HOUSE OF ASSEMBLY

Wednesday 29 September 1982

ESTIMATES COMMITTEE B

Chairman:
Mr E. K. Russack

Members:
Mr M. J. Brown
Mr G. J. Crafter
The Hon. Peter Duncan
Mr S. G. Evans
Mr K. C. Hamilton
Mr J. Mathwin
Mr J. K. G. Oswald
Mr W. A. Rodda

The Committee met at 11 a.m.

The CHAIRMAN: The minutes of yesterday's proceedings have been distributed and, if there are no objections, I will sign them as being correct.

I welcome the Attorney-General and Minister of Corporate Affairs.

The Hon. K. T. Griffin: My staff advised me, after consultation with House staff, that we would be doing Electoral first, Courts next, then Attorney-General's, and thereafter Corporate Affairs. Therefore, I have organised my staff on that basis, and I hope that that might be an appropriate order for the Committee.

The CHAIRMAN: I will bring that matter before the notice of the Committee. The order in which the Attorney-General would like the votes considered and for which arrangements have been made is: first, Electoral; secondly, Courts; thirdly, Attorney-General; fourthly, Attorney-General, Miscellaneous; fifthly, Corporate Affairs Commission; and, sixthly, Minister of Corporate Affairs, Miscellaneous. Is there any objection to taking the votes in that order?

Mr CRAFTER: I was not aware of the Attorney-General's request, but I see no reason why we should not proceed in that order. However, you, Sir, may find some pauses in the preparation of my questions in the early part of the day.

The Hon. K. T. Griffin: I am sorry about that. I first knew of the proposed order for the Committee when I came here this morning and saw it on my desk. My staff had told me that the order that I had proposed had been arranged and agreed. I am sorry if it has presented a difficulty for members of the Committee.

Mr EVANS: The programme as suggested is agreed to by Government members.

The CHAIRMAN: There must have been some slight misunderstanding. I thank Committee members for agreeing to the procedure.

Electoral, $1 609 000

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

Departmental Advisers:
Mr A. K. Becker, Electoral Commissioner, Electoral Department.

Mr M. S. Duff, Deputy Electoral Commissioner, Electoral Department.

The CHAIRMAN: I declare the proposed expenditure open for examination. The vote can be found on pages 13 and 14 of Parliamentary Paper 9, Estimates of Payments.

Mr CRAFTER: Can the Minister inform the Committee of the precise cost of conducting each of the three by-elections that have been held during the current life of this Parliament and, in particular, the cost and ongoing policy of the Electoral Office with respect to advertising those by-elections? Most members have been pleased that the Electoral Office has taken an initiative to inform electors of by-elections. There is traditionally a low turnout at such elections. The Electoral Commissioner has, in a very imaginative way, informed electors of that.

My concern, apart from the overall cost, relates to the policy regarding advertising. Will that continue through a general election? Will material be placed in households with respect to the forthcoming general election, advising electors where they may vote and other rights that are fundamental to the exercising of their democratic rights?

The Hon. K. T. Griffin: I do not have available the breakdown of the exact cost of each of those three by-elections, but I undertake to obtain that information for the Committee. The general policy of the Government with respect to advertising is to ensure that the Electoral Commissioner undertakes what we regard as a public responsibility, to publicise the location of polling booths, absent and postal vote requirements and any other matters that may relate to the conduct of the election.

The two most recent by-elections required additional advertising because of the changed closing time of the poll, which went from 8 p.m. back to 6 p.m. Of course, there were some special considerations with respect to absent and postal voting. During a full general election, the Electoral Commissioner will advertise extensively on those aspects of the conduct of the election that probably fall within his responsibility. I understand that the provision in the Estimates for the next general election for advertising is something like $65 000, although I am informed by the Commissioner that it is likely to be in excess of that. If there are other aspects of advertising on which the honourable member wants more specific information, the Electoral Commissioner is at liberty to give that information.

The CHAIRMAN: Is the Attorney-General suggesting that the Commissioner can do that now?

The Hon. K. T. Griffin: It is very much a matter for Mr Crafter. There are specific matters with respect to advertising that the Commissioner can answer.

Mr CRAFTER: The Minister and the Commissioner would be aware of the criticism of the Electoral Commission's advertising programme made in Parliament on 16 September this year by the member for Ascot Park. In his speech to the House of Assembly, that honourable member pointed out the discrepancies that he alleges occurred in the advertising programme that was conducted by the Electoral Office in the Mitcham by-election, as opposed to the Florey by-election and, indeed, the prominence given to the style of advertising and the placement of it in particular types of press. I would be pleased to hear an explanation, if any is available, of how that occurred.

The Hon. K. T. Griffin: I will ask the Electoral Commissioner to answer, as he undertakes the advertising as a matter of his normal statutory responsibilities.

Mr Becker: The situation in Florey was slightly different from that in Mitcham, as much of the programmed work undertaken for Mitcham was then utilised for Florey. The actual advertisements designed for Mitcham were basically recreated for the Florey by-election. In terms of the difference,

we did not run one *News* advertisement and one *Advertiser* advertisement: we advertised in two regional papers, the Messenger Press, which covered the whole Florey District.

We lettterboxed the whole Florey District, just as we did for Mitcham. Outside of production costs, the cost of running the Florey by-election was about $5 000, against $10 000 for the Mitcham by-election. The production cost was about $3 500, and those costs were not repeated in regard to Florey. We were not pleased about the position of advertisements in the paper, and there may be some adjustment to the costs incurred by the department at that stage.

Mr CRAFTER: I refer to the heading at page 99 of the yellow book 'Issues/Trends', under which it states:

There is a demand for increased provision of voting facilities for electors.

There was a gazettal during the year of a reduction of polling places. Did that issue refer to an increasing standard or capacity for gazetted polling booths, or is there a reversal in regard to an increased number of increased polling places?

The Hon. K. T. Griffin: I will ask the Commissioner to reply.

Mr Becker: We have rationalised polling booths to try to bring them more in line with those used by the Commonwealth, not so much to reduce availability of booths to people but to reduce the amount of confusion that people have in knowing which is the correct polling place. Conversely, we have improved absent voting facilities. Where possible we will be putting microfiche into every polling booth to enable a person to check his enrolment so that we do not reject at the preliminary scrutiny as many absent votes as we have rejected in the past. Also, we have increased the number of outlets for postal voting, that is, for pre-poll postal voting over the counter (on-the-spot postal voting), from one outlet to 12 outlets, for the next election, which we also used for the Florey and Mitcham by-elections.

Also, we have provided facilities for every returning officer to be able to issue postal votes for every other district. We have increased facilities interstate and, although we have not increased facilities overseas, the increased availability for the elector to obtain a vote is considerably greater than we have had in the past.

Mr CRAFTER: I refer to postal voting changes. Now, for the first time, people who are confined to their homes or who for some other reason want to take advantage of postal voting at the forthcoming election must pay the reply postage when they return their vote to the returning officer. I realise that that situation obtains in perhaps some or all other States, but there has been a tradition in South Australia that that cost is covered by a pre-paid envelope. Why has it been necessary to change the system?

There is the question of uniformity, but such a change may deter some people who are infirm. Many people in those circumstances may not be able to post a letter on time; they may not be able to obtain a stamp, and the cost of a stamp to a pensioner, for example, might be too much and could be construed as a further deterrent to what is already a complicated procedure. The change seems to be unfortunate, even if just a few people are deterred from voting as a result of this new cost-cutting exercise.

The Hon. K. T. Griffin: The facilities for postal voting have been extended dramatically over the past few years. The Electoral Commissioner has already referred to the additional places where pre-poll postal voting can occur, in this State, interstate and overseas. What he did not say is that we intend to proclaim an additional, I think, 150 institutions to be covered by the electoral visitation scheme.

Mr HAMILTON: When will that be gazetted?

The ACTING CHAIRMAN (Mr Mathwin): Order!

The Hon. K. T. Griffin: It will be gazetted before the next election. We will keep the honourable member guessing about when that will be. There has been an indication, as I understand, by the Electoral Commissioner to various institutions on the list of institutions to be proclaimed that their institutions will be proclaimed before the next election for the purpose of electoral visitation. The estimated cost of postal voting is $15 000. The elimination of free post is calculated to save about $10 000. As the member for Norwood has said, this will bring us in line with most, if not all, of the other States and the Commonwealth. The Electoral Commissioner has informed me that this does not prejudice postal voters. I will ask the Electoral Commissioner to comment further in a moment because he has information relating to the Mitcham and Florey by-elections which indicates that the 27c stamp required on postal votes has not been a deterrent to those who want to post their vote and that there has been an increase in the over-the-counter postal voting at those two by-elections.

Mr Becker: We were surprised to find during the Mitcham by-election that the over-the-counter form of postal voting was very significant. In fact, more than two-thirds of the votes issued there were issued by the Boothby Division office, which is the office of our Registrar. The over-the-counter vote for the Florey by-election was not as high as that for the Mitcham by-election, but the overall postal vote was more than twice that for the district in the 1979 general election. We believe that by improving facilities and removing the free post system we are not disadvantaging anybody.

Mr EVANS: I would like some matters concerning postal voting clarified, and some information about the 12 new electoral offices created. I believe that the 12 new offices were Federal electoral offices. If that is so, why cannot we do something similar regarding absentee voting? For instance, the Florey by-election occurred during the school holidays when many people were travelling and therefore away from home. Many of those people did not realise that the by-election was occurring because publicity about it did not commence until shortly before that by-election and people found themselves away from home, and people were not motivated towards postal voting until it was too late. What provisions are made for absentee voting by people away from home who are still in the State? Are the Federal electoral divisional offices the 12 new offices mentioned, and can we do something about absentee voting on the day of a by-election?

Mr Becker: The member for Fisher is correct in his assumption that the new divisional offices are the outlets provided on an office basis. I point out that, at the general election, we will have 47 returning officers available to issue postal votes to any persons moving throughout the State.

I should say that for the purpose of the last by-election we did not have that facility because the 47 returning officers, although they are appointed, are not always available at the time. It would be a very expensive exercise for us always to have so many outlets for a by-election. It would be very difficult, also, for us to provide polling places in remote areas just to take the few absent votes that might be involved in that one district.

Mr EVANS: I am appreciative that to some degree within recent years the facilities at polling booths have improved, particularly for the aged, but there is still in many cases poor lighting. When people move into the polling booth, if they are sneaking up in years and their eyesight is starting to fail, it is very difficult for them to see what they are doing. I give credit that in recent times there has been some improvement, but will there be further improvement in that area of operation?

The Hon. K. T. Griffin: I will let the Electoral Commissioner deal with that, too, in specific terms, but my immediate response to that is that we generally have to take polling booths as we find them. The Electoral Commissioner

and his office endeavour to provide good facilities for electors, but in some respects it is not possible to provide ideal facilities. For those who have difficulty in voting, the Electoral Act provides for assistance to be given by the polling officers. If there is something more that the Commissioner wants to add I, will let him do so.

Mr Becker: There are only a couple of minor things that I want to add. First, the lighting situation will not be as bad next time because we have a 6 p.m. close of the poll and probably we will be near the daylight saving period, anyway. The other thing is that we are aware of lighting problems. If we become aware of them at head office we try to do something about them by providing additional lighting. We have had problems with lighting before. We have had problems with lighting outside buildings so that in some areas electors have had difficulty in getting to the actual front door of the polling place and we have had to provide additional lighting. Where we know about it we have made appropriate provision.

Mr EVANS: The next question relates to a similar area. Maybe the Attorney-General would prefer the Electoral Commissioner to give some explanation. It will take me a couple of moments to explain the two or three areas of concern. One is that when door-knocking one finds people who are not on the roll, and other cases where people appear to have been gone for some time. One takes action to inform the Electoral Office (I think that it is the Commonwealth one). I am trying really to track back what liaison takes place between the State office and the Federal office, because the Federal office in a way seems to take a dim view of a local member door-knocking and informing it that someone has left the house or should be on the roll and is not. Usually the member who is door-knocking gives the cards to the people and they fill them out and send them in. The comment from the Federal Electoral Office has been, 'We have people out doing this work. Why don't you keep out of it?' It has not been as blunt as in those terms, but that is the sort of indication that is given to the staff of a member if the member is not there himself or herself.

Mr HAMILTON interjecting:

Mr EVANS: The honourable member makes the point that after we get the list of new members and send out a letter to them welcoming them to the new electorate we get a considerable number where they are not claimed. They may be unknown at the address. If one checks, one often finds that they have never lived there. There is some concern in the Federal office about that. What is the liaison there?

The other matter I refer to is the street update of electors. I believe it is reproduced immediately after an election or just before one, and seldom in between—maybe only once in a three-year term. Who pays for the cost of reproduction of a list of electors in electorates in street order? Is it the State department? If so, is the cost so prohibitive that members could not obtain an update of the list more frequently than we have in the past? It is a distinct advantage to the member to have an updated list, as it saves some postage at times and saves a lot of cross checking. It also saves the time of the staff in the electoral offices. I would appreciate any information the Attorney-General has on the subject.

The Hon. K.T. Griffin: I am surprised to hear that in the Federal office there is some reticence in accepting representations by State members of Parliament. The Electoral Commissioner tells me that it is the first he has heard of it. His office has a close relationship with the Commonwealth office (they are accommodated in the same building) and a joint roll is maintained. If there is a particular instance of that, the Electoral Commissioner would want to have information about it with a view to following it up. The Electoral Commissioner accepts the representations from all members of Parliament with respect to discrepancies or changes in the roll. He is as surprised as I am to hear the suggestion that the Commonwealth office is not at all happy about this information coming from members who may have been door knocking. Certainly, the Electoral Commissioner would, on an administrative basis, welcome any specific information on that because the object of the Electoral Commissioner is to see that the rolls are kept up to date and accurate. If there is specific information, could it be made available to the Electoral Commissioner? In regard to the street update roll, perhaps the Electoral Commissioner could deal with it.

Mr Becker: The policy, as the honourable member stated, is that we print the street order printout around election periods and once between elections. It is one of the most expensive exercises in which we are involved. It requires the running of the full alphabetical file against all streets and then sorting back into subdivisions within local government areas and even down to suburbs. As far as members getting a copy more regularly is concerned, they could request it more regularly and we would provide it. There is no problem with provision. If members are prepared to pay for it, we would have no hesitation in providing them with a copy more regularly. It is an expensive exercise. It would probably cost a member of the public up to $30 or $40 each time one wanted a copy.

Mr EVANS: Does the amount of $30 or $40 relate to each electorate?

Mr Becker: It is a rather complex process. When we do an individual run, for example, if an individual member wants details of electors in his area, we run it off a subdivision file. That file is incapable of producing what we call T-print tapes to provide the final output in one nice big format. So, we could provide individually to members a lot of information that we could not provide as cheaply by doing it on the same method overall. If we use a subdivision file to produce an individual copy for a member it may cost about $30. If we use a subdivision file to create the street order printout for the whole House we are talking about a system that would not function. We then run the alphabetical system against the street order printout to produce the information which we now give members. That is at a cost of the order of $4 000 or $5 000 per time for 47 seats. The alternative would be to have 47 separate runs off the subdivision file. That would then become extremely prohibitive and it is not designed to cope with the demands being made of it. Members may not have heard of the trouble in producing the local government rolls. That is due to demands on the subdivision file. We have ended up with a number of difficulties and we could not do that for the street order printout.

The Hon. PETER DUNCAN: Is it possible to have a breakdown on how much of the vote is allocated to the conducting of periodic and general elections in conjunction with the proposed daylight saving referendum? What proportion of it is additional cost related to the daylight saving referendum? I appreciate the fact that it is not possible to draw a division and simply say that part of the amount is for the daylight saving referendum and part is for periodic and general elections. How much over and above the normal cost of conducting periodic and general elections is it costing us to hold the daylight saving referendum?

The CHAIRMAN: If information sought is not readily available, it can be taken on notice.

The Hon. K. T. Griffin: I am informed that it is about $100 000 in total.

The Hon. PETER DUNCAN: Would that be approximately the same figure, regardless of the question asked in the referendum? In round figures, is that the amount it would cost to run a referendum in conjunction with a State election?

The Hon. K. T. Griffin: I would imagine so. Whether it is a referendum on daylight saving or any other issue, that is likely to be the cost in addition to the general cost of the election.

The Hon. PETER DUNCAN: In the last couple of days we have received street order rolls. Is the Electoral Department in the process of printing a normal roll at the moment?

The Hon. K. T. Griffin: No. Did the honourable member think he may have got an indication?

The Hon. PETER DUNCAN: Everybody has the indications anyway. I was wondering when the rolls are likely to land on our desks.

Mr MAX BROWN: I refer to the regional set-up of the Electoral Office. For many years I have been involved in a relationship between my office and the Electoral Office. I find that the general public are very apt to take my office as the Electoral Office. That may be due to the way in which advertising for my office is worded. Secondly, people are apt to come to their local member's office seeking information on what they ought to do in regard to becoming registered on the electoral roll. I do not know whether I am the odd person out or whether it is the general situation. I am not absolutely sure whether, with people coming to my office seeking information, I am strictly right in providing some of the information that is being provided.

I think that the Minister should clarify, first, what should happen and, more importantly, whether any thought has been given to either the rewording of the local member's electorate office or readvertising where the Electoral Office is actually situated, particularly in regional areas. I do not mind the present set-up at all, but it seems to me that it is wrong in terms of the Electoral Act.

The Hon. K. T. Griffin: The description of an electorate office is really a matter for the Minister of Public Works, who has the responsibility for those offices. I ask the Electoral Commissioner to answer the question regarding the Electoral Office.

Mr Becker: There are 11 divisional offices in South Australia, and the registrars for the State are located in those offices. Obviously, at some stage, as there are 47 members of Parliament, people will be confused between what is the Commonwealth Divisional Office and what is the electorate office of the member for the district. We call them not electoral offices but divisional offices. Short of our providing facilities for State purposes, I really cannot see any simple way around the matter. Next year, hopefully, we will be providing sufficient information in hand-out format that will enable members to deal with electors' problems as they arise.

Mr MAX BROWN: I appreciate what has been said. One problem I have experienced is that, when a voter receives an enrolment card through the post, it seems from an outward appearance to confuse that particular person on the basis that, first, he presumes quite rightly that he must fill in the form. Also, the person is confused regarding the district subdivision, and this immediately leads that person to my office. I wonder whether, in the case of the regional office situated in Port Pirie, an officer could visit from time to time to handle problems, and also visit the cities of Port Augusta, Whyalla, and Port Lincoln. I do not suggest that an officer should visit outlandish places miles away from anywhere. Would those visits, first, be expensive and, secondly, would this play some part in getting over the obvious confusion that I experience regarding the postal situation?

The Hon. K. T. Griffin: Perhaps the Electoral Commissioner can answer the question in detail. To have visiting officers from the Electoral Office in each of the 47 seats for what may only be a few inquiries could well be a most expensive exercise. In the short term I see some real impediment to that sort of development.

Mr Becker: It is a very difficult problem. The Commonwealth District of Grey comprises over 90 per cent of the area of the State, and the State District of Eyre covers 86 per cent of the area of the State. Of course, what we are talking about in the case of Whyalla, Port Pirie, Port Lincoln, etc., is not a problem for 35 of the seats, or probably even more than that. The difficulty arises where, although our registrars are the Commonwealth Divisional Returning Officers, they are paid by the Commonwealth under the joint rolls agreement that was established in 1920-24. Under that agreement we paid the Commonwealth £650 per annum for one clerk. That agreement has not been changed since 1924, and we now pay $1 300 per annum ostensibly for one clerk, who is a Commonwealth employee. If we were to open up the joint rolls agreement to provide some facility whereby people could move right throughout the Grey and Eyre electorates, in order to cover the problem that the member for Whyalla has raised, our best end of the stick under the joint rolls agreement might suddenly go out the window and we might be stuck with about $100 000 to $200 000 a year, instead of $1 300.

The Hon. K. T. Griffin: I hope that that sort of information is not made available to our Federal colleagues. Obviously, it is most advantageous for the State.

Mr MAX BROWN: Everything that the Minister and his officer have said is quite right. I am not arguing about that. But, I point out that in the seat of Grey, for example, it would create much more of the type of problem about which I am talking than it probably would anywhere else, and it seems to me that the Federal Government ought to be more responsible financially for that sort of area than the seat of Whyalla. It seems to me that it would be fair for some sort of submission to go to the Federal Government regarding the possibility of looking at what I am suggesting.

The Hon. K. T. Griffin: I am not in a position to undertake to make representations to the Federal Government about that. I have noted what the honourable member has said, and all that I can do is merely give an indication that we have noted the problem. As the Electoral Commissioner has said, we are aware of that difficulty.

Mr RODDA: I refer to page 97 of the yellow book, and to the heading 'State Electoral Roll Searching Service'. In relation to the needs being addressed, it is pointed out that trustee, insurance and other organisations have difficulty in locating beneficiaries to estates, insurance policies, bank accounts, etc. It goes on to underline the need, where information is sought, in relation to people who may be missing or otherwise hard to contact. I notice that it is properly put forward that confidentiality must be maintained and that it also may not be in the interests of the person being sought to be located. This is a valuable service. Will the Minister say who makes the judgment as to whether the person being sought should be located, as there may be good reasons why the person who is being sought should not be located?

The Hon. K. T. Griffin: The Electoral Commissioner and his staff are very sensitive about the question of confidentiality in relation to the alphabetical roll, and my understanding about where a person's name is found for a certain purpose is that, before information is communicated to the person who has requested the information, the elector concerned is contacted in order to ascertain whether or not he has any objection to his name and address being made available.

Mr RODDA: I refer to page 99 of the yellow book, where reference is made to the conduct of elections being subjected to closer scrutiny, with an emphasis on electoral practices, and the electoral officers therefore requiring better qualifications. The thrust is that there will be training for people involved in conducting elections. Will this training be set

up in all districts with returning officers and A.R.O.'s? How far will it extend beyond senior officers?

The Hon. K. T. Griffin: The previous Commissioner established a practice of holding seminars for returning officers once a year. That has now been extended considerably by the new Commissioner to the extent that a great deal of field work is being done by his own staff in training those officers who will be involved in the conduct of elections in the way in which that work will be undertaken. The Commissioner can add to that.

Mr Becker: The training programmes in regard to training assistant returning officers and presiding officers is almost complete. In another two or three weeks, we will have completed the rest of the country areas. Only one metropolitan district (Adelaide) remains, and the training officer happens to be the returning officer for Adelaide, so he will cover that immediately prior to the election rather than duplicating the effort. Certainly, all the South-East has been covered, and presently we are picking off the near-country centres on day trips.

Mr RODDA: In regard to enrolments and the common roll for district councils, is it a requirement that an enrollee should state the section or block number on which he lives? That has caused grave problems in regard to local council rolls. For instance, in my own town of Naracoorte, people listed as living in Naracoorte may live 60 to 70 miles away in the climes of the Coorong. It has been extremely difficult to locate people, whereas a section number or the name of a hundred would definitely establish where a person is domiciled.

The Hon. K. T. Griffin: I will ask the Commissioner to comment.

