter that is ongoing and on which I am given regular updates by the commissioner as to the assurance that GFG is attending to payments particularly for those small businesses that operate within the town or provide services to GFG.

It is fair to say that there are outstanding liabilities to government agencies and that has occurred over a period of time. With the support of the commissioner's office and the commissioner, he seems to have produced a scenario where there is relatively prompt payment to the local people who provide services and product to that company.

Ms MICHAELS: Has the commissioner, if you are able to disclose, been involved in any mediations to resolve any of those disputes?

The Hon. V.A. CHAPMAN: Yes.

Ms MICHAELS: In terms of the resources that the Small Business Commissioner has put into dealing with these disputes with GFG Alliance, are you able to indicate the nature of the resources, the number of FTEs?

The Hon. V.A. CHAPMAN: No, a record is not kept in relation to that. There are certain people who are utilised from time to time, but there is an overlap in relation to resources that are used.

Ms MICHAELS: Have any of those disputes raised with the Small Business Commissioner been resolved, or are they all ongoing?

The Hon. V.A. CHAPMAN: My understanding is they are all ongoing in relation to the payments.

Mr CHAPMAN: Yes, in relation to the payments, when matters are raised with me I work with GFG and generally they are resolved very quickly. There are no ongoing issues at the moment.

Ms MICHAELS: How many inquiries were made with the Small Business Commissioner in relation to the Security of Payment Act for 2019-20?

The Hon. V.A. CHAPMAN: For the 2019-20 financial year?

Ms MICHAELS: Yes.

The Hon. V.A. CHAPMAN: We should have that available for you in just a moment. I refer you to page 33 of the annual report.

Ms MICHAELS: Are you able to let me know the monetary value of the claims made for 2019-20?

The Hon. V.A. CHAPMAN: Not in that material, no; it is the numbers per month for 2019 and 2020.

Ms MICHAELS: Is that information available on notice?

The Hon. V.A. CHAPMAN: It is available on notice, as a total apparently. The amount claimed is \$47 million in round figures, and awarded is \$18.8 million in round figures.

Ms MICHAELS: Using those figures then, Attorney, it appears that only about 40 per cent of the claims were awarded. Does that mean there is about 60 per cent where subcontractors have been left out of pocket? What happens to that difference of 60 per cent, that \$28 million?

The Hon. V.A. CHAPMAN: Of course, some could be dismissed. There are myriad reasons: they may have settled in a different manner, but we cannot presume that people have been left without a payment.

Ms MICHAELS: Are there any trends that the commissioner has determined for that gap?

The Hon. V.A. CHAPMAN: I am happy to take all that on notice, but I suggest you have a look at the annual report as to what has happened in relation to that. That is all on page 32. But nothing has been brought to my attention by the commissioner to suggest that there is some problem in that regard. He seems to work diligently in his office in relation to the support of those matters. It is a statutory obligation, as you know.

Ms MICHAELS: Yes. Is the commissioner aware of any other issues with unsecured contractors being left out of pocket as a result of any construction companies going into liquidation?

The Hon. V.A. CHAPMAN: I will ask the commissioner if he would like to comment on that.

Mr CHAPMAN: Thank you for the question. Really, the issues in the building industry in terms of disputed payments have declined somewhat in terms of contact to my office. That may be as a result of the significant government support that is available and keeping the industry moving along quite well at the moment. There are no particular issues that I am aware of in relation to people not being paid or indeed liquidation or administration.

Ms MICHAELS: Thank you, commissioner. Attorney, may I move onto small business grants, on the same budget line, page 68, line 2, Office of the Small Business Commissioner. Are you able to advise how many inquiries the commissioner had in relation to the first round of the \$10,000 small business grants, if any?

The Hon. V.A. CHAPMAN: I am advised there are approximately 30. It is subsequent to the relevant period that we have under consideration, but I am advised by the commissioner that there about 30 that he has taken up with the Treasurer.

Ms MICHAELS: Is the commissioner able to advise the nature of those inquiries? Was it not qualifying or missing deadlines?

The Hon. V.A. CHAPMAN: Again, it is not really the remit of this report. I suggest you raise that with the commissioner separately. If you would like some extra data on that, I am sure he could provide you with a briefing on it.

Ms MICHAELS: In terms of any inquiries the commissioner did receive and the announcement of the round 2 grants, has the commissioner made any representations that deal with the shortcomings he may have seen in those inquiries for round 1 that have been dealt with by round 2?

The Hon. V.A. CHAPMAN: Again, I do not see that this is the subject of the budget matters. There are applications being made, and some are successful and some are not. They are managed by the Treasury department. Consideration of what else might be needed will be a matter for the government to consider in relation to any ongoing support.

In the meantime, as you well know, in relation to the commercial tenancy arrangements, for example, there are protections in place. There is a very valuable service that the Office of the Small Business Commissioner provides with its contracted mediators to support settlement of those issues. If there is no resolution, the commissioner has the capacity to issue a certificate to enable the Magistrates Court to provide a determination in relation to any ongoing dispute.

Almost remarkably, to me, anyway—I should not say that, because it seems that most of those that have gone to the Small Business Commissioner for resolution have been resolved and there are only very few that have actually been referred. We know that because the Small Business Commissioner, under the legislation, has to provide a certificate to enable that to happen.

There have probably only been seven or eight cases, I think. There were 82 mediations and 11 unsuccessful. In any event, on discussing it with the Magistrates Court, I think they have only had half a dozen cases and only a few of those have actually progressed for determination. There are 28 mediation certificates.

It is fair to say that one has to expect that there is the opportunity for commercial parties to have discussions themselves—either privately mediate a matter or represent with their own legal and financial advisers—as to how they resolve issues in relation to either tenancy and/or other landlord-tenant matters. I do not think that is unusual.

Obviously, we as a government do not have the data in relation to that but it seems, given that the Small Business Commissioner is the government's agency to be able to support these matters, for those who have come to him or his officers, that they have had a very high success rate in mediating resolution.

Mr PICTON: What is the Small Business Commissioner's view on the eligibility of the \$10,000 grants?

The Hon. V.A. CHAPMAN: That is not a part of this hearing.

Mr PICTON: Why is that?

The Hon. V.A. CHAPMAN: Because there is no budget provision for a policy determination of government.

Mr PICTON: The budget determination is in relation to the advocacy of the Small Business Commissioner in his role and he provides advocacy for small businesses. So what is the view of the Small Business Commissioner in relation to the eligibility of the \$10,000 grants?

Mr KNOLL: Point of order, Mr Chairman.

The Hon. V.A. CHAPMAN: To date, this is not relevant to the matter that is before us.

The CHAIR: There is a point of order. I am anticipating—

The Hon. V.A. CHAPMAN: Just to reassure the committee, I have not had submissions put to me by the Small Business Commissioner or other agencies of mine to suggest there is some deficiency in relation to government initiatives, which the government are very proud of.

Mr PICTON: Has the Small Business Commissioner made submissions to any government department in relation to the compensation available for small businesses?

The Hon. V.A. CHAPMAN: I do not have the answer to that, but it is nothing to do with this matter.

The CHAIR: Before the Attorney answers that, I am just going to go back to the point of order that the member for Schubert was looking to raise. Do you still wish to do that?

Mr KNOLL: It was in relation to relevance and what budget line the member is seeking to ask questions on.

The CHAIR: My view of it, member for Schubert, is that the question was actually out of order, because the member for Kaurna was not asking the Attorney-General a question but rather the Small Business Commissioner for his opinion.

Mr PICTON: Point of order on the point of order: I was asking the Attorney in terms of what the Small Business Commissioner has done. She is accountable to the parliament for the Small Business Commissioner.

The CHAIR: No, if we go back two questions ago, you were asking the Small Business Commissioner what his opinion was on a particular issue. Anyway, we will get back to the budget. Continue, you have seven minutes to go.

Mr PICTON: What representations has the Small Business Commissioner made to the government in relation to compensation for small businesses because of the pandemic?

Mr KNOLL: Point of order: I would ask the member to identify which budget line he is seeking to ask questions on.

The CHAIR: That is reasonable. Member for Kaurna, can you do that?

Mr PICTON: Yes, Budget Paper 4, Volume 1, page 68, line 2.

The Hon. V.A. CHAPMAN: I cannot see the relevance of that.

The CHAIR: Office of the Small Business Commissioner. Alright, continue.

The Hon. V.A. CHAPMAN: Again, to me personally, as the Attorney-General—

Mr PICTON: To the government.

The Hon. V.A. CHAPMAN: I am the minister responsible for this division, the Office of the Small Business Commissioner. In the time I have had the management of this, there have been times when the Small Business Commissioner has provided advice to me in relation to bushfire support and regions of South Australia that were adversely affected, as well as valuable advice in relation to responses on COVID. They have been considered.

Mr PICTON: Has the Small Business Commissioner raised with you the sufficiency of compensation for small businesses?

The Hon. V.A. CHAPMAN: Generally or—

Mr PICTON: In relation to the COVID pandemic.

The Hon. V.A. CHAPMAN: In relation to the COVID pandemic? Generally, yes, and they have been answered.

Mr PICTON: What were the issues raised by the Small Business Commissioner?

The Hon. V.A. CHAPMAN: That there be support, and there has been—very significant support. There is an ongoing \$10,000 small business support. We could go through and list all the government initiatives, but that has been raised, that there would be support. In fact, it has been translated into legislation, such as the need to support commercial tenancy arrangements. There is

a whole structure, which the member for Enfield just asked a whole number of questions about, that have been—

Mr PICTON: Have there been issues raised in relation to eligibility for the second round of \$10,000 grants?

