

## HOUSE OF ASSEMBLY

Thursday 27 September 1984

## ESTIMATES COMMITTEE B

**Chairman:**

Mr G.T. Whitten

**Members:**

The Hon. H. Allison  
 Mr T.R. Groom  
 Mr G.A. Ingerson  
 Ms S.M. Lenehan  
 Mr M.K. Mayes  
 Mr W.A. Rodda

*The Committee met at 11 a.m.*

**The CHAIRMAN:** Today there are seven votes under consideration. I recognise the member for Mount Gambier as the lead speaker for the Opposition, and the member for Mawson as the lead speaker for the Government. At all times questions will be directed to the Minister, not his officers, and the Minister may request his officers to answer questions. All questions will relate to the vote and will not be of a general policy nature. I will not permit any second reading speeches or grievance debates in this Committee.

The quorum will be four members at all times. If there is not a quorum present the sitting of the Committee will be suspended until such time as a quorum is formed. I suggest that at some time the Minister, the lead speaker for the Opposition, and I get together and work out an allocation of times so that we know where we are going and what time will be available for each vote. Members of Parliament who are not members of the Committee may be seen and ask questions: I certainly will not discourage them and they will only be allowed to ask a question just before the vote is taken.

I also intend to give an opportunity to the lead speaker for the Opposition and the Minister to address the Committee for 10 minutes or quarter of an hour—certainly no more than quarter of an hour. I will allow not more than three successive questions from either side. In tolerance, I will allow perhaps a follow-up or supplementary question that will not count, but this is not to be abused. Does the member for Mount Gambier wish to make an opening statement?

**The Hon. H. ALLISON:** No thank you, Mr Chairman.

**The CHAIRMAN:** Does the Minister wish to make an opening statement?

**The Hon. C.J. Sumner:** No thank you, Mr Chairman.

Electoral, \$806 000

**Witness:**

The Hon. C.J. Sumner, Attorney-General, Minister of Consumer Affairs, Minister of Corporate Affairs and Minister of Ethnic Affairs.

**Departmental Advisers:**

Mr A.K. Becker, Electoral Commissioner, Electoral Department.

Mr M.S. Duff, Deputy Electoral Commissioner.

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

**The Hon. H. ALLISON:** I refer to the Electoral Commissioner line and the report of the Electoral Commissioner. Under 'strategies' on page 93 of the yellow book it is stated:

The Government has established a small working party to review the Electoral Act and to report upon the resource implications of any recommended alterations.

What is the membership of the working party and has it reported?

**The Hon. C.J. Sumner:** The working party comprises the Electoral Commissioner, Mr Geoff Anderson (of the Premier's office), and Mr Richard Kleinig (a legal officer in the Attorney-General's office). It was primarily a working group to look at the Electoral Commissioner's Report (which was made public, as the honourable member would be aware) and at ALP policy commitments made at the last election, and to bring them together for consideration by Cabinet. Cabinet has now considered the Electoral Commissioner's Report and other policy aspects announced at the last election, and I hope to introduce a Bill before Christmas.

**The Hon. H. ALLISON:** Will the working party report be generally available to members?

**The Hon. C.J. Sumner:** No, it was not designed to be a public document; it was designed to be a Cabinet working paper rather than a document for public release. There is no particular magic about that. The Electoral Commissioner's Report was made public, but at this stage the working party is really concerned with an assessment of Government policy initiatives and the Electoral Commissioner's Report. As such, I think the working party report is more akin to a prepared Cabinet document rather than a report that is appropriate to make publicly available. Ultimately, it is a matter for the Government to make a decision on the policy questions involved, and Parliament will be made fully aware of those decisions when the Bill is presented.

**The Hon. H. ALLISON:** At this stage is the Attorney prepared to indicate major changes proposed in the legislation that he says will be ready by the end of the year?

**The Hon. C.J. Sumner:** We are accepting a number of the recommendations made by the Electoral Commissioner. There are also policy matters as outlined in the Labor Party policy, such as the determination of the position on the ballot paper by lot rather than in alphabetical order, and the question of placing political Parties on the ballot paper. Issues of this type have been discussed and considered. There will be others, but I am not really in a position to outline them to the Committee, apart from what is already on the public record: namely, commitments made by the Government at the last election and the report of the Electoral Commissioner. They are forming the basis for policy decisions that have to be made by Cabinet.

**The Hon. H. ALLISON:** I refer to page 98 of the yellow book and the programme title 'Conduct of elections for associations and other bodies'. Under 'Specific targets/objectives' it is stated:

As a result of research commissioned by the department, an electronic device was developed to count ballot-papers and distribute preferences.

It further says:

In view of this success, further applications will now be considered.

Is there any proposal to develop this system for State elections and, if so, what changes would have to be made to enable this to be done?

**Mr Becker:** The system requires a lot of development. Its appropriateness for State elections is some way down the track. It very much depends on what facilities are provided electronically in the next few years as to whether or not the thing would be appropriate. At present it is not, and

could only work for those small statutory ballots such as the one we conducted for the Superannuation Fund.

**Ms LENEHAN:** In relation to page 14 of the Estimates of Payments, I refer to the line under 'Contingencies'—Electoral Rolls: Printing, data processing, services and other expenses—and I also refer to page 93 of the yellow book, particularly Strategies 2 and 3, which state:

The Government Computing Centre has been commissioned to define a system for its newly installed IBM equipment to cope with 'on-line' processing and redistributions.

What 'on-line redistributions' does the Electoral Commission have in mind with respect to this item? What sorts of functions and facilities are planned?

**Mr Becker:** We are really talking about 'on-line processing, and redistributions'—not 'on-line redistributions'. So redistributions will naturally come up by the effluxion of time unless the Parliament decides otherwise. With on-line processing, we are proposing a real time system so that, as the claim forms are received from electors, the enrolments will be effected immediately they have passed through the Registrar and they will be put straight into the big beast that we have at Glenside. That will give us a real time system whereby we can interrogate those files immediately there has been input of information.

**Ms LENEHAN:** Is any programme or planning envisaged to make that information easily accessible to House of Assembly members who have their own districts?

**Mr Becker:** There is no proposal at this stage. With an on-line system, it is feasible for members to have terminals in their own offices, but that is an expensive exercise that would have to be looked at in the light of the resources that are available. I imagine that it would cost something of the order of \$2 000 for a terminal and \$1 000 for a printer to enable each member to get on-line access. All that they would have are interrogation facilities; they would not have any manipulation facilities in that cost figure. 'Interrogation' means that one can look at what is on the file and take information off it and print.

**The Hon. C.J. Sumner:** In this case, if this facility were available, what would the member be able to get?

**Mr Becker:** The member would be able to extract additions and deletions from their rolls, and generally look up information about electors that may pertain to their districts. They would not have access to other people's or other district rolls. If members wanted to extract and manipulate the data on the file concerning any further information, they would require a micro-processor at the terminal end, which would then increase the cost substantially, probably to \$6 000 or \$7 000 per electorate office.

**The Hon. C.J. Sumner:** Obviously, whether or not that facility should be provided is a matter of Government policy and priorities. The Electoral Commissioner was merely outlining what is technically possible. I would not want anyone to be under the impression that, as a result of what has been said, that is necessarily what the Government will do.

**Ms LENEHAN:** I asked what was technically possible and feasible. When will members obtain an updated and fully completed electoral roll for their present district and the new district for which they will have responsibility?

**The Hon. C.J. Sumner:** I am informed that the rewriting of existing computer programming is on target and is scheduled for completion in March 1985. It should then be possible to produce lists of electors in street order for the new Assembly districts at a cost of about \$10 000. It is proposed to supply such street order lists to each of the major political Parties and to the Leaders in the Upper House. The Parties could then dissect those lists for the use of nominated candidates. Once that has been done, it is proposed to provide monthly additions for the Parties and

the Leaders in the Upper House rather than continuing the fortnightly updates, as is now the case. With respect to the old Assembly districts, from April 1985 the Electoral Commissioner intends to provide existing members with additions only to electoral districts on a fortnightly basis.

**Mr INGERSON:** I note that there has been a significant increase of \$107 000 this year for 'Periodical and general elections, by-elections and referenda—Printing and stationery, hire of booths and other expenses'. Does that suggest that there will be an early election next year and, if it does, when will it be held?

**The Hon. C.J. Sumner:** The allocation has been increased from \$24 600 (actually spent in 1983-84); the 1984-85 allocation includes \$100 000 for the development of an electronic roll scanner. It does not have any implication in regard to early elections. In any event, it would be very difficult to run an early election on \$100 000.

**Mr INGERSON:** I note from the yellow book (page 98) under 'Issues/trends' that the electoral office is carrying out work for statutory organisations and other bodies. For which bodies are elections conducted?

**The Hon. C.J. Sumner:** As at 25 September this involved statutory, industrial and miscellaneous ballots. The Department conducts elections for 22 organisations, and elections for the following bodies were completed during the 1983-84 financial year: Fire Brigade Officers Association; South Australian Jockey Club; Royal Australian Nursing Federation; West Broughton District Soil Conservation Board; Police Association of South Australia; Art Gallery of South Australia; Police Club of South Australia; South Australian Egg Board; South Australian Superannuation Board; Murray Mallee District Soil Conservation Board; Australian Barley Board; Shop Distributive and Allied Employees Association; and the Julia Farr Centre Incorporated. It is interesting to note that political Parties have not yet made use of this facility provided by the Electoral Department. It might be useful for certain political Parties in particular seats.

**Mr INGERSON:** My next question relates to the heading 'Issues/trends' on page 102 of the yellow book where reference is made to existing computer programmes being unable to cope with the requirement. The second paragraph states:

Recent substantial amendments to the Commonwealth Electoral legislation have widened the gap between Commonwealth and State electoral practices and procedures. To minimise elector confusion, the State legislation is currently being reviewed.

Will the Minister make a general comment about what the Government intends to do in this area?

**The Hon. C.J. Sumner:** This is part of the proposal, which I referred to earlier, to amend the Electoral Act. It is really designed to get, in this area at least—apart from the policy matters I have referred to in what I would call the more mechanical areas—as much consistency with the Commonwealth as we can. As you know, the Commonwealth Electoral Act was amended recently, and that is the objective of this project.

**Mr INGERSON:** What is the current level and programme of training for polling booth clerks for the next election?

**The Hon. C.J. Sumner:** The Electoral Commissioner will provide that information.

**Mr Becker:** The educational programme we developed in the six months before the 1982 election will commence again for our State election, which is expected to be held by March 1986 at the latest. At present the amount of training involves Returning Officers only. Once the new Act comes into operation we will commence training the polling officials.

**Mr RODDA:** On page 93 of the yellow book, relating to local government corporate management, the objectives stated are to assist and advise local government authorities

in the conduct of their elections and to conduct local government indicative polls from time to time. Will the Minister tell the Committee what is envisaged for this new and difficult area for which an expenditure of \$719 000 is shown?

**The Hon. C.J. Sumner:** This comes about as a result of amendments to the Local Government Act. The Electoral Commissioner can outline where he envisages he might be involved.

**Mr Becker:** There are two issues, the first being advice given on the conduct of local government elections and the like. There are 124 councils and a new method of election for local government offices. We are the only authority in South Australia at the State level that has experience in conducting elections. We now have preferential voting and multi-member wards for councils and proportional representation for those four councils that do not have wards, so we could be placed in a situation of having to advise them on how their elections are conducted because their experience has been purely and simply in first past the post elections. As a consequence of this, I am speaking to representatives of 30 metropolitan councils tonight about the new voting methods.

In regard to the second point concerning indicative polls, if there is a dispute between councils it may be that an independent body is necessary to conduct a referendum of the electors in those affected wards or council areas. It is the intention of the amendment to the Local Government Act that where the Minister so directs the Commissioner shall conduct those referendums.

**Mr RODDA:** Has the Department an informed opinion of what will result from this change, because I imagine that it will be called on frequently to give advice in these areas because now members of local government will be paid a small stipend and perhaps because of the importance placed on money we will see a renewed interest in local government? What demand will this place on resources?

**The Hon. C.J. Sumner:** It is not possible to predict. It is a new function that the Commissioner has. With regard to indicative polls it will depend on the Minister of Local Government and any policy decisions he takes about which polls he believes ought to be conducted by the Commissioner. If the number does not grow or if the Minister of Local Government does not believe that there are a large number of polls that should be conducted by the Commissioner then the advice function can probably be adequately handled within existing resources. Obviously, if experience showed that the office had to conduct many more polls in local government, it could have resource implications that we would need to look at. It is impossible to predict at this stage.

**Mr RODDA:** I refer again to page 93 of the Programme Estimates where Strategy 5 states:

Research into the subject of elector awareness, trends and practices will be undertaken and appropriate education material prepared.

What is envisaged? Will there be a low key campaign? Will it apply to the State Parliamentary scene as well as local government?

**The Hon. C.J. Sumner:** As the member knows, from time to time the Commissioner produces material to better inform voters of their rights, to try to encourage people to get on the roll, and to encourage them to exercise their rights once on the roll. The proposal here is to investigate reasons for the level of informality in respect of elections; the difference between Upper House levels of informality and Lower House levels, and the reasons that might exist and any strategies that can be taken at the publicity level to overcome those problems.

Obviously, with respect to informality there may be legislative options available to reduce the level of informality,

and I think that everyone would want to ensure that the system of voting was such as to minimise the level of informality. I would not think that anywhere in Parliament there would be much argument with that proposition. Obviously, there are legislative means of reducing informality that are matters of policy for the Government, but research could be carried out into the reasons for informal voting, and it is within the province of the Commissioner to do something about that by way of publicity and education campaigns. That is what is envisaged. Another area referred to is youth non-voters—why young people may not be voting.

The extent of that could be researched, and educational and publicity material prepared to try to overcome those sorts of problems. So, what is envisaged by the Electoral Commissioner is research into what may be seen as problems in the system of getting people to vote and getting them on the roll, with publicity and educational programmes (all of which are now being done to some extent) to try to overcome any problems.

**Mr RODDA:** Will you use television?

**The Hon. C.J. Sumner:** Television has been used in the past prior to an election, in particular. The idea here is to extend that education campaign and publicity beyond the simple electoral period and, as resources permit, to try to give the Electoral Commissioner a role between elections of increasing public awareness concerning peoples rights and duties in the electoral area.

**The Hon. H. ALLISON:** Page 102 of the yellow book, to which my colleague has referred concerning minimising elector confusion, in part, states:

To minimise elector confusion, the State legislation is currently being reviewed.

Can the Minister refer to any specific areas he has come across that cause elector confusion?

**The Hon. C.J. Sumner:** The Electoral Commissioner can indicate some of the problems that may occur.

**Mr Becker:** The Commonwealth Electoral Act was quite far reaching. The area we need to concentrate on to avoid confusion would principally be that of enrolment. The Commonwealth legislation includes provisional enrolment for 17 year olds and enrolment of itinerant and Antarctic electors: the sorts of things we do not have in the State enrolment facility.

Consequently, under the Joint Rolls Agreement with the Commonwealth we will be in a situation of having a number of people appearing on the roll who will either be only Commonwealth or State electors. Under one of the Commonwealth provisions, a person who feels that his life or the life of any near relative is at risk can have his address suppressed for the electoral roll. We would then be in the ludicrous situation of having the name with the address suppressed for Commonwealth purposes and immediately below it the name with the address showing for State purposes. Several such matters have come out of the review of Commonwealth legislation in respect to our legislation that we need to tidy up.

**The Hon. H. ALLISON:** Page 102 of the yellow book under the heading 'Issues/Trends', resulting from alterations to State and Commonwealth electoral district boundaries, states:

Existing computer programmes are unable to cope with this requirement and extensive modifications are required to achieve statutory requirements. The Government Computing Centre has defined the system requirements and this matter now needs to be urgently addressed.

Can the Minister say whether those modifications are likely to be made before the next State election? What time period will be necessary for the Electoral Department to have rolls

ready between the announcement of the poll and the polling date?

**The Hon. C.J. Sumner:** I cannot answer the latter question, but the Electoral Commissioner can probably indicate what is happening concerning the computing situation. We have already indicated that the on-line system is being developed, and the problems outlined are being urgently addressed. As I said, the computer programmes should have been rewritten to enable the rolls for new electorates to be available in April next year.

**Mr INGERSON:** Concerning itinerants, this is an area in which it is possible to suspect the stacking of electorates. How does the Attorney see that itinerants can be covered so that there is as little stacking as possible of electoral rolls?

**The Hon. C.J. Sumner:** I suppose that we will have to address that matter. I guess that the problem is that already it has been introduced in Commonwealth legislation where certain declarations have to be made by people that are subject to penalty if they are wrongly declared. Apart from that I do not know of any additional means whereby problems that may occur, as the honourable member outlined, can be overcome. If the honourable member has any concerns about it he can outline them further now, and we will certainly have them looked at in the context of the preparation of the Bill.

**Mr INGERSON:** We will bring it before the Committee later in the session and set out the areas with which we are concerned.

**The Hon. C.J. Sumner:** If the honourable member does not wish to do it at this stage, I am quite happy for him to write to us. If he has studied the Commonwealth Electoral Act and sees a problem with it, I will be happy to consider any proposition he may have. The Commonwealth legislation really relies on the declaration procedure. If people are to fill in false declarations, that will occur even under the existing system, although I suppose it is easier to check under the system where people have to put in a specific address.