Mr Becker: We are aware of the problem, which is a considerable one for us. We ask for better addresses where they are available. We will have a problem with Coober Pedy. We have had a few problems in the District of Victoria, not the least being the failure of Australia Post to deliver outside a certain radius from the post office. It may be possible that the person actually lives at the spot at which he says he is living, but the post office does not deliver to him. Unless that person collects his mail, it is returned undelivered. How we cope with that problem I am not sure, but we are aware of it and are doing our best to accommodate the situation.

Mr RODDA: I refer to local government elections when someone is enrolled in Naracoorte but, in fact, may live in Lacepede. Does that person's State section number indicate where he is?

Mr Becker: That is exactly what happens. All enrolments (and this relates to all country areas), are done at the State Electoral Office and not at the divisional office. We have more access to better information from local government areas. When we are in doubt regarding the location of a person in regard to a ward or council area, we contact the local government authority in question and try to ascertain exactly where that person lives, so that we can ensure that he is placed on the correct ward roll, subdivisional roll, district or divisional roll. Occasionally the local government authority does not know where a person lives, or sometimes we are given wrong information. There is no easy way to accommodate that situation.

Mr HAMILTON: I wish to follow up the question raised by the member for Fisher in regard to enrolment cards for people moving to new districts. The Grange Electoral Office, on two occasions when I have asked for a number of enrolment cards, indicated to me that about 50 was the maximum number that I could have. I understand that the office sends out officers to locate people who are not on the electoral roll, but I believe that, where the local member requests 100 or 200 cards, they should be made available to him.

At the same time I believe it is incumbent on the sitting member to check with that office in order to determine exactly where electoral officers are checking on whether people are enrolled, thereby reducing a duplication of effort. I can understand that there may be problems. However, I have experienced this, and I believe that these electoral cards should be made available to the local member to save his going back and forward each time that he wants 50 cards, or having to go to the local post office. I am not reflecting on the officers concerned, because it appears from my conversations with them that some sort of policy is involved. Whether that is fact or fiction, I do not know, but perhaps that matter can be taken up now.

I also ask how much money will be allocated for an education programme for people who vote in Legislative Council and House of Assembly elections. I refer to the number of ethnic people in South Australia. It has been my experience in the past that many ethnic people and, indeed, Australians in South Australia are somewhat confused about the way in which they should vote. What assistance is provided at the polling booth for those ethnic people who are unsure of the manner in which they should vote? Are there at the booth people who speak different languages or a number of languages so that non-English speaking people can obtain assistance from the officer in charge of that booth?

The Hon. K. T. Griffin: I understand that there has been no provision for advertising in languages other than English, but on polling day material in a variety of languages is available. At some, but not all, polling booths interpreters are available. I will ask the Commissioner to deal with that matter, because it is essentially administrative.

Mr Becker: For a number of years where we have known that there were significant numbers of a particular ethnic community, we have tried to employ in the polling booth people who are *au fait* in that language. We have done so in Norwood, Coles and Hartley, and this time we have produced a multi-language leaflet in eight languages. Previously, any information that we have given to electors at polling places has been in Serbo-Croat, Italian and Greek.

It was believed that we could extend the pamphlet to give an explanation in eight languages, so we have done that in preparation for the next election. Any other person who has difficulty and who cannot perhaps read his own language may be assisted by a person of his choice, as long as that person is acceptable to the presiding officer. When I say 'acceptable', I mean that that person must not be wearing a party badge and must be in a fit condition to assist the voter; in other words, the person must not be drunk, or something like that. It is not just the personal view of the presiding officer that is involved here, because he must have a good reason for objecting to a person's assisting another voter. Alternatively, if the presiding officer has present a member of the community to which the person voting belongs, he may get that officer to advise the voter.

Mr HAMILTON: On page 96 of the yellow book there is reference to the conduct of elections for associations and other bodies. Will the Minister supply the names and number of statutory bodies, industrial unions and other unions that have sought assistance from the Electoral Office in the conduct of their ballots? Perhaps the Minister can also supply the names of those organisations that have received this assistance during the past two years. On page 95, under 'Issues/Trends' it states:

More elections to vacancies on boards of statutory organisations are being contested, hence a greater commitment of departmental resources is required. In the case of industrial ballots more organ-

isations are expected to be seeking assistance from the Electoral Department.

Therefore, will the Minister supply this information?

The Hon. K. T. Griffin: I will obtain that information for the honourable member. Statutory bodies such as the Potato Board, Egg Board, Wheat Board and Superannuation Fund are the sorts of statutory bodies for which the Electoral Commissioner conducts ballots. Also, a number of employee organisations request the Electoral Commissioner to conduct ballots for office within their organisations. There seems to be a growing trend for positions on statutory boards to be contested, and this necessarily requires a greater involvement by the Electoral Commissioner. I understand also that an increasing number of organisations in the industrial arena seek the assistance of the Electoral Commissioner when holding ballots. The Deputy Electoral Commissioner mentions the Police Association and the Nurses Federation as organisations that seek that assistance. I will obtain the precise names and details for the honourable member.

Mr HAMILTON: Will the Minister supply information about the increase or decrease in the number of informal votes cast during the past two State elections and the number of persons who did not vote, and will be say whether there has been an increase or decrease in these figures during the past two State elections?

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

The Hon. PETER DUNCAN: In relation to the conducting of elections for independent organisations, the Attorney would be aware of the problems arising from the decision in *Moore v Doyle* and the associated problems that that has caused for trade unions. Has any work been done by the Commonwealth Industrial Court or the Commonwealth Electoral Office to co-ordinate the conduct of elections? I know of one union where ballots were held for the State union and the State branch of the Federal union concurrently. It seems that, apart from the other issues involved, there is a considerable waste of resources in forwarding ballot-papers for two elections to groups of people who, in most cases, and with some minor variations, form part of a common electoral roll.

The Hon. K. T. Griffin: It is essentially a matter for the organisation concerned. If that organisation makes such a request, there can be co-ordinated action by respective electoral offices in both the State and Federal arenas. The Electoral Commissioner tells me that the Nurses Federation has a co-ordinated approach involving the State Electoral Office and the Commonwealth Electoral Office, the Commonwealth supervising that part of the ballot relating to Federal jurisdiction and the State office supervising that part of the ballot relating to State jurisdiction. Essentially, it is a matter for the organisation involved. No authority is vested in the State Electoral Commissioner to initiate or intervene in such matters. His office is there to assist when requested. That, as far as I know, is the way in which matters will continue.

The Hon. PETER DUNCAN: It is mandatory that there be an electoral redistribution following the next election. No allowance is shown for that in this year's Estimates.

The Hon. K. T. Griffin: I understand that that comes under Special Acts. It is now mandatory under the legislation that there be an electoral redistribution after the next election, and quite obviously it will be funded.

The Hon. PETER DUNCAN: I would like to make a comment about the alphabetical State roll, about which the Attorney might wish to comment further. I am referring only to the alphabetical roll and not to the age of voters or other confidential information involved. It seems to me, now that we have a Legislative Council election throughout the State and a Senate election throughout the State, that it could be reasonably argued that the information contained on the electoral enrolment cards that are provided for those elections, and the make-up of those rolls, should be made generally available Statewide.

I appreciate the arguments against this suggestion, and, as Attorney, I have probably upheld those arguments. However, on reflection, as the Attorney probably knows, organisations such as credit agencies and the like that are particularly interested in the whereabouts of persons, employ people in their offices to pore over the whole 47 State rolls or 10 Federal rolls, checking to see where people live and whether or not they are enrolled. It seems to me that we are putting a bureaucratic hurdle in front of such people by refusing to make available to them alphabetical rolls of the State at large. I really do not know that there is much reason why we should not do that any more, given that the information is available in a less convenient form.

The Hon. K. T. Griffin: So far as the Legislative Council is concerned, yes, it is correct on a State-wide basis, but for the purposes of the Electoral Office and administratively it is still handled on a House of Assembly electorate-by-electorate basis. The other point is that information that is made available by the elector is for electoral purposes. I am not inclined to make life any easier for those who want to use the electoral rolls for other purposes. There is a lot of other confidential information on the alphabetical roll which ought to remain strictly confidential. It may be that, with appropriate use of the computer, you could excise all that for your alphabetical print, but then you are getting into the area (I suppose, as a matter of principle) of the use of those rolls for purposes other than electoral purposes. I agree that it is well known that debt collecting agencies and others employ people to work through the rolls systematically, and they are entitled to do that if they acquire a copy of the roll or want to sit in the Electoral Department's office and do that; it is really not a principal purpose, or even a subsidiary purpose, for which that information was made available originally. My immediate reaction, without having thought it through and discussed it at great length with the Electoral Commissioner and his officers, is that I personally would be reluctant to make it any easier for people to have access to the whereabouts of individuals through that alphabetical roll for purposes that are not electoral.

The Hon. PETER DUNCAN: I do not think that the Attorney-General and I are very far apart on this. I think that it is a line-ball job whether you do this or not. However, it seems to me that the information is available and it is really just a bureaucratic hurdle that we are putting in the way of such people. One might argue that we are creating a couple of jobs as a result, but it does not seem to me that there is much other purpose in that. I will not take it any further. I want to ask, however—

The CHAIRMAN: I would like to point out to the honourable member that the Chair has been inviting a member to ask three questions, but if this is the last question that you wish to ask, you may ask it; if not, I will call another member and then come back to you.

The Hon. PETER DUNCAN: I can make this my last question.

The CHAIRMAN: I do not want to inhibit the honourable member from asking questions.

The Hon. PETER DUNCAN: Again, following the issue raised by the member for Victoria, I would like to ask—

Honourable members interjecting:

The Hon. PETER DUNCAN: I am pleased to allow the honourable member to talk to my friend at any time he likes.

Mr MATHWIN: He is your friend as well as mine.

The CHAIRMAN: I ask the honourable member to seek the information that he requires.

The Hon. PETER DUNCAN: The honourable member is very testy this morning. I must have offended him somehow. In relation to the difficult question of people being removed from the rolls (and I understand and accept the problems that the Electoral Commissioner has raised, particularly in relation to people who are outside those areas that are serviced by Australia Post), what steps are taken to protect the position of a person who has been enrolled but is having his or her name removed from the roll in relation to section 110a votes? In other words, are the enrolment cards or the records kept within the Electoral Office so that, if these persons claim section 110a votes, those claims can be certified? That is one part of the question. In particular I am interested in the position of people who from time to time seem to have their names removed from the roll simply as a result of a door-knocking exercise when they have not been at home on one or two occasions. It seems to me that some sort of supplementary list, almost, ought to be kept of such persons' names for a reasonable period.

The Hon. K. T. Griffin: I will ask the Electoral Commissioner to deal with that question.

Mr Becker: There are two aspects to that question. In respect of section 110a votes, as I said earlier, we are trying to organise to have microfiche readers in as many booths as possible. Already, we have had the Minister of Education's approval to use those that have been given to schools. Over 200 of our booths are in schools, and we are attempting to get microfiche readers for the others. The advantage of this is that we are able to produce in each polling booth a full alphabetical list of the State. It might be interesting if I told members that in Mitcham the number of section 110a votes issued was down by seven times—it was a seventh of those that were issued in 1979—and in Florey it was a sixth of the number issued in 1979. Of those, one was admissible in Mitcham and two were admissible in Florey, so we are expecting that the section 110a problem will be greatly reduced.

In respect of people taken off by objection, that is a problem that we are trying to cope with. We are aware of the fact that there would be a smaller number who have not left the district, notwithstanding the fact that our review officers have been around and not been able to locate them. In the case of Florey, again, the honourable member may have noticed that we had an apparently high number of non-voters. This was due to the fact that our review officers had been around, had put people on to the roll, but had not been able to run through the three-month objection period to get them off the roll. We had the advantage in that we had the election; we then ran the non-voters against those objection notices. Of the just over 1 100 objection notices that we had, we found that only about 100 people had voted at the Florey by-election. Therefore, nine times out of 10 we are right; one time out of 10 we are probably wrong. The fact of the matter is, though, that the section 110a vote is still available to the elector and we can overcome those administrative problems.

Mr MAX BROWN: I would like to get back to the point that the member for Elizabeth was originally discussing when he first started to ask his questions of the Attorney-General. That is the question that is raised so often by this Government—the use of legislation to be introduced for compulsory secret ballots for trade unions before strike action is to take place. If that is brought in, does the Government envisage that with such a secret ballot the State Electoral Office would be used? I point out to the Attorney-General that I have found by experience that such legislation as suggested by the Government is not workable. It never has been and never will be because of the fact that, nine times out of 10, most working class people that I know of take strike action spontaneously.

To put up to them the proposition of holding a compulsory secret ballot to be done through the State Electoral Office is something which would result in somebody being thrown into the sea. It does not work. I would be interested to know the Government's intentions if such legislation was envisaged. I can foresee that the State Electoral Office could be quite confused.

The Hon. K. T. Griffin: With respect, I am not prepared to talk about that principle. It is a matter for the Minister of Industrial Affairs. Whatever involvement the Electoral Commissioner has in industrial matters to the present time has been at the request of industrial organisations. The Electoral Commissioner will assist any industrial organisation requesting his assistance with respect to the conduct of ballots.

Mr MAX BROWN: It is no good for the Minister to get out from under by saying that it is a matter for the Minister of Industrial Affairs. I suggest to the Attorney-General that if the Government, by chance, brings in legislation providing for compulsory secret ballots for unions then, in fact, the secret ballot would probably be conducted by his department or under his responsibility as Minister covering the Electoral Act. I do not know that the Minister can get out from under by simply saying that it is an industrial matter. I am suggesting that, if such legislation came in and a secret ballot was to be conducted, it would automatically be put into his corner.

The Hon. K. T. Griffin: It is a hypothetical question. I am not in a position to respond to a hypothetical question of that sort.

The CHAIRMAN: The member for Whyalla has asked the question. The Minister has the right to answer the question in the way he chooses and I believe that that has been achieved.

Mr MAX BROWN: In response to the Attorney-General, it is not a hypothetical question. I am suggesting to the Minister that, if such legislation does come in (and let us be frank—the Government has pursued it, talked about it and threatened it), the Electoral Office will have to play some part and the Minister will have to accept some responsibility.

The Hon. K. T. Griffin: The member is presenting two hypothetical situations. The first is if the legislation is brought in and the other is that the Electoral Commissioner will be involved. I am not prepared to embark upon a discussion about a hypothetical situation.

Mr MAX BROWN: I can only say that I await the legislation with bated breath.

Mr HAMILTON: I refer to page 100 of the yellow book which refers to providing advice and information on electoral matters and also states:

> Advice on general electoral matters, talk to groups, educational and others, on electoral processes.

Can the Minister advise me how widespread the practice is to advise educational and other groups on electoral processes? How many schools and different groups in South Australia have availed themselves of that opportunity? I am a great believer in politics and electoral processes being taught at schools. How many officers of the department have been made available, particularly to education institutions in South Australia as well as other organisations, for this purpose?

The Hon. K. T. Griffin: It is generally a matter with which the Electoral Commissioner and his staff deal on a request basis. As he is the one most involved with the matter, I will let him answer.

Mr Becker: It is something in which we have been interested. We have had numerous requests from schools. However, we have limited resources in staff. We try to accommodate them as best we can. At the moment we

probably go to schools about once a month. Recently we attempted to work out some sort of plan and tap into the curriculum of each school. At the outset we have had preliminary discussions with the Politics Teachers Association. The next approach is to try to tap into the Lifestyle programme for 1984 or the Living Skills courses which, it is anticipated, will be a compulsory subject between years 11 and 12. If we can get into that, we will be achieving a great deal more than we can with the limited resources we have at our disposal at the moment.

Mr HAMILTON: Will the Minister provide me with that information as well as the number of requests received in the last 12 months from those respective organisations?

The Hon. K. T. Griffin: I will endeavour to get that information for the Committee.

The Hon. PETER DUNCAN: I note with interest that the Commissioner's last words in replying were, 'with the limited resources available'. I note that in terms of full-time equivalent staffing numbers the limited resources are even more limited than they were last year, notwithstanding the fact that, during the current financial year, we are about to conduct a State election and, at some stage, we will have a redistribution. I refer to page 88 of the yellow book which states that the total full-time equivalent staffing numbers are down from 18.2 (as at 30 June this year) to the proposed figure of 16.4.

The Hon. K. T. Griffin: For extraordinary events and activities the Electoral Commissioner has available to him a very substantial body of people who can be called upon at very short notice. In the operation of the core Electoral Department, the Commissioner has, by appropriate management, been able to reduce the resources required for the task which he has statutorily and for the tasks which he undertakes on a voluntary basis such as the conduct of ballots for organisations. So, from all that I have seen, I am satisfied that he is more than adequately carrying out his responsibilities and that he does have available to him, for events such as a general election or redistributions, adequate resources both internally and outside the core department to be called up at short notice. Mr Becker may like to add to that.

Mr Becker: If that answer satisfies the honourable member, that is about all that needs be said.

The Hon. PETER DUNCAN: Following the question from the member for Whyalla in relation to industrial organisations, I refer to elections conducted for societies or statutory bodies. Are any of the elections that the Commissioner undertakes at the moment those sort of elections that are held at meetings where the Commissioner might turn up with a couple of his officers and a little ballot box under his arm and some sealing wax? Are these sorts of ballots undertaken?

The Hon. K. T. Griffin: I will ask the Commissioner to answer directly.

Mr Becker: Generally, no. There has been only one example: a situation at Modbury Hospital where kitchen staff did not want to work with a non-union member and wanted the matter to be settled by secret ballot.

That is the only time that we have ever been involved in that type of activity, and that was at the request of the union.

The Hon. PETER DUNCAN: So, that facility is available to anyone who wants to avail themselves of it.

The Hon. K. T. Griffin: Generally speaking, yes.

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

Courts, $13 389 000

Chairman:
Mr E. K. Russack

Members:
Mr M. J. Brown
Mr G. J. Crafter
The Hon. Peter Duncan
Mr S. G. Evans
Mr K. C. Hamilton
Mr J. Mathwin
Mr J. K. G. Oswald
Mr W. A. Rodda

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

Departmental Advisers:
Mr G. F. White, Director, Courts Department.
Mr G. Lemmey, Senior Finance Officer, Courts Department.

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

Mr CRAFTER: My first question relates to the policy of the department. I have asked this question in previous Estimates Committees. Can the Attorney-General explain how the cost saving programme announced at the beginning of the term of this Government has progressed in the Courts Department as currently constituted? The Attorney-General, at the time of the appointment of non-public servants to the key positions in that department, said, as I recall it, that there would be savings as a result of that to the State and that there would be a streamlined department which would provide better services to those who use the courts in this State.

I have looked at the information made available to the Committee and I am somewhat concerned to see the escalation in expenditure in this area, whereas there have been quite substantial cut-backs in the delivery of services in other areas, for example, in the community welfare area. I note that that increase in expenditure has come when perhaps one of the most pronounced attempts by the Government to diminish the workload of the courts has taken place within the previous financial year, that is, the traffic infringement notice system. That system began on 1 January 1982, and in the first six months that it was in operation up until 30 June 1982, there were 62 166 notices issued under that scheme. The Auditor-General's Report refers to the system being introduced to rationalise the prosecution process for traffic infringements and thereby reduce the workload of the courts, and 62 166 is, indeed, a substantial number of notices.

In the Estimates of Payments document at page 42 I notice that the Support Services Division of the courts was voted last year $29 000 under 'Operating expenses, minor equipment and sundries', and that it has gone up to $157 000 in the Budget. An amount of $89 000 was expended last year, which was well over the voted amount. Indeed, one only needs to look at page 43 to see that the total Courts Department expenditure voted last year was $11 300 000, whereas in fact $12 100 000 was expended. This year we are voting $13 380 000. There is a progressive escalation of costs. Whilst I do not agree that that is a great overrun in expenditure, when one compares other pruning exercises by this Government in what I would consider fundamental services of the Government in the health, education, and welfare areas, then I think that we see that there is perhaps

some reason for concern about the effectiveness of the Government's programme to cut costs by the reorganisation of that area of Government activity.

The Hon. K. T. Griffin: There have been some specific figures raised and I have not been quick enough to take them all down, so I hope that the honourable member will raise them individually as we go through the programme. At the outset, I want to say that the principal rational for the establishment of the Courts Department was not a cost saving exercise, but an exercise in providing to the courts a better administrative structure to provide to the courts services to enable them to undertake their statutory responsibilities. It was also to provide, within that Government department for the first time, a career structure in courts management which has never existed previously in South Australia. The old Law Department had a whole bundle of different responsibilities, some of which had no relationship to the management of the courts, but in one way or another had some bearing on the delivery of services in the legal arena to the people of South Australia.

I believe that the decision to spin off the Courts Department from the old Law Department was a good decision and has already provided a specialised department to provide services to the courts and provide a greater level of expertise in the administration of the courts. The honourable member made reference to an escalation in costs this year over last year. Last year was the first year in which the department was operating and the split-up of the Budget on the creation of the two departments (Attorney-General's Department and Courts Department) was undertaken with the assistance of Treasury on the basis of prediction, rather than on the basis of past experience in funding.

Necessarily, there had to be some adjustments to the expenditure over the past year and, in the light of that experience, in the current year. Last year the expenditure was $12 113 000, to which has been added $532 000 for the following purposes: to provide for civilian court orderlies to replace police officers engaged in that duty in the courts; to provide a base figure of something over $90 000 to establish the library in the new Sir Samuel Way courts building; to provide for an additional District Criminal Court; and to provide for additional juror and witness fees. In the current year, we take into account the full year's impact of wage and salary increases of $463 000. There have been additional staff appointed to deal with the appointment of an additional judge in the Supreme Court and also there has been a contra with bailiff fees of $326 000. It is a different method of accounting that has brought that to the fore in the current year's Estimates.

The honourable member made some reference to the traffic infringement notice scheme. The information I have is that in a full year of operation the Courts Department expected that there would be a saving of at least $193 000. There has been a significant reduction in the number of Justice of the Peace courts that have been sitting to deal with traffic infringements because of the implementation of that scheme.

Although we have not yet had a full year's impact of it, we would expect in this current financial year to provide a good basis for estimating what the real savings will be in the courts area.

The honourable member has given information about the number of notices issued, as referred to in the Auditor-General's Report. That is an accurate figure but does not indicate a significant increase in detections. It is about 20 per cent over the pre-traffic infringement notice scheme for infringements of the road traffic and motor vehicle law. It has diverted a significant number of the infringements from the courts. Where previously all these went through the mechanical process of summons, appearance in court, notification of fine and then the processing of the payment of the fine, now about 82.5 per cent of the people who are detected and who receive infringement notices expiate the fee rather than go to court.

One other matter is directly related to the introduction of the traffic infringement notice scheme, namely, that we have closed the Unley, Prospect, Henley Beach, and Darlington courts all day. The Darlington court building is open two days a week in order to act as the Glenelg Court of Summary Jurisdiction sitting at Darlington. Necessarily, those closures have not inconvenienced the public but have certainly allowed for further savings to be achieved in the operation of the Courts Department. If the honourable member wants to deal with specific items of increase, I suggest that that is the best way to elicit information in regard to each item.

Mr CRAFTER: In regard to the specific matter raised, I would be pleased to have the Minister take the question on notice rather than take up the time of the Committee. In regard to the Support Services Division and the minor increase there, perhaps the Minister could reply in writing.