The Hon. V.A. CHAPMAN: Not to me.

Mr PICTON: To anybody in government?

The Hon. V.A. CHAPMAN: Not that I know of.

Mr PICTON: Has there been any issue raised by the Small Business Commissioner in relation to an independent review of hotel quarantine?

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

Mr PICTON: He is right next to you; you could ask him.

The Hon. V.A. CHAPMAN: I am just saying to you, not that I am aware of.

Mr PICTON: So there have been no issues raised with you, from the Small Business Commissioner, in relation to a review of—

Mr KNOLL: Point of order, Chair: I think the budget line the member is now seeking to ask questions on does not actually relate to estimates in this hearing. I would have thought that would be more to expenditure under the Health portfolio.

Mr PICTON: This is advocacy that the Small Business Commissioner is doing with his budget.

The CHAIR: I do not uphold that point of order, member for Schubert. However, I might ask the member for Kaurna to rephrase the question.

Mr PICTON: Has the Small Business Commissioner advocated to the Attorney, or to anybody across government, in relation to a review of the management of the pandemic?

The Hon. V.A. CHAPMAN: That is a very general question, but not that I am aware of.

Mr PICTON: Would you be able to ask the Small Business Commissioner if he has asked anybody across government in relation to a review of the pandemic?

The Hon. V.A. CHAPMAN: No, I do not think that is necessary as part of this committee.

The CHAIR: Just wait a moment, Attorney. Member for Kaurna, you have asked the Attorney if she will seek advice. That is entirely her prerogative, of course; you understand that. Attorney.

The Hon. V.A. CHAPMAN: I have answered the question.

Mr PICTON: Has the Small Business Commissioner raised with you, or anybody across government, concerns in relation to small business and its ability to manage following the events over the past week?

The Hon. V.A. CHAPMAN: Not that I am aware of. Do you mean by that the closure that was introduced as a result of the particular Parafield-Woodville incidents?

Mr PICTON: Correct, the lockdown. So the Small Business Commissioner has not raised any issues with you in relation to the Parafield cluster?

The Hon. V.A. CHAPMAN: No.

Mr PICTON: Has the Small Business Commissioner raised with you broader issues in relation to the viability of small businesses during the COVID-19 pandemic?

The Hon. V.A. CHAPMAN: I have a number of regular discussions with the Small Business Commissioner in relation to what assistance he is providing to people. I have listed a number of them as a result of legislative introduction and provision of mediation services—that is, commercial tenancies—and the ongoing legislation reforms, including security of payment law. I have regular meetings with the commissioner.

He has also assisted in relation to the provision of services to bushfire-affected areas. I know he has been to Kangaroo Island to provide resources there and, I think, is still part of the ongoing hub—if I can describe it as that—at Kingscote. They are continuing services that are available because that community has been hit by bushfires and, of course, COVID-19. Tourism operators, for example, are some that spring to mind. After the bushfires and then COVID, they have been adversely affected. Of course South Australia is currently experiencing a bit of a boom, but—

Mr PICTON: Is that what the Small Business Commissioner said?

The Hon. V.A. CHAPMAN: No, I am just suggesting to you that on the information we have there has been a very substantial uplift in relation to some—

Mr PICTON: Point of order: my question is in relation to what the Small Business Commissioner has raised, not the Attorney's view of the state of the world.

The Hon. V.A. CHAPMAN: I am just letting you know—you have asked a—

Mr Cregan interjecting:

The CHAIR: Yes, and we have been through this before. We have a minute to go, member for Kurna, but the Attorney can answer in whichever way she sees fit.

Mr PICTON: Well, it has to be relevant.

The CHAIR: I suspect she was referring to regional tourism in her response.

The Hon. V.A. CHAPMAN: Correct.

The CHAIR: Member for Kurna, last question.

Mr PICTON: Thank you. Has the Small Business Commissioner raised with anybody in the government, including you, as he said in InDaily today:

...we're dealing with dozens and dozens of businesses struggling to pay their rent, businesses aren't able to pay other businesses in terms of supply.

The ripple effect of this...makes it very, very difficult for businesses.

The Hon. V.A. CHAPMAN: I note that I will take it as a comment.

Mr PICTON: So he has not raised any of those concerns with you?

The Hon. V.A. CHAPMAN: No, but to be fair, if you are talking about this past four-day period, I am assuming he has been in isolation for three of those days (Thursday, Friday and Saturday). He did not contact me in that time. Yesterday, I was in my office in the city for a good part of the time and he did not contact me then, and the first time I have seen him this morning is to come here to the estimates.

Mr PICTON: Perhaps we could ask him if he has raised it with anyone else across government?

The Hon. V.A. CHAPMAN: I am not going to be answering for other people as to whether that has been raised.

The CHAIR: Attorney, I am going to call a stop to proceedings.

The Hon. V.A. CHAPMAN: Thank you, sir.

The CHAIR: We have reached the allotted time and I declare the examination of the proposed payments for the portfolio agency of Consumer and Business Services and the Office of the Small Business Commissioner complete.

Sitting suspended from 16:47 to 17:00.

Membership:

Ms Stinson substituted for Ms Michaels.

Departmental Advisers:

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

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

Ms S. Smith, Executive Director, Planning and Land Use Services, Attorney-General's Department.

Ms A. Allen, Director, Planning and Development, Attorney-General's Department.

Ms K. Bartolo, Valuer-General.

Ms J. Cottnam, Registrar-General.

Ms A. Hart, Director, Local Government, Office of Local Government.

The CHAIR: Welcome back to Estimates Committee A. I wish to advise the committee that the member for Enfield has been replaced on the committee by the member for Badcoe. The portfolios to be examined during this session are the Office of Local Government, Outback Communities Authority, Local Government Grants Commission, and Planning and Land Use Services. The minister appearing is the Minister for Planning and Local Government. I advise members that the proposed payments for the Attorney-General's Department remain open for examination. Attorney, would you like to introduce your advisers, please?

The Hon. V.A. CHAPMAN: Thank you, Chair, and members of the committee. Joining me today is the Executive Director of Planning and Land Use Services, Ms Sally Smith, to my left. Behind me are Ms Anita Allen, who is the Director of Planning and Development; Ms Alex Hart, Director of Local Government; Ms Jenny Cottnam, who is the Registrar-General for South Australia; Ms Katherine Bartolo, who is the Valuer-General for South Australia; my Chief Executive Officer of the Attorney-General's Department, Ms Caroline Mealor, the committee has also met today; and still with us, still surviving, is the Chief Financial Officer for the Attorney-General's Department, Mr Andrew Swanson. It is a champion effort for those two in lasting the distance.

In relation to this newly acquired area of responsibility, Planning and Land Use Services and the local government agency that sits within that are identified today in the budget for the first time as a separate program. I am very pleased to have this area of responsibility. I wish to especially thank both Ms Smith and Ms Hart as heads in those areas for the work they have undertaken and acknowledge, at least in their absence, the board, executive officer and staff of the Outback Communities Authority, who have been most helpful through this time, particularly in the COVID area.

I also wish to thank the Registrar-General for the extraordinary work she has undertaken, especially with the New South Wales Registrar-General, to deal with the interoperability of areas of responsibility, largely now being operated by Land Services SA since there was an outsourcing of a significant contract under the previous government. I also wish to thank Ms Bartolo, the Valuer-General, whose work continues with her staff, together with the valuers who are contracted for the purposes of undertaking valuations for the state. They are all important areas of responsibility.

I do not specifically have representation here today from the Surveyor-General but, as you would know, he is also a statutory officer. In fact, he recently concluded work on the Electoral Districts Boundaries Commission report that was undertaken. He is also an employee of the department and is head of a unit within the Planning and Land Use Services division. He is not here as the Surveyor-General, but I am happy to take any questions on notice for his role. He is multitalented and works for both Ms Smith and for South Australia as the Surveyor-General.

I think that pretty much covers it, but I am more than happy to place on the record my appreciation to the whole of the divisions that I have referred to for their work during COVID. There has been major planning reform and local government reform, either in the legislation that is now being implemented from 2016 or in current legislation that is before the parliament, which is a difficult exercise to be able to undertake when consultation with the public is required. There have had to be

contingency measures put in place to ensure that people still have a voice and are able to be consulted in relation to these reforms. Notwithstanding that, they have done a stellar job, and I thank them for their services during the preceding year.

The CHAIR: Member for Badcoe, do you wish to make an opening statement?

Ms STINSON: Only to thank the public servants and the Attorney for appearing today. I know things have been very difficult with COVID, and I know it is a department that is doing a huge amount of work at the moment, so I thank them for the additional work that estimates would have taken, and I appreciate their presence today.

The CHAIR: Excellent. I invite questions, member for Badcoe.

Ms STINSON: Thank you, sir. I refer to Budget Paper 5, page 128. This is in relation to the Local Government Infrastructure Partnership Program, which has been announced in the budget from the Community and Jobs Support Fund. This has certainly been marketed as a COVID measure, so my question is: why is the bulk of the funding, that \$75 million of the \$100 million, not being spent until 2021-22?

The Hon. V.A. CHAPMAN: This is intended to be over two years; I think that is very clear. It has been announced in this year's budget. Of course, we are already five months into this financial year, so unsurprisingly the bulk of it will be in the following financial year. I am also advised that this particular fund is committed to the Treasurer, which I think would already be obvious to the member; nevertheless, he will be appearing in estimates on Wednesday, so you may want to raise those matters with him.