I suppose that what the member is referring to is the problem of itinerants who do not have a specific address, and that that may lead to some abuses. Certainly, the honourable member has raised the question here. We can look at it in the context of the Bill that is being drafted and, if there are any additional matters that the honourable member wants to put to us for consideration, we will be happy to look at them.

**Mr INGERSON:** Concerning a question asked by the member for Mawson, if an electorate office decided to introduce its own computer, is it possible for the Electoral Department to supply that office either in floppy disk or tape form with the electoral roll and/or any additions to it at that time?

**The Hon. C.J. Sumner:** I suppose that that raises broad policy implications that we would need to consider. It may be technically possible, but whether the Government would view the provision of such material to one electorate office that may have decided to privately purchase the terminal, is a policy question that would have to be considered, and I have not given consideration to it. I understand that the question the honourable member is asking is if he felt flush enough to purchase the equipment for his electorate office, would the Government then make available the software for him to use, giving him the opportunity to use the information, when perhaps other members would not be able to use it as they did not have the terminal resources. I cannot answer that question. It is a matter that we will have to consider if that situation ever eventuates.

Obviously, it would be handy for members to have a terminal in their offices, but I query whether priority should be given to this area in terms of assistance to members in

their districts. There will be regular updates of street order rolls, and it is a question of whether or not the provision of such a terminal for this purpose is justified in cost-benefit terms: in terms of what members get out of it that they would not be able to get out of the system that is already envisaged. I do not see many advantages in having a terminal, if it is only used to obtain information about electoral rolls.

**Mr INGERSON:** We are about to enter the 1990s, so we should recognise that computerisation is a form of more rapidly bringing available data to electorate offices. The monitoring of electoral rolls is a minor part of an overall package to enable members to better serve their districts in relation to information gathering generally. Today, that may seem to be a flush or expensive exercise for one district, but it is an information gathering system. We are living in the 1980s, and computers are very much a part of our lives.

Eventually, Bills, other information and regulations will be forwarded to us in floppy disk form. I see the monitoring of electoral rolls as being a part of a major package involving computerisation. I am concerned because at the moment it is a slow process before we receive updates to electoral rolls. That information is available on computer. Modern technology enables the production of floppy disks from main frames. Unfortunately, we cannot turn our backs on the computer world, so a computer service should be supplied by the Government.

**Ms LENEHAN:** I think this issue deserves a bipartisan approach. The Attorney said that he saw obvious advantages for electorate offices. I am told that the area that I represent is the fastest growing area in Australia. Many new constituents come into my district and, therefore, the number of updates required makes it totally impossible to maintain a master roll at any one time in a street order situation. At present, many members have to engage volunteer labour to do their updating, because it is physically impossible for one member and one personal assistant to do it. Every one of my neighbours who has a small business has a modern computer facility. They come into my office and ask why I am operating in the horse and buggy era when we are living in a technological age.

I am more than happy to provide the Attorney-General with a detailed submission on the advantages to be gained by a hard-working member who is trying to service his electorate by communicating with new constituents and sending them information about the area and their local member. Another benefit can be gained in respect to important legislative information that must be communicated in a modern society if we as members of Parliament are to do our jobs efficiently.

**The Hon. C.J. Sumner:** I am pleased to see that the member for Mawson and the member for Bragg have apparently found common ground on at least one point during the day's proceedings. I was not suggesting that the computer age has not arrived, even for backbenchers in their electorate offices. I was suggesting that, if the only use for a terminal was to obtain information about electoral rolls from the Electoral Department's computer, there was some question about the cost justification.

If honourable members are suggesting a broader use for terminals in electorate offices with access to other information from Government departments on a whole range of matters, in principle one could only agree that that is desirable. Obviously, once we get beyond electoral rolls or Acts of Parliament that could be accessed through the Government Printer, we are talking about facilities that are not within my area of responsibility. The question of whether there should be computer facilities in electorate offices for purposes other than monitoring electoral rolls involves broader Government policy and priorities that would have to be considered. I was confining my remarks to the justification of

having a terminal that merely accessed electoral material. If honourable members prepare a proposition on the broader use of information that can be accessed from electoral offices, the Government would consider it in the light of other priorities.

**The Hon. H. ALLISON:** I assume that the Attorney would include Legislative Councillors if a submission were put to him on the extended use of facilities in a computer network.

**The Hon. C.J. Sumner:** Even Legislative Councillors have to be brought into the computer age. If facilities are provided to members of the House of Assembly, one would hope that similar facilities could be made available to all members of Parliament. As I have said, that is a matter for the Government to consider along with finances available. Obviously, it is a legitimate and important point in relation to the information members should be able to access. Information gathering by Government departments through computer facilities is developing rapidly, even in the area of the law. It is something that will have to be considered by the Government and by politicians. Certainly, it might be a case where honourable members can prepare some kind of submission that would take the question beyond access to only electoral information and include other uses. It would have to be costed fairly carefully because I do not imagine that it would be cheap.

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

Courts, \$18 936 000

**Chairman:**

Mr G.T. Whitten

**Members:**

The Hon. H. Allison  
Mr T.R. Groom  
Mr G.A. Ingerson  
Ms S.M. Lenehan  
Mr M.K. Mayes  
Mr W.A. Rodda

**Witness:**

The Hon. C.J. Sumner, Attorney-General, Minister of Consumer Affairs, Minister of Corporate Affairs and Minister of Ethnic Affairs.

**Departmental Advisers:**

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

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

**The Hon. H. ALLISON:** On page 44 of the yellow book, under 'Organisation, Structure and Staffing', we have references to the full-time equivalent staffing numbers. There is a note:

Magistrates removed from Public Service Act in January 1984 thereby decreasing Public Service Act staffing and increasing other staffing by 33.

How many magistrates are now appointed? Have any complaints been received against magistrates and, if so, how many and what action has been taken?

**The Hon. C.J. Sumner:** My information is that the number of magistrates is 33. There is one magistrate, at least, who is currently an acting judge of the Licensing Court, and I do not think that he is included in that 33.

**The Hon. H. ALLISON:** The Minister has not addressed the second question as to whether there have been any

complaints against magistrates and, if so, how many and has any action been taken?

**The Hon. C.J. Sumner:** I am not really sure what the honourable member intends by that question. If he has some particular complaint in mind I can certainly have it investigated. From time to time, questions are raised about magistrates, sometimes if there are delays in delivering judgments or the like. Sometimes, people are not satisfied with decisions made by magistrates and one gets complaints about those.

One has to realise that magistrates and the Judiciary are independent of the executive arm of government. The whole policy of the Government, announced at the last election, was to place the magistracy, in terms of its independence from the executive arm of government, in the same position as the Supreme Court and District Court judges. Theoretically, when magistrates were part of the Public Service they were subject to the direction of the head of the Courts Department or ultimately, the Minister. While, in terms of the exercise of their judicial functions, there was never any suggestion that that happened, concern was expressed by the Chief Justice and by some magistrates that magistrates should be not only independent in their judicial functions but be seen to be independent of the executive arm of government for all purposes. That is the correct constitutional position.

That led the Government to adopt the policy of removing magistrates from the Public Service. Under the Magistrates Act, which was passed by the Parliament, procedures are set down to deal with magistrates who may need to be disciplined. The Chief Justice is ultimately responsible for the magistracy, although the Chief Magistrate is responsible for the day-to-day operations of the magistracy. Obviously, if any complaints are directed to me they would be directed to the Chief Magistrate, who would discuss the matter with the Chief Justice to decide what action needed to be taken. I am not sure what the honourable member has in mind; if he has a specific problem in mind, which he may not wish to raise here, I can certainly address it with him if he wishes to take it up with me privately.

**The Hon. H. ALLISON:** I agree with the Minister that specific issues would be better taken up privately, and I thank the Minister for his response. On page 46 in the yellow book we have a number of issues that we would like to raise here. We draw attention to the corporate management objectives, one of which is 'To work with the Judiciary to minimise delays'. We have a composite question to which the Minister and his officers may not be able to give extensive answers at the moment, but I would like to place the question on record.

What is the current state of the trial list in all jurisdictions and before all tribunals serviced by the Courts Dept; for example, in civil cases the time between setting down for trial and trial; in criminal cases the time between arrest and charge, and committal and trial or sentence; and in the waiting list for courts of summary jurisdiction between charge and trial? The question is really to elicit whether or not the court system is working to minimise delays or whether there are still severe problems.

**The Hon. C.J. Sumner:** We have some details that we can distribute to the honourable member.

**The Hon. H. ALLISON:** Can they be tabled for insertion?

**The Hon. C.J. Sumner:** Whatever you would like to do with them we will do. They could be inserted in *Hansard*. I have not had a chance to study these; I saw the August figures. This is the information provided up until last week, obviously subject to reporting from the various courts.

**The CHAIRMAN:** Will the Minister assure me that the table is purely statistical?

**The Hon. C.J. Sumner:** Yes. I seek leave to insert it in *Hansard* without my reading it.

Leave granted.

WAITING PERIOD FOR TRIALS  
(In Weeks)

Courts	Civil		Criminal	
	1982-83	1983-84	1982-83	1983-84
Supreme	28-32	54	12	16
District Criminal			8-10	12
Adelaide:				
Full	32	38		
Limited	44	38		
Small Claims	16	14		
Port Adelaide:				
Limited	19	22		
Small Claims	15	19	19	22
Berri	9	10	10	16
Ceduna	8	12	8	12
Christies Beach	18	6	18	6
Gawler				
Kadina	9	8	9	8
Millicent	13	9	13	9
Mount Barker	18	15	18	15
Mount Gambier	13	9	13	9
Murray Bridge	17	16	17	16
Naracoorte	13	9	13	9
Para Districts	20	18	20	18
Port Augusta	6	12	6	12
Port Lincoln	7	6	7	6
Port Pirie	9	15	15	15
Tanunda	17	20	17	20
Whyalla	6	14	7	14
Adelaide Childrens			5	12
Adelaide Magistrates			16-18	1 day trials—11 2 day trials—28
Glenelg			9	4
Holden Hill			13	7

**The Hon. H. ALLISON:** The yellow book at page 46 states:

The Department in conjunction with other departments within the justice system is involved in a study to determine the feasibility of implementing an integrated Justice Information System (JIS) in this State.

Is the Justice Information System likely to proceed in the latter part of 1984 or early in 1985? It is also stated:

Should the JIS fail to proceed during the early part of this financial year . . .

What would be likely to cause that failure? Why should it not proceed?

**The Hon. C.J. Sumner:** The Government has given approval for the JIS to proceed. Honourable members might have seen an announcement that I made last week when opening the Security Institute seminar. I can certainly make available copies of that speech, which outlines what the Government has done in relation to the JIS. Approval in principle has been given and funds have been made available this financial year to enable the initial stage of the project to proceed.

There have been some difficulties. Originally, it was envisaged that the Courts Department would be included in the JIS, but that will not now occur. The JIS will include the Police Department, the Department for Community Welfare, the Department of Correctional Services and the Attorney-General's Department. The law courts and the Industrial Court and Commission will be provided with facilities to enable them to transmit court orders to the Government agencies that are responsible for implementing the orders, but there will be no other participation of the courts due to the necessity of preserving their independence from the agencies of executive government.

When the JIS was originally proposed, the Courts Department was involved in the planning, but subsequently discussions were held with the Chief Justice, who objected to the courts being part of the overall system, that is, their being involved in the management of the committee, and so on. For that reason the courts have been separated from the JIS. However, the development of computer facilities within the court system will proceed simultaneously.

Arrangements will be made for the information that is now publicly available from the courts to other agencies to be made available under the new system. What information is made available to the other agencies will always be under the control of the courts, and I suppose under the control of the Judiciary ultimately. There will be no overall integration of the JIS between departments of the executive arm of government (the Police Department, the Department of Correctional Services, the Department for Community Welfare, and the Attorney-General's Department) and the courts. The Chief Justice rightly takes the view that the courts should be independent and seen to be independent.

In summary, approval was given in July this year, I think, for the project to proceed with the modification I have outlined. Funds are being made available this financial year. The project is expected to cost about \$13 million over the next five years, but the exact figures for the computing hardware and software components of these estimates will not be known until tenders are evaluated, which is expected to be in the second quarter of 1985.

The benefits are estimated to be in the order of \$16 million to \$20 million over five years, including tangible savings, work effort savings, and savings due to cost avoidance. In addition, there are a number of other unquantified benefits, such as the elimination of expensive duplication of information gathering and the chances of error, delay and omission that are inevitably associated with normal and disparate systems in different departments; enhancement of privacy by ensuring that only individuals with an approved right to know have access to criminal justice files; ensuring a more efficient administration of the criminal system consistent with the demands of an electronic age; making the criminal justice system more accountable by providing for compilation of more accurate and comprehensive statistics on all aspects of crime and justice; a more thorough assessment of the impact of programmes, such as parole and community service orders; committing faster response times for police on inquiries on such matters as checking drivers licences, car registration, outstanding warrants and other orders; allowing trends on crime, sentencing and recidivism to be more readily monitored; ensuring that all relevant

information can more readily be made available to the courts in making such critical decisions as whether to grant bail or what sentence to impose.

The JIS project is presently managed by a policy management committee of permanent heads and is chaired by the Commissioner of Police, Mr Hunt. It forms the basis of a board of management. The second level of management is the steering committee, which consists of the divisional Directors, or their equivalents, of participating agencies. Consideration has been given to the question of privacy and security of information held in the system. The Council for Civil Liberties has been consulted about the design of the system, and close liaison with the Council will continue. A privacy committee will be established to advise the board of management on privacy matters, and people will have the right to examine their own records and ensure that they are accurate.

All the computer files will be highly protected, and the location of the system will in itself enable strict security to be maintained. Buildings housing the system will be guarded, and the computer system will be secured so that unauthorised people cannot gain access. These measures will ensure that personal details are even more secure than they are under present arrangements. Funds to the extent of \$745 000 have been approved for 1984-85.

They cover the following items: salaries, for the project team for the balance of financial year, \$250 000; site preparation of the old ADP Centre building, \$250 000; consultant fees, \$75 000; use of equipment, computer bureau and software, \$120 000; consumables, \$50 000; a total of \$745 000. I think I have outlined what has occurred. That is basically the information contained in the speech I gave last week. If there is any further information members would like, I will try to get it for them.

**The Hon. H. ALLISON:** The document tabled earlier shows a waiting period for trials. Do the figures for 1982-83 and 1983-84 relate to the month of September in each case?

**The Hon. C.J. Sumner:** Yes.

**Mr MAYES:** With the introduction by the Minister of the Anti Discrimination Bill, does he think there needs to be an additional allocation of resources to the courts area to manage the discrimination/equal opportunity area?

**The Hon. C.J. Sumner:** It is difficult to answer that question until one sees whether any additional work load is generated by the new Bill. At the moment racial discrimination matters are not dealt with by any anti-discrimination tribunal and when they arise are dealt with through the courts. There may be some additional resources needed because of expansion of the scope of the sex discrimination provisions and the bringing in of the race discrimination provisions under the general regime for dealing with anti-discrimination in this State; that is, putting them under the Commissioner for Equal Opportunity with legal proceedings to be dealt with before the Anti Discrimination Board. Therefore, it is possible that there will be a need for some additional resources in that area, but it is not possible to quantify them until the scheme is up and operating.

**Mr MAYES:** Can the Minister say what is the current process used under the Real Property Act in dispute settlements? Have any difficulties been encountered in the courts because of the reference in the Real Property Act to the use of Supreme Court judges to settle disputes?

**The Hon. C.J. Sumner:** I am not sure what the honourable member is referring to, whether he is referring to disputes within strata title corporations or to disputes under other aspects of the Real Property Act.

**Mr MAYES:** I am looking at strata title corporation dispute settlements, in particular.

**The Hon. C.J. Sumner:** There is no doubt that a problem exists in this area. It has been referred to on a number of occasions recently, and probably going back for some time. There is a problem in the settlement of what are often small disputes between people who occupy premises to which they have a title as a result of strata title provisions. One proposition put forward is that there should be a Commissioner for Strata Titles in another QUANGO that I am sure the Hon. Mr Lucas will add to his list. It is put forward as a proposition in an attempt to ensure that disputes can be resolved expeditiously and without the need for protracted legal proceedings. Obviously, there are problems in dealing with any small dispute—disputes that seem small to us but obviously to neighbours are quite significant—through the normal court system. That is why I guess in the past there has been a development of consumer tribunals, small claims courts and the like. There may be a case for looking at some alternative means of dealing with these disputes. One of the propositions put forward is to have a Commissioner for Strata Titles. Amendments to the Real Property Act are presently under consideration. One of those amendments relates to consideration of whether or not there ought to be such a Commissioner.

**Mr INGERSON:** What is the waiting time for hearing of matters by appeal tribunals?

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

**Mr INGERSON:** My second question relates to the civil lists. Why has the Supreme Court waiting period extended to almost double the period in 1982-83? What is going to be done about this, and how many cases were on a waiting list as at September 1983 and September 1984?