The Hon. K. T. Griffin: Rather than having to write a reply, I indicate that it is really a transfer of an amount from the cleaning contract for the subordinate jurisdiction to the Support Services Division. It is really a book entry.

Mr CRAFTER: I refer to staffing. At 30 June the actual full-time equivalent staffing for the Courts Department was 486.6, with the proposed number at the end of this year to be an increase of about 30 full-time equivalent positions to 516.70. I realise that some of these positions will be taken by the lay court orderlies. Can the Minister explain whence the other additional positions will come?

The Hon. K. T. Griffin: Fourteen of those will be civilian court orderlies; two relate to the security of Adelaide Magistrates Court; 7.5 are typing staff related to the fourth criminal court; one is a civilian court orderly supervisor; another is a librarian in the Way Building; and there is an additional secretary to the Registrar of Subordinate Courts in the Supreme Court. There are two magistrate courts clerks returning from accouchement leave and four transcription typistes. Set off against that is a reduction of two further staff from the TIN scheme. The reduction of staff in the previous year was about 12 as a result of the TIN scheme.

Mr CRAFTER: The Attorney referred to additional costs of staffing associated with the appointment of a new judge to the Supreme Court. Either now or later, can the Attorney provide the Committee with the full cost to the State of the appointment of Mr Justice Millhouse to the Bench, covering the provisions of chambers, tipstaff, secretary and all the other costs associated with the appointment?

The Hon. K. T. Griffin: The part-year costs total $34 000. An additional person was necessarily added to the tipstave's pool, but that position was needed, anyway. The appointment of a fourteenth Supreme Court judge was just an additional area of work that tipped the balance in favour of appointing an additional tipstaff to that pool. A judge's secretary and associate are also required, and I can obtain the information regarding accommodation, which was available, so that really no additional cost was incurred. One must remember that there had been a constant call, particularly from the Chief Justice, for additional judges to the Supreme Court bench to deal with what he regarded as a delay in the work of that court. The appointment of a fourteenth judge was sufficient to satisfy that requirement of the Chief Justice.

Mr OSWALD: I refer to pages 77 and 78 of the yellow book where, under the heading 'Commentary on Major Resource Variations between the years 1981-82 and 1982-83', the following statement appears:

No major resource variations.

At the bottom of page 78, total programme receipts for 1981-82 are $79 000, and for 1982-83 the receipts are nil. Will the Minister comment on what appears to be a $79 000 loss in receipts from last year when compared to this year?

The Hon. K. T. Griffin: There have been some discussions about licensing of marine store dealers and secondhand dealers, and there has been a suggestion that the responsibility for those groups should be more with the Police Department than the Courts Department. Therefore, in anticipation that that change may occur, the programme receipts for 1982-83 have been eliminated, but no firm decision has been taken by the Government on that. That may or may not occur. If it does not occur, obviously programme performance papers towards the end of the financial year will need to be adjusted.

Mr HAMILTON: I refer to page 55 of the yellow book and the reference to the introduction of traffic infringement notices. This matter having been brought to my attention, I raised it in Parliament on 12 August this year, when I stated:

> I am also concerned about on-the-spot fines, about which I have had a lot to say this year. It has been brought to my attention that a first offender who receives an on-the-spot fine for a traffic offence must pay the same fine as a person who has committed an offence of the same nature twice, three times, four times, or more. I believe that the respective fines are the maximum penalties for breaches of the 180 offences covered by the traffic infringement notice scheme.
>
> I believe that it is an unfair practice in that a first offender must pay the same penalty as a person who has committed the same offence more than once. This matter should be looked at. I have advised my constituents of this situation and have told them to appear in court if faced with an on-the-spot fine. From talking to people in my electorate, particularly some of the youths. I have found that when they have appeared before the courts the fine has been substantially reduced.

Is this the maximum amount that an offender can be fined? Why do persons who commit the same offence on more than one occasion receive the same penalty as a person who commits that offence for the first time? I believe that there is an anomoly here and that an injustice has been perpetrated on people who have committed an offence for the first time compared to the penalty that is imposed on a person who has committed the same offence on more than one occasion.

The Hon. K. T. Griffin: The option is still available for any offender to take a matter to court. There may be mitigating circumstances that would allow a court to impose a lesser penalty for an offence than the expiation fee provided. That is always the right of a citizen. If in a particular case the delivery of an expiation notice is considered to be unfair, there is an opportunity to make representations to the Commissioner of Police for that notice to be reviewed. That has happened on occasion. The expiation fee schedule was fixed on the basis of what is occurring in New South Wales and on the average level of penalty for first offenders committing a particular offence in that State.

I do not regard it as unfair that a first offender and a second offender might receive the same penalty in an expiation notice. One must take into consideration the imposition of demerit points. For instance, the first offender might attract a certain number of demerit points, but the second offender, while attracting the same number of demerit points, will have those points added to the first demerit points that were attracted for committing that offence. A person accumulating enough points will ultimately lose his or her licence. Therefore, the accumulation of demerit points is of particular significance to persistent offenders.

There is another provision: the Commissioner of Police has the right in the case of persistent offenders to withdraw an infringement notice and take a matter to court. I do not have available information regarding how frequently that has occurred. Obviously, if a person is a persistent offender that fact will be thrown up in the information kept by the Registrar of Motor Vehicles and by the Police Department. If the offences are serious, the Commissioner will withdraw the notice and take court proceedings. There is within the system, therefore, an opportunity for persistent offenders to be dealt with more severely than first offenders.

Mr HAMILTON: What criteria were used to determine the respective amounts set for the 180 expiation fee offences named under the Road Traffic Act, and how did the Attorney, or the Government, arrive at those amounts?

The Hon. K. T. Griffin: I know that the figure of 180 has been used frequently in this context. It would appear from the drafting of the list of offences that that number of offences exist. However, if one looks at the schedule one sees that a significant number of the offences shown are graduations of the one statutory offence; for example, there is a certain penalty for driving at a speed above the legal limit, a higher penalty for a speed above that, and a higher penalty still for the third level of speeding. Therefore, within that 180 entries there are graduations of the one basic statutory offence.

As I indicated earlier to the honourable member, the advisers looked at fines imposed in New South Wales in particular for its series of offences which are covered under the New South Wales traffic infringement notice scheme and which are almost identical with those in South Australia. They also looked at the average penalty level imposed by the courts for offences in South Australia. Those were the mechanisms used.

Mr HAMILTON: On my way to Parliament House this morning, I heard a radio report involving an Adelaide City Council representative, who said that only 38 parking places would be available for the law courts and Hilton Hotel area. Will the Attorney say what consideration was given to the general public when considering the parking facilities for the new law courts?

The Hon. K. T. Griffin: I will refer the question to the Minister of Public Works, who has had general responsibility for the building work involved. My department will take over responsibility for the day-to-day operation of the law courts in June or July next year.

As I recollect, certain facilities were provided for judges within the building and for other staff on the site of the old Supreme Court building because of some proposed demolition of very old and derelict buildings there. Also, the Adelaide City Council Central Market park would be available, as well as some projected redevelopment of that site that would incorporate some car parking. There is also the car park which is almost completed in Franklin Street and which, again, would be available to the public for that purpose. Generally, it was considered that within that area and within the city square adequate parking facilities were available, although some people may have to catch the Bee Line bus or the Circle Line bus to get to Victoria Square. There was no substantial public parking impediment to the development of the new Law Courts building in Victoria Square.

Mr RODDA: Referring to page 55, and further to the matters raised by the member for Albert Park in relation to the expiation scheme, I well remember that when this scheme was first introduced it raised some hackles on the public scene. Will the Attorney-General tell the Committee how it is being accepted generally now? Can he give the Committee any statistics of what offences are being expiated as against offences involving persons who may decide to have their cases heard in a court?

The Hon. K. T. Griffin: In the first six months of 1982 61 846 notices were issued for a total of 65 415 infringements. It works out at a monthly average of 10 308 notices for 10 903 infringements. I understand that those levels have been fairly constant in July and August, with the returns

indicating 10 104 notices in July for 10 502 infringements and, in August, 11 460 notices for 11 972 infringements. As I said earlier, that indicates an increase of about 20 per cent on the pre-infringement notice scheme experience of traffic infringement detections.

The expiation rate in the first six months has been something like 82 1/2 per cent, which is higher than the experience in New South Wales in the first year. Of course, in New South Wales there was in the first year of operation a very much more dramatic increase in the detections and the issue of infringement notices than has occurred in South Australia. A number of offences have been withdrawn by the Commissioner either after representations are made or after review by the screening panel within the Police Department.

The general level of acceptance has been quite significant, resulting in some savings, as I have indicated already, in the Courts Department—some 12 clerks so far and some casual magistrates clerks and in the reduction of the number of justice of the peace summary jurisdiction courts. It involves a saving of something like $195 000 to the department in a full year, on present predictions. In the Police Department, also, there have been some staff savings and an opportunity to redirect police manpower to other duties.

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

The CHAIRMAN: I advise that the required notices of discharge and substitution of members have been given as follows: Mr R. J. Randall, the member for Henley Beach, will take the place of Mr S. G. Evans, the member for Fisher.

Mr RODDA: I refer to page 55 of the yellow book which mentions a criminal justice information system. I notice that it is amongst what I regard as one of the important initiatives of the Minister's portfolio. It will come in with other departments involved in the matter. I would be pleased if the Attorney-General could give us some information on what progress has been made with the feasibility study.

The Hon. K. T. Griffin: A number of departments are involved. It involves the Attorney-General's Department, the Courts Department, the Police Department, the Correctional Services Department and the Department of Community Welfare. A Policy Management Committee has been established comprising permanent heads of those departments. Deputy Commissioner Hunt represents the Police Department. The steering committee of senior officers is involved and at present a consultant is undertaking the task of reviewing work that has been done so far and advising the Government on the requirements for implementation. We have a commitment to implement the system which is fairly well advanced in the consultancy phase. It will bring considerable advantages to the administration in various departments involved as well as bringing considerable benefits to the public and will result in some significant savings to Government for those sorts of functions which are currently undertaken manually or not at all. It will also assist in the collection, collation and assessment of criminal statistics. That is probably as far as it can be taken at this stage.

Mr CRAFTER: I would be pleased if the Minister could explain the increase in the number of matters heard by the Court of Criminal Appeal in recent years. This is referred to twice in the yellow book, first on page 48 under the heading, 'Issues', which states:

There has been a significant increase in matters heard by the Court of Criminal Appeal in the order of 70 per cent since 1980. This trend is placing considerable strain upon judicial and departmental resources.

On page 68 it states:

There has been a considerable increase (100 per cent) in the number of criminal appeal cases heard over the past two years.

I think those two figures may be referring to different jurisdictions. One may exclude other jurisdictions but I would be pleased if the Minister could first explain the two apparently contrary statements. Also, what action is the Government taking to overcome problems in the criminal appeal area? Is the Government considering a permanent Court of Criminal Appeal?

The Hon. K. T. Griffin: I cannot immediately explain the apparent discrepancy in the two percentages but I will have some work done and will advise the Committee of the answer. The increase in criminal appeals has come about for a number of reasons. First, is the increasing volume of matters before the subordinate courts and also the ready availability of legal assistance to take matters on appeal. I really can offer no other explanation than those two. So far as resources to deal with appeals are concerned, the Court of Criminal Appeal is dealing adequately with those matters, I believe. Some are justice appeals as well as others going to the Full Court of Criminal Appeal. I know of no difficulty in the dispensation of those matters as they arise.

Mr CRAFTER: As this information is not readily available, could the Attorney-General provide the Committee with the cost to the State of the development of the Moore's building complex? I realise that some of these costs are related to other Ministerial areas but, obviously, the Attorney-General, having responsibility for the conduct of the courts in the State, would have that information at hand. The Minister has referred already to additional staff requirements planned for the financial year to staff that building but I would like to have some estimate of expenditure already incurred and also that proposed so that the building, when completed, can serve the community.

The Hon. K. T. Griffin: I will certainly obtain some information on construction costs of that building. As the honourable member has rightly indicated, other departments are also responsible; namely, the Public Buildings Department. I am sure the Minister of Public Works will make that information available. I will endeavour to obtain it for the honourable member. In regard to the staffing of that building, I will endeavour to obtain some information for the members of the Committee. The general intention with respect to the use of the building is that we will have some 27 courts there. All of the Supreme Court as well as the Adelaide Local Court will sit in that building. Civil jurisdictions will also sit in that court as well as appeals tribunals. It will bring together courts from over a wide part of the city square of Adelaide. It will also give us better opportunity to deal with questions of security and empanelling of juries. Instead of jurors having to march from the Citicorp building to the various court locations for criminal trials, they will now gather in the Sir Samuel Way building and move out to the various criminal courts in that building. There are a number of administrative advantages in the development as well as providing better accommodation for the administration of justice in this State.

Mr CRAFTER: The other matter I wish to raise is in relation to working conditions and related matters at the Port Adelaide Magistrates Court as well as some of the courts in the Adelaide Magistrates Court complex. The Hon. Mr Sumner has provided me with some information which has come to his attention. I will quote specific problems being experienced in those courts. I was at the Port Adelaide court one morning last year and the conditions under which magistrates, solicitors and litigants were labouring were most unsatisfactory. Occasionally, the magistrate, recognising the situation, went out of his way to explain the difficult conditions under which he was required to work with some 60 or 70 people in the small No. 2 courtroom. That has not

changed since I worked in that courthouse about 20 years ago.

The Hon. Mr Sumner has said that these instances are of concern: that the police and Crown prosecutors share facilities with magistrates, which hardly supports the independent concept of the judiciary; that it is necessary for magistrates in some instances to walk through cells to get to a court; that magistrates commonly come in contact with prisoners in the corridors; that a cell in recent times had remained uncleaned for several weeks; that there is minimal security for magistrates and court officials in many instances, particularly when one compares it with what is proposed in the Moore's complex; and that in several instances there is no accommodation for probation officers who must interview clients without privacy often behind screens or in corridors.

The disproportionate expenditure on the Gumeracha Court House has been raised in Parliament earlier this year, where some $200 000 was spent on a court house where magistrates never sit. Can the Minister inform the Committee of the plans that the Government has to upgrade some of these magistrates court facilities.

The Hon. K. T. Griffin: A full answer has been given by me to the Hon. Mr Sumner in the Legislative Council about the Gumeracha Court House indicating that it was certainly not the requirement of the Courts Department that so much money should be spent on the upgrading of that court, but that it was a National Trust requirement for the building that resulted in that $200 000 being spent. In terms of the renovation of that building, the Courts Department requirement was much more limited but, because of the status of the building as a National Trust building, I understand that there was no alternative but to upgrade it in accordance with the status of the building on the National Trust register.

I have seen the Hon. Mr Sumner's comments in the *News* I think yesterday about court facilities. No-one suggests that those facilities at Port Adelaide and Adelaide are ideal. In fact, there are aspects of both which are unsatisfactory.

Mr MATHWIN: They have been like it for years.

The Hon. K. T. Griffin: They have been, actually. The Port Adelaide court has been in its present condition for well over a decade and the Adelaide Magistrates Court has been much the same. When I was in articles it was a maze of corridors, perhaps not so many courts, but there were still magistrates mingling with police, witnesses and others in the corridors and there was no way, because of the way in which the building was constructed, that one could keep them separate.

Regarding Port Adelaide, there is a proposal which my department has been considering in conjunction with the Police Department, for the total replacement of the Port Adelaide Court and police complex with a totally new building which will provide new facilities not only for the police but also for the courts. That project has not yet been scheduled on the Public Buildings Department programme. For details of that it is more appropriate to refer questions to the Minister of Public Works.

Regarding Adelaide, it is correct that there is one magistrates court (No. 38) where magistrates have to walk through the cells to get to that court. But, that is the only courtroom in that building where that applies. There was some other comment about the condition of a cell referred to in the newspaper last night, but I am not aware of that. My department informs me that as far as possible, when situations like that arise where there are some unclean premises, then those premises are cleaned up as quickly as possible. If, as someone was suggesting, that condition had been in existence for a week, it surprises me that the person who suggested that did not draw it to the attention of the appropriate people within the department to ensure that it was cleaned up straight away. I find that difficult to believe, but if it did occur all I can say is that the person who noticed it lacked a sense of responsibility in reporting it immediately.

I do not regard the Adelaide Magistrates Court as ideal accommodation for courts and magistrates, but we have given some consideration to some minor upgrading which will help with the question of security. In fact, the Director of the Courts Department talked with one of the senior magistrates about it in the middle of August and he is waiting on a response to proposals which he put to the magistrates with respect to those new arrangements. So, it is not as though it has been ignored: it is a matter that has been picked up already by the Director.

Of course, one has to remember that there has to be priorities set. The Government believes that it is making a most significant effort to improve court accommodation by the Sir Samuel Way building which, as I said earlier, will do a great deal for the administration of justice and, in fact, is our principal priority at this stage, particularly when one considers that district courts are spread over the square mile of Adelaide. It is a real hotch-potch situation at the present time which has grown rather haphazardly over the past decade since the intermediate court was established. We recognise that there are difficulties, but we cannot do everything overnight.

Mr MATHWIN: Regarding the legislation brought in by the Government in allowing the Crown the right to appeal on a sentence, can the Attorney-General say how successful that is working and how it has been received by the community? I think that it is a great innovation. The possibility to do anything about it has been there for some time, but it was never acted upon until this Government took the opportunity. How well is it progressing even though it is fairly new legislation?

The Hon. K. T. Griffin: When we come to the Attorney-General's lines, I will have the Crown Solicitor present and it would be appropriate for the honourable member to ask that question then regarding the detail, because it is the Crown Solicitor, and through him the Crown Prosecutor, who acts for me in appeals against lenient sentences. So, if the honourable member would ask the question again, I will certainly endeavour to have the information when the Crown Solicitor comes, and will give a clear indication of what the success rate has been.

The CHAIRMAN: This debate covers pages 41 to 43 in the booklet.

Mr MATHWIN: I take it that I could raise this matter under the Supreme Court division lines, and other areas.

The Hon. K. T. Griffin: It is only in relation to statistics that the Crown Solicitor would be in a position to assist. I can give a broad response, which is that, of all the appeals that have been taken by the Crown on lenient sentences, about half have been successful and half unsuccessful. We exercise some caution about appealing to ensure that we do not abuse the responsibility given to the Attorney-General by taking any matter to appeal where we think the sentence might be light. It is only where the sentence is, in our view, regarded as manifestly lenient that we do appeal.

As I have said, the Court of Criminal Appeal has found that in about half the cases we have taken so far, there have been grounds for appeal and in the other half no grounds for appeal. We are attempting to establish a body of precedent on sentencing, as well as rectifying what we see as bad judgments with respect to sentence.

One has to remember, of course, that the accused person is in the same position. If the accused person appeals against the sentence he has to establish that the sentence is manifestly harsh. So, in some cases the appeals are rejected, even though it might be regarded that the penalty is harsh, but not manifestly excessive. It is only at the extremes that one has the opportunity to set aside sentences and have more

appropriate sentences imposed. In the middle ground there will be some sentences which are generally light and some which are generally harsh, but do not come within the extremes where the court can set them aside.

Mr MATHWIN: I have another question about unsworn statements. Does that come under this line?

The Hon. K. T. Griffin: That would be under Attorney-General.

Mr MAX BROWN: When the previous Government was in power it set up in my electorate hearings in the magistrates court held at night, of which the Minister may be aware. That move was very well accepted in my electorate, being a city in which there was a high rate of shiftwork at that time. This Government has obviously seen fit to cease that practice. Can the Minister tell me whether that is because of the very great downturn in the steel industry, which might have led to less shiftwork? My other question is whether the Government, in stopping such a practice, has taken into consideration any provision for particular cases being heard by a night court?

The Hon. K. T. Griffin: I recall that I answered a question in the Legislative Council during the current session with respect to night courts in Whyalla. When that court sat in the evening it was constituted by Justices of the Peace and not a magistrate. The statistics indicated, I think, that there was a high number of about 12 people who took advantage of the night court down to a minimum of nil. On other occasions three or eight people attended. It was a clear indication that it was not a service in very high demand. I point out to the honourable member that for shiftworkers a night attendance can be just as inconvenient as a day attendance, depending on the period of shiftwork they are undertaking. Also, in Whyalla there is a Saturday morning court which has proved to be much more popular, if that is the correct description, than night sittings.

Mr MAX BROWN: What inference can one take that it is more popular on Saturday morning?

The Hon. K. T. Griffin: Let me rephrase that. It was a service used to a greater extent on Saturday mornings than at the night sittings. I regard the decision taken as being responsible. Adequate opportunities were made available for shiftworkers and others in Whyalla to appear either during the week without losing time or on Saturday mornings.

At Mount Gambier the magistrate has just established, in conjunction with the Courts Department, an evening court sitting. I think that the magistrate sits there but, on the first occasion no-one at Mount Gambier took advantage of the opportunity to attend in the evening. I think that the Whyalla experiment was helpful, and that the Mount Gambier experiment will be helpful in identifying what, if any, demand there is for night sittings. If there is an established demand, the Courts Department will take account of that in determining when courts will sit. But, there is really no point in engaging staff to work overtime at night if there are very few members of the community who avail themselves of that service. So, Whyalla night courts really were not used to any significant extent at all. There is, of course, the Saturday morning court.

Mr MAX BROWN: I appreciate what the Minister is saying. I am not being facetious, but I am simply pointing out that if a person was charged with some misdemeanour that led to him being required to attend court, if he was working at the time of the court hearing he could be paying two penalties: he is losing pay whilst attending court. If he was subsequently proven to be not guilty he, in some way, has paid the penalty having lost pay. If he was subsequently proven guilty he would probably be paying a second penalty, literally. I accept what the Minister says, that the night court was not used very much. However, when a person has been charged with some misdemeanour, usually the court sets the hearing date and time. Perhaps not advertised, but perhaps in some way a person could be told that he could appear at night rather than in the daytime, and so this facility would be more extensively used. Has the Minister given this matter some thought?

The Hon. K. T. Griffin: The court sat one night a month, and it would be some measure of co-incidence if the accused was to appear before that court rather than a day court or a Saturday morning court. If any member of the public has any difficulty attending a court on a morning for which the summons may have been issued, there is always open to that person a right to make contact with the clerk of court, the police prosecutor if it is a police matter, or any other prosecutor or counsel to request that the matter be listed for Saturday morning.

I do not know how frequently members of the public avail themselves of that opportunity. The Courts Department is trying to ensure that there are civilian clerks of court in all major courts, and I think that that is now the position. They have the responsibility for arranging the schedule or lists to suit the court, certainly, but also if there is a particular difficulty which an accused person has to try to accommodate that accused person's difficulty. I recognise the difficulty to which the honourable member refers but, in practice, there are avenues available which would relieve if not eliminate that inconvenience.

Mr MAX BROWN: I point out to the Minister that the popularity of the Saturday morning court is not a valid reason to explain why Saturday mornings are popular. The member for Elizabeth was closer to the point when by way of interjection he said that circumstances would bring that situation about. That is correct.

The Hon. PETER DUNCAN: Sunday morning might be much more appropriate.