Ms STINSON: What restrictions will be placed around the fund in terms of how quickly it needs to be spent? Obviously, \$25 million is to go out this financial year and then \$75 million in the following financial year. Does that actually mean we will see that money hit the economy in those respective years, or is there, for example, 12 months or two years for the councils that are successful to then spend that money?

The Hon. V.A. CHAPMAN: There are time limitations, but again I suggest that you refer that to the Treasurer when he appears in the committee. It is his department that manages the operation of this. I am aware of some circumstances where stimulus money in relation to these types of projects has had to be held over or delayed for certain reasons. Nevertheless, he can give you an update in relation to the advance of that. We are absolutely committed to it, and it has been announced, so I just simply say as a member of the government that it is for projects on a fifty-fifty basis and, I have to say, has been incredibly warmly welcomed by those in local government. I think the Local Government Association put out a media statement on the day saying how pleased they were about it.

Ms STINSON: The fund is designed to be fifty-fifty, with local government contributing the other 50 per cent. Do you see any issue with that in terms of limiting access to the fund to councils who already have reserves they are able to spend, and is that something that you are looking at changing at all?

The Hon. V.A. CHAPMAN: No and no.

Ms STINSON: Are there any criteria that mean that that fund needs to be spread evenly across the state, or is it simply a matter of who applies?

The Hon. V.A. CHAPMAN: I am not aware of any distribution that has to be on the basis of an equal amount per region or something of that nature. Again, you can ask the Treasurer, but my recollection in relation to this is that it is on an application basis, so if the Streaky Bay council put in four applications and the Grant council put in none, well, Streaky Bay has a 400 per cent more chance of getting something.

Ms STINSON: I move on to municipal services in Aboriginal communities, Budget Paper 4, Volume 1, page 53. Indeed, there are a number of other references.

The Hon. V.A. CHAPMAN: Of course, but I will find it just for the ease of giving you some extra information.

Ms STINSON: The budget papers say that there was a review of infrastructure in Aboriginal communities. Is that publicly available? If so, can I get a copy?

The Hon. V.A. CHAPMAN: I do not know whether it is, but we will make some inquiries. No, the report is not available.

Ms STINSON: What is the reason it is not available? I am sorry, I realise Ms Hart just said that, but I cannot hear her properly.

The Hon. V.A. CHAPMAN: Obviously, it has been prepared for the purposes of identifying what is needed to be done. That is not automatically available, of course.

Ms STINSON: Can you outline what its key findings are or, indeed, what its recommendations were in relation to what infrastructure should be funded?

The Hon. V.A. CHAPMAN: Yes. In addition to the MUNS program, which provides \$3 million per annum to support services typically provided by councils in other areas of the state, to be delivered in Aboriginal communities outside of the APY lands, there is an additional \$9.1 million over the next two years for the repair and renewal of critical MUNS infrastructure across the communities. In April 2015, the commonwealth government transferred responsibility of the MUNS program to the state government, along with a one-off payment of \$15 million representing five years of funding under the MUNS program.

Services funded by the MUNS program include waste management, dog control, environmental health control, road and airfield maintenance, and water infrastructure maintenance. Details of grants and services provided in the 2020-21 grants program are attached, and I have a whole list of those if you need them. I am happy to make them available if you would like them.

Ms STINSON: Thank you.

The Hon. V.A. CHAPMAN: In total, nine Aboriginal communities, three local councils, the Outback Communities Authority, two Aboriginal homeland organisations and two private contractors receive funding through the MUNS program.

In December 2018, the state government released the South Australian government's Aboriginal Affairs Action Plan. The plan included a proposal to develop a municipal services policy and program for municipal services delivery to Aboriginal communities outside the APY lands for implementation post 2020.

The review you have referred to was undertaken from August to December 2019. There was consultation with the Aboriginal communities themselves; the Aboriginal Lands Trust (which, incidentally, owns something like half of the areas that are subject to the benefits of this); the South Australian Commissioner for Aboriginal Engagement, Dr Roger Thomas; and relevant government agencies.

The two commitments are there. I have indicated the ongoing \$3 million general expenditure and also the extra funding of \$9.1 million. From our point of view as a government, it is an unprecedented investment. If the member has not attended a number of these properties—

Ms STINSON: Indeed, I have.

The Hon. V.A. CHAPMAN: —I would encourage her to do so. The last one I attended was in Davenport, just out of Port Augusta, and there is a significant level of critical need of infrastructure. Some of it is just to simply demolish and remove. The areas and properties I saw there are quite dangerous. For example, if children were to play on them, there would be some potential risk of injury. So, I do think it has been a worthwhile exercise and the government have seen the benefit of this and announced this extra money in the budget to deal with the clean-up of a lot of these problems.

Ms STINSON: Did the review actually recommend certain infrastructure to be funded and, if so, was that funded?

The Hon. V.A. CHAPMAN: My recollection is that there was more than \$9 million worth to do, but this has been identified. There is a body to consider who gets what and where, out of what

has been identified, and that will be a process that will be undertaken in consultation, of course, with the Aboriginal Lands Trust, particularly as nearly half of those communities are operated by ALT.

Ms STINSON: Was all of the infrastructure that was recommended by the review fully funded?

The Hon. V.A. CHAPMAN: No, I just said that.

Ms STINSON: What is the value of the infrastructure that was not funded?

The Hon. V.A. CHAPMAN: I do not have that with me but if it is available and able to be provided, I will provide it. I will take that question on notice and that has just been noted.

Ms STINSON: How many municipal services in Aboriginal communities agreements need to be signed and how many communities or townships do they cover? Can you give an idea of what the time line is for getting those completed?

The Hon. V.A. CHAPMAN: I will take all those on notice.

Ms STINSON: Will any of the agreements require additional funds from government? If so, how much, and is that included in this budget?

The Hon. V.A. CHAPMAN: I believe so. Just in relation to the preparation of the documents for signature?

Ms STINSON: No, in relation to the municipal services in Aboriginal communities agreements.

The Hon. V.A. CHAPMAN: Yes. Is this for the infrastructure or the general annual allocation for services?

Ms STINSON: Correct me if I am wrong but I understood that those agreements were to do with the ongoing service delivery, separate from the infrastructure.

The Hon. V.A. CHAPMAN: Ongoing, sorry. I am advised that we can be confident that that can be done in the usual \$3 million a year. That relates to their ongoing service provision.

Ms STINSON: That is within the existing resources?

The Hon. V.A. CHAPMAN: Correct.

Ms STINSON: In relation to the infrastructure upgrade, can I obtain a list of what infrastructure is to be upgraded, in which locations and when?

The Hon. V.A. CHAPMAN: I think I have just explained, member for Badcoe, that that is yet to be determined. It will be in consultation with the ALT who are responsible for or have on ALT land a number of these communities. Obviously, this is fixed infrastructure, so they will need to be consulted.

Ms STINSON: Is there a time line as to when all of those upgrades are to be completed, that \$9.1 million over two years?

The Hon. V.A. CHAPMAN: I think I took that in the question before. You asked me three questions: how much it would be, where it would be and over what period of time it would be initiated. But the budget papers disclosed that this is a two-year proposal; 30 June 2022 is the expected final time, but I think you were looking for a more detailed time line previously.

Ms STINSON: That is correct.

The Hon. V.A. CHAPMAN: I have taken that on notice.

Ms STINSON: Thank you very much. Could you explain the difference between the municipal services delivery program and the municipal services infrastructure fund, and how much is in each?

The Hon. V.A. CHAPMAN: One is to pick up rubbish, keep things clean, make sure the water is operating, clear up the leaky taps, etc., and the other one is to clean up any infrastructure that needs to be managed.

Ms STINSON: Shall I take it then that the municipal services delivery program is \$3 million per year and the infrastructure fund is the \$9.1 million over two years?

The Hon. V.A. CHAPMAN: Correct.

Ms STINSON: Thank you.

The Hon. V.A. CHAPMAN: Just to be clear about that, these communities do not have local government services.

Ms STINSON: Yes.

The Hon. V.A. CHAPMAN: Some nearby local government services to towns provide some of the services on the communities, but these communities are across the state and they need somebody to do all the things that usually local governments do to make sure there is some amenity around the property, including the collection of rubbish, management of water supply sometimes—that is important to be dealt with—landscaping even. But obviously there is also water infrastructure that needs to be looked at and at least kept an eye on because there might be taps leaking and things of that nature.

Ms STINSON: Budget Paper 4, Volume 1, page 53 talks about supplies and services in relation to Aboriginal communities. Reading that, it looks like it is rising from \$714,000 in the last financial year to more than \$6 million next financial year. What is the explanation for that? Is that because that line includes the infrastructure money that we have just been talking about or is there some other reason for it?

The Hon. V.A. CHAPMAN: Yes, it includes that.

Ms STINSON: Could you tell me what the additional FTEs are in the Office for Local Government? It is going from 7.5 to 11.1. I just wondered what those additional roles were?

The Hon. V.A. CHAPMAN: That is them; the difference between 7.5 and 11.1. Two are for MUNS and there are some other staff movements.

Ms STINSON: Two are for MUNS and the others are?

The Hon. V.A. CHAPMAN: From staff movements.

Ms STINSON: On Budget Paper 4, Volume 1, page 53, in relation to the local government review bill, when do you intend for that to start operating? I understand that it is before the Legislative Council at the moment, but is there a start date or a planned start date for that new act?