**The ACTING CHAIRPERSON:** Before calling the Minister to answer, I ask that, if he is to provide the information just mentioned, it must be given to the Clerk of this Committee by 19 October so that it can be incorporated in *Hansard*.

**The Hon. C.J. Sumner:** I think that we can supply that information this afternoon. It is not possible to answer the honourable member's next question at the moment. There would be a mammoth work load involved in getting this information for every court. We may be able to get it for the civil list in the Supreme Court.

**Mr INGERSON:** My question relates to the Supreme Court.

**The Hon. C.J. Sumner:** We will see what we can do about that. There is obviously a problem in the Supreme Court in relation to this matter, one that will have to be addressed. The District Criminal Court, the Adelaide local courts of full jurisdiction and limited jurisdiction and the small claims court have held the line reasonably well. There has not been any increase in the number of judicial persons employed in the Supreme Court in the past 12 months and all vacancies for judges that have occurred have been filled, so this problem obviously has nothing to do with the staffing position or the fact that resources that were available in 1982-83 have not been available in 1983-84. Therefore, one must look at other circumstances. It is difficult to identify why



there are more cases coming before the courts. Suggestions have been put forward that civil and criminal cases have been more protracted than they used to be. It is difficult to come to grips with the reason why this is happening.

The point I make is that it is not because of any reduction in resources to any of the courts. Obviously, if the problem is to be addressed by additional resources, it has financial implications. A firm case has to be made out to get an additional judge in the Supreme Court. It is a costly exercise, apart from the salary and pension rights of the judge. I refer to library, secretarial and other associated facilities needed, because these costs all add up to a substantial amount.

We have attempted to overcome the Supreme Court difficulty through the appointment of District Court judges as commissioners to sit in Mount Gambier and Port Augusta. That has occurred in the past few months because of the comparatively good position in which the District Court has found itself. We are also looking at the jurisdiction limits of the Supreme Court and the District Court. We are trying to increase the jurisdictional limits of the District Court in order to take some work away from the Supreme Court and push it down into the District Court. Of course, that is a two-edged sword because one can sometimes resolve one problem and create a new problem. The time has come for an increase in the jurisdiction limits of the District Court.

We have agreed to the proposal by the Chief Justice for a fourth Master in the Supreme Court. That should go some way towards improving the disposal of cases in that court, but the question has to be addressed. As I say, the increases in waiting time have not come about as a result of any reduction in resources. Other reasons have to be looked at. There seem to be more cases coming before the courts in all jurisdictions. I have just been provided with information dealing with workloads in courts. I have only one copy of that information, but I will provide it to the member so that he can see the workload in the courts. In the civil jurisdiction of the Supreme Court there has been a 7.3 per cent increase in matters initiated in that court in 1983-84 over 1982-83. In the criminal jurisdiction we have had a 17.6 per cent increase in the Supreme Court in 1983-84 over 1982-83. I can provide a copy of that information for the honourable member.

**The CHAIRMAN:** If the Minister intends to provide information to the Committee, Standing Orders provide that if it is statistical information it is to be provided by the deadline of 19 October for inclusion in the record.

**The Hon. H. ALLISON:** We ask for that information to be inserted in the report.

**The Hon. C.J. Sumner:** I have no objection.  
Leave granted.

#### WORKLOADS IN COURTS

	1982-83	1983-84	Variance %
<b>Criminal:</b>			
Supreme .....	358	421	+17.6
District .....	273	307	+12.5
Summary .....	119 000	112 000	-6
<b>Civil:</b>			
Supreme .....	3 593	3 856	+7.3
District .....	3 400	3 426	+0.08
Local (excl. full jurisdiction) .....	61 600	61 574	—

**The Hon. C.J. Sumner:** By way of comment, it is interesting to note that in the criminal and summary areas the table shows a minus 6 per cent variation in 1983-84 as against 1982-83. Certainly, from the information I am getting from magistrates and other information provided in regard to waiting lists for trials, that statistic is not borne out by what is happening in some magistrates courts where we do not have any specific updated figures. The indication that I have had from magistrates is that more cases are going through their courts. Obviously, this matter must be addressed. Manpower is one way of doing it—additional judicial officers could be appointed, but that has resource implications, and obviously in conjunction with the Judiciary the Government has to do what it can in other ways to try to bring the lists back.

**Mr INGERSON:** In regard to the criminal list, is the time listed the time between committal and the date of the trial? What is the length of time between the charge and the committal hearing in courts of summary jurisdiction in September 1983 and September 1984? If that information is not readily available, can it be provided?

**The Hon. C.J. Sumner:** We will try to provide that information. Whether it is readily available I do not know. Presumably, when the Justice Information System is in place we will be able to have a terminal here at the Estimates Committee and provide information immediately to members.

**Mr RODDA:** I refer to paragraph 3 on page 46 under the heading 'Issues', which states:

Whilst a substantial number of additional judicial officers have been appointed during the past six years, there has been no increase in support staff other than personal staff to the new judicial officers and staff required to implement Government initiatives ...

The Minister has referred to this, but in the last line it is stated:

This problem is exacerbated by structural weakness in the organisation.

What is the structural weakness? How does the Minister intend to resolve it?

**The Hon. C.J. Sumner:** The Director of the Courts Department will explain the position.

**Mr White:** The Department has a high number of CO1 base-grade officers and virtually no classified officers between that grade and clerks of court. We see this as a structural weakness, because there is not sufficient back-up to people holding appointment as clerks of court. As an objective the Department seeks to improve the level of professional excellence of all its staff and this is one aspect where we see a great need to address the problem, that is, to try to ensure a grading of officers to give support. We intend to achieve that by internal and external training courses and by job rotation, and submissions will be made to the Public Service Board for a graduation of positions in courts rather than have a large number at base grade and very few at a classified level.

**Mr RODDA:** The fifth paragraph states:

Occupational health problems have arisen in various areas ...

What are those occupational health problems, what is their extent, what claims have been made, what claims are expected, and how are the problems being resolved in that context?



**The Hon. C.J. Sumner:** The problem is one that I understand is common to the whole of the Government service. The member would probably need to direct questions about the reasons for that to other authorities. In the Courts Department it is a problem of repetition strain injury in the Court Reporting Branch caused by typing.

**The Hon. H. ALLISON:** Tenosynovitis.

**The Hon. C.J. Sumner:** Yes, apparently this is also a difficulty that is not just occurring in areas of court reporting, where obviously there is the repetitive use of the hands in typing, but also in other areas of the Government service in typing pools and the like, where people are typing continuously. There seems to have been an increase in this type of injury throughout the Government service, and it may well be in the private sector as well.

I am not qualified to comment on the reasons for this and I guess that inquiries would need to be made elsewhere, perhaps in the Department of Labour or in the Health Department. I understand that some of the newer electric typewriters have exacerbated the problems, presumably because one is able to type faster on an electric typewriter and the hand movements are faster than when using manual typewriters.

One would have expected, I suppose, that when electric typewriters were introduced life would have been made easier, as one does not have to touch them so hard. Apparently—and again I am not an expert in the area—the opposite has turned out to be the case, and there has been an increase in tenosynovitis and repetition strain injury, not just in the Courts Department but in the Government as a whole. This problem needs to be addressed. Because it is part of a broad problem, I am not in a position to comment further.

**Mr RODDA:** Page 46 of the yellow book states:

There is a need for the Department to become more aware of the community's needs in relation to the services provided by the courts.

Will the Minister explain this statement to the Committee in terms of what the Government perceives in the area, what changes are envisaged, and what cost is involved?

**The Hon. C.J. Sumner:** There are a number of things involved in this. For instance, the Courts Department has started the programmed production of pamphlets on various aspects of the Courts Department operations more adequately to explain to the public what facilities are available. I know that at the time the pamphlets were printed they were sent to honourable members. Two pamphlets have been prepared so far: one on the Appeals Tribunal and one on the State Coroner. This is an ongoing process. Also, the Department is trying to develop education programmes that can be used in schools. At the moment there is a proposition to produce a video of the Small Claims Court to give potential litigants in that court an opportunity to see how it works.

One of the problems we have at the moment in the Small Claims Court is that everyone who is due to appear turns up early and gets into the court so that they can obtain an idea of what happens and how they are to present their case. That creates some difficulties for the magistrate hearing the case because of the number of people and movement in and out of the court. It was suggested that perhaps a video could be produced to show to people who are due to appear in the Small Claims Court just how it works and what is expected of them. That is the sort of thing that has been envisaged.

It is also true to say that, progressively, the courts are being rationalised throughout the State and we are getting away from having police officers being Clerks of Court for summary jurisdiction, for instance, which, from a principle point of view, is clearly wrong. Historically, it has happened in this and other States but, from the point of view of the administration of justice and for the police to be seen to be

separate from the courts, we should have full-time employees of the Courts Department doing the job of Clerks of Court. We are progressively doing that throughout the State. That enables the Courts Department to have in locations throughout the State a professional officer who is available to the public to explain any matters relating to court administration.

**The Hon. H. ALLISON:** Page 46 of the yellow book under 'Implications for Resources' states:

The commencement of the Justice Information System or any interim system installed this year will necessitate the employment of some additional financial and human resources.

Will the Minister give an idea of the additional finance and human resources that will be required, and in what areas they will be required?

**The Hon. C.J. Sumner:** That was placed in there to indicate the Courts Department involvement in JIS, but the Courts Department will not be involved in the JIS as such. As I said before, there will be a contemporaneous development of computer facilities in the Courts Department that can then mean that information can be transmitted from the courts to agencies of executive government. That question has been answered in the context of the answer I gave on the JIS. Now that the Courts Department is not part of the overall JIS management, in the development of JIS additional manpower and resources will be needed for the Courts Department to enable it to have people who are literate in computers and able to set up and operate the system within that Department.

With respect to the JIS generally, I understand that a total of ten positions are being sought at this stage for the 1984-85 financial year: one Project Director, two project managers, one clerk, one data based administrator, one senior systems programmer, and four project leaders (senior computer systems officers). What allocation may be made of them to the Courts Department is not something I can answer.

**The Hon. H. ALLISON:** The Minister mentioned in a voluntary response that some District Court judges had been appointed as commissioners of the Supreme Court, and I believe they went to Mount Gambier and maybe to Port Augusta. Will the Minister indicate how often such District Court judges have been appointed as commissioners and for what periods? Was this in addition to an already heavy workload or was it for some reason that there was a lightening of the load on District Court judges? Did those judges need to be replaced at District Court level?

**The Hon. C.J. Sumner:** I discussed this matter with the Chief Justice and the Senior Judge of the District Court. The District Court list was in better shape than was the Supreme Court list, and it was decided that we could appoint District Court judges as circuit commissioners to carry out Supreme Court circuits. Previously, when there was this situation, as occurred when the member was Minister in the previous Government, for a while senior counsel (leading silks) were appointed commissioners to go to Mount Gambier and Port Augusta. There were some questions about whether or not that was entirely satisfactory. That was stopped when, I think, Mr Justice Millhouse was appointed by the previous Government.

The arrangement was that, if an additional judge were appointed, the Government would not appoint further commissioners from the bar. Confronted with that problem on this occasion, discussions led to the appointment of District Court judges as commissioners. That was felt to be more consistent with the general principle of the independence of the Judiciary. Problems have sometimes been raised about appointing people who are actively at the bar to adjudicate on matters. In the United Kingdom, for instance, there is a system of Recorders whereby people who practice at the bar are appointed to hear cases. There has been some criticism of that system in South Australia. In fact, the Chief

Justice does not approve of it and, instead, he believes that there should be a permanent Judiciary.

There are undesirable aspects in appointing acting judges and, in this case, the appointment of members of the bar to hear cases. It was felt that it was more consistent with the principles I have outlined to appoint commissioners from the District Court to assist the Supreme Court on circuit. There have been three circuits so far, each of two or three weeks duration. I think that Judge Brebner went to Mount Gambier; Judge Burnett has been appointed to go to Port Augusta in the next month or so, and I think that Judge Newman also received an appointment to go on circuit.

**The Hon. H. ALLISON:** I refer to page 47 of the yellow book which details an increase in Forensic Science Centre fees amounting to \$144 000. Why has there been such a substantial increase, and in what areas has it been applied?

**Mr Lemmey:** Last year forensic science budgeted on the Courts Department paying \$560 000, but that did not eventuate. It was assumed that we could be charged more for pathology than was allowed under the legislation. The legislation states that only \$45 per body can be charged; whereas they wanted to charge in excess of \$100. Therefore, we only paid out \$135 000 for the whole year, compared with a budget of \$560 000. It is a coroner's charge. This year they have increased the charges for toxicology: that can be done without cutting across the legislation, and that is why there is an increase of \$144 000.

**Mr INGERSON:** I understand that judges use a loose-leaf system when updating their Statutes. Has consideration been given to extending that system to Parliament? The present consolidation process used to update Statutes is very slow and a long way behind. As I have said, I understand that judges have a loose-leaf updating system. In line with the computer age, I would have thought that such a system would be a simple exercise to introduce.

**The Hon. C.J. Sumner:** I will respond to that question when we consider the Attorney-General's lines. The system used by the judges is handled by their associates and tip staff.

**Mr INGERSON:** I refer to 'Justice in the criminal jurisdiction' on page 49 of the yellow book. How much revenue was recovered from fines in 1983-84 and for what offences? Do you have an estimate for 1984-85?

**Mr White:** Records of fines by category of offence are not kept. Fines are kept as a composite regardless of the offence. A facility to keep that type of record will be available with computerisation, and statistics will be readily available with one input.

**Mr INGERSON:** I refer to 'Treasury Superannuation Charges' on page 54 of the yellow book. Earlier, mention was made of the ageing of the workforce. What are the prospective liabilities for superannuation in 1985-86 and 1986-87 in view of the previous statement about the ageing of the workforce?

**The Hon. C.J. Sumner:** The figures are provided by the Public Actuary to give an overall programme estimate. If the honourable member requires more information, I suggest that he approaches the Public Actuary.

**The Hon. H. ALLISON:** I refer to 'issues/trends' on page 55 of the yellow book, as follows:

Significant difficulties are being experienced in the provision of suitable staff at classified levels.

Is that the same point that was made a moment ago?

**The Hon. C.J. Sumner:** Yes.

**The Hon. H. ALLISON:** In that case, we know that the problems are being overcome through training programmes. Is there going to be a general increase in staffing, or will base grade officers be trained for higher grade duties?

**The Hon. C.J. Sumner:** We will try to train existing staff. It was not proposed to increase staff in the proposition put forward by the Director earlier; the proposition was to try and train a more even spread of staff throughout the Department rather than, as the Director said, having a pool of base grade people with a gap in the middle grades in relation to trained officers.

**The Hon. H. ALLISON:** Also at page 55, under, '1984-85 Specific Targets/Objectives', the third paragraph says:

The rationalisation of courts of summary jurisdiction to be completed.

Can the Minister tell us what the rationalisation programme is, exactly?

**The Hon. C.J. Sumner:** I referred to that earlier. Does the member want the detailed programme, as to which courts?

**The Hon. H. ALLISON:** Can you give us some more specific idea?

**The Hon. C.J. Sumner:** The rationalisation of the courts of summary jurisdiction throughout the State will be completed in this financial year, but the Director can tell us what has been done and what is envisaged.

**Mr White:** The rationalisation programme involves, as the Minister has indicated, ensuring that Public Service court administrators take over the work of courts of summary jurisdiction—the courts of local jurisdiction have already been completed—from police officers in order to further enhance the independence of the judicial system from the Executive and to enhance the professionalism of court administrative advice that is available to the users of the courts.

A pilot scheme has been in operation for 12 months in the southern region of the State. The pilot programme has proved entirely satisfactory; there has been no problem. The consolidation was completed with all people involved: local government and police officers. There is now a proposal that that pilot scheme shall become permanent and, in addition, the central region of the State be treated similarly. The northern region of the State remains to be completed. The northern region is the most difficult because of the distances involved and because the rationalisation programme involves a trained court administrator being available every time a court is in session. With lengthy distances to travel, we have to make some additional administrative arrangements in the northern part of the State.

**The Hon. H. ALLISON:** Also on that page, in the next paragraph there is a reference to the Courts Department's undertaking 'a study of the District Court with a view to the feasibility of drafting a new District Courts Act'. Who will undertake that study, what is the timetable and when will it be completed?

**The Hon. C.J. Sumner:** The purpose behind this is to see whether or not there is a need for a separate District Courts Act. There is a Supreme Court Act, and rules have been made under that Act that enable the court to function. When the District Court was set up it was grafted on to the existing local court system. There is a feeling that there is some confusion between the Local Court and the District Court. The aim, ultimately, would be to have the Supreme Court Act with its rules, a District Courts Act with its rules and a Local Courts of Summary Jurisdiction Act with whatever it needs to carry out its functions by way of rules or legislation. The study is being undertaken by a committee which has on it, if my recollection serves me correctly, the Senior Judge, Mr Gary Byron from the Courts Department, and an officer from my office. That is the aim of the exercise.

**The Hon. H. ALLISON:** On page 58 of the yellow book, the first paragraph under 'Issues/Trends' says:

District Court judges are providing assistance to the Supreme Court in order to overcome more serious delays in that jurisdiction.