Mr MAX BROWN: I do not know. From my experience there has been much more activity in certain entertainment venues on Friday night than on Saturday night, which is the major reason why so many cases are listed on Saturday morning. Many of those cases result from people spending the night in the cells at the rear of the Police Barracks. Although the situation was probably not designed that way, that is why the Saturday morning court is popular.

The Hon. K. T. Griffin: Overnight arrests are much down on what they used to be because the police try to avoid overnight arrests, will grant police bail more readily but, so far as the Saturday morning court is concerned, I was trying to indicate that that court is available and, if there is a shiftworker who has a difficulty about a weekday appearance, then a Saturday court is available and it is not as though by eliminating the once a month evening court that a person is disadvantaged. There is the opportunity for a Saturday morning court.

Also, when notice of a day of hearing is sent out to defendants, the department encloses a notice saying that a Saturday morning court is available if that is a more convenient time. We try as much as possible to accommodate the particular difficulties of any defendant.

Mr HAMILTON: I refer to page 52 of the yellow book in regard to appeals against administrative actions and decisions. Can the Attorney indicate whether there is an increase or a decrease in the number of Air Pollution Board appeals? I have encountered several problems in my district in regard to air pollution problems, and I would appreciate this information.

The Hon. K. T. Griffin: Without the help of my Director I would not have known the answer but, according to page 58 of the Auditor-General's Report there is no reference at all to the Air Pollution Appeal Board. This suggests that there have been no appeals in the past financial year. If

there is any change to that, I will have the Committee notified.

Mr HAMILTON: Secondly, can the Attorney indicate under 'Crime Detection and Investigation Services' whether there has been an increase or decrease of offences in regard to the licensing of secondhand dealers?

The Hon. K. T. Griffin: I do not have that information available, but I do undertake to obtain it for the Committee.

The Hon. PETER DUNCAN: In regard to night courts, the experiment in Whyalla had a reasonably interesting history when it was established, largely because I had a number of informal representations from magistrates who thought that the whole idea was absurd. I am a bit of a cynic, and I rather thought that they were concerned that the experiment might fly forth to the extent where there would be magistrates courts sitting at night, and it would mean night time work for magistrates. That may or may not have been the reasoning behind their opposition, but a number of magistrates approached me expressing concern that, in the first place, allowing defendants to in effect choose their day in court was a bad practice for a number of reasons, some of which had validity. In traffic matters it would have been possible, if such a structure operated throughout the State, to engineer a situation where, if a defendant had several traffic matters before the State court at the one time, could do them all on the one day and, therefore, his traffic record would not take account of all the other matters. That sort of comment was put to me, and I accept that, although it was possible administratively to overcome those difficulties.

The Hon. K. T. Griffin: That is a bit far fetched, too.

The Hon. PETER DUNCAN: It may be far fetched, but that is one criticism that has been made. Secondly, some magistrates thought that the demeanour of the court was possibly being reduced if courts sat at these odd hours. Courts seem, according to legend, to be able to conduct their business in a more appropriate fashion between the hours of 10 and four (and the hours are sometimes shorter than that). I am concerned that there was much resistance to any move to change court sitting hours at that time (and I imagine since). The experiment was conducted at Whyalla because of the reluctance of magistrates (particularly those in Adelaide) to involve themselves in any such experiment.

It was intended at that time that the night courts involving Justices of the Peace would be merely the beginning of the experiment, which was to be extended to include magistrates hearing matters at night. Unfortunately, we never had, and do not now have, a magistrate residing in Whyalla. At that time the magistrate resided in Port Augusta and travelled to Whyalla on court sitting days. Therefore, it was never particularly fair to request that magistrate to stay back in Whyalla for night sittings, so the matter was not pursued.

I believe that if a full range of court hearing facilities at a magistrate level were to become available at night there would be greater demand for those services. I accept the fact that the experiment conducted at Whyalla in a limited fashion was not particularly successful. However, I urge the Attorney-General to give serious consideration to conducting a night court experiment at one of the main Adelaide metropolitan magistrates courts, such as Elizabeth or Port Adelaide, which might be useful places for such an experiment to be conducted. I believe that there is a community demand for court sittings outside normal hours, a demand that is not being met.

Although the Attorney-General might be able to say that there is no real indication of this demand, I think it is fair to say that no group in the community voices the concern of defendants particularly. My experience within the legal profession and as a member of this Parliament indicates to me that a number of people are seriously affected by having to attend at court during the day. Those people lose wages, suffer inconvenience, and quite often find that they have to attend at court on two or three occasions before a matter is concluded. This can result in a considerable loss of income for people who find themselves before the court.

The Hon. K. T. Griffin: There were Justices of the Peace who, once a month, presided over a night court at Whyalla. For the past two years there has been a magistrate based in Whyalla, even though he has chosen on occasion to fly back to Adelaide for the weekend. If a new magistrate is appointed at Whyalla that appointment will be made on a permanent basis. We are presently taking steps to acquire a house in Whyalla to ensure that the magistrate will live there permanently.

The Saturday morning court at the Adelaide Magistrates Court was previously presided over by Special Justices of the Peace, or Justices of the Peace. For some time now magistrates have been rostered to preside over the Saturday morning sittings of the Adelaide Magistrates Court. The magistrate at Mount Gambier is co-operating (in fact volunteered) by listing matters for hearing on evenings, I think once a week (certainly more frequently than once a month). However, on the first occasion when that court was open no-one attended.

There is also a Saturday morning court sitting in Mount Gambier. The assessment is that the Saturday morning courts are available for those people who find a real conflict with their employment if they attend at court during the week. I am not aware of any particular evidence which would indicate a real need for evening court sittings as opposed, say, to a Saturday morning court sitting. However, I am prepared to keep the matter under scrutiny and if patterns change my department is prepared to be flexible about it. Experience to date does not, in the view of the department, or in my view, justify special night sittings of courts presided over by magistrates.

The Hon. PETER DUNCAN: The Attorney mentioned earlier that some summonses have a notice on them indicating that if the time or date listed for the hearing of a matter is not convenient a defendant may make application to have that hearing date altered. Is that notation included on summonses issued in the metropolitan area, does it mention the Saturday morning court sitting in Adelaide, and if it does not, will the Attorney consider that being done because he has indicated that a Saturday morning court is available in Adelaide as an alternative to other court sitting dates? If that is the case, there is no reason to keep that fact one of the best kept secrets in Adelaide.

The Hon. K. T. Griffin: The Director informs me that this was done in Whyalla specifically to cope with the change from night courts. It is not done elsewhere in South Australia. All I can undertake to do is give consideration to this matter. My officers would need to consider this matter and give me advice about it. I am certainly prepared to give it consideration.

The CHAIRMAN: Are there any further questions? There being no further questions, I declare the examination of the vote 'Courts $13 389 000' completed.

Attorney-General's, $4 704 000

Chairman:
Mr E. K. Russack

Members:
Mr M. J. Brown
Mr G. J. Crafter
The Hon. Peter Duncan

Mr K. C. Hamilton
Mr J. Mathwin
Mr J. K. G. Oswald
Mr R. J. Randall
Mr W. A. Rodda

Witness:

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

Departmental Advisers:

Mr G. C. Prior, Crown Solicitor, Attorney-General's Department.

Mr M. N. Abbott, Chief Administrative Officer, Attorney-General's Department.

The CHAIRMAN: I declare the proposed expenditure open for examination, and advise members of the Committee that the vote is to be found on pages 40 and 41 of Estimates of Payments.

Mr CRAFTER: I have been given an extraordinary letter by my colleague, the member for Napier, who is a justice of the peace. He received a letter very recently, dated 17 September, from a person whose name is indecipherable, but who is the Secretary to the Attorney-General. That letter, it appears, has been written to every justice of the peace in South Australia. It says:

> The Attorney-General feels that it is important for the general public to know where a local justice of the peace can be contacted. It is therefore his intention to publish in the media from time to time lists of names and addresses of active justices of the peace.

That is something for which I have nothing but support, but the next paragraph says:

> I am specifically seeking a response to the questions listed on the attachment.

The attachment contains some 13 questions. The letter goes on to say:

> I should be please if you would write to Mrs Brenda Young of this department within the next 14 days with the advice.

Part of this letter has been crossed out by hand, that is, the telephone number. It appears to me that it has been realised that there are over 10 000 justices of the peace in South Australia and there would be a lot of phone calls to receive in a fortnight. The final paragraph is a matter of great concern. It says:

> If no advice is received, it will be assumed that you no longer wish to retain your commission; if this is the case your name is likely to be deleted from the roll of justices.

That is a matter of great concern. A very large number of justices of the peace have been duly commissioned in this State, some of whom serve on the courts but others fulfil all sorts of important functions in the community. It has been my experience that 14 days is very little time in which to reply to something of this nature. Many of these people are retired persons and, in my experience, are often holidaying or away with families or the like. Indeed, even if they are at home, 14 days is not very much time in which to reply. Further, I would be concerned that, upon the advice of an officer of the Minister's department, duly commissioned officers could be taken off the roll of justices of the peace in that way. I thought (and I have not checked, I must admit, in the legislation) that there was a procedure, other than one of the reverse onus of proof that is here, that I thought would be used only in extreme circumstances. I imagine that, as my colleague was very upset when he received this, many justices of the peace who have served the community over a long period, would be most offended on receiving that letter. I want to know what it is that the Attorney-General is trying to achieve.

The Hon. K. T. Griffin: I am surprised that the honourable member regards the letter as extraordinary and, likewise, I am surprised that he presumes that justices of the peace would be offended to receive it. Indications from my office have been that there has been no outrage or concern about the letter. In fact, there has been a good response so far to the letter. I do not want to withdraw in any way from what that letter is seeking to do, that is, to gain an up-to-date register for the first time ever of justices of the peace in South Australia. There is no register, but over decades there have been most inadequate records of justices of the peace kept in the Attorney-General's office. I have taken the initiative to try to put that right because I believe that it is important for a number of reasons to ensure that there is an up-to-date list of active justices of the peace and their addresses. Periodically, in determining who shall or shall not be commissioned as justices of the peace we have to have recourse to our assessment of how many justices of the peace reside in a particular area. A quota is fixed for each geographical area. The quota is one justice of the peace for every 250 residents, I think, but if that is incorrect I will let the honourable member know. We have had complaints often from applicants when they have been refused on the basis of the district being 'over quota'; they complain that they do not know who or where the justices of the peace are, and their experience is that the area is sadly lacking in justices of the peace. There is no record kept as to when a justice of the peace dies, moves or begins to hide himself away in the community and is not willing to accept the responsibilities of being a justice of the peace.

The responsibilities of the justice of the peace within the community, apart from court work, are the very heavy responsibilities of witnessing documents. I want to ensure that we know where justices of the peace are, and that we make known to the public the names and addresses of justices of the peace who accept the responsibility of witnessing a whole range of documents. I want to be able to assess much more effectively whether or not the quota system is working and whether or not the quota for a district is filled. At the moment there is no adequate record system at all and in this day and age that should not be tolerated. Therefore, I have taken the initiative to ensure that it is put into its proper perspective and brought up to date. When we receive the replies from justices of the peace and when the register is complete, we propose to advertise in the daily press periodically and in the local Messenger newspapers, for example, the list of names and addresses of justices of the peace in particular areas. We propose to make available to police stations and to local governing bodies the names of justices of the peace in their areas—and members of Parliament, too—so that the public can be served more adequately than they are at present, because they do not presently know where local justices of the peace live and who of those justices of the peace is prepared to accept the responsibilities.

As I said right at the beginning, I do not withdraw in any way from that letter or from the concept of the action that we are taking. It is in the interests of the wider community, and I believe that justices of the peace, from my experience with them, are prepared to respond. If there is a difficulty with the time, the axe is not going to drop after 14 days. Before any action is taken to withdraw the commission, if we do not receive replies or if letters come back unclaimed, we intend to search electoral rolls and, addresses have changed, to contact particular justices of the peace.

However, if there is no record of a particular justice of the peace in South Australia, the name will be withdrawn from the register. I do not believe that anyone can quarrel with that.

Mr CRAFTER: I agree with most of what the Attorney-General said. However, that was not the question I was asking at all. I said in my explanation that I thought it was a good idea that that information is currently and accurately available for the community. However, it worries me as to the legality and morality of sending out a letter to over 10 000 justices of the peace saying that, if they do not reply within 14 days, their name is likely to be deleted from the roll of justices of the peace.

These people perform judicial and *quasi* judicial functions in the community had have been appointed by the Governor in Executive Council. Yet, here we are having their names removed administratively after a short period when they fail to respond to correspondence from the Minister's office. I find that offensive. It is also misleading because, obviously, that will not happen after 14 days. The letter was dated 17 September and, therefore, by next Monday there will be grounds for about 8 000 or 9 000 justices to to be taken off the roll. I think that it is quite unnecessary to frame the letter in those terms for the purpose for which the Attorney-General is seeking.

The Hon. K. T. Griffin: There is nothing illegal about it. Commissions of the Peace are held at the Governor's pleasure. As far as morality is concerned, I have explained the process which will be undertaken. We have to have a time limit put on it, and 14 days is a reasonable time limit within which to respond. I do not regard that as offensive. The information I have from my officers through replies coming in by letter and telephone indicates that no-one regards it as offensive. We will be flexible. If the honourable member looks at the way in which the last paragraph is drafted, he will see that the emphasis is not on removal and the fact that they will be removed but rather on the fact that they are likely to be removed. So, it is conditional. I regret that the honourable member seems to be so sensitive about it.

Mr CRAFTER: I move on to another area, namely, the Coroner's Court, where I notice there has been a reduction of one in staffing. I understand that considerable delays are being experienced in having matters processed through that jurisdiction. On page 22 of the yellow book, reference is made to the fact that there has been a significant increase in requests from solicitors, insurers and next of kin for a coroner's inquest. Indeed, that has resulted in legislation coming before the Parliament during the last year. The yellow book goes on to say that 2 400 fires were reported in 1981-82 in this State compared with 1 400 in the year 1980-81. It further states:

> Inquests are becoming much more lengthy and more interested parties are now legally represented in proceedings in the court.

Bearing in mind that scenario, I would be pleased if the Minister could explain whether the reduction in staff in that office will mean further delays or whether some other steps will be taken to assist in the work of that branch of the Minister's department.

The Hon. K. T. Griffin: The Courts Department has taken over responsibility for the Coroner's Court because the work of the Coroner is more akin to the work of the courts. So, the administrative responsibility for that office will now be with the Courts Department which, of course, has much more flexibility amongst its staffing to cope with peaks and troughs of work within that court. The staffing differences result from an error made last year in that the Coroner's constable was included in the department's staff. In fact, he is a police officer and should have been more appropriately on the staff of the Police Department. In fact, there has been no reduction in staff in the Coroner's Court. I do not have readily available statistics about the number of matters being heard by the Coroner. I did not understand, from my discussions with the Coroner, that there were any lengthy delays in inquests but I will have some inquiries made and will let the committee have some information about the number of hearings.

Mr MATHWIN: I refer to page 41 of the yellow book which, in part, under 'Objectives' states:

> To assist with arrangements for a national symposium on victimology.

Do I take it that the symposium has already been planned for somewhere in Australia or is it planned to be in South Australia? This calendar year there has been a symposium on victimology in Japan which was most successful and very rewarding. It came forward with a good deal of information. As the Attorney-General would know, we have a very good organisation for victims of crime which works closely with such victims. They would be very interested in this sort of symposium. I believe that in certain areas we have led the field and have set the pace for a lot of other States to follow in relation to what action we can take to assist victims. I ask the Attorney-General to explain that line.

The Hon. K. T. Griffin: It relates to the symposium arranged jointly by the Office of Crime Statistics attached to my office and the Institute of Criminology, sometime toward the end of last year—about November, I believe. My Director of Crime Statistics was very much involved in that symposium. There is also, in the next year or so, likely to be an international symposium on victimology and there has been some approach suggesting that we should hold it in South Australia. However, I have not heard the result of any discussions that have taken place. They have essentially been outside the area of my office.

Mr MATHWIN: Further down page 41 another objective states:

> To publish 'Juvenile Justice in South Australia'—a detailed description of the juvenile justice system in South Australia and cost and recidivism comparison with other States.

I take it that the whole of that paragraph deals only with juveniles. I have a great deal of interest in that area, particularly in juvenile crime and the great problems it is causing for Governments (not only ours) and its high cost to Governments and communities generally. Does the Attorney-General have any further information on the matter?

Is any consideration being given to the same sort of investigation into adult criminals, where statistics are also required? I agree with the remarks made in one of the other paragraphs in relation to statistics.

It is imperative that proper, honest statistics are kept of all these types of things, whether it be for juveniles or for adults. Unless proper, honest statistics are kept, we do not know whether we are dealing well with the problems with which we are faced. If there are alternatives to people being gaoled, and alternative types of punishment in attempts to punish and rehabilitate at the same time, then the more alternatives that there are, the better and more honest the statistics should be to enable us to know whether we are dealing rightly with that particular person. Can the Minister give me further information about that?

The Hon. K. T. Griffin: The Office of Crime Statistics publishes a number of periodical reports of a continuing nature, as well as some special reports such as the one on juvenile justice. There is no present plan to publish a similar report on adult offenders, but a lot of the statistical data relating to adult offenders, as well as juvenile offenders (young offenders), can be found in the publications which are presently produced by the office.

I was just trying to find in one of the papers in front of me whether the half-yearly reports on crime and justice, that is, statistics from the District Court, Supreme Court and Children's Court, raise this question of recidivism. I have not been able to find that information. I will obtain

some detail about the material currently available and will let the honourable member have it.

Mr MATHWIN: Another matter on which I seek information from the Attorney-General is in the area of studies and reports. Is consideration being given to finding out just how advantageous it is to have another area of defining people who are in conflict with the law? I mention this because, during my recent overseas visit, in West Germany, Poland and the United Kingdom I found that there were juveniles, young adults (a general term) and harder recidivists. As the Attorney-General well knows, recidivism is a big problem area in that people become permanent criminals and regard crime in some cases as a profession.

One of the important aspects is to try to segregate the younger or less inclined offenders from those who seem to be fairly well set on a career that they are going to follow for the rest of their lives and thereby cause a colossal cost to the community. West Germany, Poland, the United States and Switzerland have a separate section of 18-year-olds to 25-year-olds, and I think the United Kingdom has a section of 21-year-olds to 30-year-olds, which they term as being young adults, and they deal with those people accordingly in relation to the type of offence committed and the type of sentence and the manner in which it is served. Those people are placed in different institutions.

The Hon. K. T. Griffin: I take it that the honourable member is not suggesting that we ought to clearly define in law another group of people to whom different penalties might be applied, but rather a statistical—

Mr MATHWIN: A statistical record and a further alternative available to the courts.

The Hon. K. T. Griffin: As far as statistics are concerned, genuine statistical records produced by the Office of Crime Statistics contain a schedule of offenders by age. So, that information is generally available statistically. Within the area of sentencing, it is difficult to see how we could provide for yet another stratum of offender. Regarding what other options might be available, we have recently introduced community work orders under the supervision of the Department of Correctional Services in two areas of South Australia. There are also community work orders in the Department for Community Welfare for young offenders.

Of course, courts always take into account, amongst other factors that they must take into account when sentencing, the age of the offender and the question of previous convictions. A first offender of 60 years of age might be a person upon whom one wants to impose a much lesser penalty than a first offender of 20 years of age. On the other hand, a multiple offender at any age might require different approaches by the courts, but a multiple offender at 25 years of age is probably in no different a position from a multiple offender at 35 years of age. So, there are many other factors that have to be taken into account in determining the appropriate penalty. I understand, from the reports that come to me (and I think it is well established) that courts take into account age, antecedents and all the other matters on which they assess the penalty.

Mr HAMILTON: The Attorney-General has received correspondence from me in relation to the witnessing of documents to be registered under the Real Property Act. The Attorney-General may recall that I wrote to him on that and he replied that I could use the long term of proof in relation to the witnessing of documents where that person was not well known to me or the justice of the peace on an initial approach. What happens if a person comes from interstate or anywhere in South Australia, who cannot be vouched for by a witness? What procedure do those people adopt in those circumstances?

The Attorney-General, as I said, has written to me, but I cannot see an indication about this in his reply. This causes me a considerable amount of concern as to how I should advise those constituents who come to see me who have transferred from other parts of the State or the metropolitan area into my electorate. This has caused me concern in the past where one particular father was most irate because I would not sign a document for his daughter and son-in-law.

I would therefore appreciate the Attorney-General's elaborating on that matter so that I can advise any future constituents who may come to see me.

The Hon. K. T. Griffin: I appreciate the honourable member's concern. He quite obviously takes seriously the responsibility of witnessing Real Property Act documents, as I would hope everyone does. I would do the same. I would refuse, as a commissioner for taking affidavits, to witness the signature of a person who had just come in off the street, on the basis that the person was not well known to me. I think that that is a proper course, because one of the difficulties that we have under the Real Property Act (and this has occurred on several occasions, to my knowledge, in the past 10 years) is that someone who has purported to sign as the proprietor has not, in fact, been the proprietor. In those circumstances, of course, serious implications are involved for the actual proprietor of that real estate.

So, I think the responsibility of justices, commissioners, proclaimed bank managers and notaries public who are authorised witnesses is a very heavy one. Where a person does not know anyone, I think that there are alternative ways of dealing with that under the Real Property Act. I do not have that information at my fingertips. Would the honourable member be happy if I responded on that point after I have had an opportunity to discuss it with the Registrar-General of Deeds?

Mr HAMILTON: I thank the Minister. I certainly appreciate that, because it causes me considerable concern. It has been my experience that land agents and real estate people do send their clients to members of Parliament who advertise the fact that they are justices of the peace. I make no apology for that. It is a service to the community. But, it has been my experience that a number of land agents send their clients and my constituents to me asking me to sign these documents. I had to telephone these people and say, 'You know the situation in relation to these land transfer documents.' Perhaps the Attorney could look at the matter and tell land agents about the problems associated with land transfer documents. Referring to the other issue, it is stated at page 12, under the heading 'Law and the handicapped':

> Needs being addressed: The breaking down of barriers in respect of discrimination against people with physical and intellectual disabilities so as to assist them to fulfil employment, social and other goals.

Page 14 of the same document continues:

> The purpose of the year—

that refers to the International Year of the Disabled Person—

> was to promote full participation of disabled persons in all aspects of community life.

Recently, it was my experience to show a number of disabled people who occupied wheelchairs through Parliament House. To be quite frank, I felt somewhat embarrassed by the way in which I had to show them into Parliament House, down the side, along the corridors, taking them up two by two in the lifts to the ground floor, then showing them around. I believe that, if we are fair dinkum about assisting these people, proper access should be made possible through the front doors of Parliament House on either side. It would probably be easier to install a ramp on the Legislative Council side or, if necessary, on the House of Assembly side.

I believe that it would be much easier to install a proper ramp on the Legislative Council side, providing access through the front doors of Parliament House rather than

members having to shove these people around through the side of Parliament House, up to the lower floor and transporting them by lifts. We should look at this matter and provide access, as is done in many other State Government buildings, I understand, through the front door, rather than through the side or back doors.