The Hon. V.A. CHAPMAN: Member for Badcoe, I do not ever presume a start date for anything when something is in the parliament. But in the event that the parliament were to support the passage of this bill—and I note your indication in this house that there may be some amendments you want to recommend in the upper house—there is support for the government on the bill, and we appreciate that. On the basis that we are able to sit for one or two weeks of the December sitting times—there is a week scheduled and an optional week—I am very hopeful that, although we cannot tell the Legislative Council what to do, they will deal with this legislation and it can be promptly passed.

The actual initiatives within it would be rolled out over a period of time. To give you an example, firstly, in relation to rate monitoring it is proposed, on discussion with the Local Government Association, that there be a rolling out implementation of that over three years so that the first third of the councils is to be negotiated. Apparently, there is already a sort of division of councils that they look at for the purposes of a rollout of these things. Over the three years that would be rolled out so that for 2020-21, if this is passed this year, that could be implemented for assessment by ESCOSA in 2021 and it would roll out in that period.

In relation to the legislation to employ the use of the Remuneration Tribunal for the setting of chief executives, I imagine that chief executive entitlements and salaries could be underway by the early part of next year, whenever they sit. Currently, there is an application before them for judges. I know that because I looked at the submission this morning, so I know they regularly sit, but it would be subject to their program and to councils that have a renegotiation of the contract for their CEs coming up. That seems to me to be an area that can be undertaken fairly quickly.

The third area relates to the behaviour management model to be implemented, which I expect will take a little more time, firstly because, as indicated, panels need to be established and we need to think about who is going to be on them and the like. The general understanding, as I recall, with the Local Government Association, which is vested with the responsibility on behalf of their councils to work out how this is going to apply, is generally to follow, as I understand it, the model of our Local Government Grants Commission, which also deals with boundary disputes.

The theory is that it would have a person nominated by me as minister, a person nominated by the LGA and a person that we both mutually agree upon; I think that is the general formula. As soon as it is through, I am ready, willing and able to sit down with the LGA. I may not be too happy to sit on Christmas Day or Boxing Day, but I am sure we can get on the phone. I am just simply saying that it will be rolled out over a period of time during 2021 to implement the aspects of that. It is expected to be fully in place by the end of 2021. It may be changed on the basis of rating to capital value.

As you know, and I have that detail here, a number of our councils (seven) rely on site value still, and the rest rely on capital value. There are some that will be transferring over. I think probably the one other area that would be of importance to the committee—but I appreciate the member would be aware—is the consideration of councils to ensure that they are 12 or fewer as a total of their elected members by 2026; that is the effect of that legislation.

Ms STINSON: What was that 2026 reference in relation to?

The Hon. V.A. CHAPMAN: By 2026. The legislation indicates that it is the time of their review. They have an election coming up in 2022 and, as I think I have explained to the parliament, two councils that I am aware of would come up for consideration and would have to attend to their reduction before the 2022 election. There are another 13, I am advised, so 15 altogether that would have up to the 2026 election to get their house in order in that regard. The Productivity Commission has been very clear about the need to do this, and the government has accepted that.

Ms STINSON: Attorney, could you tell me what the cost is of the Behavioural Standards Panel in terms of both its establishment and its ongoing cost?

The Hon. V.A. CHAPMAN: I do not have that before me, but I will try to get some information on it to assist. In the course of the discussion, there are two things that I think are evident. Firstly, it is a model that has been developed by the councils and the Local Government Association to try to deal with the problem that they have had for many years. Secondly, councils are paying legal fees—some of them at an extraordinary level—to get legal advice, to protect, promote or support an elected member or staff member, whatever might apply, and for the long inquiries that are often undertaken by the Ombudsman's office.

So there is a massive cost that is currently applied from councils' budgets to try to deal with these issues, even to the extent where I am aware of two councils that proceeded with intervention order applications in the courts. It is an expensive current situation, and the loss of productivity for councils in having to manage these issues is a really big issue. Councils understand that. They want this reform. I am advised that it is in the order of about \$500,000 a year, but that will be determined. That is an estimate based on the costs surrounding the grants commission that we already have, which I have just referred to, on a similar basis.

One has to compare that against the huge savings that the councils will benefit from in being able to utilise this model as distinct from going through very expensive litigation. I understand the cost is around \$20,000 to \$30,000 per complaint. This is a massive amount of money. One only has to look at the annual reports of local government that come through this parliament to see what is spent on legal fees. Sadly, a lot of that relates to the issue in relation to behaviour.

Obviously, there are other aspects in dispute, planning reviews and things of that nature, but the reality is that this is a really expensive exercise. We have also had a former Ombudsman give a very significant report on the Burnside council, for example, which ended up in the Supreme Court. This clearly has to stop, and we are doing everything we can to support local government. The Burnside cost was about \$400,000, and, frankly, that is just the legal costs. I am a ratepayer there, so I can tell you I am not happy.

Mr KNOLL: Point of order, Mr Chair: we have somebody taking photographs in the chamber.

The CHAIR: Yes. He did ask me if that was okay. I was a bit unsure about that. My understanding is that photographs are permitted but without flash photography.

Mr KNOLL: It is normally only for those on their feet speaking, I understand.

The CHAIR: To take photos?

Mr KNOLL: Yes.

The CHAIR: We will move on, I think. I will talk to the member for Kaurua about that later.

Ms STINSON: My next question is in relation to the Outback Communities Authority.

The Hon. V.A. CHAPMAN: What page?

Ms STINSON: Budget Paper 4, Volume 1, page 68. Why have you budgeted \$2.1 million this year for the OCA when only \$1.3 million was actually spent last year? What additional spending are you expecting?

The Hon. V.A. CHAPMAN: I am happy to give you an answer on that. Firstly, the breakdown of the \$2.13 million is \$700,000 for the usual state appropriation, \$740,000 for the usual Leigh Creek appropriation—there are two staff there—and a proposed extra \$676,000 to deal with some capital expenditure for an aerodrome fence, which OCA are currently responsible for managing. So there is an extra payment in that year. There is every likelihood that that will continue over the next five years as we transition Leigh Creek.

Ms STINSON: On Leigh Creek—if you need another budget paper reference, Budget Paper 5, page 15—could you enlighten me about the new governance model for Leigh Creek, when it will be implemented and also when demolition works are scheduled?

The Hon. V.A. CHAPMAN: That is still under consideration, but as you might note there is a \$30 million-plus allocation in the budget to deal with demolition and clean-up. This was a town of 2½ thousand employees of a coalmining company, plus other residents, who moved from the old Leigh Creek to the new Leigh Creek in the mid-1980s, from recollection. The whole town was moved because they discovered there was a lot of coal underneath it, so they built a new town down the road, bulldozed the old one and dug up the coal.

The consequence is that we have since then had a very effective coal operation there for the last 30 years. In recent years, I think in about 2016-17, the company, Flinders Power, moved out of Port Augusta, handed back what was left in the coalmine and walked out of the town. My recollection is that Mr Foley was the Treasurer at the time, but it might have been Mr Koutsantonis. Either one of them kept the money in the bank that was supposed to be used for the clean-up and here we are left with the town. So, yes, our government will deal with this issue. We have allocated \$30 million because the first \$5 million or so was clearly not going to be anywhere near enough to clean up the town. We have had advice from the Department for Transport. We have put that money on the table.

The second area is how we prepare the town for being a township of 133 people. I can tell you, because I only read the memo about this particular aspect last night, that there are 133 people who live in the town: 32 of them are children and 101 of them are adults. I think about 47 or so of those are from the Indigenous communities who live in the town. I think the others work for the energy company up there and also hospitality and public servants. About 38 of them, from memory, are public servants.

It is a very much smaller town. They have a hospital, which was frankly magnificent. I doorknocked the whole of Leigh Creek with Graham Gunn in about 2009, so I had a pretty good insight into the new town.

Ms STINSON: That would take a day, wouldn't it, with 133 people?

The Hon. V.A. CHAPMAN: No, there were 3,000 people living there at that stage. But now, of course, it is a shadow of what it was. Clearly, as a government we also need to understand that for those who are living there and the services that it provides to the whole of the region, whether

you live in Beltana, Copley or any of the other regions north and south, there needs to be some reprofiling of the services provided.

From memory, it has a tavern and a supermarket that are privately run. It has a cemetery, which I think the OCA runs. They are looking after the aerodrome services at the moment. There is a school, with 52 children, some who live in the town and some who come in from other areas, such as Copley. There is a swimming pool, which costs about \$160,000 a year to maintain. There has been some regrading of the netball courts and the sporting facility areas, lots of them that have been consolidated into an area. There has been some work done already to try to deal with some of those amenities.

The idea of the previous government was to try to give it some new future, but clearly there has to be a lot of work before that can be done. In the meantime, no final decisions have been made about the governance model. However, the Outback Communities Authority has been provided money, some of which I have just referred to, to be able to continue to provide management. It is \$3.4 million over five years to support those municipal services.

I should also mention the hospital there. It probably needs a clinic. Even when I visited there in 2009, I think there were two people living at the hospital. Hardly anybody used it. Most people who had any serious injury were brought straight down to Adelaide or Port Augusta so, frankly, it was very underutilised even then.

So looking at ambulance, royal flying doctor, health service and clinic facilities is a whole new reprofiling for this town. It is important to remember that the people who live in the outback need to have these services. It is important to understand that on a daily basis we have thousands of grey nomads, especially out of my electorate, because they have nowhere else they can go at the moment, during COVID, crawling all over the state.