We have already referred to that matter a couple of times by way of question and answer. Is that assistance only in relation to Commissioners of the Supreme Court, or are District Court judges assisting in any other areas? In giving us the answer, can the Minister say what specifically are the problems of the Supreme Court that require assistance, and are any other steps necessary and being taken to alleviate those problems?

**The Hon. C.J. Sumner:** The problem with the Supreme Court is, as was indicated from the table that I have had incorporated in *Hansard*, that the lists are extending. That is the difficulty that we tried to overcome. There has been something of an improvement in the District Court list, following the consolidation of the District Court in the Sir Samuel Way Building. The honourable member may recall that prior to the completion of that building some judges were in the old Supreme Court building, some were in private accommodation in King William Street, and the Planning Appeal Board was located in the Grenfell Centre; it was difficult to get consistency of administration. Judges, including those in the planning appeal jurisdiction, sit in the Sir Samuel Way Building. That improved the District Court listing, and the District Court's taking over its own listing procedures for criminal cases meant that there was an improvement in the listing for the District Court.

That being the case, and with the Supreme Court having greater difficulties than the District Court, it was felt that enabling some District Court judges to be Commissioners for Supreme Court circuits was desirable. The District Court also has the Children's Court under its wing in that judges of the Children's Court are also District Court judges. Some assistance has been provided by the Senior Judge of the District Court to the Children's Court to cover long service leave absences for the Senior Judge of that court and one of its other judges. The District Court also provides judges for the planning appeal jurisdiction. There are certain other areas where judges are appointed to tribunals, although there has been a tendency to try to reduce the incidence of judges doing extraneous duties and to confine them strictly to judicial activity.

**The Hon. H. ALLISON:** Also, on page 58 under '1983-84 Specific Targets/Objectives' the second paragraph says:

Service by post has been investigated and recommendations proposed.

Can the Minister expand on what recommendations he has received? Has there been any consultation with the Law Society? What safeguards are there for a defendant who claims that he has not received the process by post or at any time? Does the Minister consider that this is a safe and secure method of serving?

**The CHAIRMAN:** I suggest that the Attorney may consider that matter during the recess.

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

**The Hon. C.J. Sumner:** Mr White will be able to give specific details later on the question asked before the adjournment.

**Mr MAYES:** Some mention has been made in the community of court reporters suffering from tenosynovitis. What is the frequency of tenosynovitis? What remedies is the Courts Department endeavouring to institute to prevent future recurrence? What treatment programmes are provided?

**The Hon. C.J. Sumner:** I provided some information in answer to an earlier question. I indicated that the problem of tenosynovitis exists throughout the Public Service as well as in the court reporting area because of the nature of the work. Government policy was to maintain a core of manual reporters and that has been done. Training schemes for manual reporters were reinstated following the change of Government in 1982.

Steps have been taken within the Court Reporting Division, with the co-operation of the court reporters, to try to improve productivity, and this has occurred to quite a significant extent. However, there is a problem with repetition injury (tenosynovitis) and I understand that seven reporters are presently off work with this condition. The problem must be and is being addressed. Mr White may be able to give some indication of the procedures adopted to try to reduce the incidence of tenosynovitis.

**The CHAIRMAN:** This is a repetitive question. The member for Bragg asked the same question.

**The Hon. C.J. Sumner:** It is not quite the same.

**Mr White:** An occupational health programme has been instituted in the reporting division, requiring reporters to take compulsory breaks at lunch time. We found that some reporters, to suit their own work programme, wished to work through lunch breaks so that they could leave early in the afternoon. We found that that had a detrimental effect on health and in particular on the tenosynovitis problem.

We have instituted a trial programme whereby reporters will use dictation equipment, and the material will be typed back by members of the Government reporting team rather than reporters coming out of court and having to type immediately afterwards; that apparently (I am led to believe by the health authorities) involves the use of similar muscles and tendons in the wrist. The separation and a greater period between taking stenotype notes in court and typing back reduces the risk of injury. I cannot advise whether or not this initiative has been successful because it has only just been started.

**Mr MAYES:** What is the extent of the use of manual court reporters as against what might be called the automated methods or Spark and Cannon facilities that have been established within the courts? How many courts are being serviced? What is the proportion?

**The Hon. C.J. Sumner:** There are three systems—manual reporters, the Government tape service, and Spark and Cannon. Spark and Cannon has a contract for the Industrial Court and in respect of the other courts that company takes up any gaps and covers any problems which occur and which cannot be covered by the manual reporters or the Government tape service. I do not know the precise proportion of the work carried out outside the Industrial Court by those three methods of court reporting, but presumably we could obtain details.

**Mr RODDA:** At page 58 of the yellow book under '1984-85 Specific Targets' it is stated that the public office hours of the Adelaide Local Court will be extended. What extension of hours is proposed and what costs will be involved?

**Mr White:** It is proposed that the rule of court that requires the Adelaide Local Court to close at other than the hours between 10 a.m. and 3 p.m. be varied to permit the court to open between the hours of 9 a.m. and 4 p.m. To permit this, a rule of court must be changed, and the Senior Judge has been requested and has consented to do that. At present there are no perceived resource implications. It will be an increased service to the public.

**Mr RODDA:** I note that an additional Master, a Master's clerk, and 1.5 full-time equivalents will be required, at a cost of \$65 000. When will these appointments be made? Is it proposed to appoint additional Supreme Court judges, District Court judges, or magistrates this year?

**The Hon. C.J. Sumner:** Not at this time. Obviously, according to the lists referred to today, consideration may have to be given to additional judicial officers, but that is not envisaged at present. The additional Master will be appointed later this year. An advertisement will appear in the Law Society bulletin early in October requesting expressions of interest in the positions of Master and Stipendiary

Magistrate, as one of the magistrates has given notice of his intention to resign as from 31 December.

We are not calling for applications as such for those positions, because they are Government appointments, as are most judicial positions now; with the magistrates coming out of the Public Service, their appointments are made by the Governor-in-Council, similar to appointments to the Supreme Court and the District Court.

We are not actually seeking applications as such but are asking people to express their interest in being considered for the position. We will be looking at those applications late in October, and I hope that an appointment can be made some time before Christmas.

**Mr RODDA:** At page 72, under the heading 'Issues/Trends' it is stated that there has been an increase of 44 per cent in matters lodged with appeal tribunals. Can the Minister tell the Committee in what areas this increase has been and what is the state of the lists at the moment?

**The Hon. C.J. Sumner:** I have a schedule showing the delays in the hearings by appeal tribunals. I seek leave to have it inserted in *Hansard* without my reading it.

**The CHAIRMAN:** Is it purely statistical?

**The Hon. C.J. Sumner:** Yes.

Leave granted.

#### DELAYS—APPEAL TRIBUNALS

Air Pollution Appeal Board .....	Nil
Builders Appellate and Disciplinary Tribunal ..	2-2½ months
Handicapped Persons Discrimination Tribunal ..	2½-3 months
Local Government Advisory Commission .....	Nil
Planning Appeal Tribunal .....	3½-4 months
Sex Discrimination Board .....	2½-3 months
Water Resources Appeal Tribunal .....	4-6 months
Business Franchise Appeal Tribunal .....	Nil
Business Franchise (Petroleum) Appeal Tribunal ..	Nil
City of Adelaide Planning Appeals Tribunal ..	2½ months
Court of Local Government Disputed Returns ..	Nil
Motor Fuel Licensing Appeal Tribunal .....	Nil
Superannuation Tribunal .....	Nil
Warden's Court .....	1-2 months

**The Hon. H. ALLISON:** On page 75 of the yellow book, under the heading 'Delivery Mechanism', reference is made to the Sex Discrimination Board and to the Handicapped Persons Discrimination Tribunal, currently presided over by a judge of the Family Court. There is also reference to new legislation, the Anti Discrimination Bill. Can the Minister advise the level of fees to be paid to members of the tribunal listed and to members of the Anti Discrimination Tribunal?

**The Hon. C.J. Sumner:** The fees for the Anti Discrimination Tribunal have not yet been fixed, because the legislation has not passed the Parliament. As to existing fees, I do not believe that judicial officers who are judges of a court, whether the Family Court or the District Court, receive any additional remuneration for performing the duties involved with this post. The Government has tried to get away from the payment of remuneration in these cases, as I think did the previous Government. If my recollection is correct, this started before 1979 when a situation existed that was considered undesirable. A number of judges who sat on boards, tribunals and the like in addition to their substantive positions as District Court or Supreme Court judges, particularly District Court judges, received additional remuneration, even though they were carrying out those duties during normal working hours. It was considered that that was an unsatisfactory situation and moves were taken progressively to ensure that judges who were appointed to other tribunals did not receive additional remuneration. I understand that a situation has now been reached where no additional fees are paid to judges for appearing on other tribunals that they are members of. The part-time members would get fees, of course.

**The Hon. H. ALLISON:** The proposed expenditure shown on page 76 for the Sex Discrimination Board is \$5 000, and outcome \$4 000. The proposed sum for 1984-85 is still \$4 000 despite this additional piece of legislation, the Anti Discrimination Bill. Does the Minister believe that this figure is realistic?

**The Hon. C.J. Sumner:** The Bill has not passed the Parliament, so it is difficult to estimate such costs when we do not have legislation in place. There will probably be a need for additional expenditure if the Anti Discrimination Tribunal is up and running before 30 June next year. That will depend on the progress of the legislation through the Parliament, its subsequent proclamation and any additional staff resources that may be needed to cope within the office of the Commissioner for Equal Opportunities. It will also depend on what arrangements can be entered into with the Commonwealth where the Commissioner for Equal Opportunity acts as a delegate for the Human Rights Commission and is a delegate under the Commonwealth Sex Discrimination Act and the Commonwealth Racial Discrimination Act. With the introduction of the racial discrimination procedures before the Anti Discrimination Tribunal it is possible that something additional will need to be found. At this stage, we are still talking about a hypothetical situation because the Bill has not yet passed.

**The Hon. H. ALLISON:** On page 85 of the yellow book, under the heading 'Reporting Services to Government Agencies', the final commentary on major resource variation indicates a variation in manpower usage of 2.5 persons and states that that results mainly from the completion of the Splatt Royal Commission but that it is offset by an increase in the rate payable to the reporting contractor. Is the Minister aware of any problem in the provision of transcripts, either by the Government Reporting Service or by the contractor? How many reporters are there in the Government service, and is that number stable? I recall that a few minutes ago we were told that seven reporters were currently off with tenosynovitis, which further compounds the problem.

**The Hon. C.J. Sumner:** There are 67 manual reporters including transcription typists—that is, manual reporters and the Government tape service as proposed at 30 June. The full-time equivalent number is 67.1 for court reporting. There are apparently some casual typists and reporters, the estimate being 4.7 people. As far as we can ascertain, there are no complaints about the service. In fact, it is probably true to say that South Australia has a very good court reporting and transcription service when compared to other States and some other jurisdictions. I add that it is a very expensive service. However, I believe that the situation here is good in comparison with other jurisdictions.

**The Hon. H. ALLISON:** A legal information retrieval system is referred to at the top of page 87 of the Yellow Book. The 1984-85 specific targets include the installation of a computer terminal to permit access to the computerised legal information retrieval system. Will the Minister advise the Committee when this installation will be completed and at what cost?

**The Hon. C.J. Sumner:** I cannot do that. The agreement for the computerised legal information retrieval system (CLIRS) has not yet been signed. We are negotiating with Computer Power, which has been responsible for the introduction of this system in New South Wales and Victoria and with whom those State Governments have agreement.

A committee has been established in South Australia to advise me on the introduction of the system here and to advise on the preparation of an agreement between the State Government and Computer Power. Those negotiations are still proceeding. It is being handled primarily under the Attorney-General's lines, although obviously there is mention of it here because of the facilities that the Courts Department

might need to access it. Actual negotiations relating to it are being handled by the Attorney-General's office. I would expect that some finalisation will be made soon.

**The Hon. H. ALLISON:** My next question relates to the same paragraph and to the last line dealing with expansion of the main Supreme Court Library. Is this a territorial expansion, simply a question of making a larger area available, or is the collection to be expanded as well? What sort of expansion has the Attorney in mind?

**The Hon. C.J. Sumner:** This item is really an indication of a demand on the resources of the Courts Department to ensure that the Supreme Court Library is kept up to date, as apparently greater use is being made of the library now. It is available not only to judges but also to legal practitioners. There is a need to keep the library up to date and ensure that there are enough volumes to satisfy demand. There are not any major problems in the area at the moment, but this provision is an indication that there is a continuing call on the resources of the Department.

**The Hon. H. ALLISON:** At page 88 under 'Issues/Trends' the second paragraph refers to serious occupational health problems becoming more prevalent in the Department. Does that refer only to tenosynovitis, or are there other problems as well?

**The Hon. C.J. Sumner:** There are no other problems peculiar to the Department.

**The Hon. H. ALLISON:** On the same page, under the heading 'Special Targets/Objectives', the following statement is made:

A study was carried out to determine the feasibility of introducing computer aided transcription in the court reporting area.

Is that report generally available? If it is not, can the Minister say what it recommends?

**The Hon. C.J. Sumner:** Do you want an answer, or do you want the report?

**The Hon. H. ALLISON:** If the report is available—

**The Hon. C.J. Sumner:** I do not believe there is any difficulty with that. I will ask Mr White to make it available to me and then I will have to consider whether it can be made available. At this stage I do not see that there is likely to be any difficulty. I would reserve my position.

**The Hon. H. ALLISON:** Will the Minister undertake either to make the report available or to make a summary of the report available?

**The Hon. C.J. Sumner:** I shall be happy to do that. The Director has one comment to make.

**Mr White:** Computer aided transcription was and has been studied on at least two occasions. It was previously considered not to be economically viable but, with the increasing prevalence of tenosynovitis, we have now revised the study because the productivity levels that can be realistically obtained without incurring occupational health problems are now declining and CAT may now be worthy of restudy.

**The Hon. H. ALLISON:** Can the Minister advise the Committee who is presently on the South Australian Committee investigating the legal information retrieval system?

**The Hon. C.J. Sumner:** The Chief Librarian in the Crown Law Department is the person primarily responsible. I will obtain full details. Really, that matter should be handled under the Attorney-General's portfolio.

**The Hon. H. ALLISON:** The Minister said that he expected some resolution soon of negotiations on legal information retrieval systems. He has just said that the Chief Librarian and others are responsible, but is the Minister aware now of the issues being investigated, and has he set down any basic guidelines for the review? Can the Minister give some indication of the result?

**The Hon. C.J. Sumner:** I would prefer to wait until the appropriate advisers are here for the Attorney-General's

area. I will then perhaps give an up-to-date report on what is happening with CLIRS. Basically, it is an attempt to negotiate an agreement similar to that negotiated by New South Wales and Victoria. In regard to South Australia, with Victoria and New South Wales having entered into an agreement with Computer Power, it really leaves us no option but to be involved with Computer Power as well if we want to get into this area and have access to other interstate information. It is a matter of examining the agreements entered into in New South Wales and Victoria and matching them with our own circumstances. Mr Ian Nosworthy, a solicitor in private practice, was involved with the previous Government and is involved with this Government in providing some advice on behalf of the Law Society and, as I said, the Chief Librarian is involved. Other people are also involved, but I will get further information for the member on that.

**The Hon. H. ALLISON:** At page 88 under '1984-85 specific targets/objectives' it is stated:

To negotiate more appropriate service levels in certain jurisdictions.

Can the Minister advise what are the jurisdictions to which that line refers? Can he say what are the problems with the current service levels? With whom is he negotiating, and what increase is proposed?

**The Hon. C.J. Sumner:** I am advised that that refers to such things as whether or not a continuous transcript is necessary in some cases. For instance, there are certain circumstances where it may not be necessary for a judge or magistrate to have a transcript immediately. Of course, the general aim is to get the transcript provided as quickly as possible, and obviously by the end of the day so that the transcript can be studied by counsel and the judge concerned. There are some circumstances where it is not necessary to have the transcript immediately—I suppose in a short case that is resolved immediately with an *ex tempore* judgment. It may be possible not to have that typed up immediately. It is a matter of negotiating with the Judiciary to see whether those sorts of adjustments can be made with the obvious benefit in cost terms.

**The Hon. H. ALLISON:** Page 90 of the yellow book under 'Special Act Payments Included in Programme Expenditure' shows that \$2.643 million was the outcome for 1983-84 and that \$4.399 million is proposed for 1984-85. Will the Minister explain what these amounts comprise?

**The Hon. C.J. Sumner:** The specific actual in 1983-84 was as follows: the Chief Justice \$82 522; 13 puisne judges \$1 079 154; four Masters (I think three Masters and one Acting Master) \$222 201; Senior Judge \$73 851; 18 District Court judges \$1 185 548—a total of \$2 643 306. The estimated 1984-85 figures are: the Chief Justice \$85 942; puisne judges \$1 004 000; Masters (Supreme Court) \$261 636; Senior Judge \$76 894; District Court judges \$1 204 528—a total of \$2 633 000.