The Hon. K. T. Griffin: I take up the first comment, which really was not a question but to which I should like to respond. One of the objectives of the justices survey is to identify where justices of the peace are and make them more accessible for the sort of general witnessing work that is required. That will not overcome the problem of justices not knowing the person, so they will not be able to declare that a person is well known to them. But, if there is a practice by land agents to refer parties to a real property document to members of Parliament or to any other justices of the peace without establishing whether or not the justice of the peace knows the parties, I am certainly prepared to look at the possibility of drawing that to the attention of real estate agents through their association.

Mr HAMILTON interjecting:

The Hon. K. T. Griffin: I am certainly prepared to give some consideration to that. The other area is the access question. I certainly want to see all public buildings accessible to persons with disabilities. Older buildings, not the least of those buildings being Parliament House, create a real problem. I agree that access through the back door is not really good enough, but in instances like this there may be no alternative. People with disabilities accept that in those sort of cases, whilst it is not ideal that they should enter from the back, at least it gives them access.

I have spoken to a number of people, particularly those who rely on wheelchairs for mobility, who accept that Parliament House is at least accessible now. They also accept that, by virtue of the building design, some difficulties are experienced in one's gaining access through the front door. I can certainly refer the point that the honourable member made with respect to front access to the Minister of Public Works. But, my understanding is that even on the Legislative Council side a ramp up those steps would not meet the minimum specifications for slope of ramp, width, handrails, and so on. Technically it is not possible to put a ramp in that location. However, I will certainly take that up with the Minister and let the honourable member have his response on that point.

If one goes to the Victorian Parliament House, one sees how much more difficult it is to gain access because, instead of having a mere dozen steps, I think they must have about three dozen steps up the front. It was featured in one of the advertisements used last year that draw attention to the real difficulty experienced in gaining access to public buildings. However, I am sensitive to the point that the honourable member made, because I have as much concern as anyone about persons with disabilities gaining proper and reasonable access.

Mr HAMILTON: Finally, in the *News* last evening, under the heading, 'Call to erase finding' an article reads:

> The Temperance Council of Australia wants single marihuana convictions erased from an individual's record "after a specified time."
>
> "Consideration should be given to the pressure placed on young people to experiment with drugs," the council President, the Reverend Brian Moxom, said.
>
> The council also called for rehabilitation of marihuana offenders, but reaffirmed its opposition to decriminalisation of the drug's possession and use.

Has the Attorney considered the erasure of single marihuana convictions based on experimentation by young people, and, if he has not, will he do so? If the Attorney has done so, will he elaborate for the Committee's edification?

The Hon. K. T. Griffin: I have not considered that point. It does arise in a much broader context, that is, in regard to the expunction of records of criminal offenders, which is a particularly vexed question. Some consideration is being given to the general principle of expunction of criminal records at the level of the Standing Committee of Attorneys-General, and in relation to drug offenders it is being considered by the Ministerial Committee on Drug Strategy which has been established between the Commonwealth and the States in relation to determining what should be the attitude to the recommendations of the Williams royal commission into drugs.

No decision has been taken at the joint State and Federal level on the question of expunction of records for drug offences, but that matter is being considered at that level. At the last Premiers' Conference in June, the Prime Minister and Premiers decided that they would seek to have brought back to that conference draft legislation on the recommendations of the Williams royal commission.

That necessarily will involve consideration by Governments as soon as officers have considered it. Work is being undertaken, on a national basis on a whole range of recommendations of that royal commission, including the question of expunction of records. My office and the Minister of Health's office have input to the work of the Ministerial Council on Drug Strategy.

Mr RODDA: I refer to page 26 of the yellow book which refers to victims of crime. In 1980-81 there were 156 payments amounting to $478 000. In 1981-82, 171 payments amounting to $642 000 were made, and a similar amount is budgeted for this year. It is interesting to note that the recovery of moneys from criminals is negligible when compared to the awards made to victims, only $13 000 having been recovered in 1981-82. Perhaps criminals are not that well heeled with worldly goods, but I am sure that some people who are not above indulging in this evil practice are well lined. Will the Attorney say what steps are being taken to rectify this matter? What is his overview of the people who occasion bodily harm to poor unfortunates?

The Hon. K. T. Griffin: I have a similar concern to that of the member for Victoria, namely, that we do not seem to be able to recover much from those who commit such offences. The information that is available to me suggests that those who offend really have little money. Although we do make efforts to recover where the address of the offender is known, in many instances there are no assets. Also, in many cases we just cannot track down the offenders. Often they are itinerants, and it is just not worth the trouble to track them down over the border.

Even if we are able to do so, they are unlikely to have assets against which one can satisfy the payment of compensation. Whilst there is a sense of frustration that not more is recovered, the fact is that if we were to take even stronger action we would probably recover little, if any, more, and we would find that it was costing us more to do that. Where there is a reasonable prospect of recovery, the Crown Solicitor's office pursues it. If there is no prospect, or if we cannot locate the offender, we are really in a position of writing it off, which I regret. I believe that offenders ought to pay, but I do not see any realistic way of achieving that, even if many more resources were poured into that task.

Mr MAX BROWN: I refer to page 22 of the yellow book in regard to the Coroner's Branch, which has a role to play in assisting medical research into the confirmation of cot deaths. This form of death probably causes the greatest grief to families, yet over the years it has been difficult to obtain further information on such deaths. What progress has now been made? What type of medical research has the branch entered into in regard to cot deaths? It was recently

announced that there was a breakthrough in the lessening of the frequency of cot deaths. What is the present position?

The Hon. K. T. Griffin: I am not qualified to give any detailed comment on this subject. I have the same concern as most people over the incidence of cot deaths. The reference in the programme papers to this item is related to two things: first, to any inquest that the Coroner may undertake in regard to such deaths—

Mr MAX BROWN: There is no actual research?

The Hon. K. T. Griffin: No. It may refer to the forensic pathologist's role in autopsies and research. I will seek information about this sentence in the programme papers in order to pin down exactly what is intended. I am sorry, but I did not come prepared to deal with that matter, although I was aware of its being included in the programme papers.

Mr MAX BROWN: The programme papers refer to the prevention of industrial accidents, which possibly also relates to the Coroner's role. What is meant by that entry?

The Hon. K. T. Griffin: The Coroner plays a very important role in an inquest because he has available to him all information that is available about a particlar accident. The Coroner is required by his Act to make a finding in such cases. In making that finding, he is at liberty (and often does so) to make observations about certain measures that ought to have been undertaken to prevent an accident or death. It is in that context that he makes that contribution, which is quite significant because of his general role of inquirer.

Mr MAX BROWN: The same paper refers to inquests being performed as a result of requests that are made. It is interesting to see that fewer than 10 per cent of the deaths reported to the Coroner annually are the subject of an inquest. It is also interesting to note that there has been a significant increase in the number of requests from solicitors for such inquests. In fact, figures show that in 1981-82, 2 400 fires were reported, while in 1980-81 only 1 400 fires were reported. I find those figures interesting. Is the Minister, or are members of his department, of the opinion that these figures show an unfortunate and general upward trend in arson and robbery with violence in our society, and has the Coroner found that to be a fact?

The Hon. K. T. Griffin: I do not have a breakdown of those statistics. If I can obtain a breakdown for the honourable member, I will do so. The Coroner has a discretion under his Act whether or not to undertake an inquest. He will ordinarily exercise his discretion and conduct an inquest where there are suspicious circumstances, and in some other cases. In cases where he may decide that there is no reason to have an inquest, there is still a power for the Attorney-General to direct that one be held. I have on occasions directed the Coroner to conduct inquests for specific purposes. The Coroner has all the police inquiry files on fires, accidents and deaths before him when performing an inquest. This enables him to reach a decision that there is nothing suspicious about a certain death in which event no inquest is held, or, if there is something suspicious about another death, there will be an inquest. There is also the case of a request from a solicitor for an inquest.

Mr MAX BROWN: There can be a demand for one.

The Hon. K. T. Griffin: There can be a request. There is no power for the community to demand an inquest. If the Coroner says that he does not believe it is necessary to have an inquest in a certain matter, a person can approach the Attorney-General, who can look at a file and decide on the material put to him whether or not he is prepared to direct that an inquest take place. So, that discretion is available. Requests from solicitors for inquests would be made on behalf of clients such as relatives of the deceased person, property owners or insurers.

We are finding, as I indicated when the Coroners Act Amendment Bill was before the Parliament during the last session, that more and more requests are being made by insurers for inquests to be performed. These requests are not made with a view to determining anything other than the question of liability. That provision remains in the legislation. I have statistics on arson which show that from 1 July to 31 December 1980 there were 201 cases; from 1 July to 31 December 1981, 242 cases; and, in the previous six months from 1 January to 30 June 1981, 267 cases. I do not have the figures for the first six months of this year. However, although the figure for the number of arson cases fluctuates, not a great fluctuation is shown in those figures. I will endeavour to get a breakdown of these figures on fires referred to in the programme papers.

Mr MAX BROWN: The fact that people are reporting these fires indicates to me that someone somewhere is questioning whether arson has been involved.

The Hon. K. T. Griffin: Those figures do not indicate whether arson is involved because they include accidental fires.

Mr MAX BROWN: They do suggest that.

The Hon. K. T. Griffin: That does not necessarily follow. Insurers can request an inquest to ascertain the facts surrounding a death so that they may ultimately determine their liability. Because the amounts involved are escalating, it is a convenient way for insurers to obtain information without having to send their own investigators out to find it. They see all the evidence from the police and other witnesses produced at an inquest and have an opportunity to cross-examine witnesses. It is a bit like the fishing expeditions that used to occur in the road traffic jurisdiction. If there were a road traffic accident and one of the persons involved therein was charged, the insurer, in some instances, would act to have the person involved represented, with a view to getting all the evidence that the police had to help in determining liability. To some extent they used the hearing like a preliminary hearing. I do not think that the honourable member can draw the conclusion from those figures that there are more arson cases now than there were in the past. As I have indicated in the figures for charges of arson, there is some fluctuation in the half-yearly figure. I add that arson is difficult to prove. Although one may have suspicions about it, that is not good enough in our criminal justice system, where one must have evidence to prove a charge beyond reasonable doubt.

Mr MAX BROWN: It appears to me as a layman that, because of the very things to which the Attorney has referred (such as insurers looking for a reason why certain things have happened—particularly with fires), one of two things can happen. First, if the demand, for insurance company purposes, is to be placed on the Government because it has to perform these costly investigations (whether by way of an inquest or not), the Government will have to make a decision about this matter, and I am interested to hear what that decision might be.

People like the insurers would have to be told that it is a costly exercise and that we are not going to be involved in that sort of situation—I do not know whether the Minister has that in mind—or that we will have to face up to the situation and instead of cutting back, for example, the manpower and the cost factor, it would have to be increased.

The Hon. K. T. Griffin: I have explained already that there is no cut back in manpower in the office of the Coroner. Secondly, I am not aware of any bottleneck in the Coroner's office. He is disposing of a large number of cases, and I will keep the progress of cases under review, but there is no indication now that there is any particular difficulty in the Coroner's office. I should also add as an aside to meet the point that the honourable member is making that

the Coroner's Act Amendment Bill in the last session sought to give the Coroner power to award costs, in this case costs against an insurer, but was not supported by a majority in the Legislative Council. So, at the moment, the Government still pays the costs of those sorts of investigations and hearings, but that is a fact of life and one has to accept it.

Mr HAMILTON: On page 22, in line with what was being asked, 'The conduct of independent enquiries and investigations in respect of the loss of life, disappearance of individuals and injury to people' and so on and, further down, to conduct enquiries into 'the disappearance from or within the State of any person or persons': my recollection of the figures from last year was that about 377 people were missing in South Australia. Can the Attorney-General advise whether the number of missing persons this year has increased or decreased?

The Hon. K. T. Griffin: No, I do not have that information. That is more in the area of the police. This reference is directed more towards missing persons where death might be suspected or presumed, for example, where a fisherman is washed off his boat and the body is not found, the Coroner might hold an inquest and find that the person died as a result of accident at sea. Or, someone else may have been missing in other circumstances and evidence points to some malpractice or misadventure, and the Coroner will conduct an inquest and determine whether there is sufficient evidence to say that this person is dead. It is relevant for a number of reasons—insurance, probate, for people who might want to remarry—and after a long period (years) that spouse cannot be found and death might be presumed. Those are the sorts of circumstances to which this programme refers.

Mr HAMILTON: On page 25 of the same document, recurrent expenditure, Aboriginal customary law, I see that the recurrent expenditure has been decreased considerably and also that the Human Rights Commission has been reduced considerably. Can the Attorney-General inform me as to why there has been that reduction?

The Hon. K. T. Griffin: I have some mixed feelings about the work of the committee but, more importantly, there is an Australian Law Reform Commission reference on Aboriginal customary law. I think that discussion papers have been produced, there have been public hearings, and a final report is due to be published towards the end of this year or early next year. So, the priority seemed to the Government to be directed more to the more comprehensive Australian Law Reform Commission reference than to the South Australian Aboriginal Customary Law Committee's work. That is largely why there has been a reduction in the funding for that body. It has sought some funds from the Institute of Criminology and, as I understand it, the decision on grants by the institute has not been made yet.

Mr HAMILTON: Are there any State Government instrumentalities that refer legal cases to private solicitors rather than use the Crown Law Department; if so, which departments are they, and why do they do that?

The Hon. K. T. Griffin: A number of statutory bodies engage private practitioners and they do that by Cabinet direction because they are largely self-funding. Other statutory bodies receive advice from the Crown Solicitor because they are funded from Government directly and may be under direct Ministerial control. Criteria have been established that determine whether or not a particular statutory body should gain assistance from the Crown Solicitor or from outside in the private sector. Where the body is self funding there is every good reason for that body to be allowed to take its own advice from outside the Crown Solicitor's Office. The Crown Solicitor's Office periodically approves the retaining of a private practitioner for a particular purpose in Government, and it authorises periodically the briefing out of particular cases to private practitioners, but the Crown Solicitor retains a fairly considerable responsibility in that area because of the requirements of the audit regulations.

The Hon. PETER DUNCAN: I refer to the lines 'Law and the Handicapped' and '1981 International Year of Disabled Persons' as referred to on pages 12 to 15 of the yellow book. This Government has taken over the work commenced under the Dunstan Government in relation to the law and the handicapped. To the credit of the Attorney-General, he has shown a personal interest in the matter, particularly in relation to the International Year of Disabled Persons. However, I regret to note that, although reference is made to continuing activities in relation to handicapped persons, when one looks at the famous bottom line, one notices on page 13 that, under 'Law and the handicapped', the proposed expenditure for 1982-83 is nil. When one looks on page 15 under 'International Year of Disabled Persons' one finds that the figure for expenditure again is nil. The total programme expenditure is nil.

I appreciate the fact that action has taken place to expand the equal opportunity provisions to take into account discrimination against disabled people, and the Government deserves credit for that, which I readily give. However, the fact that there is no on-going programme of an initiation type apparently listed here gives cause for some concern, particularly in light of the oft expressed view of the many activists for the disabled, that 1981 would be a year of action isolated from all other years in that regard. A disabled person looking at this Budget would have justification for that view. I ask the Attorney-General to tell us, if he can, what specifics the Government has in mind for continuing activity in this area.

When one looks at the supposed 1982-83 specific targets, one sees only that the momentum of this programme will be continued in the Programme Information Resource Centre. I do not think that that is good enough. I believe many activities could be undertaken by the Government to further the interests of disabled people. This is one area where I believe State Governments can play an important role as it is not one where the expenditure involved is so great that a State Government is daunted by the amounts involved. Will the Minister give us some details of where he sees these programmes going in the future?

The Hon. K. T. Griffin: In the Office of the Commissioner for Equal Opportunity, there has been an increase in staff to deal with the increased workload which will result from the proclamation of the Handicapped Persons Equal Opportunity Act on 1 July this year. She does have additional staff which is provided for under the Premier's Department line. Under my own department's line provision exists for $60 000 to be made available for an Information and Resource Centre which is a part-year cost of establishing in the private sector the Information and Resource Centre. I have publicly made some announcement about that in that ACROD, Disabled Persons International, Red Cross, the Independent Living Centre and the Institute of Developmental Disabilities will be involved in providing the appropriate management committee to run the Information and Resource Centre which, for the time, is to be located in conjunction with the Independent Living Centre. I believe an important relationship can develop between the Information and Resource Centre and the Independent Living Centre.

In addition, in the area of the Minister of Health, we have provided $500 000 this year for the establishment of the Intellectually Disabled Services Council designed to have the principal policy role and also the principal role for co-ordinating private and public sector involvement in the area of intellectual disability. It will deal with the provision of services, development of policy and, to some extent, deal

with the question of discrimination which the Bright Committee, in its second report, addressed. In its second report the Bright Committee recommended the proposal that there be a separate statutory body responsible for the development of policy, the co-ordination and provision of services across Government and the private sector, be responsible for funding and also having a responsibility for anti-discrimination measures.

The Government, to a large extent, accepted that concept with the establishment of the Intellectually Disabled Services Council as a corporate body incorporated under the Health Commission Act. It accepted that the Health Commission Act was the appropriate body for that because it provided a quick and flexible means of incorporation. If one looks at the constitution of that council, one will see some important differences between the normal constitution of an incorporated health unit and the Intellectually Disabled Services Council. It has direct access to the Minister on matters of policy and also on questions of funding. Whilst administratively it is linked with the Health Commission, it has a certain degree of autonomy and direct access to the Minister which other incorporated health units do not have. We regard that as a very important development following the recommendation of the second Bright Committee report and also following the Intellectually Retarded Persons Project Report.

We have also established a permanent advisory council which will be responsible to me and which will have a role of advising Government on policy and on bringing to the attention of the Government matters which affect the rights of persons with disabilities, physically and intellectually. It will also have a monitoring responsibility for the Information and Resource Centre. Within Government we are establishing an interdepartmental committee on disability to be serviced by an officer from within the Health Commission. It will have a dual input to me as Attorney-General as well as to the Minister of Health, although principally to me.

What that committee will seek to do is maintain a sensitivity within Government departments and agencies towards people with a disability and also sensitivity as to how policies, programmes and activities of departments will impinge upon persons with a disability.

So, what we are trying to do is maintain the momentum developed in 1981 by the Government officer's subcouncil and ensure that there is a continuing impact on Government of the rights of persons with a disability. That has not all been brought together under the Attorney-General, but is included under the Health Commission, the Minister of Health, the Attorney-General and so on. They are the sorts of initiatives that we have adopted and will be implementing to keep the 1981 momentum going. To some extent I think that people who expect Governments to keep this momentum going, particularly disabled people, are doing themselves a disservice.

One of the things I noticed during the International Year of the Disabled was that disabled people want to do their own thing; they need support to do it but they want a certain measure of independence. I also noticed that they did not really want to be the focal point as though they were in the limelight all the time. The whole emphasis of the rights of persons with disabilities has to be that it is accepted as part of the normal practice and activity of Governments and people in the wider community that the disabled are normal. If one maintains too much focus on them as an identifiable unit, say within Government, one detracts from that very important objective.

Mr Chairman, I am sorry that I have taken a little time to develop that, but I really wanted to put it into a broader perspective. I recognise what the honourable member is drawing attention to in these programme papers, but the sorts of things that the Government has accepted and is undertaking are not necessarily reflected in just one programme paper. If the honourable member wants more information about those sorts of projects, I could bring them together for him and let him have further information. What I have indicated is a very broad perspective of the sorts of things that we are doing at the present time.

The Hon. PETER DUNCAN: It would be useful if the Attorney-General, as the Minister who has the general charge of this area, could prepare such a paper. Can the Minister comment specifically on any moves that the Government might have in mind to assist disabled people in obtaining employment, as this seems to be an area which people I speak to these days are mainly concerned about? Whilst the more brutal type of discrimination may have been rooted out to some extent, discrimination in employment is still felt to be a very major problem for disabled people. I would be interested in any comments that the Attorney-General might have about that matter.

The Hon. K. T. Griffin: There are two areas: one is the Federal department responsible for employment which has ongoing programmes designed to encourage employers to give every opportunity to persons with a disability in the employment area. There is some emphasis also on our State department, but, because of the more direct involvement of the Commonwealth, the principal role in employment is taken by the Commonwealth.

Again, whilst I do not have it all at my fingertips, I will provide for the honourable member some of the information which might be available regarding the emphasis on job opportunities for persons with a disability at the Commonwealth and State levels. The Handicapped Persons Equal Opportunity Act will provide a focus for employment because, although there is discrimination in other areas covered by that Act, the principal area of discrimination to which it is obviously going to be addressed is the area of employment and the Commissioner for Equal Opportunity and her staff in the educational role which they have, will necessarily be involved in promoting with employers the whole concept of employing persons with a disability. In the area of intellectual disability, it is a much more difficult thing.

If I could digress for a moment, in America, for example, there is a most interesting development where I.B.M. is training 600 intellectually disabled people as computer programmers, with the guarantee of employment. That is something which I regard as quite remarkable—that a large organisation like that should specifically embark upon a training programme with a view to engaging intellectually handicapped people for computer programming. I confess that within the Australian scene I do not know of a similar sort of project. The general emphasis in the job area has been towards sheltered workshops, both for physically and intellectually disabled people.

We all recognise that there are people with both sorts of disabilities who can effectively cope with employment in the normal work arena. I hope that Governments and employers throughout Australia will recognise the value of employing people with a disability within their normal workforce. There are many reasons for this, one obviously being that persons with a disability are more likely to be extremely diligent because they will want to prove that they can do the job and retain that job. I know that that is a digression, Mr Chairman, but I think that it was an important one. I will see whether I can draw together some information for the honourable member on employment aspects in the area of disability.

Mr OSWALD: On page 23 of the yellow book under 'Recurrent Expenditure' in 1981-82, the outcome was $227 500 for four full-time equivalents, which is approxi-

mately $57 000 per full-time equivalent. I notice that in 1982-83 the amount is proposed to be $266 400 for the same four full-time equivalents. In this programme of the 'Coroner's investigations', what costs are incurred over and above salaries?

The Hon. K. T. Griffin: Court reporting costs in 1982-83 are likely to be $23 700. It also covers the transcripts, witness fees and the cost of transportation of bodies, stores, plastic body bags and those sorts of items.

Mr OSWALD: Are you expecting a marked increase? That probably would have been incorporated in the $57 000 for a full-time equivalent last year.

The Hon. K. T. Griffin: It is not so much a matter of staffing, it is the incidentals to staffing. Fees are paid to medical practitioners for autopsies and in 1981-82 that amounted to $82 895.

Conveying of bodies was only $6 300. We have stores and materials at about $6 000, witness fees $5 300; there are microfilming charges, photocopying expenses $1 800, postage $1 600 and printing and stationery $1 700. All those items go towards making up the cost of running the Coroner's Office.

Mr OSWALD: That means that the cost of running the Coroner's Office went from $57 000 last year per full-time equivalent to approximately $66 000 per full-time equivalent for this year.

The Hon. K. T. Griffin: One cannot really divide the total by the number of full-time equivalents. One has really to take into account all the costs that relate to the operation of that office. I prefer to look at that in terms of what the costs were last year for each item, and to identify what the additional costs might be, rather than relating it to a cost per full-time equivalent. I am not convinced that that relationship is an appropriate one.