Ms STINSON: Point of order, sir: I feel we are straying from the point here.

The Hon. V.A. CHAPMAN: We need to keep Leigh Creek, but it is going to have a whole new overhaul.

Ms STINSON: Excellent. Thank you for that very detailed answer.

The Hon. V.A. CHAPMAN: I would be happy to take the member for a tour up there one day, when it is all done.

Ms STINSON: I would love to. I would happily take you up on that, Attorney. That would be lovely. On Budget Paper 4, Volume 1, page 68, I just had one question in relation to the Local Government Grants Commission. Can the Attorney say what share of the national federal funding South Australia received—that is, what percentage of the total amount provided by the feds to the states and territories? What percentage did South Australia get?

The Hon. V.A. CHAPMAN: The Local Government Grants Commission—that is our South Australian one—will distribute a total of \$165.2 million in financial assistance grants to local governing authorities during 2020-21. That includes \$122 million for general purpose grants and \$43.2 million in identified local road grants. Eighty-five million dollars of the 2020-21 FA grants were brought forward by the federal government and paid to councils in May 2020. This included \$62 million in general purpose grants and \$22.3 million in identified local road grants.

The commission's 2020-21 FA grants allocation was approved by the federal Minister for Regional Health, Regional Communications and Local Government (gee, I thought I had a long name but, anyway, that is his or hers) on 11 August 2020. South Australia also received additional untied road funding from the Supplementary Local Road Funding program; 2021 is the final year of that program. We received \$40 million during 2019-20 and 2020-21. This funding is not guaranteed beyond 30 June 2021.

In addition to that, the Supplementary Local Road Funding program is an additional allocation of untied road funding to address the inequities, etc., in allocation of funds. South Australia receives 5.5 per cent of that identified local road funding pool and maintains 11.8 per cent of the local road network with just under 7 per cent of the national population.

The commission's FA grant recommendation is based on an allocation methodology that assesses each council's capacity to provide services against the average across the state using a policy neutral assessment process as required by the federal legislation. The methodology assesses both capacity to raise revenue and need for expenditure across a standard bucket of services.

Ms STINSON: Excellent.

The Hon. V.A. CHAPMAN: In short, it is a rather more complicated formula. That is how it gets applied. It is not quite the same as our usual situation, where we get a share of federal money and it is based on population, which is often a rule of thumb. This one is a little bit more complicated legislatively, so that is how it works. I hope that is clear.

Ms STINSON: Thank you very much. Those are all my questions in relation to local government, and I want to move on to planning, if that is okay.

The Hon. V.A. CHAPMAN: I thank Ms Alex Hart, not to be confused with my son Alex Hart. From time to time, I have actually picked up my phone to ring the poor Ms Hart to ask about planning and find out I have a useless journalist son on the other end who cannot tell me anything. So I have been very pleased to have Ms Hart. I now welcome Sally Smith, who is in charge of planning and lots of other things.

Ms STINSON: I refer to Budget Paper 4, Volume 4, page 47, and it is no surprise that I will be asking a few questions about the Planning and Design Code. What is the expected implementation date or go-live date for the planning and development code?

The Hon. V.A. CHAPMAN: I expect early next year at some stage but, in short, the code is out for consultation at present. Obviously there have been some challenges in relation to being able to have all the attendances at the public consultations. I think it is 18 December that that concludes, and the commission will give me a report.

Ms STINSON: So you cannot be any more specific than early next year?

The Hon. V.A. CHAPMAN: No. I am going to ask Ms Smith to give an update on the consultation arrangements because, in short, you might recall that this was a matter that had been due for considerate implementation a few months ago. There were nearly 1,800 submissions that were received. The commission reviewed that matter and looked at a number of things again and has made some modifications, which I am sure the member is familiar with. In short, it has been a bit longer a process, but it has been a very important one. I invite Ms Smith to make a further contribution.

Ms SMITH: Thank you, minister. I just wanted to run through the events that we had planned and what we have had to reschedule as a result of the COVID matters over the last week. We have 11 community webinars scheduled. We have already had five of those and they have been really well attended so far. We have had 75 people attend those. That is about understanding the code, helping people work through the electronic system and also teaching them how to use the online submission tool should they wish to make a submission in that way.

We had nine community drop-in sessions planned because we wanted to try to do as much consultation as we could face to face this time, given we were restricted for phase 2 consultation. We did not actually have a lot of interest in those events. We have had 32 people register across the nine community drop-in centres. We have unfortunately had to postpone all of them to date and we are just in the process of trying to find venues to reschedule them.

Where we cannot do that, we have made direct contact with all those people who were registered to advise them that we will find an alternate means to engage with them. We have also offered them the chance to talk to us one on one. Over the coming days, we hope to reschedule and find venues that will allow us to hold events in accordance with the COVID restrictions. We will get that information out to people as soon as possible, because we are keen to run as many face to face as we can.

We have also held three of four State Planning Commission briefings. We have held one with the elected members, one with industry and one with community leaders. As a result of elected

members needing an alternate time frame, we have also scheduled another session for elected members with the chair, Michael Lennon, leading them in a discussion around the code changes.

Then we have 16 practitioner training sessions scheduled before the end of the year. These will cover the code mechanics, how to undertake an assessment against the code if you are a town planner and, for the building professions, also understanding how the new system works and some of the key changes.

Finally, we did have three regional planning sessions organised in Port Lincoln, Mount Gambier and Port Augusta. Unfortunately, all had to be cancelled as the first event was to happen last Wednesday, which obviously would have been impossible. Wherever possible, we are trying to work with the people who are interested in talking with us directly and finding a way that we can do that in a way that they can get access to us. That is where we are at the moment, but we will endeavour to get as many face-to-face sessions in before 18 December.

Mr PICTON: On the same budget line, I am wondering why there has been a resistance in terms of providing briefings on the planning code to members of parliament. I wrote to the previous Minister for Planning, the member for Schubert, on 21 February this year and did not receive a response to my request for a briefing on the impacts for my electorate of Kaurna in the southern suburbs. I wrote to the member for Schubert again on 20 April 2020 and did not receive a response to my request for a briefing.

Mr CREGAN: Point of order: standing order 97 requires leave before a series of facts is introduced. No leave has been sought and here is a series of facts.

Mr PICTON: So much for informal.

The CHAIR: It is relatively informal. The member for Kaurna has laid some background and he is coming to his question.

Mr PICTON: I am getting there. Then, obviously, the member for Schubert was no longer the Minister for Planning. I wrote to the Attorney on 25 September 2020 asking for a briefing. She responded on 11 October—so eight months after my first letter—and made reference to a number of websites but no acceptance or offer of a briefing. There was mention of one officer in her department, and my staff have been trying to contact him. Will the Attorney make available officers to provide members of parliament a briefing on the implications of the planning code for their electorates?

The Hon. V.A. CHAPMAN: I take that as a thankyou for giving you a letter of response within two weeks, providing the information I am sure you would have found helpful and ensuring that you have every opportunity to attend the briefings that have been detailed by Ms Smith today. But I think it is important to say that providing a briefing in relation to a draft plan is not something that we would be providing until we have a plan.

Now is the opportunity, including up to 18 December, for the member or his staff, or anyone really in his constituency, to go along to the public meetings and ask questions about the detail on these matters to be able to make that available. As you know, there are briefings provided if there is legislation or if there is implementation of a new program. Let's face it, by the end—

Mr PICTON: This is a new program.

The Hon. V.A. CHAPMAN: The implementation of it. We are not actually implementing it yet. The process is one where it is a draft. We have implemented the first two: outback and, of course, the regional areas except Wallaroo and Kangaroo Island and the main towns. This phase 3 is the large end of it: 90 per cent of development applications are dealt with in this phase 3 area.

So, thanks very much, you left the hard bit for us at the end, but that is fine; we will sort it out. I make this point: whilst this is going on, everyone in the state has an opportunity to come in and go to these consultations. We have a call centre which takes about 100 calls a day in relation to the draft. As I understand it, during this period there will also be councils, planners and other people who are going to be using this service on a regular basis, through the new ePlanning portals and so on, and they need to be able to go to that information just to check out the pure validation of the data.

Do they have everybody in place? Have they captured all the areas and information that need to be online?

This is a validation process. I have seen how these things work. I used it as an example before but I remember there was a redrawing of boundaries between Heysen and Bragg, and they left out a whole street of people—they got completely disenfranchised. I make the point that we do need to have a period of time for the professionals, including those in councils, to be able to say, 'Hang on a minute, you have left off this community,' or, 'This town next to this river is not in there.' That is what is happening now.

When we have finished that—and when I say 'we', the Planning Commission has put in a report to me about what they recommend—I am expecting that we can look at the introduction of that phase in the early part of next year. I am in their hands at the moment, but I have made it very clear that we want a resolution of that process by Christmas. I am assured that that is why the date has been set at the 18th. They will give it some consideration and give it to me, and I expect I will have some happy holiday January reading, and we will get on with it.

Those aspects need to be sorted out and that is the process. I am very mindful that, once this comes into place, members of parliament, on behalf of their constituencies, will want to be able to get a briefing about how it might work and be given an opportunity for its application and, at that stage, I think it would be the sensible time for us to consider—

Ms STINSON: When it cannot be changed anymore?