Magistrates—and this is what accounts for the increase—are now paid under special Acts because of the passage of the Magistrates Act. The actual expenditure for one Chief Magistrate, which was not under this line before because magistrates were in the Public Service, was \$53 644 in 1983-84, which becomes \$59 000 in 1984-85; 32 stipendiary magistrates were \$1 517 910 in 1983-84 and in 1984-85 a figure of \$1 707 000 is proposed—a total of \$1 766 000. Presumably, if one adds the judges and magistrates together one gets \$4 399 000. I have some information that was asked for earlier. Members on the District Court Review Team comprise: His Honour Judge D.M. Brebner, District Court judge; Mr Gary Byron, Deputy Director, Courts Department and Registrar, Subordinate Jurisdictions; Ms Margaret Cross, Legal Officer, Attorney-General's Department; and Mr Les Morris, Clerk of the District Court. I can also provide

information of the number of matters in the trial list of the Supreme Court. I seek leave to have it inserted in *Hansard* as it is of a statistical nature.

Leave granted.

**SUPREME COURT**  
Number of Matters in Trial List

	1982-83	1984-85
Civil*	645	784
Criminal	72	135
Total in List (Civil)	1 531	1 721

\* Includes only those matters for which leave to set down for trial has been given.

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

Attorney-General's, \$7 785 000

**Chairman:**  
Mr G.T. Whitten

**Members:**  
The Hon. H. Allison  
Mr T.R. Groom  
Mr G.A. Ingerson  
Ms S.M. Lenehan  
Mr M.K. Mayes  
Mr W.A. Rodda

**Witness:**

The Hon. C.J. Sumner, Attorney-General, Minister of Consumer Affairs, Minister of Corporate Affairs and Minister of Ethnic Affairs.

**Departmental Advisers:**

Mr J.M.A. Cramond, Acting Crown Solicitor, Attorney-General's Department.

Mr R.K. Paech, Chief Administrative Officer, Attorney-General's Department.

Mr M.N. Abbott, Acting Deputy Director, Legal Services Commission.

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

The **Hon. H. ALLISON**: Concerning the Information/Resource Centre in the Attorney-General's Department (page 12 of the yellow book) I note that \$60 000 was proposed in 1982-83 for part of the year. The following year the funding was to be \$88 000 for the full year, which allowed an increase for inflation. The present funding proposed is \$90 000 which, I believe, has been causing concern in the Minister's Department in relation to the inadequacy of the funding. Will the Minister comment on that?

The **Hon. C.J. Sumner**: The disability Information/Resource Centre had a provision in 1982-83 of \$60 000. The centre did not commence operating until the last quarter of 1982-83, and by 30 June 1983 a balance of about \$23 000 remained unexpended. An undertaking had been given when launching the project that the provision in 1983-84 would be about \$90 000. An amount of \$60 000 was included in the Budget papers for 1983-84 which, together with the balance of the previous year, gave the centre an operating budget of around \$83 000.

The centre experienced some financial difficulties towards the end of 1983-84, and an additional advance of \$15 000 was provided in June 1984 from the 1984-85 allocation. Funds sought for 1984-85 were \$131 000. Some of the proposals for expansion were rejected, including the addition

of two staff and the expansion of computer facilities. An amount of \$90 000 was granted. So, to 1982-83 the centre received \$139 000 for 14 months of operation. During this period the centre was in the establishment phase and was occurring one-off items of capital expenditure which resulted in a higher rate of expenditure for this period than was anticipated. The allocation was \$90 000 for 1984-85 for the Disability Information/Resource Centre.

The **Hon. H. ALLISON**: Can the Minister give details of Richard Llewellyn, who has the difficult task of being the Premier's adviser on disability generally? What is his classification, and what support is given to him? Does it come within the Minister's jurisdiction or is it split?

The **Hon. C.J. Sumner**: No, it is not split. We can get the information, there is no problem. It is not a matter within my jurisdiction. Mr Richard Llewellyn, who is appointed to the Premier's Department as the adviser to the Premier, is classified as an AO4. Some support staff is being provided, but I will obtain the details and advise the honourable member.

The **Hon. H. ALLISON**: We would like to know a number of things under that general question, namely, what type of tasks have been set by the Premier or the Government generally as he is representing a number of Ministries with problems of disability encapsulated within them. Has there been any time frame within which he is to complete those tasks, and ultimately will the reports he makes to the Government be available generally? It is a pot pourri of questions.

The **Hon. C.J. Sumner**: The Disability Adviser reports to the Human Services subcommittee of Cabinet. It is a standing item on the agenda of that committee. It does not mean that the adviser on disability attends every meeting, but he provides a report to every meeting on what he has been doing. When specific matters need consideration, he comes before the committee. I will obtain details of staff allocation to his office at present.

He has the responsibility generally of providing a focal point for advice in relation to the disability area. It was an initiative that was very well received, because there was a problem of disparate advice being given from different agencies. The Disability Adviser at least has the capacity to keep an overview of the situation and also to liaise on behalf of the Government with the voluntary sector. The adviser is a public servant, so it will not be possible for every minute, discussion paper, or whatever prepared by him for the Government to be publicly available, but there may be some things made publicly available. One thing made publicly available was the adviser's outline of how he saw his duties. I do not know whether the honourable member has received a copy of that, but it was sent by Mr Llewellyn to Government departments and agencies. I can certainly get a copy of that for the honourable member. As to the questions he has asked that I have not answered, I will ensure that the information is provided.

**Mr GROOM**: I refer to page 66 of the Estimates of Payments in regard to compensation for injury as a result of criminal acts. The proposed appropriation is much the same as for 1983-84. I note from the Auditor-General's Report and from page 20 of the yellow book that the number of claims have increased from 156 in 1980-81 to 240 in 1983-84. Will the Attorney indicate to what extent that is contributed to by the increased demand for recovery costs under the Criminal Injuries Compensation Act and why is the appropriation much the same?

The **Hon. C.J. Sumner**: It is difficult to estimate precisely what will be the payments. I suppose it is a matter of taking an inspired guess. In 1981-82 there were 171 payments for a total of \$643 000. In 1982-83 the number of payments increased to 230 and the amount paid was \$970 000. From 1981-82 to 1982-83 the increase was in excess of \$300 000.



In 1983-84, 240 payments were made totalling \$937 000. In addition, there were other recovery costs of \$3 000; the computerisation of debtors system at \$10 000, and medical report fees at \$2 000 giving a total of \$952 000 for 1983-84. The amount recovered was \$38 000. The amount recovered in 1982-83 was only \$12 430 and for 1981-82 the amount recovered increased to \$13 300. The actual amount recovered in 1983-84 was considerably more than in 1982-83, being \$38 000, but it is obviously still a far cry from getting sufficient funds to recover the whole payments made under the Act.

Probably the philosophy behind fixing it at the same level was that in 1983-84 it levelled out, and it is really a matter of trying to make the best estimate from difficult circumstances. The usual arrangement with Treasury in these circumstances is for us to show last year's amount. Treasury indicates that any additional costs will be met from the round sum allowance provided by Treasury every year. The honourable member will find that this is a common practice in these areas where the amount paid out depends on the amount of service used or, in this case, the amount of claims made on the item. It is a matter of making that assessment, but, obviously, if there are more claims we do not stop making payments. They are made and accommodated by Treasury in the round sum allowance.

**Mr GROOM:** I notice from the Auditor-General's Report that the amount of recovery for 1982-83, which was \$12 430, substantially increased to \$37 787 in 1983-84. On page 20 of the yellow book it states:

Final implementation phase of computerised debt recovery system will be completed.

Will the trend in relation to increasing recoveries continue?

**The Hon. C.J. Sumner:** There is a limit as to what can be recovered, given the nature of the claims, the nature of the asset and the employment position of those against whom the State must take action to recover the moneys paid. The increase results from computerisation of the debt recovery system. It is estimated that recovery will be \$45 000 this year. Obviously, that is not satisfactory and it remains to be seen whether the situation can be improved. Amendments to the legislation are envisaged and they might assist in the recovery procedure. Those improvements will be implemented later.

**Mr RODDA:** When will the Government set up its interdepartmental committee on disability?

**The Hon. C.J. Sumner:** That is the interdepartmental committee as distinct from the Ministerial committee, which is known as the Human Resources Committee. I understand that the interdepartmental committee has been established, but I will check on that.

**Mr RODDA:** What is the membership of the committee and how will the members be selected?

**The Hon. C.J. Sumner:** The interdepartmental committee will consist of people from those departments involved in the delivery of services to the disabled, and presumably it will include the Adviser on the Disabled. Presumably, the members will be selected by the departments involved.

**Mr RODDA:** How frequently will the committee meet? What is the task of the committee and will it have access to the departmental policy making processes and, if so, by what mechanism?

**The Hon. C.J. Sumner:** Obviously the committee will have access to departmental policy making mechanisms. I will obtain an up-to-date report for the honourable member and provide a reply.

**Mr RODDA:** I would also like information on who will service the committee and at what cost. Will the Government establish an advisory council on disability?

**The Hon. C.J. Sumner:** The servicing of the interdepartmental committee will be addressed by the Adviser on the

Disabled. The question of the establishment of an advisory committee on the disabled is currently being addressed. Prior to the last election the Government made a commitment to provide administrative support for an umbrella organisation which would be representative of the disabled. I suppose there are two ways that Governments can obtain advice in this or any other area. In some areas advisory councils have been established, membership of which is appointed by the Government. At times certain reserved positions for representatives of interested organisations are provided on advisory councils; and at other times the Government merely appoints people it considers appropriate to give advice. Generally, advisory councils are agencies of Government.

The commitment given by the Government related to an alternative method of getting advice to the Government in this area. It was based on a model that I put forward in the ethnic affairs area where we considered that some administrative support could be provided to an umbrella organisation which was representative of ethnic minority groups, provided that the groups could get together and establish an umbrella organisation. The reason for choosing that type of model is that an advisory committee can often be seen to be an agency of Government. The Government can have control over who is appointed to an advisory committee. The philosophy behind the notion of administrative support to an umbrella organisation was to enable individuals and groups representing the disabled—similar to the ethnic affairs area—to get together and form a lobby group on behalf of organisations and individuals within this area.

In the ethnic affairs area, for instance, it is still being looked at. One of the problems that arise is that there are two groups in the ethnic affairs area which claim to be the umbrella organisation. The situation is more complex in the disabled area because three groups claim to be the umbrella organisation: ACROD, DPI and the mentally retarded association. It is a matter of the Government's working out how it can meet that commitment. There are differences of opinion amongst the groups as to which one is the appropriate umbrella organisation. I had in mind that it was up to the groups themselves to get together initially to produce an umbrella organisation to which administrative support could be provided to enable them to get their ideas together and provide advice and lobby the Government about issues of concern to them.

The advantage of this model is that it gives the groups an opportunity to provide independent advice unfettered by Government influence or, as might occur with an advisory council, a council established with Government appointees. In theory, I think the model for the groups is good. The difficulty is in realising it in practice. I hope to get the groups together so that they can properly form an umbrella organisation for the purposes that I have outlined: to provide information to the Government about problems in its area and to lobby the Government about the things that should be done. At the moment, the problem is that there is a competition between the various so-called current peak groups as to which one is the umbrella organisation. At one stage each of them wrote and said that it was the umbrella organisation and that the Government should fund it. That is not what the commitment was, and that will have to be made clear to the three groups. I am not going to get into the business of competing between the various groups in this or any other area. I hope to have a meeting in the near future to try to come to grips with the problem.

The commitment certainly was not to fund one particular self-nominated umbrella organisation; it was to provide some administrative assistance to an umbrella organisation that could act as a lobby group to Government. If that model is not acceptable because of differences of opinion



between groups, certainly the Government can look at an advisory council model, but if that self-generating, independent lobby group model is accepted by the groups and acted on there would not be any need for an advisory council as such. That is the sort of thing that we are trying to work through at the moment.

An interdepartmental committee has been set up. It has met twice. Mr Richard Llewellyn is the Chairman; it has representation from the Intellectually Disabled Services Council, the Health Commission, Department of Community Welfare, Education Department, Treasury and the Department of Social Security. It provides advice to the Premier's Adviser on Disability; it is preparing a statement of the functions as it sees them, and that should be circulated shortly.

**Ms LENEHAN:** My first question relates to the general line of the Attorney-General's Department. I refer to the yellow book, page 18, which says:

Staff of the Office of the Attorney-General also investigate and formulate law reform proposals and participate in committees.

In asking my question I need to give a very brief background. My question relates to a question asked of the Premier in Committee A last Tuesday, both by me and in follow up questions by some Opposition members of the Committee. In the Premier's statement of the Programme Estimate for 1984-85, it was stated under the heading 'Women's Adviser's Unit' that the Government would implement in the form of legislation the recommendations of the Naffin Report.

**The Hon. C.J. Sumner:** Who said that?

**Ms LENEHAN:** It was in the Premier's line, stating that the Government has sought to implement in legislation the recommendations. I am not suggesting that it reads 'every recommendation', but this was one of the features of the initiatives taken by the Premier's Department through the Women's Adviser's Unit. I asked a question to seek elaboration on that, and members of the Opposition asked the Premier exactly when such legislation would come before the Parliament. He referred the Committee to the Attorney-General and suggested that we should ask that question in your Committee. As a member of that Committee I decided that I would pursue that. Can the Attorney-General share with the Committee any proposals for such an implementation? Is the review of the feedback from the Naffin Report ready for public discussion?

**The Hon. C.J. Sumner:** It is an overstatement to say that the Government is committed to implementing the recommendations in the Naffin Report. That was never stated; it was certainly not stated by me at the time the report was released. It was released for public comment. That comment is being received by the Attorney-General's Office and is now in the process of being assessed by the Senior Legal Officer in the Attorney-General's Office. Eventually, the matter will go to Cabinet for consideration. I expect some resolution of the policy issues involved during this year, but it is not a simple area of law reform. Some submissions suggest that the proposals of Dr Naffin might not achieve the objectives. We have to assess those sorts of criticisms—some of which have been made by the Director of the Office of Crime Statistics, for instance—in the light of the original argument in the Naffin Report and then determine the policy issues involved.

**Ms LENEHAN:** My next question relates to the Crime Statistics Service, referred to on page 67 of the white book under programme 9 and on page 37 of the yellow book. In respect to reforming the rape law, I have two questions: first, because of the controversy that is currently raging in the community about the proposals to remove the unsworn statement, it seems to me that before such action is taken it would be of value to have access to information from the Office of Crime Statistics as to exactly what has transpired

in respect of the reform of the unsworn statement. My question relates to whether—I realise that it is too early to have any definitive research produced about the effects of this modified version of the unsworn statement—some trend is emerging at this stage and whether the Office of Crime Statistics would be able to provide such information for the community.

**The Hon. C.J. Sumner:** I have discussed that with the Director of the Office of Crime Statistics. We can obtain information about the incidence of the use of unsworn statements, the conviction rates and the like since the reform. I hope that we can do that; the only problem is finding the resources to do it, but that is being looked at at present. The statistics that we had taken out when I was a member of the Select Committee that was looking at the unsworn statement indicated that the rate of conviction for people who gave an unsworn statement was significantly higher than the rate of conviction for people who gave sworn evidence.

**Ms LENEHAN:** I am very pleased to hear the Attorney say that, because my question was prompted by the feeling in the community that just removing the unsworn statement will be some sort of magical panacea to right the position that currently exists in which people in the community feel that rape victims are not obtaining the level of justice that they should. I do not believe that it is a magical panacea in isolation.

On page 38 of the yellow book there is a section under 'Activity': 'Unemployment and rape study'. I am not sure whether that means an unemployment study and a rape study; I would like some elaboration. Can the Attorney elaborate on whether this is one study? Is it to do with unemployed people and rape? Is it two separate studies?

**The Hon. C.J. Sumner:** The Office of Crime Statistics is carrying out a study into unemployment and crime and is also providing advice on the Naffin Report. They are two separate sets of advice. There is no advice on one project: unemployment and rape.

**The Hon. H. ALLISON:** The yellow book (page 16) under 'Issues and trends' states:

As a result of amendments to the Classification of Publications Act video tapes were included under the definition of publications. Consequently the number of publications classified in 1983-84 greatly exceed the 1982-83 figure.

That sounds reasonable, but clause 2 of the Classification of Publications Act Amendment Bill (No. 91 of 1978) amended section 4 of the principal Act as follows:

(a) by inserting after the definition of 'adult' the following definition:—

'film' includes—

(a) a slide;

(b) a video-tape;

(c) any other form of optical or electronic record from which a visual image can be produced;:

It seems to be a rather delayed statement to say in 1983-84 that there was a result from 1978 legislation. It is also stated:

A dramatic decrease in number of videos submitted to the State board occurred after February.

That was after the Commonwealth passed its legislation. I suspect that the substantial decrease in that year was the result of classifications being ratified at State level after being forwarded by the Commonwealth and it was in no way the result of State legislation. Will the Minister comment on that? Would the Minister agree that it would appear that people are moving more towards Federal classification? Is this because the Federal Government has a more relaxed attitude towards classification of videos and, if so, should we exercise concern in that regard?