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

Attorney-General, Miscellaneous, $1 402 000

Chairman:
Mr E. K. Russack

Members:
Mr M. J. Brown
Mr G. J. Crafter
The Hon. Peter Duncan
Mr K. C. Hamilton
Mr J. Mathwin
Mr J. K. G. Oswald
Mr R. J. Randall
Mr W. A. Rodda

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

Departmental Advisers:
Mr G. C. Prior, Crown Solicitor, Attorney-General's Department.
Mr M. N. Abbott, Chief Administrative Officer, Attorney-General's Department.

The CHAIRMAN: I declare the proposed expenditure open for examination. Are there any questions?

Mr CRAFTER: I wish to seek from the Attorney an explanation as to Government policy over the past two years in reducing the State Government commitment to the delivery of legal aid services in this State. In the Estimates of Payments papers that we have before us, we see that there was an amount of almost $150 000 under expended in the 1981-82 Budget. The Attorney will recall that I raised that matter in Estimates Committee A on 7 October last year after the Premier, in his Financial Statement in introducing the Budget, said that there had been savings (and I questioned the use of the word 'savings' in connection with the sum of $106 000 during the previous financial year in the area of legal aid) for the same reason as I understand the Attorney is expressing now, that there had been a change in the Commonwealth Government commitment in legal aid provision. I wish to quote from the Estimates Committee reports in *Hansard* last year, because it appeared to me that the Attorney was giving an undertaking to the Committee that there would be some independence given to the Legal Services Commission for financial matters to plan a three-year rolling budget in which the commission was given some latitude to budget over that period. I quote from page 116 of *Hansard* on 7 October 1981, where the Attorney said:

> At that time, the Legal Services Commission made representations to me and, as a result, a three-year rolling budget was approved, which gave the commission guaranteed amounts in respect of its budget. The commission was given the opportunity to manage its own affairs over the three-year period. It has the opportunity to make savings or to increase expenditure within certain defined limits.

Further on, the Attorney says:

> The Legal Services Commission has been given guidelines and is free to operate within those guidelines as it sees appropriate.

I have received an enormous number of representations from lawyers in private practice, from solicitors who are involved in legal advice services, indeed in the service operating in my district, and from people who have been refused aid by the Legal Services Commission. I refer the Attorney-General to the Legal Services Commission report for 1980-81, in which it was stated:

> A total of 18 716 people were given legal advice at a commission office, an increase of 11 per cent over the previous year. However, the number of people advised by telephone dropped from 13 373 to 8 230. (See Appendix B for 1978-1980 comparative tables). The explanation for this drop is that, with the limited staff resources at its disposal, the commission was simply unable to meet the full demand for legal advice. As a priority is given to people who actually attend at the office, at busy periods telephone advice had to be discontinued in order to permit all available staff to be diverted to advising clients in the waiting room. The commission views the reduction in telephone advice with great concern.
>
> However, the increasing need for legal aid combined with the limited staff and financial resources available to the commission have on a number of occasions forced it to withhold grants of legal aid to otherwise eligible clients because insufficient funds were available. The commission is also conscious that many of its services are effectively available only in the Adelaide and Elizabeth areas where commission offices are located. The commission deeply regrets these restrictions on its services, and is continuing its efforts to ensure that all eligible South Australians have effective access to adequate legal services.
>
> The commission's first and second annual reports described the inquiries undertaken by the commission to determine the extent of needs in other areas, which led the commission to seek approval for funds to open branch offices in a range of locations including Whyalla, Port Adelaide, Noarlunga, and Mount Gambier. However, no such approval has been forthcoming, and the commission continues to operate on a permanent basis only at Adelaide and Elizabeth. During the past year the limited staff resources available to the commission forced it to reduce the number of such services from five to three by discontinuing the services previously available at Glenelg and Ingle Farm. However, the demand for advice is such that on many occasions waiting time for clients in the office builds up to several hours. Unfortunately, the commission believes that it is not able to reach, through its legal advice services, all people in need of legal assistance.

I think that is a very sad chronicle. I must admit that I speak on this subject with some emotion. I was involved, as the Attorney would know, with the joint Law Society and State and Federal committee which established the

Legal Services Commission and provided accommodation for it. It helped prepare the basis for the Legal Services Commission legislation. I have been involved since first being elected to Parliament in establishing the free legal advice service in my own electorate, which has become a very important community legal centre. To see the Government withdrawing its funding in this way is very distressing indeed.

It is even more distressing to see the number of private legal practitioners who have found some security in receiving briefs from the commission so that they can become established either at the bar or as solicitors. There is, I would think, a very good relationship between the private legal profession and the delivery of legal aid services in this State, if we can use that expression. The Law Society has played an historic role. I do not see that the withdrawal of funds and their allocation to other areas of Government services is helping the private profession, if that is the Government's wish, nor is it assisting people who are otherwise denied legal representation. It seems to me that all the questioning we have been doing so far today is of little worth if we have a well funded and functioning court system yet those most in need do not get access to it or to the sort of justice that we would want for them. I think there are many people in our community who would like the Minister to give some explanation of Government policy with respect to this service.

The Hon. K. T. Griffin: There is no doubt that the relationship between the Legal Services Commission and private practitioners is a reasonably happy one at the moment. In fact, it has improved dramatically over the last couple of years. In the last financial year I negotiated with the Commonwealth Government for a readjustment of the proportion of funding of the commission between the Commonwealth and the State. What we were able to do was to negotiate that the Commonwealth should accept 74 per cent of the financial responsibility, and the State was reduced from 35 per cent to 26 per cent.

That was based on the Commonwealth's own criteria for funding. The State was able to negotiate a higher funding by the Commonwealth but, in the context of a total budget for the Legal Services Commission, funds have not been reduced. In the first full year of operation (1979-80), the commission's budget was $2 972 000, and actual expenditure was $3 336 000. In 1980-81 the budget was $3 521 600, and expenditure was $4 208 500. In 1981-82 the budget was $4 169 000 and actual expenditure was $4 723 000. For the current year the budget is $5 124 000. In the context of last year's overall Budget there was no reduction in overall funds available to the commission and the $150 000 which has been referred to in the media was paid by the Commonwealth and, instead of being applied to the State's proportion of legal aid, it was applied to make up a shortfall in criminal injuries compensation claims which, instead of running according to budget of $500 000 for last year, ended up costing about $650 000.

There has been no reduction in the overall funds available from the Commonwealth and the State to the commission. The commission still has available to it the three-year rolling budget which was negotiated with the commission last year. The change in the funding proportion between the State and the Commonwealth necessarily had some effect on that, but the rolling three-year budget principle has been applied to the present financial year. There is no prejudice to the commission and no reduction in the overall funds available to it.

Mr CRAFTER: Whichever way the Attorney wishes to explain it, there is in fact a reduction in the commitment by the State Government to legal aid by $150 000. However it has been done, technically, I am not sure, but it is contrary to the vote last year for another purpose. I presume that it has been paid back into consolidated revenue and then paid out into criminal injuries compensation, or by some other accounting technique. My concern is that there is a diminution in responsibility.

If the Commonwealth has provided increased funds, then that is in accordance with an increased commitment by the Commonwealth to Commonwealth matters as allocated, and the savings that have resulted to the State have not been reflected in the number of State matters dealt with by the commission. I cannot accept that there is not a position where the State has not diminished its financial commitment.

I refer the Committee to page 268 of the Auditor-General's Report and the analysis of the various commitments between the State and Federal Government. The Committee will see that in the current year the grant for salaries and administrative expenditure on behalf of the State is $14 437, and $1 060 417 by the Commonwealth. I suggest that the arguments of the Attorney are arguments in isolation from reality because, what the commission is doing and what the various community-based organisations are doing in this State, as opposed to the situation obtaining in other States in regard to community-based organisations delivering fundamental legal services, is that they are operating on the narrowest of margins on which they can operate. Here was an opportunity for the Government to provide some additional funding—funding which was already voted by Parliament for that purpose.

The Government has chosen not to do that and to withdraw the funding voted for that purpose and allocate it for another purpose, which is the thrust of my original question: what is the State Government's policy with respect to legal aid? Is it going to try to move out of this area in increasing stages, as it has done over the past two years, and try to convince the Commonwealth that legal aid is its responsibility, or is it going to show some commitment to the provision of legal aid either through funding private practitioners through the work done by the commission itself or through those services provided by community legal services? That is something that must be answered.

The Hon. K. T. Griffin: The honourable member's question plays with figures. The fact is that, when the budget for the commission was fixed last year, funding responsibilities between the Commonwealth and State Governments were 65:35 per cent respectively. The State was able to negotiate with the Commonwealth that it should pay a larger proportion of the operating costs of the commission because of the increased number of cases which fell within the Commonwealth's own criteria for establishing its own responsibility.

There is nothing to prevent adjustments between lines during the course of a year. No technique is involved: it is a common practice implemented by those Statutes which relate to public expenditure. I have been trying to focus on the total concept of legal aid and not just the respective contributions of the State or the Commonwealth. If one looks at the Budget and the actual expenditure on the commission in total, one will see that there has been no prejudice to the commission by reason of the fact that this State was able to negotiate with the Commonwealth for it to pick up a larger share of the commission's operating costs.

Also, I point out to the honourable member that if he looks at the Auditor-General's Report he will see that the amount of reserves that the commission has accumulated increased by nearly $220 000 last year over the preceding year. The sort of funding that we are looking at reflects two things: it reflects an immediate cost incurred by the commission and also a contingent liability for claims that will be settled some time in the future. From all the information

available to me there is no indication of any prejudice to the commission and its administration of the whole legal aid system by virtue of the fact that we were able to negotiate a different proportion of the commission's expenses being borne by the Commonwealth Government.

I point out to the honourable member that his colleague, Mr Duncan, suggested several years ago that it would be a good thing for all legal aid to be funded without Government involvement. I think that was said with specific reference to funding such aid from the interest on moneys held in solicitors' trust accounts. Certainly, the more funding that can be obtained from independent sources, the better. However, this Government accepts responsibility in this matter. If one looks at this year's Budget one sees that this State is providing $607 000 in the current financial year for legal aid, which is a significant increase on the actual expenditure last year, but consistent with the rolling three-year Budget to which I referred last year.

Mr CRAFTER: While the Attorney insists that there is no denial of justice to clients of the Legal Services Commission, I must refer him to the annual report I read from at some length because that report must surely contain information that would be most disturbing to any Government. It is not a biased report and the majority of members of that commission were appointed by the Attorney. Many of those members are active members of the Law Society or members of the accounting profession. Here was an opportunity to get the $150 000 that the Attorney saw could be allocated for the payment to victims of criminal injury who, by law, have to be paid. That was an opportunity to do something that the Legal Services Commission was asking the Attorney-General to do—assist in overcoming some of the breakdowns in services that that office was experiencing. However, the Attorney chose not to do that. What is the Government's policy in respect to the future of legal aid services in this State? As I understand the Attorney's reply, there is a growing dependence on the part of the Government for funding to come from sources other than the State Government. Presumably that will continue.

The Hon. K. T. Griffin: I have not received any request from the Legal Services Commission in the terms to which the honourable member has referred. From a State Government point of view, there is provision in this year's Budget for, I think, $607 000, which indicates what the State Government is prepared to do in respect of servicing the Legal Services Commission. We certainly believe that the Commonwealth ought to accept a significant part of the liability of running the Legal Services Commission because of the criteria established by the Commonwealth Government, within which criteria the basis for funding has been negotiated. That is as far as I can take this matter.

Mr CRAFTER: I turn to the subject of legal services provided by the voluntary sector. There is now a greater reliance by the Government throughout the State upon those services delivered by the so-called non-government sector. In recent years community legal centres have been established. Those centres, in the main, do not compete with private legal practitioners. They advise people who are, in many cases, not aware of their legal rights. The predominance of the work performed by the service (I am a member of the management committee) relates to social security matters. There are services in existence at the Parks Community Centre, Bowden, Brompton and Norwood. Also, I think Noarlunga has an advisory service.

This year's Commonwealth Budget showed an increase in funding for community legal aid centres in New South Wales, Victoria, Queensland, and Western Australia, but a reduction to South Australia. That reduction has caused great concern at centres that are so dependent on Commonwealth funding for assistance. It seems that as part of the negotiations with the Commonwealth to which the Attorney-General has been referring there has been a counter balance struck and there is now reduced funding coming to this State from the Commonwealth for services provided by these centres. I wrote to Mr Justice Else-Mitchell, Chairman of the Commonwealth Legal Aid Council, on behalf of the Norwood Community Legal Service and asked him about the Commonwealth policy in this matter. I would be pleased to make that letter available to the Attorney-General if he has not seen a copy of it. The Chairman replied as follows:

> It would accordingly seem that your representations would be more appropriately directed to the South Australian Legal Services Commission and to the Attorney-General of your State, especially if the South Australian Government is disposed to supplement the funds made available from Commonwealth sources.

There have been representations made to the Attorney-General by that legal service (and other legal services, I presume) to ascertain what assistance can be given for the continuance of their programmes. These programmes provide services not supplied by other groups in the community. That is a most uneconomic way to deliver services in many cases and can only be done by the so-called non-government sector.

The dedication of the volunteer lawyers who work at these centres, and in particular the one full-time lawyer working at the Norwood Community Legal Service, is quite outstanding. That service is at a crisis point because of the cut-backs that have been budgeted for. The lawyer employed there has been given notice because of this happening. Will the Attorney explain the State Government's policy with respect to the establishment and support of community legal services?

The Hon. K. T. Griffin: I received a letter from the Norwood legal service which contained no detail about budgets and merely made a bald request for $3 000. I have written back to that service saying that, if it can give me much more financial information, I will be prepared to discuss this matter with my Commonwealth colleague. In fact, one of the members of that service has an appointment to see me next week to, I presume, discuss the matter. I have not received the detailed financial information that I requested. The Parks legal service is funded through the Minister of Local Government because that service is an integral part of the Parks Community Centre. However, the Minister of Local Government consults with me in respect to matters which might affect that legal service. I have written to the Commonwealth Government about the Parks legal service asking what it is prepared to do in respect of funding for that service. The State Legal Services Commission was requested some months ago to gather information about the needs of community legal aid services in South Australia. I understand that that information has been prepared and made available to the Commonwealth as a basis for considering what sorts of funds might be made available to those legal aid services.

I am not insensitive to the role that community legal services provide. I believe that the Commonwealth has a significant role in funding them, but when any community legal service makes submissions to me, it is fair that it should provide financial data that would enable me to have appropriate consultations with my Commonwealth colleague.

Mr CRAFTER: I am sure that the legal service will provide that information. I think that about a 40 page financial document was prepared for the Legal Services Commission some time ago and that that would be readily available to the Attorney-General. I am concerned though, that it has been necessary that a service of that importance in the community (some 3 000 were given advice by that

service in the past 12 months) must rely on a $3 000 grant, almost going cap in hand to the Attorney-General in very hurried circumstances, following the Federal Budget. The Parks Community Legal Centre is operating under a different basis and has a different line of responsibility. The Bowden/Brompton group is manned in the main by a lawyer in private practice who spends part of his week working in that centre. It seems that there is a need to establish a policy with respect to each of those centres so that they can be put on a proper financial footing and so that there can be a mechanism for accountability and some uniformity in their services, management and relationship to the Legal Services Commission.

As Mr Justice Else-Mitchell said, it is the policy (as I understand it) of the Commonwealth Government now to allocate moneys for the State legal service offices, and my guess is that the Commonwealth will, when the Attorney-General speaks to its representatives, reply along those lines. I think that we have missed the boat, unfortunately, for the current financial year and the money that should have come to us has gone to other States. No doubt, that was on the advice of the Legal Aid Council to the Attorney-General, but the Government would have the final decision on that. The reliance that I know the State was placing on this matter is contained in a letter that the Premier wrote to one of his constituents, and I give credit to this volunteer, who works at the Norwood Community Legal Service and who was so worried about the situation that he went to see his local member (who was the Premier). The Premier investigated the situation, and wrote back to him, saying:

> The South Australian Legal Services Commission is well aware of your difficulties and has taken action to try and obtain an increased Commonwealth contribution. The Commonwealth Budget on 17 August—

and this letter was written a few days prior to that, on 13 August—

> should contain details of the overall Commonwealth funding for community legal services; however, the allocation between States, and therefore for individual community services, will probably not be settled until somewhat later.
>
> It appears that at this stage, nothing can be done, at least until the Commonwealth Budget is brought down. In the meantime, I am advised that the best course of action is for your service to keep the South Australian Legal Services Commission closely advised of the situation.
>
> I hope that the Commonwealth Budget contains the appropriate financial assistance to resolve your difficulties. Thank you for taking the trouble to advise me of this matter.
>
> Yours sincerely,
> (signed)
>
> DAVID TONKIN, Premier.

So, once again, we see the complexity of the funding and programme arrangements for what is in the main a group of people who are volunteers working under incredible pressure. The one full-time lawyer at Norwood, I know, receives a little over the unemployment benefit allowance on which to live and support his wife and small child. Yet, there is this multiplicity of agencies that are involved and manipulating those who deliver very important services in the community. That seems to me to be a most undesirable climate for all concerned. I would like to know what is going to be done about it.

The Hon. K. T. Griffin: I have told the honourable member already what I am going to do about it. The onus is now back with the Norwood Community Legal Service. I will not say whether or not the State will grant funds. It is a matter of seeing what the financial papers of that service disclose and then taking it up with the Commonwealth. I presume from what the honourable member has said that the Legal Services Commission has received that information already. I was not aware of that, and I will follow it up with the Legal Services Commission.

Mr CRAFTER: I am referring right across the board and not just to Norwood.

The Hon. K. T. Griffin: As I have indicated already, I understand that the Legal Services Commission was asked by the Commonwealth to assess the needs of community legal aid services in South Australia. That was a direct request from the Commonwealth, and I presume that the Legal Services Commission replied directly to the Commonwealth Legal Aid Council about it. I have no knowledge of what, if any, its reply may have been, and I will follow that up now that the honourable member has drawn attention to that point.

The Hon. PETER DUNCAN: I want to clear up a point in relation to a matter that the Attorney-General raised earlier, that is, that some time ago I wanted to obtain details of the interest to be paid on all of the trust account funds in the solicitors' trust account funds for public purposes—not just for legal aid but for the other purposes. To my recollection, I never saw that amount as being sufficient, at that time anyway, to dispense with Government funding. I anticipated that that would always be necessary to a greater or lesser extent, the very least of which is the very considerable State Government subsidy given to legal aid simply through the provision of the premises in Flinders Street. I would like initially to ask the Attorney-General what the cents-in-the-dollar return to the legal profession is now for legal aid matters.

The Hon. K. T. Griffin: The Auditor-General's Report on page 268 deals with that. I will check the figures and, if what I give is incorrect, I will undertake to have them corrected. I understand that for family law matters conducted through the Legal Services Commission before 1 August 1980, but completed after that date, practitioners received 100 per cent of scale fees; for family law matters assigned to private practioners after 1 August 1980, they received 80 per cent of scale fees; for Commission matters not being family law matters, that is, assigned to private practioners, the practitioners received 80 per cent of scale fees; for the Australian Legal Aid Office matters which were assigned to private practitioners but which are not yet completed, they received 90 per cent of scale fees; and on the old Legal Assistance Scheme matters which were assigned to private practitioners but which are not yet completed, the practitioners received 70 per cent of scale fees. I understand those to be the figures, but I will have them checked and, if there is any change, I will let the Committee know.

The Hon. PETER DUNCAN: My recollection is that they are the figures. I am rather interested that the commission is paying 80c in the dollar. It always seemed to me interesting in my time that, while the Law Society was running the scheme, 25c in the dollar was the rate at one stage, and it increased slowly in accordance with the introduction of various methods of funding, to the stage at which it was 70 per cent when the Commission was established.

I could never see any reason why the amount went higher than that. Does the Attorney-General have a view on that? Obviously, the amount of legal aid that can be provided for the amount of funding that is available is drastically effected by the percentage of scale fees available to lawyers.

The Hon. K. T. Griffin: In the early days of the Legal Assistance Scheme, one was lucky to get 20 cents in the dollar. To their credit, previous Governments have gradually increased that amount through the Legal Assistance Scheme and also through the Legal Services Commission. My understanding is that the base fee upon which the percentage is calculated is also very low so that 80 per cent of the base fee on which the Commission pays is probably a very much smaller percentage of what the practitioner might expect in, for example, the criminal jurisdiction as the allowable counsel fee. So, although 80 per cent might appear to the honourable

member to be high (although I do not agree), the base on which the 80 per cent is taken is fairly low. I understand that some practitioners are a little concerned about the low base figure as they have overheads to meet and consider that they should not have to subsidise too much the work of the Legal Services Commission.

The Hon. PETER DUNCAN: That, of course, raises a question that some people have debated in the past as to whether the commission is providing legal aid for the community or legal aid for lawyers. I will not go into that further. I express my concern about the level of legal aid funding. On the surface it may appear that everything is quite rosy with the Legal Services Commission. However, when one scratches the surface one finds that that is not quite the case. Its guidelines have tightened up somewhat in the past 12 months. Would the Attorney-General obtain some information on that matter for the Committee?

What is the Attorney-General's view on the position in regard to the provision of legal aid in civil matters? As I understand it, in civil matters the commission's policy is that, except in exceptional circumstances, it will not provide legal aid. Those exceptional circumstances relate to civil matters where some type of public interest is involved. A number of cases have been brought to my attention where individuals have been involved in civil cases and where counsel have advised that there is a good case. However, they have not been able to obtain legal aid because of restrictions on provision of such aid in civil cases. Such persons have had grave difficulty in obtaining legal assistance.

I can see, to some extent, the rationale behind not providing legal aid in civil matters, the basis being that one might well hope to do some sort of deal with the lawyer whereby, if the case was successful, the person would be able to pay the lawyer from the funds received. In many civil cases a great deal of preliminary work is necessary and, although there may be a reasonable chance of success, no-one can guarantee that in going to court. I believe that a strong argument exists for the Legal Services Commission to provide assistance for a wider range of civil cases than is provided at the moment. It would not concern me if, in doing so, the Commission was to charge full fees for any successful outcomes. However, I believe that there are many cases where individuals cannot afford to go to court in civil cases. This injustice is being perpetrated, and we could easily get rid of it with a relatively modest increase in aid funds allocated to the Legal Services Commission.

The Hon. K. T. Griffin: I do not have the guidelines with me, but they can certainly be made available. I understand that some aid is made available in civil cases. I am not sure of the criteria but, again, I will make it available. I do know that, where it is likely that some other agency can deal with a civil matter, the applicant is referred to that agency for assistance. I refer to agencies such as the Consumer Affairs Department in regard to Credit Tribunal matters, secondhand motor vehicle matters or some other area where a Statute provides specific civil protection for an applicant. I will obtain the guidelines and make them available to the honourable member.

The Hon. PETER DUNCAN: That is certainly one area where I understand that legal aid is now less readily available to the community than was the case under the old Law Society scheme. That is a quite undesirable development.