The Hon. V.A. CHAPMAN: I am just saying you have plenty of opportunity—the member interjects to say, 'When it cannot be changed anymore.' This is the third phase of the code which, in general terms, will mean that we can get on with getting rid of the old Development Act and really getting full bottle into the application of the PDI Act.

That will be a great time. The whole process was announced by the former Attorney to take five years back in 2016. I thought he was joking at the time but anyway, here we are. It is planned to be all done and dusted by 30 June 2021. I am the new minister and I am working very hard—well, I am not doing all the hard work, the department is—to make sure that is achieved. If the member is worried about not knowing what is going on, please go to a session. If you need some extra help, let us know and we will see what—

Ms STINSON: We have been trying to call you. We have been trying to ring you.

The Hon. V.A. CHAPMAN: No, you asked me for a briefing. I have indicated to you that we are still in the consultation phase. If you want a briefing on how the new system works, when it is done, please come back to me and I will give you some extra assistance.

Ms STINSON: But you cancelled his session.

Mr PICTON: Have any briefings been provided to any members of the Liberal Party?

The Hon. V.A. CHAPMAN: Not that I know of; I cannot remember any. Members of parliament?

Mr PICTON: Members of the parliamentary Liberal Party.

The Hon. V.A. CHAPMAN: Not that I am aware of, no. They have also been advised, like everyone else, that this is an opportunity to go and put some more information in if they want to. I struggled, in the initial phase, just to be able to operate the equipment, but I am getting there.

Ms STINSON: Budget Paper 4, Volume 1, page 47, is, I think, the one we are already on. The code has more than doubled in its number of pages since the last version was released last year; it is now 7,849 pages. How does the Attorney recommend that members of the public actually determine what the changes are for them, from the existing rules to the new rules, under this latest incarnation of the code? Surely she does not expect your average person who wants to know what the planning changes are going to be to wade through 7,849 pages, come up with constructive questions and go to a planning session about it.

The Hon. V.A. CHAPMAN: Can I just say, in short—

The CHAIR: Attorney, there is a point of order from the member for Kavel.

Mr CREGAN: Point of order: 97, sir. There was considerable opinion and extensive argument in that question. We have all been reasonably patient and listened to questions of that type for quite some time, but I do draw this particular question to your attention. So far as the answers are concerned, as members will know, the minister can answer however she wishes—and competently, in this instance.

The CHAIR: Which I have reminded members of today, but I also remind the member for Kavel that it is a relatively informal affair, as I announced earlier. Given that we are on points of order, while the Attorney is—

Mr Szakacs interjecting:

The CHAIR: Member for Cheltenham, enough interjecting. It was a little while ago, but I did miss the member for Badcoe's point of order; I suspect related to relevance.

Ms STINSON: Indeed, sir.

The CHAIR: It did, indeed. From that moment on, the Attorney seemed to get back on track.

The Hon. V.A. CHAPMAN: Perhaps the member for Badcoe should have a look at the tax act some time. In any event, I am not sure that the information provided to her through the committee is exactly right. I am advised that under the Development Act there are currently 23,000 pages, if you print out all the development plan provisions there.

This new proposal—and I know because I have it sitting on my desk in my office—is 300 pages of policy. The rest of it is tables, and there are also maps online showing the changes. I do not know where she gets those figures from, but this is a very substantial reduction in the material that needs to be considered. There are some helpful guides to the changes that have already been published, so if she has constituents who are trying to track the changes from the draft that is now out then they are available.

I think it is fair to say—I am a lawyer; I am not a planner—that I found it difficult to navigate the drafts that came out some months ago. It was a whole new approach to this. Nevertheless, the information populating this ePlanning program is an enormous amount of data, and we need to get it accurate and we need to have this validation period to do that. For the member for Badcoe and any other constituent in South Australia who wants to have a look at this and how the changes have occurred, there is some helpful material online to do that and, secondly, to advise of any corrections that need to be made.

Ms STINSON: Disappointing.

The Hon. V.A. CHAPMAN: I will take that as a comment.

Ms STINSON: You can take that as a comment. What money is expected to be expended on the implementation of the planning and development code and what is the total cost of the new planning and development code and the ePlanning portal associated with that?

The Hon. V.A. CHAPMAN: Can I indicate, first, that the planning reform implementation total, that is, from July 2016 to June 2021, is expected to be \$43.6 million, which is \$27.6 million in capital and \$16 million in operating. The total capital expenditure to 12 October, a few weeks ago, was \$37.3 million. My recollection, although I cannot find it here immediately, is that when Mr Rau announced the reforms back in 2016-17 he allocated a budget of \$25.8 million. He had spent a good slice of that by the time he left, so the last 2½ years we had to find a lot more. That is the situation. I am checking some figures specifically in relation to the third code. The online Planning and Design Code build, just in relation to the code, is \$3.26 million, and the drafting of the Planning and Design Code is \$4.1 million.

Ms STINSON: How much money has been spent on the code since 1 July this year?

The Hon. V.A. CHAPMAN: We will have to take it on notice.

Ms STINSON: How much will the government be taking from the Planning and Development Fund in 2020-21 to pay for these reforms?

The Hon. V.A. CHAPMAN: \$6.7 million.

Ms STINSON: How much was taken from the Planning and Development Fund in 2019-20?

The Hon. V.A. CHAPMAN: \$13.4 million. Just so that it is clear, 2018-19 was \$5.3 million.

Ms STINSON: Thank you very much. Has anyone in your department, as it is now or as it was under the former minister, sought additional funds from Treasury over this year or last year for the cost of the code, as opposed to taking the money from the Planning and Development Fund?

The Hon. V.A. CHAPMAN: I cannot immediately give advice on the—let me clarify this. It is a little bit difficult to break down exactly just for the code or for planning reform generally, because that is a little bit more complicated to break that down again. But the funding sources, as I understand it—\$25.5 million from the Planning and Development Fund. I have just given you the breakdown of the last three years of how that has been applied, that \$25.5 million.

Ms STINSON: Just to be clear, are you referring to that \$25.5 million as the planning reforms or as the code?

The Hon. V.A. CHAPMAN: Planning reforms total—that includes the code. A very substantial portion—I have given you the breakdown of the capital payment of that, which is \$27.6 million of the \$43.6 million. So \$25.5 million from the Planning and Development Fund; general appropriation, \$16.9 million; council levy, \$1.1 million; and, the commonwealth (the SAFECOM bushfire mapping), \$0.1 million. So that is the total funding sources for the planning reforms.

Ms STINSON: How much does the state government expect to recover from the local government sector for charges connected to the ePlanning system and/or the code in 2020-21?

The Hon. V.A. CHAPMAN: I have given the \$1.1 million as the council levy—is that for this year? Yes.

Ms STINSON: That is for this financial year?

The Hon. V.A. CHAPMAN: Yes.

Ms STINSON: Do you know what you are expecting to get from next financial year for those fees? Presumably they will be different, seeing this was upfront.

The Hon. V.A. CHAPMAN: In relation to the planning reform program, I do not think there will be any. Just to clarify that, the council levy of \$1.1 million I have just referred to is over two years, but this is a—

Ms STINSON: I am sorry, for which two years?

The Hon. V.A. CHAPMAN: The last two years.

Ms STINSON: So, 2018-19 and 2019-20?

The Hon. V.A. CHAPMAN: Yes.

Ms STINSON: I understand that there is a 50 per cent rebate. Will the state government extend the 50 per cent rebate applied in 2018-19 and 2019-20 to councils for charges connected to the ePlanning system considering that the ePlanning system will not become fully operational until the second half of 2020-21?

The Hon. V.A. CHAPMAN: There is no provision for them to make a payment for 2020-21. There is no discount for this year.

Ms STINSON: There is no discount for—

The Hon. V.A. CHAPMAN: This financial year.

Ms STINSON: For 2019-20?

The Hon. V.A. CHAPMAN: For 2020-21.

Ms STINSON: How much do you expect to bring in from those charges? Surely it cannot be the same as the last financial year?

The Hon. V.A. CHAPMAN: I would not think so, but I think we are talking about a slightly different thing. We are talking about the funding of the reform and then we are talking about how much of the levy will be ongoing. The ongoing levy from this year will continue without a discount. And is there any discount after that? No, because we will be operating.

Ms STINSON: So how much do you expect to receive from the levy in 2020-21?

The Hon. V.A. CHAPMAN: I will take that on notice for the total of councils; I do not think I can give you a breakdown.

Ms SMITH: We could give the breakdown.

Ms STINSON: Excellent; I will take the breakdown then, thanks. On Budget Paper 4, Volume 1, page 16, the budget states that the planning reform implementation will be complete by June 2021. I understand from your earlier answer you are hopeful that you will be implementing this before 2021?

The Hon. V.A. CHAPMAN: Phase 3 of the code?

Ms STINSON: Indeed.

The Hon. V.A. CHAPMAN: The whole of the reforms will be implemented by June 2021.

Ms STINSON: Considering that \$10.5 million was expended on this reform in 2019-20, according to that budget paper reference, why is only \$3.9 million being budgeted in this financial year, which is obviously the year of implementation?

The Hon. V.A. CHAPMAN: Just give me the page number on that, because you are using a different reference.

Ms STINSON: Budget Paper 4, Volume 1, page 16.

The Hon. V.A. CHAPMAN: Just point to me where we are on the investing expenditure summary.

Ms STINSON: Just below halfway down, where it says 'planning reform implementation'.

The Hon. V.A. CHAPMAN: What was your question, sorry?