**The Hon. C.J. Sumner:** While videos were included under the Classification of Publications Act they were not covered

by the enforcement procedures under the Police Offences Act. The honourable member will recall that those amendments were passed only in December 1983. As I pointed out previously, South Australia was the first State to introduce legislation to bring videos under some form of control. That followed a meeting of Ministers responsible for censorship in Brisbane in mid 1983. Legislation was introduced late in 1983 and was passed before the Christmas recess in that year. It involved amendments to the Classification of Publications Act, but the important thing, and what should have been said, is that, as a result of amendments to that Act and to the Police Offences Act, video tapes were covered. Until December 1983, although videos could be classified if they were sold, if they were refused classification and sold there was no procedure by which to launch prosecution. That occurred following amendments to the Police Offences Act in 1983. Those amendments were broad and extended the criteria upon which prosecutions could be launched beyond the traditional concerns of obscenity and indecency to violence and the like.

In January a number of videos were classified or in some cases refused classification by the South Australian Classification of Publications Board. In February 1984 Commonwealth legislation came into place, and under the uniform system it was agreed at one stage (but it seems to be no longer agreed) that the State would pick up the classifications made by the Commonwealth film censor in regard to videos. That does not mean that the South Australian board would automatically pick up the classifications, although it would be hoped that, once the system was up and running, the South Australian board would accept the Commonwealth classifications. One film classified R by the Commonwealth film censor called *Blood Sucking Freaks*, when shown to the South Australian board as a video for classification, was refused classification here. There was the anomalous situation whereby the film could be shown publicly but could not be sold as a video.

It is hoped that that sort of situation will not continue to occur to any great extent when there is a fully operational system of compulsory classification. Classification will be undertaken by the Commonwealth film censor and picked up by the local Classification of Publications Board. The question of the uniform system is now in the melting pot, as honourable members probably know, and in fact there will be a meeting in Melbourne tomorrow supported by me but at the instigation of the Premier of Victoria, John Cain, following a breakdown of the substantial agreement reached in April about a compulsory system of classification of videos, with classification being undertaken by the Commonwealth film censor and picked up by the various States.

In addition to the traditional categories, there was to be an X category. Following the April meeting, at which I argued for a compulsory system of classification, and following representations in this Parliament in December 1983, both New South Wales and Western Australia decided to ban X rated material. Tasmania and Queensland had already indicated that they would ban X rated material, so the almost uniform scheme that was agreed to in April has come apart and it is now a matter of seeing tomorrow whether we can get back to some sensible uniform position. I have no doubt that the major debate will revolve around what to do with the X classification, and I have put forward views in this Parliament on that topic.

The State Government has yet to determine its attitude on the X classification. However, I believe that those people who maintain that the banning of X material will solve all the problems in this area are adopting a somewhat simplistic approach. If we ban X rated material, we may well start a black market in this area, because an activity that is not open and regulated will possibly attract criminal elements.

In any event, it seems to me that the problem is that attention has been given in the censorship debate to acts of sexual intercourse between consenting adults. While some people have been preoccupied with that area, some fairly heavy violence has been let in and classified. Tomorrow I will argue that more attention must be given to violence in films and videos, because it seems to me that, if we ban and concentrate on banning sexual acts between consenting adults on film, it may be going too far, and, in any event, it may not achieve the results that people want in this area.

As a result of the legislation that was passed last year, South Australia has acted. In January, following the passage of the legislation, the Classification of Publications Board refused to classify and therefore subjected to prosecution videos that involve sexual violence against non-consenting adults, preparation of drugs, weapons for terrorism, bestiality, and child pornography.

**The Hon. H. ALLISON:** And snuff movies.

**The Hon. C.J. Sumner:** They would come within that category. If there were any such videos, they would be refused classification. A considerable amount has been done in the area of videos. The question now seems to revolve around whether or not there should be an X category, and appropriate guidelines for the classification of other levels of video movies, and whether or not more attention and a stricter approach should be taken to violence. One proposition put forward is rather than there being an X category there should be an E category for erotica where there is no violence involved. That is something that also needs to be considered.

**The Hon. H. ALLISON:** The Minister seems to have raised something of a *non sequitur* in his comments when he says that he strongly suspects that the banning of X films would create a substantial underground demand for that type of film, yet at the same time he admits—and we already know this—that we have made it illegal to possess, sell or hire video films in South Australia that involve the whole range of subjects that the Minister mentioned a couple of minutes ago including snuff films, child pornography, bestiality, sexual cruelty and anarchy. Does the Minister base his claims regarding X-rated videos on some knowledge he has of an underground trade in the types of films that we have already banned?

**The Hon. C.J. Sumner:** I did not say that it would necessarily create a demand if we banned X-rated videos. I think that the demand already exists. This is shown by the number of X-rated videos that can be hired or bought from video outlets. If X-rated videos are banned, how is the demand for them satisfied? It would not then be satisfied in a regulated and open way, but may well be satisfied by an underground black market supply which, because it is not open and regulated, creates the added problem of the potential involvement of a criminal element.

While all banning is of the sorts of videos that I have outlined, the very nasty videos, I do not think that the problem is great because they serve a fairly narrow clientele. Once one starts banning the whole range of what is now considered X-rated videos then one is stopping the availability of those X-rated videos to a whole lot more people. Doing that would create a potential to force that market underground. In other words, if one is only dealing with a very small category, there is less scope for black marketing to develop, although it might still develop. When one makes anything such as alcohol or cigarettes illegal, or if one bans anything, people can establish a black market in that product and one then has to involve law enforcement agencies in stopping that black marketing.

If the area banned is relatively narrow—those categories I have outlined, of which I do not think there is a large number of videos, anyway—then it is easier to ensure that

the law enforcement agencies are able to operate in that area and keep them under control. Once one expands the banned category there is a greater capacity for a black market to develop because there are more people who want that material (for some reason that escapes me) and who try to get it—and who have been able to get it throughout Australia for the past 10 years. One then has a greater capacity for that broader area of X-rated videos to go black market. This is just one of the problems that may be created by banning X-rated videos. As I have said before, the Government has not yet made up its mind about this matter.

All I am saying to the Committee and to the public of South Australia is that it may be a simplistic solution to ban X-rated videos that does not achieve the end one wants. It may be politically desirable to do this, and it may be that the politician who announces it will be a hero and pick up some votes, although I am not suggesting that that is the honourable member's motive in relation to this matter. However, that is a possibility. Mr Wran may have considered it desirable to ban X-rated videos, as may Mr Bourke, for electoral reasons, but I think the issue is more complex than that and that before we take any action we want to consider the matter further. We may not achieve the objectives people want to achieve simply by banning all X-rated videos. However, that may not come to grips with the problem of guidelines relating to violence. Because there is a demand for some sort of X-rated videos at the moment, it may create a black market which will involve criminal elements that one could keep out if one has a regulated or open sale of X-rated videos.

**The Hon. H. ALLISON:** I thank the Minister for his lengthy explanation of what was behind his rationale, or his rationalisation of his personal attitude. Does the Minister share the concern felt by members of the public about the revelation shown in statistics from Western Australia, which I came by simply by phoning a dealer in X-rated video material in Adelaide? It is common knowledge within the trade that when Western Australia banned X-rated videos the Government gave the trade a two-month amnesty before the Bill came into effect during which 46 000 X-rated video films were disposed of, either in Western Australia or in the two nearby States of South Australia and Victoria where they are not banned.

This person says that he has no reason to conceal this fact, which is common knowledge in the trade. He said that that was the number of films dumped on to the open market during that two months. If that is the sort of dumping that goes on in States where X-rated video material is still permitted then I wonder whether the Minister does share my concern. I took on board the Minister's comment about the possibility of chasing votes, but must say that that group in society that I have been trying to protect, and that it is commonly sought to protect, both in the amendments to the child pornography legislation that I managed to squeeze through with Don Dunstan a few years ago, and in my concern over this issue, is the group which is not voting and which would not thank me very much for preventing them from having an opportunity to see this sort of material occasionally—that is, the under 18-year-olds.

I believe that the English Queens Counsel who came to South Australia a few months ago and called on the Attorney-General drew his attention to the fact that this is the single group in society that all of us are seeking to protect. We do not mind what adults view, provided that viewing does not result in the abuse of somebody, as would child pornography or snuff films. Adults have certain rights. However, it is the fact that video material is left around and can get into the hands of unsupervised children that is causing concern. The Attorney-General spoke about classifying E for erotica if it is explicit sexual activity without violence, but the same

material is currently labelled X to a large extent. We still have the same risk of its getting into youngsters' hands. How will the Minister legislate to prevent that? Is there not a better alternative to ensure that adults, if they wish to see such material, have to make a specific journey and go to some place where showing is permitted 'not necessarily a drive-in theatre, where anyone can look over the fence' but an enclosed area open to adults that can be readily policed so that we do not have youngsters being spoilt by it?

**The Hon. C.J. Sumner:** The member has raised a number of questions. One concerns so-called dumping. Probably there is a limit to the number of videos that one can dump. Obviously, there is some market for it but, on the other hand, I suspect that there are also many people who are utterly indifferent to X-rated videos of any kind—like me. There must be a limit to the amount of dumping that can occur, for instance, if South Australia and Victoria were the only States still permitting X rating. That question is one of the reasons that John Cain, when New South Wales decided to ban X rating, called for this national meeting of Ministers responsible for censorship which is to be held tomorrow and which I supported. While one may be able to bandy figures about as to the number of videos sold in Western Australia, South Australia, Victoria and in New South Wales—New South Wales legislation is not in place in regard to X videos anyhow—there is still a limit to what can be done with so-called dumping, because I think the demand has been satisfied to a fair extent under the existing arrangements. It is a question of some concern that the member has raised and doubtless it will be addressed tomorrow.

In regard to the question of the protection of children, I am not sure to what extent the United Kingdom legislation which was discussed out here by Mr Smythe QC goes much beyond what is being proposed in Australia and which is something I would need to look at more carefully. The proposal concerning children is to make it an offence for someone to show to a minor an X or R-rated video without the consent of a parent or guardian of that minor. That is something which has been suggested and which the Government will consider for introduction, along with the compulsory system of classification and any other action that we decide to take following tomorrow's meeting in Melbourne.

The honourable member may have some additional suggestion to put in regard to the protection of children from exposure to this material, but that is one suggestion that has been put and requires serious consideration. The other proposition is that X-rated videos or movies should be available only in cinemas established specifically for that purpose. That is an interesting suggestion, because until now the debate has been all the other way: the debate has been not to make publicly available the showing of X material but to say that people in the privacy of their own homes are entitled to see, hear and do what they like within the law. The suggestion of the member really turns that debate around.

**The Hon. H. ALLISON:** It came from Mr Smythe.

**The Hon. C.J. Sumner:** Yes, and others have suggested it. Certainly, it is a proposition that can be considered. All I am saying is that it turns the debate around as to what the traditional view has been, namely, that in the public arena one should not have X material available for showing, but in the privacy of one's own home one can. Now the debate has said 'Yes, but in the privacy of one's own home, because of the potential exposure to children it should be restricted and made publicly available.' I am saying that the debate has changed, but certainly that is one proposition that will be looked at tomorrow.

The other proposition being advanced is to confine X-rated videos to sex shops, although I must point out that both X and R videos are not available now to minors: X are available only from sections of video stores that are locked and set aside. The main problem is that those videos are here in the community, and the whole problem of trying to bring videos under some kind of control has been that they are very easy to copy. The problem that customs has in trying to deal with it is that one could get a container of goods, say, with one or two videos in the container smuggled in and, once they are in the country, there is no limit to what one can do: they can be copied and sold.

For that reason when we were talking about bringing videos under control we looked at the point of sale option as an additional means of bringing them under control, realising that import or customs controls are difficult to administer. One could have coming in from overseas a container comprised of 1 000 videos of different titles all perfectly innocent, yet in one, two or three, even with an innocent cover, there could be videos that were considered unsatisfactory, pornographic, violent, or whatever. The only way that Customs could check that would be to open all 1 000 videos and screen each one. That is the sort of practical problem that one has with a new technology, which provides the option to copy videos. It is a matter of how we can bring the situation into some kind of regulation without at the same time interfering with what I think is the generally accepted position in our society that there ought not to be controls over what people say or do unless there is some harm to other individuals or society as a whole.

**The Hon. H. ALLISON:** My supplementary comment—

**The CHAIRMAN:** I advise the member that he can ask as many questions as he likes because there are no other questions to be asked by other members.

**The Hon. H. ALLISON:** I have many more to ask. I wish the Minister to acknowledge that, whilst I was talking about having restricted viewing other than at home in regard to X material, we should also acknowledge that restricted viewing in those circumstances is not like having a video which can be played not only at normal speed but also can be replayed in agonisingly slow detail over and over again. There is substantially a difference between the video and the film that is seen at normal pace. It is not really the same thing that we are talking about. The Minister implied that when one sees a film, one sees a film. With a video, one can chop, replay, and change the speed. Modern machines are so sophisticated as to give a clear picture at slow speeds. The threat at home is very significant for young people. I simply ask that the Minister bears it in mind at the important conference tomorrow about which I was pleased to hear.

**The Hon. C.J. Sumner:** What the member says is perfectly correct, which is why the whole question of videos has been raised. That additional fact is one of the reasons videos have come in for so much attention in recent times.

The other thing that needs to be remembered is that there has to be some degree of parental responsibility in this area. Videos are with us to stay, and they can easily be copied. Some of the material allowed even in the R category would not be shown in a cinema to children, but is now available for the home. The Government can bring it under some form of regulation by restricting the sale to minors. The Government, the Parliament, and the law can only go so far. There still has to be parental responsibility. Even if one bans X rated videos one still has the problems of violence in the R category. Are we going to say that R category videos should be banned as well? When the Commonwealth Film Censorship guidelines are used degrees of violence that one might not want children to see are often on M category videos. Are people then going to want the M

category banned? In addition to what the Government does there has to be an acknowledgement by parents and the community generally at some time of their responsibilities in this area.

**The Hon. H. ALLISON:** It still amazes me to think that representatives of this Council a few years ago were happy to see Noddy and Biggles books banned from the State Library. Yet, here we are having a hell of a struggle in deciding whether or not to ban things that are far worse. It makes absolute nonsense of the whole Parliamentary system. If we cannot bring some rhyme or reason into the conference tomorrow, I will probably die laughing.

**The Hon. C.J. Sumner:** People were not banned from reading Biggles or Noddy. The honourable member suggests those books were banned from libraries. That is a mystery to me.

**The Hon. H. ALLISON:** They were taken from the shelves and put into the storeroom at the back. One had to get them on appro. One was looked at sideways if one went for a Biggles or a Noddy.

**The Hon. C.J. Sumner:** I have to rely on the honourable member's statement as to whether or not that is correct. I used to go to the Children's Library and borrow Biggles, which I quite enjoyed. The argument raised by the honourable member is not really analogous, because we were not suggesting banning people from reading Biggles. We are talking about banning videos. As I said before, the basic argument is where we draw the line on guidelines and where we draw the line on having an X or E classification. It is not an easy issue. I repeat: once one gets into this area the question is where one stops. Perhaps the honourable member will enlighten us on why Biggles was banned. It is a mystery to me, but he seems to know more about it than I do.

**The Hon. H. ALLISON:** I could have taken the analogy a little further, because poor harmless Dick and Dora who never went up the hill to do what little boys and girls do up hills were banned by the Education Department, too. A whole range of books was banned. It makes absolute nonsense of what has happened in the past and of the problems we are having in deciding that these videos are not good for children. It is nonsense to think that we have been quite happy to relegate a whole range of literature, which I suppose most of us cut our teeth on and are none the worse for wear—

**The Hon. C.J. Sumner:** We are not suggesting that we put X rated videos in the Children's Library.

**The CHAIRMAN:** This is not in a true confession situation of what we have done and seen. This is a question and answer Committee. The last quarter of an hour has been made up of statements only.

**Mr INGERSON:** Referring to page 14 of the yellow book, what amount was collected from practising certificate fees payable by legal practitioners and how was it disbursed?

**The Hon. C.J. Sumner:** I am quite happy to obtain that information.

**Mr INGERSON:** How much is in the guarantee fund? How much was paid out in 1983-84 and for what purpose? How much income was earned on the guarantee fund in 1983-84? How much interest was paid on solicitors' trust accounts in 1983-84? How much is expected in 1984-85? How was that interest disbursed in 1983-84? Is there any amendment proposed to the Legal Practitioners Act concerning interest on trust accounts?

**The Hon. C.J. Sumner:** I will obtain that information for the honourable member. Concerning the last question, an amendment is due to be introduced.

**Mr INGERSON:** Can we have a further explanation of what the amendment is about?

**The Hon. C.J. Sumner:** It is to give effect to the agreement that was entered into with the banks whereby interest was

paid on the whole of the balance of the trust accounts. I do not think that legislation is strictly necessary, but it is the Government's intention to formalise the situation. It also provides how the interest on trust accounts is apportioned between legal aid and the guarantee fund, and provides funds to enable a law foundation to operate.

**Mr INGERSON:** Concerning specific targets on page 18 of the yellow book, what are the references to the Law Reform Committee that are now outstanding?

**The Hon. C.J. Sumner:** We will obtain that information.

**Mr INGERSON:** In relation to South Australia's historic bays, what parts of the residual constitution links package have been agreed? What areas have not yet been agreed, and when is this agreement likely?