Another area of concern to me in relation to legal aid is the position of good middle-class citizens who are required to go to law and who are forced to pay because they are employed and do not qualify for legal aid from the Legal Services Commission. These persons are forced to pay full-scale fees for the legal services that they receive. This can be a devastating blow to wage-earning families who find their whole financial affairs thrown into chaos as a result of receiving a massive bill from a legal practitioner. I believe that the Legal Services Commission could well be asked to provide the Government with advice as to how some type of aid—perhaps not full tote odds but certainly some aid—could be provided to people in these circumstances.

However, we again have the situation where the poorest section of the community is, to some extent, protected but where those who are employed and who have a family are outside the guidelines for the granting of legal aid and can be financially savaged as a result of their having to seek legal advice.

This is an area in which the Government would be well advised to take action, particularly in the light of the fact (if for no other reason) that if the community was more aware of this it would be a political issue of some significance. If middle-class people realised that they were being discriminated against in the provision of legal aid, they would be quite irate. I would like to hear the Attorney-General's comments on the matter.

The Hon. K. T. Griffin: I am not insensitive to what the honourable member is putting: it is a constant dilemma for those who provide legal aid and for Governments as to where the line should be drawn in respect of the provision of legal aid. Even if one had $10 000 000, I suggest that one probably would not be able to satisfy all of what might be reasonable requests for legal assistance. It then becomes a matter of judgment as to what the community can afford with respect to the particular criteria.

I know that the Legal Services Commission has considered ways in which the sorts of people to whom the honourable member has referred might be granted conditional legal aid, but as yet it has not come up with any solution. Nevertheless, I am certain that the honourable member's comments will be of interest to the commissioners when they have an opportunity to read through the *Hansard* report on this part of the proceedings of the Estimates Committees. I confess that I do not know what the answer to that very difficult dilemma is for Governments and those who provide legal aid.

Certainly, the Legal Services Commission has been considering it. I have not had an opportunity to discuss this with the commission for quite some time, and I am certainly prepared to raise that matter with the commission in the light of the honourable member's question.

The Hon. PETER DUNCAN: Last year I asked the question:

> Has the Attorney further considered introducing a scheme similar to the scheme that I attempted to promote when I was Attorney-General, that is, for the payment of interest on the total of solicitors' trust accounts so that the whole of the amount would be available for public purposes such as legal aid and the like?

I then went into some detail about the history, but I suppose that that is not necessary this afternoon. Will the Attorney-General say what steps, if any, have been taken to correct what I believe to be a totally anomalous situation where banks are able, through Government legislation, to obtain the great benefit, particularly in this day and age, of having a very large amount of interest-free funds made available to them?

The Hon. K. T. Griffin: I have not pursued it since last year because, at this stage, the Victorian Law Institute was taking the lead in negotiations with the banks. I have not had an indication that it has made any particular progress, although I have heard informally that the institute has not made any progress. Members will remember that when the new Legal Practitioners Act was before the Parliament there was an important change in that Act which provided for calculations for the combined solicitors' trust account to be made on a half-yearly basis, rather than on the old yearly basis. I believe that that will create some additional interest

for legal assistance and the guarantee fund. That has been operating since early this year only, and I do not have available any information that would indicate what difference may exist as a result of that.

That was seen by me and the legal profession as being certainly one initiative that would make more funds available than does the present annual balance scheme. I certainly have no plans at the moment to put any pressure on the banks to adopt the sort of proposal that the honourable member was promoting when he was Attorney-General. I will make inquiries in Victoria and ascertain what has happened there. I do not know what the position is in Victoria since this time last year.

The Hon. PETER DUNCAN: I am not satisfied with that answer, but no doubt there is little that I can do about it. It seems to me that a situation resulting from State legislation, where banks operating within the State have millions of dollars invested without paying interest thereon, is ridiculous and a situation which we should not, in the interests of all people in the State, tolerate. I believe that the banks have no more right to this money as interest-free funds than has the public or anyone else. The interest would be far better put to public purposes.

It is not as if the banks are called on to provide special services. As a practising lawyer, I know that charges for the bank service fees come in for trust accounts as they do for office accounts. It is long overdue that this free money that is made available to the banks should be made interest bearing and that the interest should be made available for public purposes. I am surprised that this Government, with its concern to ensure that it gets good value for dollars, has not taken up this matter more seriously and attempted to ensure that interest is paid.

It is obvious that no amount of negotiating with the banks (private banks, anyway), will ever achieve any results in this area. That is hardly surprising. If I was a private banker and had millions of dollars invested interest-free, I certainly would not be wanting to negotiate away that interest-free situation. Nonetheless, I think that it is long overdue that the Government should properly force the banks into a situation where interest is paid on the whole of the balance in trust accounts and that interest is made available for public purposes.

I now want to deal with the question of regionalisation of the Legal Services Commission. In the early days of the establishment of the commission there were proposals for the establishment of regional offices in places such as the Iron Triangle, Mount Gambier and the Riverland. I am surprised that country members opposite have not raised this matter because there is no doubt that country people are discriminated against because there are no legal aid offices in rural areas.

It is all very well for people to say that one can go to a local solicitor or legal firm and obtain legal aid through that local lawyer. As members opposite would know, if they have had anything to do with the legal profession in country towns, as with other facets of society in country areas, all sorts of social problems build up. People do not like going to see particular lawyers because they have fights with them at the bowling club, or whatever else the reason may happen to be.

Mr RODDA interjecting:

The Hon. PETER DUNCAN: It may not be the bowling club. I was trying to avoid naming any lawyers and, obviously, I did not want to offend the bowlers in the Chamber either, so I will withdraw that comment. Undoubtedly that is a problem in country areas, and people prefer not to go to local lawyers in some cases. I think that it is highly desirable for that reason, apart from the question of simply providing legal aid or making it more readily accessible, that we should have offices, at least in the South-East, Iron Triangle and Riverland areas.

A modest office of the sort that is established in Elizabeth would be all that is required. I do not imagine that the cost of that would be prohibitive, and it is long overdue. I am surprised that some country members on the Government benches have not raised this issue in the past, because I think that country people are being discriminated against by this lack of service.

The Hon. K. T. Griffin: I disagree with that. The establishment of an additional eight regional offices would have been a licence for bureaucracy to grow like Topsy. The Government was just not prepared to create even further opportunities for this sort of facility to grow as an arm of Government. The first year establishment and maintenance cost factor in 1980 would have been something like $125 000 per office, with an annual recurring cost of something close to $100 000 a year. If one escalates that to 1982 figures, one is looking at something close to $150 000 minimum, which is close to an extra $1 000 000 a year. The Government was just not prepared to allow that sort of bureaucratic expansion to occur.

But, what was indicated to the Legal Services Commission was that in those places where it wished to establish regional offices it should consult with local practitioners and endeavour to provide some joint service, if there was, in fact, an inadequate service being provided at present. In Mount Gambier, for example, there must be a dozen practitioners. It seems to me that it would have been quite ludicrous for a Legal Services Commission office to be established there in competition with local practitioners who were providing an adequate service, and who could act on assignment from the Legal Services Commission, in any event. The Legal Services Commission has, in fact, been providing a visiting service to certain country localities and that in conjunction with the local practitioners resident in those localities is adequate for the local communities. I do not accept the premise upon which the honourable member has made those comments.

Mr CRAFTER: I would like to follow through the matter upon which the Attorney has touched. I take him back to the 1980-81 Legal Services Commission annual report where the commission said that its two previous reports had described the inquiries it had undertaken to determine the extent of needs in other areas where there were not commission offices. Recommendations were made that some attention be given to Whyalla, Port Adelaide, Noarlunga and Mount Gambier. The report stated:

> Further, no such approval has been forthcoming and the commission continues to operate on a permanent basis only at Adelaide and Elizabeth.

I would like to know whether the Attorney disagrees, as obviously he does, with the recommendation contained in the annual report, and whether anything will be done to meet those unmet needs that were revealed in those commission reports. I cite one example, which is the difficulty of getting a barrister to go to a social security appeals tribunal for a pensioner or unemployed person to fight on behalf of that person so that the person can receive some Commonwealth benefit. It is uneconomic for a practitioner to do that.

If someone goes into a legal practitioner's office and has a conversation about it, the Social Security Act being a nightmare in itself, it takes half an hour to find a particular section. I think that the Attorney, with respect, has missed the point of some of the services that it is envisaged would be delivered by such an office.

The Hon. K. T. Griffin: I do not accept the premise upon which the Legal Services Commission based its request for eight additional offices. I did have some discussions with

the Law Society whose members indicated that they were prepared to provide adequate services in local areas. I do know that the previous President of the Law Society had discussions with the Legal Services Commission about that, and also talked with practitioners in, for example, Whyalla, to ensure that there was an adequate service available.

So far as social security is concerned, I understand that there is a Commonwealth Ombudsman available for that task, or a social security person, who is akin to an Ombudsman, to pick up some of those points. Other avenues are available for persons who may be dissatisfied with the departmental decisions. I suggest that those avenues be used rather than resorting to a lawyer, whether Government employed or privately engaged, to do that sort of work.

Mr CRAFTER: It is a very fertile area, but I will not prolong the subject. I would like to receive an undertaking from the Attorney that he will not reduce the vote that we are currently considering under the legal aid heading in the coming financial year. In the two previous financial years the vote has been allocated for other purposes. I would like an undertaking from the Attorney that he will not take any of the money, that $607 000 which has been provided for legal aid, for any other purpose other than that for which it has been voted.

The Hon. K. T. Griffin: I am not prepared to give that undertaking. That is a matter for the Treasurer.

Mr CRAFTER: I also want to raise the question of compensation for injuries resulting from criminal acts. It appears that the Budget allocation for this year is some few thousand dollars above that which was expended on actual payments made in the previous financial year. That figure in no way takes account of inflation. If that is a matter which has to be taken into account with respect to judgments brought down by the courts, or the degree of criminality which is occurring in the community (and perhaps another factor that could be considered is that that amount has been increased from $2 000 to $10 000), but the more that people are encouraged, for one reason or another, to avail themselves of some compensation, the more money that will be required. In the past, there were people who did not know about it or who did not want to be bothered to go through the trauma of court proceedings. There were disincentives for lawyers to assist in the area because of the cost structure. That seems to me to be an inadequate amount. Does that mean that another $150 000 will have to be taken from legal aid or from some other area so that those demands for payments can be met?

The Hon. K. T. Griffin: The amount provided for criminal injuries compensation claims is always a matter of conjecture. There may be a dramatic increase, or there may be a decrease. It depends on so many different considerations. I do not think that we are able to predict with any fine degree of accuracy what the final amount will be for the current year. I think that the reference made by the honourable member to the degree of criminality in the community is, to some extent, a red herring, because there has been no significant increase in criminal acts within the community. Certainly, the maximum amount of compensation has been increased from $2 000 to $10 000, but the full year effect of that is now obvious in the nearly $650 000 that was paid out last year.

I would not expect that trend to be dramatically different, because there are few, if any, of the small claims remaining. There may be an impact because of increased legal fees. The Government has plans to increase the fees payable to practitioners, but I would not see that as being a significant factor in any escalation.

If there is an increase, the money would have to be found and, where it is found, it is a matter for the Treasurer's discretion and not for me to pre-empt in regard to a hypothetical situation. If there is a statutory obligation for the Government to act finally as a guarantor of last resort, the obligation will be met.

Mr CRAFTER: Does the cost in the Miscellaneous lines of $2 639 relate to the State Constitutional Convention or the Federal Constitutional Convention, which is ongoing?

The Hon. K. T. Griffin: It refers to the Australian Constitutional Convention. There was no convention last year and there was only limited activity by standing committee D. The current plan is to have a full Australian Constitutional Convention in Adelaide next year, in which case there may be a requirement in addition to the $14 000 provided, but that remains to be seen. The Commonwealth and other States will contribute towards the running of that convention in Adelaide.

Mr CRAFTER: It is with regret that I have to reply to the Attorney's refusal to undertake that the proposed vote for legal aid be complied with. The Attorney will not undertake that the expenditure for that purpose be made during the current financial year. Therefore, I move:

That this Committee no longer has confidence in the Attorney-General because of his refusal to undertake that the full proposed expenditure for legal aid will be expended for that purpose.

The concern in the community about this matter is undoubted, and it would be other than responsible for the Opposition to let this opportunity pass without having brought it to the attention of the Committee and the House (when it reconvenes) our disappointment and dissatisfaction with the policies of the Government as expressed by the Attorney this afternoon in regard to the provision of legal aid.

There has been sufficient detail brought before the Committee this afternoon and in the public debate which has surrounded this matter and which undoubtedly will continue to ensure that the Government is given every opportunity to state its policy and to explain the extraordinary circumstances that have resulted in a clear and unmistakable withdrawal by the State Government of an important portion of its hither to responsibilities in this important area of maintenance not only of the justice system in South Australia but also of welfare of people in particular need, often in crisis, in the community.

It is a policy, as the Attorney has presented it, which is evident in other areas of the Government service. I have seen it at close hand in recent months in regard to the community welfare area, the education system and the health sector. It is clearly another attempt to implement the 'user-pays' policy, and is a divergence of responsibility from the *quasi* welfare areas.

I am most disappointed that I have not received a simple undertaking that the vote for legal aid for the coming year will be spent for that purpose. It seems that the incidence of transfer funds in this way is becoming more prevalent where there is a vote for a particular purpose and, by the transaction of other events, moneys are transferred for another purpose without any checks and balances other than the system that we are experiencing today.

I will not go over the unmet community needs, although I know that the Attorney has stated to the Committee this afternoon that the commission has not made direct representations to him about the unmet needs in the community. They are contained in a clear manner in the Legal Aid Commission's Annual Report and are known to every member of Parliament who is in close contact with his constituency. He knows of the difficulties that many people experience in obtaining legal advice when they need it. It is for these reasons, and with regret, that I have moved my motion.

Mr MATHWIN: I oppose the motion. I believe that the Attorney has done a magnificent job since taking the reins

of office after this Government came to power because of the innovations he has introduced. These innovations have resulted in a general tightening of the system in the courts. People who are in trouble with the law and are sentenced to more than three months detention must receive an indication from the court of what time they must serve before probation can be granted. That is only one area in which the Attorney has done his job well. The community of South Australia supported this Government when it was elected and expected to benefit from putting this Government into office. The Attorney has done credit to his office in many areas. I am surprised that this motion should be moved, after the able way the Attorney has answered all questions put to him by both sides of the Committee (and to the satisfaction of most members). I cannot support the motion because of the Attorney-General's excellent record since taking office.

The CHAIRMAN: Sessional Orders provide that the Minister can speak to the motion if he wishes.

The Hon. K. T. Griffin: I am not sure whether there are other speakers to this motion, and I would like to complete this vote by 6 o'clock so that we can move to 'Corporate Affairs' after dinner. I would have been surprised if, for the third year in a row, there was no censure motion moved by the Opposition. I thought for a time today that the Opposition may have lost its momentum in this respect. I have been over the points made by the honourable member for Norwood with respect to legal aid. I do not accept them in any respect. I have clearly explained that the total funding available to the Legal Services Commission has increased over the past four years and that this State Government is honouring its commitments in terms of its contribution to that Budget. It is not within my province to give undertakings about various lines of the Budget because that is the responsibility of the Treasurer.

There is provision in the Public Finance Act and in other legislation relating to Budgets of the State which set up quite clearly the respective responsibilities and obligations of Ministers in respect of their Budgets. Obviously, the Attorney-General's Department will endeavour to live within the Budget, but it cannot be expected, nor are we required, to we give the undertakings sought by the member for Norwood. We will approach the provision of legal aid with the same goodwill that has applied over the past three years since we have been in office. That is quite clear from the information which I have made available to the Committee and which is provided in the Budget papers. I could continue on this subject for a long time, but I do not believe that the motion is worth the time, so I rest my case.

The Committee divided on the motion:

Ayes—(4) Messrs Max Brown, Crafter, Duncan, and Hamilton.

Noes—(4) Messrs Mathwin, Oswald, Randall, and Rodda.

The CHAIRMAN: There being an equality of votes, I give my casting vote in favour of the Noes.

Motion thus negatived.

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

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

Corporate Affairs Commission, $1 776 000

Chairman:
Mr E. K. Russack

Members:
Mr M. J. Brown
Mr G. J. Crafter
The Hon. Peter Duncan
Mr S. G. Evans
Mr K. C. Hamilton
Mr J. K. G. Oswald
Mr R. J. Randall
Mr W. A. Rodda

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

Departmental Advisers:
Mr K. K. MacPherson, Commissioner for Corporate Affairs.
Mr J. K. Leydon, Assistant Commissioner for Corporate Affairs.
Mr T. J. Bray, Manager, Registration Division, Corporate Affairs Commission.
Mr K. G. Flavel, Director, Investigations, Corporate Affairs Commission.

The CHAIRMAN: I declare the proposed expenditure open for examination. The details are to be found on page 46 of the Estimates of Payments.

The Hon. PETER DUNCAN: Last year I asked a series of questions dealing with statistics in the Department of Corporate Affairs. Without going through all of those questions again, can the Attorney-General obtain for me answers to the same questions, updated by 12 months?

The Hon. K. T. Griffin: I imagine so. I cannot recollect all the detail of the questions that were asked. What did they relate to?

The Hon. PETER DUNCAN: Prosecutions. They were statistical.

The Hon. K. T. Griffin: Much of it is in the annual report of the Corporate Affairs Commission which, from memory, has been tabled. If there is material additional to what was provided last year in the same context I will provide it again this year. I am sorry: I now realise that the Corporate Affairs Commission's Report apparently is yet to be tabled. It will be tabled within the very near future.

Mr CRAFTER: I refer to page 119 of the programme document. Under the heading 'Issues/trends' it says:

> The additional scope and complexity of the National Scheme legislative package will require a major commitment to training of Commission staff in investigation procedures, registration practices and legal aspects related to corporate affairs administration.
>
> The retention of a capacity to develop policies appropriate to South Australian conditions is seen as an essential component of the scheme for uniform national administration of companies and securities.

As I understand it, in the period of the last 12 months or so the Commissioner for Corporate Affairs, the Deputy Commissioner for Corporate Affairs and one of the senior legal and policy officers in that office all resigned from the department. That would appear to make the statement that I have just read all the more relevant. I would be pleased if the Attorney-General could explain why those officers all resigned and whether they had all been replaced by legal officers.

The Hon. K. T. Griffin: That matter has been taken up in the Parliament over the last 12 months. It has not made one scrap of difference to the activity of the Corporate Affairs Commission. Since the previous Commissioner resigned the new Commissioner has been appointed. He was formerly Commissioner for Corporate Affairs in Queensland. We have a new Deputy Commissioner, who was previously in the Corporate Affairs Commission in New South Wales, subsequently in the National Companies and Securities Commission in Melbourne, and now with us. The legal officer came from the Solicitor-General's Office in

South Australia. So, they have been replaced within a reasonable time by people of equal ability to those who resigned.

Mr CRAFTER: I would be pleased if the Minister could explain whether there has been any change in the prosecution policy of the department within the last 12 months overall and, in particular, in the last three months with respect to magistrates court prosecutions in the department. How many prosecutions have there been in the past three months?

The Hon. K. T. Griffin: That question was raised in the Federal Parliament by Senator Bolkus. The answer is that during the critical phase of implementation of the National Companies Code certain staff were redirected to that task rather than to prosecutions for failing to lodge annual returns. Now that the National Companies Code is in place the normal procedure for prosecution for failing to lodge annual returns has been resumed. I can give the honourable member some figures. In 1978-79 the number of complaints laid for failing to lodge annual returns was 1 995; in 1979-80, 800; in 1980-81, 742; in 1981-82, 1 262. My Commissioner tells me that the record in this State where there were 40 000 companies registered is better on volume—not just proportionately, but on volume—than in Victoria where there are some 150 000 companies on the register. Yes, there was a brief period of several months during which staff were redirected (during the critical period of implementation of the Uniform Companies Code), but the momentum is being resumed and no prejudice has been experienced by the Government or the commission through that redirection of resources for that short period.

Mr CRAFTER: Some months ago the Attorney-General stated in the Parliament that he had ordered a report to be prepared by the Corporate Affairs Commission into the nature and extent of tax evasion in this State. Can the Attorney-General advise the Committee as to the terms of reference given to the committee preparing that report or to the individuals who were asked to report on that matter and whether the report has been provided to the Minister? If so, what does he propose to do with it, and will he make it a public document?

The Hon. K. T. Griffin: The Premier asked that I make some assessment, if that is possible, of tax evasion in South Australia. That reference was directed specifically to the Corporate Affairs Commissioner, who has indicated that it is not possible to give a detailed estimate of the extent of any tax evasion in South Australia. The Premier was reported in the daily press several days ago as having indicated the nature of that report. I indicated in answer to a question in the Parliament about that subject that it would be very difficult for the Commissioner to give a detailed report because, essentially, the question of income tax evasion is a matter for the Commonwealth. If any evasion is to be identified, one must have some greater information than would be available in the State Corporate Affairs registry. The information is largely within the province of the Commonwealth Taxation Commissioner and, in that context, any real assessment can come only from that source. I indicated on that occasion when I answered the question that the Corporate Affairs Commissioner in South Australia had initiated consultations with the Federal Taxation Commissioner.

A clear commitment had been given to co-operate fully with the Deputy Commissioner of Taxation in South Australia in respect of any investigation which he might make relating to tax evasion. Also, in the same context the Leader of the Opposition in the Legislative Council raised a question about companies being struck off the register and also whether any consultation was undertaken with the Deputy Commissioner of Taxation. My answer to that was 'Yes', that there is consultation before a striking off occurs and also public notification of the intention to strike off so that a number of precautions are taken before companies are struck from the register. The mere fact of striking off is not the end because application can be made to reinstate companies if evidence exists that they have been involved in taxation evasion and the Deputy Commissioner of Taxation so identifies it. Generally speaking, there is insufficient information readily available which would give the Corporate Affairs Commissioner in this State or in any other State the necessary leads to determine whether or not taxation evasion exists in South Australia to that extent.

However, the Corporate Affairs Commissioner stands ready to co-operate with the Commonwealth Deputy Commissioner of Taxation and other offices in that arena if they need assistance in regard to those matters, which are directly the responsibility of the Corporate Affairs Commissioner.

Mr CRAFTER: Has there been co-operation between the State Corporate Affairs Commission and Commissioner Costigan or his staff on this matter? I take the Attorney-General's point about the difficulties that the Commissioner has in this State, although I note that it was the McCabe La Franchi Report that gave very valuable information to the Commonwealth in this area of tax evasion. Allegations have been made in the press that one of the unpublished Costigan Reports refers to tax evasion in this State. It would seem that there is a responsibility upon the State Government to ensure that that royal commission, which is a joint State/Commonwealth royal commission and which has now received wider powers, does, in fact, take the opportunity of its expertise and national overview to look at the situation in this State. Is that the Government's intention?

The Hon. K. T. Griffin: No request has been made, as I understand it, from the Costigan Royal Commission for any information. However, the Corporate Affairs Commission is available to give any assistance which might be requested by that commission. Again, it is essentially a matter for that royal commission to identify what information it needs rather than having the Corporate Affairs Commission wildly scratching about trying to find something and not knowing for what it is looking. That is not a reflection on the commission but rather is a fact of life which I am sure honourable members will recognise. We must have some lead on where to go before we start looking for more detailed information. The Corporate Affairs Commission is prepared to co-operate if such co-operation is sought.