Ms STINSON: Under 2019-20 actual it has some \$10 million, but I understand that only \$3.9 million has been budgeted for this financial year—the 2020-21 budget line.

The Hon. V.A. CHAPMAN: That is the total. The total is \$25.101 million and the budget for this year is \$3.889 million. Last year, it was \$10.495 million and in 2019-20, \$7.735 million.

Ms STINSON: Indeed. There seems to be quite a drop from what was spent last year to what has been budgeted this year. That strikes me as unusual considering that this is the implementation year.

The Hon. V.A. CHAPMAN: That is just the capital. This investing expenditure summary—we are talking about the capital being put in for the equipment and for the program—

Ms STINSON: So for the IT system and so forth?

The Hon. V.A. CHAPMAN: Yes, the ePlanning program, not the actual staff who are doing all the inputs, etc. This whole page is about investment for capital.

The CHAIR: Member for Badcoe, I might just go to the member for Newland, who has indicated to me he has a question.

Dr HARVEY: Thank you, Chair. I have a question for the Attorney on Budget Paper 5, page 19. Can the Attorney explain why it is important for the government to spend \$3 million on flood mapping over the next two years?

The Hon. V.A. CHAPMAN: Wonderful. I am really pleased to have an opportunity to talk about this because I love maps. I just love maps, and—

The CHAIR: So do I, Attorney.

The Hon. V.A. CHAPMAN: —I was really sad when somewhere in the previous government they closed down the whole mapping division of government. But I have discovered, in my new-found portfolio, that there is a person who works in there who actually creates maps. Boy oh boy, do we have some beautiful maps on our wall now. This whole objective, though, is to deal with the mapping for floods.

Digitised flood mapping has been really, really important. I can remember the complete chaos in metropolitan Adelaide, for example, when there was major flooding through some of the creeks from the north-east area through the Mitcham Hills, etc. Unley was completely flooded. Poor old Mr Koutsantonis' electorate was under water. Some of it ran into drains into the Airport.

Ms STINSON: And indeed some of mine.

The Hon. V.A. CHAPMAN: The member for Badcoe points out that part of her electorate was running around in galoshes. I have to say that most of it was coming off my electorate. I am sorry about that, but the reality is it rushes down the hills and a bit of it swirls around at the bottom of the Glenside Hospital site, where there is a big detention dam, and tries to cram under the street but floods the whole way along there. People get shocking damage.

One of the things that is really important if we start to plan, whether it is in metropolitan Adelaide or anywhere else across the state, is if it is next to a creek, a river or an area in relation to flood, mitigation is required. We are living in the 21st century, and it is time that we are able to, firstly, have a process where the community can be alive to knowledge about where there is flooding potential, whether you live along the River Murray or any other creek line, or the Gawler River; you name it, there are lots of areas of flooding. It is very dangerous, it is highly disruptive and it is destructive of property and value.

The current flood hazard data is going to be reviewed, then we will prioritise it into areas of critical risk, and enhance and expand the coverage of flood hazard mapping across the state. A higher quality of mapping data will allow for hazard overlays, which will be part of our Planning and Design Code to be updated.

The data, of course, will help the emergency services people as well in relation to this, so it is a really key, important area for the Attorney-General's Department, the Department for Environment and Water, the State Emergency Service, the Environment Protection Authority, the Local Government Association, councils generally and the customers, the people who want to live in these areas, who are paying rates in these areas or who are relying on taxes in these areas for liability or benefit.

I think it is a great initiative. I am thrilled about it. I think we are allocating \$3 million in this budget to advance this mapping. That poor little chap who is sitting in Ms Smith's department will have a friend for life online. It will be the new virtual reality of flooding. He will be happy as.

Ms STINSON: Excellent. I think we are still on the same budget page reference.

The Hon. V.A. CHAPMAN: Which was?

Ms STINSON: Which was Budget Paper 4, Volume 1, page 47. My question is in relation to the Planning and Development Fund. What is the total amount of money that came into the fund in 2019-20, and what is the total amount that went out in grants?

The Hon. V.A. CHAPMAN: On average, it is about \$14 million a year. What was the year you asked me for?

Ms STINSON: It was 2019-20—as in, what came in and what went out?

The Hon. V.A. CHAPMAN: On average, it is about \$14 million a year, and I thought that was very important. The previous minister announced that there would be an extra \$15 million brought forward for the—

Ms STINSON: Indeed. I have some questions about that, if we get to them.

The Hon. V.A. CHAPMAN: I will try to be quick for you, because I am very proud of this. It has come in. Roughly, about \$8 million went into the 2019-20 year. I think they had \$22 million spent

on those projects for the last financial year, and this year it will have \$14 million-odd, plus the balance of that money that has been brought forward.

Ms STINSON: When you say there is an average of \$14 million—I know you have said that a few times in different forums—is it actually \$14 million? Is that the base amount that gets moved each year? If not, what is the actual amount for 2019-20?

The Hon. V.A. CHAPMAN: It does not have to be, but it has been regularly about \$14 million—that is the advice I have—in the last two years.

Ms STINSON: What was the amount in 2019-20?

The Hon. V.A. CHAPMAN: Open Space and Places for People grants got \$22.7 million in grants.

Ms STINSON: That is what went out?

The Hon. V.A. CHAPMAN: Yes.

Ms STINSON: And what came in, in the 2019-20 year?

The Hon. V.A. CHAPMAN: The total expenditure from the fund? I will just go back to the revenue first then, if you want to do it that way.

Ms STINSON: Yes.

The Hon. V.A. CHAPMAN: The revenue into the fund was \$38.8 million in the 2019-20 year: \$27.6 million came in from fees and charges; appropriation of \$11.1 million, which is Treasury; and interest was \$0.1 million. That is the total of the money that came into the fund. The money that went out, firstly, for grants—that is, the Open Space and Places for People grants—my understanding is that that was almost all for open space grants for actual projects, as distinct from buying property, because there are two benefits in that scheme. Apparently, it had been previously discussed, once COVID had hit, how it was more important to have projects being built in council areas, rather than buying up blocks of land or pieces of real estate. My understanding is that the \$22.7 million that went into grants during that financial year has almost completely gone on actual projects, as distinct from buying property.

Ms STINSON: In the 2019-20 year, we had \$38.8 million in total revenue to that fund and then \$22.7 million went out in grants. Did anything else go out of that fund?

The Hon. V.A. CHAPMAN: Yes, the Strategic Investment Grants. These are previous grants that have been provided. I will tell you what they were. The implementation of planning reform was \$13.413 million, which I have referred to before; the 30-Year Plan for Greater Adelaide has \$1 million a year come out of that fund; Greener Neighbourhoods is \$1 million; the Outback Play Space and Social Hub is \$48,945; the Marino Coastal Walkway, stage 1, is \$140,000; the Moonta Street upgrade, which is in the city just off Gouger Street, is \$2 million; and the Moonta Street reinvigoration, which is part of the Chinatown redevelopment, is \$500,000, so that is \$18.1 million.

Ms STINSON: For each of those items you just listed off, for example the Marino project and the Moonta Street projects, were they funded out of particular funding lines, or is this a fund that has some discretionary ability for the minister to fund things?

The Hon. V.A. CHAPMAN: It does, yes. Those are already prearranged payments that have been made. The 30-year plan money comes out on a regular basis. I think the Greener Neighbourhoods one has. The others are specific. Some of them have to at least be approved through cabinet processes, but I cannot be sure, as they were before my time. There is also the implementation of planning reform, which I have referred to.

In addition to that, as the minister I apparently own property on behalf of the people of South Australia that has already been acquired. Somebody has to pay to maintain it, so \$0.9 million also went out last year to DEW for land management because they have to kill pests, undertake bushfire management, fix up fences. pay the rates on it and whatever else has to be done, so that all happens. Land management administration is \$0.1 million, so in round figures it is \$1 million to maintain and

support property that I apparently own that is ready to be, I suppose, developed for open space benefit to the community. There is also an administrative recharge fee, which is \$1.3 million.

My understanding is that most of these have been there over a number of years. You can see with the money that has gone into it that, instead of it just being developer's fees and charges, it has also had an appropriation of \$11.1 million.

Ms STINSON: Yes, you mentioned that before.

The Hon. V.A. CHAPMAN: I make the point, though, that it is not just receiving the open space levy, as such, from developers. It is now getting other moneys coming into that fund for appropriation but, on the advice I had, the fund usually had a fee of about \$14 million that went out specifically to open space grants. Because I think that needs to be maintained and the government previously made a decision to bring forward another \$15 million, last year they got \$22 million and this year I think they will get about \$20 million.

There is a lot of extra money on the table for projects, but I have to say that councils have really stepped up to get these projects ready, and I very much urge them to get more ready because this year's round is open. I have written to them all recently. Next year, let me tell you, that will go out in July, so I want the councils to have these projects ready to get on with because we are really keen to have the stimulus of this, obviously, during COVID, and also to give the opportunity for councils to have these much-needed projects. The Premier and I were privileged to go down to the City of Holdfast Bay a month or so ago to see a fantastic new playground. They pulled that together within a matter of months and it was great to see.

Ms STINSON: Budget Paper 4, Volume 1, page 47 talks about the cladding audit. I just wonder if you could tell me how much funding has been committed to finalise the cladding audit, and also how much funding has been committed to education or information programs for property owners or purchasers in relation to the use of ACP?