**The Hon. C.J. Sumner:** The residual constitution links matter has, I believe, been finalised for South Australia. I do not think that there are any outstanding issues. It is a matter of the United Kingdom Parliament making time available next year to pass the necessary legislation. Prior to that, legislation will need to be passed in the other Parliaments of the Commonwealth, including the Federal Parliament, that will then be presented to the United Kingdom for legislation to be passed through that Parliament.

I do not know how much information the honourable member requires, but I could continue for some time. I expect that legislation for consideration by Parliament will be ready as soon as the Commonwealth Government indicates that the United Kingdom Government is happy with what has been worked out. Cabinet has already approved in principle the proposal to sever residual links. It is a matter for legislation to be drafted.

**Mr INGERSON:** I refer to funding for the new position of legal officer on page 18 of the yellow book. To whom is the legal officer responsible and where will that person be located? How many legal officers presently serve the Law Reform Committee and how many are there in the Attorney-General's Office? What are the Government's plans for the Law Reform Committee following Mr Justice Zelling's retirement several years from now?

**The Hon. C.J. Sumner:** The increased allocation is for the new LE3 position of legal officer in the Attorney-General's Office. At the moment there are three legal officers: Ms Doyle (the senior legal officer), Mr Kleinig, and Ms Cross. Mr Kleinig has temporarily taken the position of Miss Philipa Kelly, who has been seconded to do a Government run executive development course. The new position is in addition to the three existing legal officers. In 1978 there were two legal officers. The former Attorney-General added a third position. The new position will assist in policy formulation.

On this occasion, and on other occasions, I think we should recognise the tremendous amount of work done by Mr Justice Zelling as Chairman of the Law Reform Committee in South Australia since, I think, 1969. His retirement in 1986 gives the Government an opportunity to look at the structure for law reform proposals in South Australia. The proposition is that we should establish a Law Reform Commissioner to take over the role of the Law Reform Committee; in other words, to establish a full time Law Reform Commissioner to replace the part time Law Reform Committee. The Law Reform Commissioner will have some research assistance. The current proposal is to establish a reasonably lean organisation in bureaucratic terms; nevertheless, it will be a position to which the Government can refer proposals for law reform measures.

The Law Reform Commissioner will be able to produce reports in much the same way as they are produced currently by the Law Reform Committee. The Government has provided for the purchase of Mr Justice Zelling's excellent law reform library. That will be made available to the Law

Reform Commissioner. It may be possible, from time to time, through secondments and the like, to make available to the Law Reform Commissioner resources in the Attorney-General's legal office. Existing staff, such as the research officer and clerical officer, could be carried over to the Law Reform Commissioner. The Budget allocation for the position of Law Reform Commissioner will be considered in the 1986-87 financial year, because I understand Mr Justice Zelling will retire in about mid 1986.

**Mr INGERSON:** I refer to the Human Rights Commission. What is the proposed expenditure for that Commission? What is the proposal in relation to work undertaken by South Australia for the Commonwealth Human Rights Commission? How many extra staff are involved in that work and what is the cost in a full year? What is the extent of Commonwealth involvement or control over the South Australian Commissioner and what funding will be provided by the Commonwealth?

**The Hon. C.J. Sumner:** I will obtain the detailed information required by the honourable member. However, in general terms, the policy is to have a situation of 'one stop shopping' for human rights inquiries in South Australia. Rather than having two bureaucracies—one established by the Commonwealth to administer Human Rights Commission matters, the Sex Discrimination Act, the Racial Discrimination Act, and so on, and another State bureaucracy to administer State legislation—the proposition is that the two should come together. Heads of agreement have been entered into with the Commonwealth in this area with the general policy objective of reaching a 'one stop shopping' notion in relation to human rights matters.

**The Hon. H. ALLISON:** Are changes envisaged for the Criminal Injuries Compensation Act, which the Attorney indicated earlier is being reviewed? If so, what will the changes entail and when will they be introduced?

**The Hon. C.J. Sumner:** I anticipate some amendments to the legislation, but I cannot anticipate what they will entail. I have asked that criminal injuries be looked at, and that area is being reviewed. At this stage I cannot say what the result will be. I think it is worth noting that some months ago I received representations from Mr Ray Whitrod of the Victims of Crime Service. He is concerned to obtain State Government support for a United Nations declaration on the rights of victims of crime. The seventh United Nations Congress on the criminal justice system, prevention of crime and rehabilitation of offenders will be held in Milan, Italy, next year. For the first time the Congress will include a segment dealing with victims of crime. I think the proponents of the United Nations declaration on the rights of victims of crime intend and want to reach a point where such a declaration could be discussed at that Congress. Mr Whitrod approached me in relation to the State Government's providing support for the preparation of such a declaration.

I agreed to that. Ms Doyle, Senior Legal Officer in the Attorney-General's Office, will work with Mr Whitrod to try to assess such a declaration and provide support for it with the Federal Government, through the congress in Milan and, ultimately, as a full declaration sponsored by the United Nations. That is another initiative in which we have been involved.

I have also indicated to the Crown Prosecutors—and this has filtered down in turn to the police who are prosecuting—that, where necessary, details about the effect on victims of any crime should be drawn more specifically to the attention of the courts than has happened in the past. At one stage it was proposed to have a victim impact statement prepared with respect to every case. The position that the Crown Prosecutor has indicated to me is that in assessing sentence a judge will obviously take into account the effects on a victim. It has been indicated that where the effect on a

victim has been particularly horrendous and out of the ordinary, which should lead a judge to make a greater allowance than is already made in the normal sentencing process for the concerns of that victim, those problems should be drawn to the attention of the judge or magistrate concerned. So, a number of things are happening in that area.

The main problem is the level of compensation. As has already been indicated, the payments in this area have increased substantially in recent years, almost to the point of \$1 million. The recovery rates are very low. Any increase in the amount of criminal injuries compensation paid is a direct burden on the taxpayer and the public purse. It is not like insurance in a road accident or industrial accident. That is not often clearly understood by people who see damages being obtained by someone in a road accident; those damages are often much greater than those received by a person injured as a result of a criminal act because of the limit of \$10 000, which is imposed because it is a direct charge on the taxpayer and on the public purse and is not covered by any system of insurance.

That problem might be overcome if we ever in Australia get a national accident compensation scheme, but that is a long way down the track. So, yes, we are looking at a number of initiatives in this area that may involve amendments to the Criminal Injuries Compensation Act. I expect to receive a report from the legal officers in the Department soon as to what might be done, but I am not in a position to take the matter any further.

*[Sitting suspended from 4.4 to 4.25 p.m.]*

**The Hon. H. ALLISON:** How many claims are presently outstanding under the Criminal Injuries Compensation Act, and what is the estimated liability against these claims?

**The Hon. C.J. Sumner:** We do not have that information, and it would be quite a problem to work out the amount of the claims. It would be a matter of seeing whether on every file the officer concerned had assessed the possible liability. I do not really think that that could be justified.

**The CHAIRMAN:** If the Minister intends providing information in response to a question, I ask that it be sent to the clerk of the Committee prior to 19 October.

**The Hon. C.J. Sumner:** We will do our best.

**The Hon. H. ALLISON:** The yellow book at page 20 under '1983-84 Specific targets' states that recovery procedures have been revised and implemented. I note also that \$37 800 was recovered in 1983-84, and it is estimated that \$45 000 will be recovered in 1984-85. Will the Minister say whether the present procedures are much more efficient and whether he anticipates receiving substantially larger amounts?

**The Hon. C.J. Sumner:** I have something of a feeling of *deja vu*: I thought I went through this exercise in response to a question from another honourable member.

**The Hon. H. ALLISON:** I thought that that response was more retrospective.

**The Hon. C.J. Sumner:** I indicated that the estimated recovery this financial year is \$45 000 as opposed to \$37 800 recovered last year. In 1982-83 only \$12 430 was recovered. There was a reasonably significant increase in 1983-84, but nothing like the \$1 million that we are paying out. Because of the nature of this area and because we are dealing with people who often go to gaol and who, when they come out of gaol, are unemployed and do not have assets, it is very difficult to improve the recovery rate. However, we have taken action of a technical nature in computerising the system of debt recovery in this area, and that has partly led to an increase.

Some legislative changes can be and are being considered in the context of the review that is being carried out, as I

indicated earlier, to make the registration procedure and the enforcement procedure through the courts a bit simpler. If any improvement can be made in that regard, it will be included under legislation when it is introduced.

**Mr INGERSON:** The yellow book (page 22), in regard to Parliamentary reporting, states that there is a problem in relation to the operation of the on-line transmission to the Government Printer. What has been the difficulty with the on-line transmission to the Government Printer? Is it now effective and, if not, why not? Are there any additional costs incurred going on-line and were there any special conditions set at the Government Printer before it could come into effect?

**The Hon. C.J. Sumner:** Mr Paech will answer that question.

**Mr Paech:** The transmission is now effective. Initially there were problems. At present there is a dedicated line being installed which will make the time of transmission even more effective. The transmission is now effective and can be further improved with this dedicated line.

**Mr INGERSON:** Has the staff now accepted the procedures involved?

**The Hon. C.J. Sumner:** Mr Paech will answer this question.

**Mr Paech:** As far as I am aware, the staff is quite happy with the procedure at the moment.

**Mr INGERSON:** At page 25 of the yellow book with reference to Parliamentary Counsel and under the heading 'Issues and Trends' there is a comment that there have been continuing difficulties in obtaining instructions for Bills in adequate time. What has caused this problem and how does the Government intend overcoming it?

**The Hon. C.J. Sumner:** I do not know how that got in there. It looks like a whinge from Parliamentary Counsel that found its way into the programme notes. I do not know that there is anything specific on this topic. I suppose it is the age-old problem of departments working to deadlines and Parliamentary Counsel and the Parliament working to a deadline. I suppose that it is a bit of a lament that it would be nicer if instructions for Bills were received within a reasonable time. I really do not know what Parliamentary Counsel has in mind beyond what has always been recognised as a difficulty.

**Mr INGERSON:** My next question relates to the word processing system. There is a comment in relation to work on consolidation that it is proceeding after initial difficulties. Which Acts have been consolidated, what is the programme of revision and printing and what were the initial difficulties in developing work methods?

**The Hon. C.J. Sumner:** I will get those details for the honourable member. The Workers Compensation Act has been consolidated and the Mental Health Act is in the process of consolidation. I will obtain details of the programme that Parliamentary Counsel has in mind for the consolidation of Acts for the honourable member.

**Mr INGERSON:** I mentioned earlier today the possibility of having loose leaf statutes. Can the Attorney-General supply further information about this area?

**The Hon. C.J. Sumner:** There is a proposal to provide in the next consolidation of the South Australian Statutes for a loose-leaf or pamphlet form so that, rather than consolidating as we did for the Acts in 1975 and the earlier consolidation in the 1930s and then have those Acts going out of date within a short time because of subsequent amendments, the proposition is that the next consolidation be in a loose leaf or pamphlet form. I am advised that each method has its advantages and disadvantages. The initial printing and distribution of loose leaf legislation is more difficult to produce, and depending on the type of mechanical binding, would be about the same cost as the volumes we get now. However, printing and distribution of amended



pages and the reprinting of the second and subsequent consolidation is more difficult to control and confusing to all parties. Each page in the loose leaf volume must be foliated and dated. In addition, to ensure that the recipient can verify his legislation has been fully amended it is necessary for a register of pages listing all pages and the dates of the last amendment to each page to be issued with each amendment. It is also not practical to insert amendments into loose leaf volumes prior to sale. The original loose leaf consolidation and amendments would have to be sold separately. The publication in pamphlet form would have the advantage of bringing our practice into line with that of the Commonwealth and other States and would obviate the risk of oversight or error that exists where pages have to be removed and substituted.

The former Attorney-General, Mr Griffin, considered that pamphlet copies of Acts filed in mechanical binders could be developed into a more efficient method of maintaining up-to-date legislation in the loose leaf system. Apart from a few isolated instances such as the Local Government Act, which needs special consideration, it is cheaper to consolidate as soon as an amendment is made, print and distribute the new consolidation, than it is to print, distribute and store the amendments separately. The former Attorney-General, Mr Griffin, approved the next consolidation of the South Australian Statutes being in a pamphlet form rather than the bound form produced previously.

In view of the fact that the present Government considers that to be a satisfactory initiative, no steps have been taken to countermand that instruction. I take it that the honourable member understands the difference between the loose leaf and pamphlet systems. The system we are trying to get to is a pamphlet system, which will be—

**The Hon. H. ALLISON:** An immediate consolidation.

**The Hon. C.J. Sumner:** Where possible an immediate consolidation of Acts that are amended. Eventually one would have a consolidation in binders instead of having the sewn-bound volumes we have now of all the Acts from A to B in one volume down the line. There would be a mechanical binder containing a certain number of Acts in pamphlet form and then when they are re-consolidated one will take out the old pamphlet and put in the new one consolidated and up to date. It would be hard to justify in the case of the Local Government Act or a large Act where there was, say, a one page amendment, reprinting the whole Act just to incorporate that one amendment and then issue it to everyone who had the loose leaf system. So there would still be a need for people to take responsibility for adding to the consolidated pamphlet any amendments that are made, but it will have the advantage that instead of having to search through three or more bound volumes to get all the amendments one will just go to the one pamphlet form in its mechanical binder.

One would find that Act in pamphlet form together with any amendments that were made to it all in one place. It would be easier to keep up to date for practitioners and everyone and, when the problem arose of too many pamphlets, there would be a consolidation. One would throw the old pamphlet away and replace it with the new one. That is the proposition advanced by the former Attorney and it is the way that we are now going. The only problem we have is a resource problem. To do a consolidation one must make specific provision for it and put someone on the job specifically, as happened with the 1975 consolidation, a job that took about four or five years. When it is decided to do that, that is the way it will be done, but there are problems in getting someone to do it and paying for it.

**Mr INGERSON:** This situation is a perfect example of the advantage of the use of a floppy disk and the ability to be able to update immediately. I refer to page 29 and a

matter that perhaps should be referred to the Electricity Trust because of the incredible position obtaining where in 1983-84 the outcome was 1.9 full time equivalents from an expenditure of \$20 600, yet in 1984-85 from an expenditure of only \$19 500 we have an increase in employment of full time equivalents of 2.5. Can the Attorney explain this remarkable development?

**The Hon. C.J. Sumner:** This question seems to represent one of the few mysteries in this volume, and perhaps I will ask Mr Paech to comment.

**Mr Paech:** The answer is that the administrative staff in this area encompass four or five people whose costs have been spread across other activities in which they are also involved.

**Mr INGERSON:** I refer to 'Delivery mechanisms' on page 30. How many staff are there in the Solicitor-General's office?

**The Hon. C.J. Sumner:** There is a typist in that office. Mr Richard Kleinig was the research officer to the Solicitor-General but, as a result of Ms Kelly's secondment to the executive development course, Mr Kleinig has come into the Attorney-General's office but still performs work from time to time for the Solicitor-General. Any additional research capacity that the Solicitor-General needs now is being handled from the Crown Solicitor's office.

**Mr INGERSON:** Under 'Issues and Trends' it deals with the continuing policy trend of using regulations instead of authorising by Statute—what sort of problems is this creating for the Crown Solicitor's office?

**The Hon. C.J. Sumner:** The only problem is the need for more complex regulations. This trend has developed despite whatever Government is in office and despite some point being made in Parliament about it. It is a fact of life, whether one likes it or not, and whether one approves or not there is an increasing tendency to state general principles in Acts and leave much of the substance to regulations. The problem with regulations is that, because what one is regulating is getting increasingly more complex as a result of the increasingly complex nature of modern society, it means that more resources have to be put into the preparation of regulations, whether it be radiation protection regulations or whatever. That is what it refers to: the resource problems that occur as a result of regulations having to be drafted.

At present they are drafted in the Crown Solicitor's office, but there is a proposal to make the Parliamentary Counsel responsible for the drafting of regulations, the argument being that there should not be this distinction in responsibility between the Parliamentary Counsel who drafts the Acts and the Subordinate Legislation Division of the Crown Solicitor's office that drafts the regulations. There is some validity in placing the drafting of the Act and the regulations with the Parliamentary Counsel. There is merit in that, certainly from a theoretical point of view. Those drafting Acts should have in mind that in a few weeks they will be looking at the regulations, and one could get greater consistency between the Act and the regulations and greater consistency of drafting. One of the problems put to me is that there might be further delays, because the Parliamentary Counsel may be more meticulous in drafting and would want to draft in a certain style, whereas the Crown Law office may be more ready to accept the drafts put up initially by departments.

There are some problems but, in theory, I think that that is the way we should go. The Deputy Crown Solicitor has indicated a further reason which, I think, is valid, that one therefore creates within the Parliamentary Counsel's office greater career opportunities and can provide experience for drafts people at the regulation level which can then be translated up through the system to Acts of Parliament. This is being looked at at the moment.



**Mr INGERSON:** Was there any inference in the early part of the Attorney's reply suggesting that he would prefer less regulations and more in the Act?