Mr CRAFTER: Is it not the intention of the State Government to initiate some investigation on its own behalf involving the Costigan Royal Commission, the Federal Commissioner of Taxation or any other authority to perhaps clear the name of persons or companies in this State?

The Hon. K. T. Griffin: We have no information of any companies or individuals that might be under threat. We must have some basic information before we can determine what course of action we should follow and what investigations we should make. That basic information is really with either the Costigan Royal Commission or the Deputy Commissioner of Taxation. We are certainly prepared to co-operate. As I said earlier, the Corporate Affairs Commission initiated discussions with the Deputy Commissioner of Taxation in this State to ensure that full co-operation existed.

Mr CRAFTER: On the matter of tax avoidance, I would be pleased if the Minister could explain what expenditure and personnel are allocated for assistance to other revenue-earning departments in investigation and detection of tax evasion. I refer specifically to the information given to this Committee last week by the Minister's colleague—the Minister in charge of licensing. The Minister said in the documents that concern had been expressed as to the taxation evasion in connection with revenue from licensed premises and that several officers had been assigned to that matter

some months ago and had recoverd substantial amounts of unpaid taxation. I questioned him on this matter at some length and the procedure, he advised, was, where possible, not to prosecute but to come to an arrangement between the investigating officers and the person who knowingly or unknowingly had not paid the taxation due. I expressed some concern at that policy with respect to what could amount to, in some circumstances, defrauding the revenue. It seems that, if the Government is, in different departments, developing different approaches to the collection of unpaid revenue, that is an undesirable practice.

I know that, with respect to cart notes and other documents and the measurements of alcohol, there are all sorts of evidentiary problems, but it would seem that perhaps there would be more experience. Perhaps the only place in which experience exists is in the multi-discipline investigative team within the Corporate Affairs Commission. I would be interested to know whether, in that instance, there has been some cross-referencing and assistance given in the matter. If not, has this been considered or is it possible?

The Hon. K. T. Griffin: If the request for assistance is made, it is given. I am not aware of many requests from the Licensing Division to the Corporate Affairs Commission for assistance. Each department, having a responsibility for a specific licensing law, develops its own expertise in the enforcement of that legislation. If a matter involves corporations and illegalities and if the Corporate Affairs Commission becomes aware of that information, it will pursue it. If it involves other jurisdictions within the State, it will co-operate. If it involves other States or the Commonwealth, agreement has been made between Treasurers that there will be an exchange of information for the purpose of ensuring that co-operation exists. That is as far as it can be taken.

Mr CRAFTER: I would be pleased if the Attorney-General would undertake to have a look at that matter raised in the Committee the other night, because it causes me some concern that there is a process of agreement undertaking, albeit that there is a procedure whereby, if the licensee in those circumstances does not wish to pay or disputes the amount of revenue it is alleged that he owes, he can then go off to a competent court to have the matter dealt with.

It seems to me that to have the majority of those cases dealt with only between an officer of the department and the offending licence holder is a situation where the Corporate Affairs Commission (even the Attorney-General in his other responsibilities) would need to check that matter to see whether proper training, supervision, checks and balances were in place in the system to ensure that all parties were properly protected.

The Hon. K. T. Griffin: It is not the responsibility of the Attorney-General or the Corporate Affairs Commission to ensure that investigators in other departments are adequately trained. The main concern of the Attorney-General is to ensure that there are adequate checks on the powers which those investigators might exercise. That occurs generally through the legislation under which those officers derive their powers. It is certainly not the responsibility of the Corporate Affairs Commission or the Attorney-General to ensure that they are adequately trained. We are not a training institution.

I am not familiar with the matter that the honourable member referred to as occurring last week under, I think, the Minister of Consumer Affairs, but I will certainly have a look at it. There may be some special reason why arrangements are reached on the payment of licensing fees. After all, that is a totally different jurisdiction from the area of corporate crime. The Corporate Affairs Commission, for example, does not engage in plea bargaining or something akin to that. The Corporate Affairs Commission is not a revenue raising body; it is a commission which has a responsibility to ensure that corporate law is complied with.

Mr CRAFTER: It occurs to me that this is one of the difficulties in successfully prosecuting corporate crime. One of the fundamental needs is for a multi-disciplinary group and a very highly developed relationship with other agencies within the Government at both the State and Federal levels, particularly where licensed premises are involved. I think that evidence that has come forward in select committees of this Parliament with respect to prosecution and, indeed, the licensing of casinos in this State, has indicated that there are many fears about some aspects of the licensing industry in this State.

I was interested to know whether or not the Corporate Affairs Commission is undertaking a close relationship with, for example, police officers attached to each department, the Licensing Court, the Vice Squad, the Gaming Squad and all the other aspects of the security system of this State: a system designed specifically to eliminate some of these undesirable practices, whether it be to defraud the State of revenue or to affect the security of its residents. It appears that there is no formal inter-relationship of that nature, as I understand it.

The Hon. K. T. Griffin: I missed part of the question, but I will make an observation. Where there is a matter which overlaps other jurisdictions, whether within the State or federally, then there is co-operation between various agencies which have overlapping responsibilities: it may be between State and Federal Police Forces; the State Corporate Affairs Commission and other offices in other States; between the Corporate Affairs Commission and the licensing jurisdiction.

The investigating officers have an informal arrangement which enables matters of any particular concern that may overlap jurisdictions to be the subject of joint discussions. So, it is not as though that does not exist: there is that informal arrangement and, personally, I feel that that is the best arrangement—that officers have the capacity informally to exchange information which might overlap their various responsibilities.

Of course, in the Corporate Affairs Commission there are not only lawyers and accountants but also police officers. So, one has, within that office, a multi-disciplinary force (a group of investigating officers, anyway), but there is contact with Federal agencies and other State agencies when there is an identifiable overlap or possible link.

Mr CRAFTER: Last year I raised outstanding matters under consideration in the department and whether or not they eventually ended in prosecution. The Minister in reply, as I recall it, said that it was not desirable or practical to give the names that I sought of all the matters currently under consideration. I then had a fear, and I still have, that there be some review from time to time of matters, particularly very large complicated matters relating to companies or individuals who are out of the jurisdiction, as to whether or not they are going to be left on the files, whether or not they are going to be actively considered and what review there is of these matters from year to year. It would seem to me advisable that within the annual report there be included a list of matters that were currently under review, including how many years they have been under review. It would not concern me if there were no names mentioned.

From that information we would obtain an idea of some of the difficulties that officers have in the investigative work and also see whether the system is effective. As the Minister would know, there are very few prosecutions of corporate crime (white collar crime) in this State in the higher jurisdiction of our courts, as those cases take a very long time to get up. It seems to me that there is no way of this Parliament or the community knowing the current stage of matters under investigation.

The Hon. K. T. Griffin: During 1981-82 additional investigators have been appointed to the Corporate Affairs Commission and that, together with changes in management, has enabled some reduction to be effected in the numbers of matters still outstanding. Perhaps I could outline for the Committee certain steps that have been taken.

During 1981-82 an officer visited six liquidators to discuss reports that the liquidators made to the commission on the affairs of approximately 40 insolvent companies. That was really for the purpose of indentifying what issues the liquidators saw as requiring further investigation by Corporate Affairs Commission officers.

More recently, contact has been made with 11 liquidators involving approximately 60 reports on insolvent companies for the same purpose. One must remember that liquidators endeavour to cover themselves as much as possible. When they lodge a report on the liquidation of a company on many occasions they tend to give a qualification to the report suggesting that the company could require further investigation by the Corporate Affairs Commission. In most cases, they do not identify what matters with respect to that particular liquidation need to be further investigated.

So, whilst there has been a qualification, it is often used almost as a disclaimer to ensure that the liquidator is fully protected. The Corporate Affairs Commission investigators have undertaken the task, as I have indicated, to talk to liquidators to identify the specific issues that they believe ought to be investigated further. That has enabled us to clear up a fair bit of the backlog. I will give a few other figures that will probably provide the member for Elizabeth with the sort of information that he requested last year. As at 30 June 1981, 199 matters were awaiting, or under, investigation. Another 236 were received during the year; 258 were completed during the year; and 177 matters were awaiting investigation as at 30 June 1982.

Since that time there has been an even greater reduction, because matters awaiting or under investigation as at 28 September 1982 have been reduced to 137. So, there is a concerted programme to reduce the backlog of matters that have been awaiting, or are under, investigation by the Corporate Affairs Commission. Regular weekly management meetings are now held under the supervision of the Commissioner of Corporate Affairs, where officers are required to account for progress made on various matters under investigation. So, there is now regular checking, management and supervision of work within the commission. Some of that took place beforehand, but it is now on a much more sophisticated basis.

Mr CRAFTER: I turn now to the matter of special investigations. Would the Minister tell the Committee how many special investigations are currently proceeding, and what is their cost? I cannot see that information in the documents. What is the anticipated cost in this financial year and when will each of these special investigators report?

The Hon. K. T. Griffin: I am not able to indicate when the special investigators will report. Three special investigations are under way: one is into Swan Shepherd, which is a particularly complex matter. As a result of work done so far by inspectors, one person has been prosecuted. The inspectors have further witnesses to interview, and are looking towards presenting to me a first interim report, which I expect to receive during the latter part of this financial year. Also, there is the special investigation into Kallins which is well advanced. I am informed that the special investigation report will be presented to me within the next month or two. I cannot be more specific than that but it is imminent.

Regarding the special investigation into Elder Smith Goldsbrough Mort Limited, again, I cannot give the honourable member a precise time when that report will be available. I do know that the special investigator is, in fact, anxious to present a report and is currently in the course of preparing it.

Mr CRAFTER: I realise that the matter of the McLeay Company is *sub judice.* I do not wish to ask any questions about proceedings with respect to that, but I ask the Attorney what consideration he has given to having this particular investigation, which I understand is currently going on within the Corporate Affairs Commission, handled, or having certain decisions taken with respect to it, by persons outside the Government service, so that there can be no allegations against the Attorney or the Government in a matter of this nature.

The Hon. K. T. Griffin: I regard that as a reflection on my officers in the Corporate Affairs Commission whose integrity is beyond question. I would not in any way want to reflect upon their integrity. I believe that all the matters that they handle they handle competently, with integrity, and that they do not take into consideration what might be regarded by some as political matters. They have a task to do and they do it dispassionately in accordance with the statutory requirements placed on them.

Regarding McLeay Brothers, no recommendation has been made to me that there should be a special investigation. I have already indicated in the Parliament that the Clinton Credits liquidator has brought an action under section 249 of the Companies Act. The Corporate Affairs Commission has resolved to intervene in the examination of directors, pursuant to that section and that is currently under way. There is nothing, at this stage, which would indicate to me a basis for appointing any investigator outside the Corporate Affairs Commission.

Mr CRAFTER: I point out that I was certainly in no way attempting to reflect on the work, impartiality or otherwise, of the Minister's officers. On the contrary, I was trying to suggest a system whereby persons outside would not be drawing any inference either from that investigative process or, more importantly, from decisions taken by the Minister himself on whether or not to prosecute, or whether or not to proceed with further investigations, and similar decisions that ultimately, I presume, would be his responsibility. So, I make perfectly clear that I was certainly not trying to cast any aspersions on the Minister's office.

I refer to page 113 of the documents. I notice that the recurrent receipts anticipated for this year for industry, occupation, licensing and regulation, are anticipated to decrease quite markedly. Although this is not a large amount of money, there is a substantial decrease there, and I would be pleased if that could be explained.

The Hon. K. T. Griffin: That is only related to the registration of local auditors and liquidators. Under the new scheme, those local registrations will reduce. The other point is that under the security codes the number of licences required to be issued will decrease in South Australia.

Mr CRAFTER: It would help if the Minister would go through each of the lines because of the marked variations.

The Hon. K. T. Griffin: The regulation of companies is the direct result of decisions by the Ministerial Council to promulgate a fee schedule for the various functions to be undertaken under the National Companies and Securities Scheme. Those fees are very much in line with what has been charged in the principal Eastern States.

In regard to the registration of business names, a new fee schedule, which was promulgated in March this year, was designed particularly to simplify the schedule. The honourable member will remember from his time in practice that, if one changed the place of a business name, one had to lodge a form and pay a $1 fee. If one changed the members of a firm who were the proprietors of the business name, one lodged a form and paid a $2 fee. Now a lump-sum fee

is paid on registration or renewal of registration and several other fees, but no fees are payable in regard to the change of proprietors, change of address, and the like, but the forms must still be lodged.

Regarding the regulation of co-operatives and associations, there may be some adjustment to the fee schedule when new legislation is passed. We expect to bring the fees up to date. The fees in respect of associations and co-operatives legislation is much outdated, as is the legislation. The Government has plans, as indicated in the Governor's Speech, to introduce legislation in respect of both those forms of incorporation and, in conjunction with that, there will be a revision of fees, but not a dramatic increase in regard to individual bodies.

The Corporate Affairs Commission has no control over the management of defunct companies and unclaimed money. It is just coincidental that it may have increased this year. I notice that in 1981-82, although the Budget figure was $38 000 only $22 000 was received. The $41 000 is just trying to take into account the impact of inflation on the $38 000. It is something of a guesstimate.

Mr CRAFTER: In fact, there is a decrease in revenue in a number of areas as a result, but that is probably offset by other fee collections.

The Hon. K. T. Griffin: There is actually an increase, but overall that is the case, yes.

Mr CRAFTER: One of the interesting statements made publicly by the Prime Minister recently has been his harsh criticism of legal and accounting professions in respect of bottom-of-the-harbour schemes and tax evasion schemes. Page 18 of the yellow book, under the heading 'Issues and Trends', in relation to fair trading, occupational licensing and complaints about solicitors, states:

> It is not appropriate to comment on issues and trends in respect of matters relating to the accountability of the legal profession.

I was surprised to read that. We are voting on about $35 000—

The CHAIRMAN: Is the honourable member tying up his comment, because we have passed the Attorney's vote?

Mr CRAFTER: Yes. We were voting on expenditure of $35 000 for the newly established complaints bureaucracy. Obviously, as many lawyers are involved in corporate matters not only as legal advisers but also as directors, shareholders and company principals, I would like to know what attitude the department takes to the matter of accountability of lawyers in respect of these matters, bearing in mind the difficulty of prosecuting or even finding evidence in respect of many of these matters. One can see from page 117 of the programme papers that action is obviously to be, or has been, taken in the department regarding auditors and liquidators. Has a similar degree of attention been given to some review as to accountability of the legal profession? I refer to the comment under 'Issues/trends' on page 117.

The Hon. K. T. Griffin: That refers to accountants who are registered as auditors and liquidators and who have a specific function to perform under the Companies and Securities Codes. If they do not adequately perform their tasks or comply with the statutory obligations, then under the scheme, as under the old State legislation, there is a procedure for dealing with that default.

If lawyers and accountants, who are directors or officers of companies, break the law, they are accountable for it. If there is no breach of the law, it is not an area in which the commission becomes involved. The Legal Practitioners Act came into effect earlier this year with significantly changed complaints resolving and disciplinary processes. As far as I know, that is working effectively with much greater powers being vested in the Legal Practitioners Disciplinary Tribunal and with the ultimate power in the Supreme Court of being struck off the roll.

One must be clear that the Corporate Affairs Commission has a responsibility for administering the Companies and Securities Codes and, if there is any breach of those codes, participants will be accountable. When it comes to questions of behaviour as legal practitioners or accountants, that matter is outside the jurisdiction of the commission.

Mr CRAFTER: The point I was making is that, if an accountant is also an auditor or liquidator, he assumes further statutory responsibilities and is subject to stricter audits by the authorities.

If a lawyer, because of his legal skills, is asked to sit on a board, or to perform some other function in a company, he takes on no cloak other than the one which applies to lawyers right across the board. If he becomes a director, a lawyer becomes subject, as the Attorney has said, to the Companies Act and to other stipulations with respect to directors, be they statutory or otherwise. The point made by the Prime Minister was that a special responsibility is vested in persons such as solicitors to act in a way that will not be harmful to the community as a whole. I would have thought that if one had taken the Prime Minister's argument to a logical conclusion one would then look towards some mandatory code of ethics for solicitors who find themselves engaged in corporate matters. That is the point that I was making.

The Hon. K. T. Griffin: I do not agree with that comment. Strict ethical rules regulating the conduct of legal practitioners apply, whether one is a company director or acting in any other way professionally. I do not believe that it is necessary to have a special code of ethics for those legal practitioners who become company directors. Legal practitioners have a heavy responsibility to act ethically. The Legal Practitioners Act deals with unprofessional conduct, and that is where that part of the responsibility ought to rest. Regarding one's acting as a company director, there is a weighty responsibility on all company directors, whether legal practitioners, accountants, or other people, under the new Companies and Securities Code; there is a much heavier responsibility than under pre-existing State legislation. With respect, I do not believe that there is any necessity for that special code of conduct for lawyers who happen to be company directors, because I believe that the obligations now, both ethically and under the Companies and Securities Code are particularly heavy on legal practitioners.

Mr CRAFTER: My concern is that they do not seem to be working.

The Hon. K. T. Griffin: If anyone has any evidence of unprofessional conduct, they have a clear duty to draw that evidence to the attention of the Legal Practitioners Complaints Committee. Alternatively, if there is any evidence that a company practitioner has acted other than in accordance with the Companies and Securities Code, there is an obligation to draw that information to the attention of the Commissioner for Corporate Affairs. In those two arenas, if sufficient evidence is available, the matter will be pursued. That is quite clear to me.

Mr CRAFTER: I will not pursue this matter further. However, I think that that is precisely the problem—that we do not have that evidence to bring before the authorities, even before the disciplinary jurisdiction inherent in the courts. All we have is the evidence of another new scheme tomorrow, another one the day after, and on it goes. Obviously, these schemes are being invented by persons with vast legal skills.

The Hon. K. T. Griffin: If one does not have the evidence, there is no basis for action; that is quite clear. One must have evidence on which one can act.

Mr CRAFTER: I turn now to the matter of delays in processing applications for registration of business names and changes of business names. Page 122 of the yellow book

states that the current complement of three clerical officers experienced some difficulty in processing document inflow and the related workload in this department and that the level of resources necessary for the administration and maintenance of this Act and the provision of a reasonable service to the community will require management attention early in 1982-83. Will the Minister explain how this situation will be remedied?

The Hon. K. T. Griffin: New registrations of business names will be processed within three or four days of lodging, and new company incorporations will be processed in the same period of time. That is the best service in Australia. There is a delay of some weeks with respect to the processing of some miscellaneous documents but that delay is no worse than the delay in any other State and, indeed, is better than the position in at least several of the States. The Corporate Affairs Commission in Adelaide is giving good service to practitioners and members of the public in this respect.

Mr CRAFTER: Will the Attorney explain the Government's policy and the contribution that this State has made to State/Commonwealth discussions on the establishment of a Crimes Commission and say whether the community should be hopeful about some structure being formed to arrest some of the problems that exist with respect to corporate crime in Australia? We are all aware of concern about the impotence of the law and the Administration to deal with some problems, for example, computer crime. There has been some thrashing about to ascertain whether a Federal structure could be more successful and appropriate to deal with such matters rather than their being dealt with by State structures, or whether the taking of this matter outside the current Federal structures that have been established in recent years to a more police oriented structure such as a Crimes Commission would be more appropriate. Will the Minister tell the Committee what is the Government's thinking on this matter?

The Hon. K. T. Griffin: The subject of the Crimes Commission has never been raised by the Commonwealth on the basis that it would deal with corporate crime. Corporate crime is something of an attractive banner under which to raise certain spectres in the community, but, in fact, so-called corporate crime is no different from any other form of crime, except that it may involve the use of companies. The National Companies and Securities Commission is currently investigating aspects of computer crime and is due within the next few months to present a paper to the Ministerial Council on Companies and Securities.

Regarding the Crimes Commission, a proposal has been put forward by the Commonwealth. Both the Chief Secretary and I have been in consultation about the proposals made by the Commonwealth. On Friday last we both attended the joint meeting of police Ministers and Attorneys-General in Melbourne to discuss not only the Commonwealth proposal but also the views of the States. As a result of that discussion, it has been arranged that officers will do further work on the State proposals, which involve providing increased resources to existing criminal intelligence and criminal investigation agencies and, also, some capacity to give wider powers to investigating agencies under the concept of special royal commissions.

There is to be another meeting of police Ministers and Attorneys-General to try to finalise the recommendations that the Attorneys will make at the Premiers Conference. That conference is listed for 5 November, I think in Melbourne. It is premature for me to debate the issue of a Crimes Commission. Suffice to say that this State wishes to co-operate with the Commonwealth in providing effective mechanisms for detecting, investigating and apprehending those people who involve themselves in criminal activities, whether those activities are called corporate crime or have a wider connotation.

Mr CRAFTER: On the matter of the future of the Stock Exchange, I understand that some undertakings have been given that the exchange will remain in existence in this State in the near future, but no undertakings have been given with respect to its long-term viability. Can the Minister say what steps are being taken to preserve the facilities provided by the Stock Exchange in this State in the long-term?

The Hon. K. T. Griffin: No undertakings have been given with respect to the future of the Stock Exchange. I have indicated publicly that the final determination of the Trade Practices Commission will ensure that all stock exchanges have an opportunity to adjust to a much freer regime of trading in securities. I indicated publicly that I was very pleased with the way in which the Trade Practices Commission had responded to the submission that I made on behalf of the State of South Australia, as well as the Governments of Western Australia, Queensland and Tasmania, because we were concerned about the immediate introduction of the draft determination and the destabilising impact of that upon those State exchanges. However, the way in which the determination has been finalised indicates that there is now time to adjust to deregulation and also an opportunity to consider the long-term future of the securities industry. The Ministerial council is giving consideration to the way in which this can be achieved. At this stage I am not really in a position to be able to indicate the courses that are being considered, but suffice it to say that the determination of the Trade Practices Commission is a very great improvement on its original draft determination.

The State Government believes that the Stock Exchange is a vital component of the development thrust of this Government and wants to do all in its power to preserve the Adelaide Stock Exchange. If there had been immediate deregulation, the viability of the exchange was very much under threat. With the three years that are now available, I believe that there is an opportunity for governments and the exchanges to consider a rational deregulation and also to consider the way in which the securities industry ought to operate across Australia in the long term.

I should say, also, that the formal agreement between the States and the Commonwealth requires a unanimous decision on the Ministerial council to abolish a stock exchange. Of course, that is something of a hollow requirement because if your stock exchange is not viable you are not going to stop it folding by ensuring that the vote is not unanimous. We prefer not to rely on that provision for formal agreement, but to take some constructive steps, the first of which was my appearance before the Trade Practices Commission with a very strong argument to give the smaller exchanges, particularly, better opportunity to come to grips with the whole concept and the likely implications of deregulation.

The CHAIRMAN: There being no further questions, I declare the examination of the vote, 'Corporate Affairs Commission, $1 776 000', completed.

Minister of Corporate Affairs, Miscellaneous, $140 000—Examination declared completed.

ADJOURNMENT

At 8.35 p.m. the Committee adjourned until Thursday 30 September at 11 a.m.