The Hon. V.A. CHAPMAN: This is an important area. I will try to be as quick as possible. If there is a specific amount to be found, then that will be done within existing resources. The member is probably quite familiar with the background on this. There had been an audit done, the three phases were to identify the buildings, and councils were part of that. The second phase was to investigate the sites to determine risk. Phase 3 was to provide a response and remediation.

There were 17,000 publicly owned buildings that were looked at in phase 1, with 126 buildings identified for further investigation and 52 found to incorporate cladding. Two buildings were identified as high risk; that is a toilet block down at Sturt Street Community School and the Avenues College. Both of those rectification works have been completed. There were 39 buildings at moderate risk. DPTI wrote to each agency that owns buildings that were subject to the audit. The Adelaide City Council was also involved in some extensive work in relation to that.

Of the 172 privately owned buildings—and this raises another challenge because so many of these are apartment buildings—identified as of potential interest, 124 were found to incorporate cladding and 28 were identified as high or extreme risk. As at August this year, this number was reduced to 10 by owners working with the relevant councils' building fire safety committees. There were over 550 occupants in the buildings originally rated high or extreme. DPTI have received confirmation that over 430 have been advised of their building being part of the state ACP cladding audit. Now what we are left with is: how do we deal with these properties and future owners or tenants or occupiers?

Ms STINSON: Indeed, that is why I asked about the education funding.

The Hon. V.A. CHAPMAN: That is the issue that our department is currently working on. The Attorney-General's Department have looked at and are already considering how to amend the form 1, which is a document that is presented at the time of conveyance, transfers, etc., so that we do a number of things that I think are very important. One is that any landowner of property that is subject to a cladding audit and is of high or moderate risk needs to disclose fully to any prospective purchaser, and any new purchaser is entitled to have that information—

Ms STINSON: Indeed; so are you going to do that through the form 1?

The Hon. V.A. CHAPMAN: —and any tenant or occupier of that property, especially if they are going to live in it, I personally think needs to have some notice that they are going into a building where there is this potential risk. That is what we are working on at the moment.

Overlying all of this is the advice that we received, and the former government received the same advice, from the MFS—I think the CFS were involved as well as SAFECOM and others, but the MFS particularly; I recall seeing some material from them—in consultation with SAPOL, to go out and advertise certain buildings as having had some of this cladding on it. The ACP was going to introduce a further risk of potential arsonists who would try to light fires, etc.

All around Australia, that advice was given. All around Australia, governments acted in the same way, not to put a great long list on the front page of the newspapers regarding what was happening here. But what we have to do is now think that if there is a high to moderate risk in relation to a property that people are going to live in or are already living in, then we need to in some way let them know. There is a process here of people being told about that, but I am now working on this question of how we deal with the future.

Apart from that, some professional indemnity insurance issues have been raised by a number of the building surveyors and engineers, and they need to sign off on remediation works, etc. How we deal with that liability is being dealt with at a national level. There are a number of options that are now being explored through the building minister's meeting, the next one of which will be this Friday. This is a new job I also have; the member for Schubert would remember these. They are all about a national meeting to discuss the standards in relation to building structures. As I said to some of my staff yesterday, this is not my area of expertise. The biggest thing I have ever built is a chook house, which I am pleased to say is still standing.

But we do need to have national rules on standards of structures for the safety of people and animals, and anyone else who is going to occupy them or walk through them, so we need to make sure that we have compliance. There is a whole raft of issues that still need to be looked at, and that is something that is being looked at nationally.

Mr SZAKACS: Supplementary, Chair: in the advice that you received from SAFECOM and the MFS, particularly regarding the cladding considerations and publication of the totality of risk, at the same time or within that advice did you receive advice from either SAFECOM or the MFS regarding the adequacy of their moving fleet, their firefighting fleet, to either guard against or to respond to the totality of the risk that cladding posed?

The Hon. V.A. CHAPMAN: Not that I recall, but at various times over the years I have had advice from the MFS. I used to act for a lot of firefighters in my previous life and they gave me all sorts of advice as to how effectively they can put fires out in buildings—I think nothing over the seventh floor if I remember. I think I sat on the seventh floor of a building at that stage, so I was getting a bit worried.

I do not recall in that correspondence anything in relation to their capacity to be able to deal with it. I do recall there had been some discussion as to how they identified low, moderate or high risk, and some of that related to the capacity of the number of exits and things of that nature, so that there was an evacuation plan in the event of there being a fire.

I could not be more specific than that. They obviously had some matrix as to how they identified those things, but there were two aspects of that. One is their advice related to the identification of the area of risk but also their concern that there should not be a public disclosure of the addresses of these properties due to concern about a future arson attack; that is, somebody might think, 'Beauty, I will go and torch it.' I know we deal with arsonists, particularly in the bushfire envelope, but in relation to this area, as we have seen from incidents in Victoria and in London, for example, there are catastrophic outcomes from this.

So that is something that I think that our government and also governments around Australia have taken notice of, and we have respected that. As to your specific question as to whether there was any other detail of their fleet capacity, I do not recall anything of that nature.

Mr KNOLL: Budget Paper 4, Volume 1, page 55: I am wondering whether the minister has an updated time frame on the construction of stage 1 of the coastal path at Tennyson.

The Hon. V.A. CHAPMAN: I think stage 1—it has been broken into two stages—would be expected to start later this year or early next year. I think we actually got some money back from the Charles Sturt council. Originally, they had given the money I think, member for Schubert, to undertake that work, but, in any event, it is going ahead. Everyone is happy down there, as I understand it. There might be a few people who—

Mr KNOLL: Not everybody, but yes.

The Hon. V.A. CHAPMAN: In any event, it is going ahead, and I think it will be a very important project. I think I mentioned, in some of the funding that the member for Badcoe asked about, some moneys that had been allocated in the 2019 year—that budget is there and it will get spent. It will be a delightful walk, and I will encourage all members of the committee to go to utilise it when it is done. I think even the member for Lee had made a public statement, and I appreciate his endorsement of the importance of this project.

Ms STINSON: In the moments remaining, I want to ask some questions in relation to the Office of the Valuer-General. On Budget Paper 4, Volume 1, page 49, my question is whether the government has decided, and indeed advised the Valuer-General, what changes, if any, will be made to the valuations of retirement villages. If so, what are those changes and when are they due to come into effect?

The Hon. V.A. CHAPMAN: I welcome our Valuer-General to respond. I have already introduced her to the committee. I do not specifically have any funding allocation for that, but I will ask her, in any event, whether she is happy to give you an update in relation to the progress of that review.

Ms BARTOLO: The funding for the independent living unit changes forms part of the revaluation funding. It was designed and allocated as a whole of project; it is not itemised, as such. That will be delivered for the 2021-22 financial year.

Ms STINSON: Has there been a decision on how those ILUs are going to be rated? If so, what is that decision and when will it come into effect?

Ms BARTOLO: As far as how they are rated, from a council perspective they have determination under their act. My responsibility sits with their configuration. The configuration will align with the joint committee's option of No. 3, which is the recommendation I put to them. There will be a parent holding valuation record for the whole of the complex, and then there will be tenancy apportionments for each of the units contained within it. That then provides councils, depending on their arrangements, with how they choose to rate against them.

Ms STINSON: Is legislation required for that?

The Hon. V.A. CHAPMAN: No.

Ms STINSON: My other question was around the halted valuation process. When was—

The Hon. V.A. CHAPMAN: Sorry, was that the 'halted valuation process'?

Ms STINSON: Yes, indeed. If you would like a budget paper page reference, it is the same one, under highlights and targets in Budget Paper 4, Volume 1, page 49. My question is: when was the decision made to halt the revaluation process? Why was the decision made? Has the revaluation process now recommenced?

The Hon. V.A. CHAPMAN: That was COVID-19.

Ms STINSON: Has the process recommenced yet?

The Hon. V.A. CHAPMAN: Yes, it is already happening. Cycle 2 and cycle 3 will be delivered for the 2021-22 financial year.

Ms STINSON: I am sorry, I did not quite understand that.

The Hon. V.A. CHAPMAN: Cycle 2 and cycle 3 will be delivered in the 2021-22 financial year.

Ms STINSON: When will the different council areas be done?

The Hon. V.A. CHAPMAN: It is part of that cycle.

Ms STINSON: Fair enough. Could you tell me what the valuation assumptions are for this year and how much is residential property forecast to increase in value? I pose the same question for commercial property.

The Hon. V.A. CHAPMAN: We will take that on notice, if the information is available.

Ms BARTOLO: In relation to what the proposed changes are going to be, we are currently doing extensive investigation. The date of valuation is 1 January, so they will not be known until gazettal on the third Thursday in May of next year. We are mindful of COVID impacts, so we are doing extensive research to make sure that we can quantify those impacts as accurately as possible.

Ms STINSON: That was my final question: what impact will COVID have on the valuations? Also, and I think you just answered this, when is the 2021-22 general valuation due to be completed? Could you possibly just elaborate on what you know so far from your research about how COVID will be impacting the valuations.

The Hon. V.A. CHAPMAN: I think we will take that on notice. Remember that the value is as at 1 January—which will be when it is determined, after that time—for effect as of 1 July that year, and the assumptions will be known closer to that point. They may be matters you may want to ask about when it has occurred, rather than pre-emptively, because all those factors are not there. There will be a research paper, yet to be completed. As I said to start with, we will take it on notice.

The CHAIR: Having reached the allotted time, I declare the examination of the proposed payments for the Attorney-General's Department and the Administered Items for the Attorney-General's Department complete.

At 18:31 the committee adjourned to Tuesday 24 November 2020 at 9:00.