**The Hon. C.J. Sumner:** That is a difficult question. Obviously, one would like as much in the Act as possible. One only has to look at Acts passed in the United Kingdom, for instance: with the sort of pressures on its Parliamentary time there is a greater tendency for Acts to express broad intentions and principles and leave aside the regulation to subordinate legislation. The problem was pointed to back in the 1930s by Lord Hewart, the Chief Justice of the High Court in the United Kingdom, in a book entitled *The New Despotism* when he talked and complained about the growth of regulations that were not subject to Parliamentary control, although they are subject to Parliamentary control through the disallowance procedure. The trend he pointed out has, in fact, continued. I do not think that it has continued for any sinister motive but probably because the problems of regulation are getting more and more difficult, and there is a need for greater flexibility in regulation.

**The Hon. H. ALLISON:** For expediency?

**The Hon. C.J. Sumner:** Expediency in the sense that it is easier to change regulations than Acts of Parliament. It is very difficult to put a whole regulatory regime relating, for instance, to radiation protection in an Act of Parliament. Parliament would be sitting and looking at the regulatory details in a way that it is not equipped to do. Parliament is better equipped to handle that sort of problem through such mechanisms as subordinate legislation committees. For example, regulations in relation to contaminants and the like in food are fairly minute and detailed and really can only be done through regulation. The trend that has occurred is not through anything sinister on the part of any Government, but because of pressure on Parliamentary time and, what is more significant, because of the increase in complexity of modern-day living and technological processes that require a more detailed consideration of regulations.

**Mr INGERSON:** What is the present division of responsibility between the Solicitor-General and the Crown Solicitor?

**The Hon. C.J. Sumner:** The Solicitor-General is a statutory officer under an Act of Parliament and is chief counsel for the State responsible for advising the Government on matters referred to him, and he appears in the Court of Criminal Appeal and the Full Court in the Supreme Court on appropriate occasions. He appears before the High Court and is responsible for general advice, particularly on constitutional and important questions of law—in other words, the chief counsel for the Government. The Crown Solicitor also appears in court, as do other solicitors employed in the Crown Law Office, including the Deputy Crown Solicitor and others. The Crown Solicitor is also head of the Attorney-General's Department, and is ultimately responsible for the administration of that Department. He is also responsible for advising the Government on a wide range of issues.

**Mr INGERSON:** What is the extent to which consultants in the private legal profession have been used to assist the Crown Solicitor's Office?

**The Hon. C.J. Sumner:** Are you referring to people being briefed to appear for the Crown from the private profession?

**Mr INGERSON:** Yes, is work handed out outside the Public Service or is it generally maintained within the Government?

**The Hon. C.J. Sumner:** Most of the work is done in-house, but on occasions the private profession is briefed. Because an Assistant Crown Prosecutor (Mr Apps) transferred to the Corporate Affairs Commission and will receive a permanent appointment in the legal section of that Commission there was a temporary problem in the Crown Prosecutor's Office, and some briefs were given to a member of

the private profession to overcome it. Going back in history, the Crown did brief the private profession when there was a shortage of Crown prosecutors. A few years ago the number of Crown prosecutors was increased, and the work is done in-house wherever possible. There are obviously some exceptions and one I mentioned was the case where we needed to cover the transfer of an Assistant Crown Prosecutor to the Corporate Affairs Commission on a temporary basis.

**The Hon. H. ALLISON:** Page 33 of the yellow book states:

Representation of Government agencies in appeals against administrative actions.

Does the Minister have any idea how many appeals there were and whether there are any significant ones?

**The Hon. C.J. Sumner:** No, I cannot answer that off-the-cuff, and I am not sure what would be required in terms of research in the Crown Law Office to ascertain the information. I suspect that the information would be fairly difficult to obtain. Perhaps the Crown Solicitor can provide some examples of the sorts of things that are covered by that statement.

**Mr Cramond:** There are a number of different categories of matters that come under that general heading including things like prerogative writs against decisions made by licensing tribunals, sometimes Ministerial decisions, and a whole variety of things, in addition to which there can be particular pieces of legislation where some right of appeal is expressly given from a decision of a tribunal either to a court or to an administrative appeal tribunal.

The difficulty is that statistics are not kept in the form sought under this head. All our work comes by way of reference from a client department. It comes to us under the docket of the department and it may be headed in a form which does not coincide with the categories we use. While information could be obtained, to categorise it in the way sought by the honourable member would involve a high degree of input.

**The Hon. H. ALLISON:** I refer to 'Preparation of Commercial Agreements for Government Agencies' on page 35 of the yellow book. Has the Crown Solicitor been involved in the ASER contract and, if so, to what extent?

**The Hon. C.J. Sumner:** The Crown Solicitor has been exclusively involved in advising the Government on the ASER deal. There are other parties to it. Mr Selway of the Crown Solicitor's Office has had that responsibility and I think he has been involved since early in the negotiations.

**The Hon. H. ALLISON:** I refer to 'Commentary on Major Resource Variations between the years 1983-84 and 1984-85' on page 37. Funding is provided for a new position of project officer. In what area will that officer work?

**The Hon. C.J. Sumner:** That relates to the Crime Statistics Services Office. When the Crime Statistics Services Office was established it was envisaged that it would have a complement which included a project officer. The Government has now agreed to fund that position. The salary shown is for a CO4 position and the allocation is for the remaining three-quarters of 1984-85. A full year's funding will be provided in 1985-86.

**The Hon. H. ALLISON:** I refer to '1984-85 Specific Targets' on the same page, as follows:

Participate in review of parole in South Australia.

Who will control the review of parole, when will it commence and who will be involved?

**The Hon. C.J. Sumner:** I do not know that a specific committee has been established to review parole. I think that it is a matter of the Crime Statistics Services Office keeping tabs on this area rather than its being a formal review established by the Government.

**The Hon. H. ALLISON:** No terms of reference have been set down with a reporting date?

**The Hon. C.J. Sumner:** I will check to see whether or not anything has been done in Correctional Services, which is the Department being serviced by the Crime Statistics Services Office. I think it is simply a matter of the Crime Statistics Services Office keeping an eye on the parole system rather than there being a specific committee to review parole. If that is not the case, I will ask my officers to check.

**The Hon. H. ALLISON:** I refer to '1984-85 Specific Targets' on page 41 of the yellow book, as follows:

Testing period proposed for computerised docket movement and referencing system.

That is not very specific. What does that involve and what are the costs and benefits?

**Mr Paech:** This relates to a docket referencing system which the Government Computing Centre is purchasing for use throughout the Government. The Attorney-General's Department begins a three-month trial period in two weeks. A trial has already been undertaken in the E & WS Department, so we will be the second department to use it. It will control docket movements throughout the Department.

**The Hon. H. ALLISON:** Under '1983-84 Specific Targets' reference is made as follows:

Installation of a computer terminal to access the Commonwealth Attorney-General's legal information retrieval system.

I believe in previous years South Australia negotiated to gain cheap access to the Victoria/New South Wales computerised legal information and retrieval system. I understand that that was agreed in past years. What is the current standing of the Victorian/New South Wales and Commonwealth ventures? We are not critical of it—we think it is a very good idea.

**The Hon. C.J. Sumner:** I have already answered questions on the JIS and CLER systems. I indicated that a committee had been established to advise the Government on negotiations between the State Government and Computer Power. Members of the committee will include Miss Helen Bashford (Librarian in the Crown Solicitor's Office), Mr John Mleczku (of the Government Computing Centre), Nicholas Pengelly (of the Legal Services Commission), Ian Norsworthy (a legal practitioner in private practice), Terry Evans (representing the Law Society), and Mr Kym Kelly of the Crown Solicitor's Office. That committee will advise the Government on Computer Power or the CLER system. Page 41 of the yellow book refers to the Scale system, which relates to material held by the Commonwealth Attorney-General's Office, and in particular the Commonwealth Government Solicitor's office in South Australia. The terminal mentioned on page 41 refers to accessing that material.

The previous Federal Government refused to allow the States to access that material. The new Federal Government is more sympathetic and agreed that we could lock into the system and make use of the information held by the Commonwealth Attorney-General's Office. I think we are already locked into the Scale system as a result of the terminal mentioned on page 41. The CLER system is a more all-embracing system of legal information retrieval which involves negotiations with Computer Power. I may have given an incorrect impression. We are accessing the Commonwealth Government Solicitor's library in Canberra. That is what the terminal is for. Therefore, there are two things.

**The Hon. H. ALLISON:** On page 42, concerning 'Minister and Minister's Office', can the Minister say how many legal and research officers there are in his Ministerial office serving the Minister?

**The Hon. C.J. Sumner:** Once again, I have a distinct feeling of *deja vu* because I thought that I had answered that previously. At present there are three legal officers—Ms Doyle (the Senior Legal Officer), Mr Kleinig (who has

replaced Ms Philippa Kelly, who is on an executive development course), and Ms Margaret Cross. In addition, approval has been given for an LE3 position, which was the subject of the question asked earlier, to which I responded. There will be four policy legal officers in this financial year in the Attorney-General's Office. Then, there is the question of the Solicitor-General's research officer; at present the Solicitor-General does not have one full time.

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

Works and Services—Attorney-General's Department, \$250 000—Examination declared completed.

Attorney-General, Miscellaneous, \$783 000

**Chairman:**

Mr G.T. Whitten

**Members:**

The Hon. H. Allison  
Mr T.R. Groom  
Mr G.A. Ingerson  
Ms S.M. Lenchan  
Mr M.K. Mayes  
Mr W.A. Rodda

**Witness:**

The Hon. C.J. Sumner, Attorney-General, Minister of Consumer Affairs, Minister of Corporate Affairs and Minister of Ethnic Affairs.

**Departmental Advisers:**

Mr J.M.A. Cramond, Acting Crown Solicitor, Attorney-General's Department.

Mr R.K. Paech, Chief Administrative Officer, Attorney-General's Department.

Mr M.N. Abbott, Acting Deputy Director, Legal Services Commission.

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

**The Hon. H. ALLISON:** We draw attention to the fact that the grant to the Royal Association of Justices (on page 107 of the yellow book) is very static at \$5 000. Does the Minister believe that this figure is sufficient to maintain the Association of Justices? There is no inflation factor.

**The Hon. C.J. Sumner:** We have not had any difficulties as far as I am aware. I am sure that if there were a problem the Royal Association would draw it to our attention, but I do not recall having received any representations on that topic.

**The Hon. H. ALLISON:** Concerning the next line, Legal Aid, \$660 000 for 1984-85, what is the total budget for the Legal Services Commission for 1984-85? What are the amounts paid by Commonwealth, State and other sources? If it is not available immediately, can the Minister make the information available later?

**Mr Abbott:** I can provide information with respect to the expenditure for the financial year just completed, but I do not have the proposed budget figure for the 1984-85 financial year. I can provide that.

**The Hon. C.J. Sumner:** This information is contained in the Sixth Annual Report of the Legal Services Commission, which is currently in draft form and which will be tabled when Parliament resumes. We can provide the member with information now if there is urgency about it. If not, it will

be publicly available. If there is anything that the member wants to know in addition to what is in the report, we can probably provide it then.

**The Hon. H. ALLISON:** Has the State Attorney-General yet responded to the Federal Attorney-General, who recently announced that there would be possible areas of change in the Federal involvement in legal aid with a possible passing of greater responsibility to the States? If so, what have we decided?

**The Hon. C.J. Sumner:** The Chairman of the Legal Services Commission has responded on behalf of the Commission, and I have responded as well. It was not a matter of handing greater responsibility on to the States, but of the Commonwealth Attorney's being concerned that there was an attempt to get some uniformity into the use of resources throughout the States in the legal aid area. The response has been made.

**Ms LENEHAN:** Line 3, Community Legal Centres, \$95 000, is a new line. What is the role that the State Government is now adopting with respect to funding of community legal centres? Can the Minister or his advisers elaborate on the funding of the various legal centres in South Australia? I am particularly thinking of the community legal centre in my own area at Noarlunga, which is extremely successful.

**The Hon. C.J. Sumner:** The Government decided that there should be a specific line in the Budget dealing with community legal centres. That allocation was made and is what was referred to by the honourable member. The Legal Services Commission will be responsible for considering applications from community legal centres for a division of those funds. I am not in a position to give the honourable member any information at the moment as to how much funding the applicants might receive; that is a matter that will be considered by the Commission. It is a significant initiative that we have specifically made available in a separate line of State Government funding for community legal centres.

**The Hon. H. ALLISON:** The last question on the Miscellaneous line from this side: on page 108 for the judges' pensions pursuant to the Judges Pensions Act there was a proposed \$443 000 for 1983-84 and nothing for 1984-85. What amount should be there? What categories and what persons other than judges now participate in the pensions scheme; for example, Commissioners in the Industrial Commission, who have been admitted since 1 January 1983?

**The Hon. C.J. Sumner:** It looks as though it has disappeared. I expect that you will find it in the courts area under 'Special Acts'. I did outline it before, although admittedly that concerned judges' salaries.

**The Hon. H. ALLISON:** We had a question on judges' salaries and went through the whole range of them but I do not recall this appearing anywhere else. There is a missing figure under 'Judges' pensions' at page 108 of the yellow book. A sum of \$443 000 was proposed in 1983-84, but there is no mention of the actual expenditure or the allocation for 1984-85.

**The CHAIRMAN:** That does not come under 'Miscellaneous'.

**The Hon. C.J. Sumner:** The information would have been prepared by Treasury; it comes under special Acts, but is included in the yellow book for programme purposes to give an impression of the whole programme. We will ascertain what line that comes under.

**The Hon. H. ALLISON:** I accept your ruling, Mr Chairman. I believed that this came under 'Miscellaneous' but it would come under special Act payments.

**Mr INGERSON:** A sum of \$580 000 is shown for judges' pensions at page 9 of the Estimates of Payments.

**The Hon. C.J. Sumner:** That still does not explain the missing figures.

**The CHAIRMAN:** That is not within the range of this Committee.

**The Hon. C.J. Sumner:** Regarding the question of service by post, the Government has approved of service of originating proceedings in the Local Court by post. The matter is being handled within my office by one of the legal officers. There is a draft Bill, and comments were sought from the Law Society. I understand that the views of the Law Society have been taken into account in preparing the draft Bill. The matter is to be further considered by the Courts Department, which will also consider the draft Bill and the comments of the Law Society. When that process is completed, Cabinet will consider the Bill and it will be introduced.

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

Public and Consumer Affairs, \$13 334 000

**Chairman:**

Mr G.T. Whitten

**Members:**

The Hon. H. Allison

Mr T.R. Groom

Mr G.A. Ingerson

Ms S.M. Lenehan

Mr M.K. Mayes

Mr W.A. Rodda

**Witness:**

The Hon. C.J. Sumner, Attorney-General, Minister of Consumer Affairs, Minister of Corporate Affairs and Minister of Ethnic Affairs.

**Departmental Advisers:**

Mr M.A. Noblet, Director-General, Department of Public and Consumer Affairs.

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

Mr W.A. Pryor, Chief Management Services Officer.

Mr D.A. Hassam, Senior Management Services Officer.

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

**The Hon. H. ALLISON:** Will the Minister consider converting the description of 'Corporate/management objectives' at page 113 of the yellow book from what I believe to be very negative terms into more positive terms? For example, I point out the disappointingly negative approach that comes from phrases such as 'to minimise unfair trading practices': we believe that the thrust should be 'to promote fair trading practices'. Instead of 'to minimise the incidence of disputes relating to residential tenancies' the thrust of the description should be 'to promote agreement between landlords and tenants'. Instead of 'to ensure that persons engaged in certain industries meet minimum standards of competence and probity' it would be better to say 'the promotion of standards of competence and probity'. The phrase 'to protect persons from potential injury and loss of life by prescribing and enforcing adherence to safety standards in places of public entertainment' could read 'to promote adequate safety standards in places of public entertainment': that would be a better approach.

I believe that the Tonkin Government adopted a much more positive approach, which surely would have impinged on the general morale and well-being of the Department. If we inculcate a negative attitude in a Department, if we attack people with whom we deal constantly, it promotes

the wrong attitude. Will the Minister consider amending the aims and objectives to make them friendlier?

**The Hon. C.J. Sumner:** I will consider the honourable member's suggestions. As for the proposition that the Tonkin Government's policies had a desirable effect on the morale and well-being of the Department, that is absolute nonsense. The Tonkin Government's policies had a devastating effect on the Department of Public and Consumer Affairs. Let me cite the figures. If the honourable member consulted the record of last year's Estimates Committees, he would see the effect of the Tonkin Government's ravages on the Department. The fact is that that Government gave absolutely no priority to this area.

The real reduction in staff from 1979-80 to 16 September 1983 (excluding ethnic affairs) was from 405 to 380.3, a reduction of 24.7 full time equivalents. A further 30 staff should have been provided to enable new initiatives in the Department during that period to be carried out. So there was an effective reduction of 54.7 full time equivalents from that period, which is not the whole period of the Tonkin Government, I appreciate. The rot really started in the period of the Tonkin Government. The trend towards a reduction of staff in this Department that occurred during the time of the previous Government has been arrested.

**The Hon. H. ALLISON:** Can the Minister tell us whether the matter of uniformity is being addressed? The question of uniformity between States is essential in packaging and labelling, not only between States but within States because we believe that it will help to avoid undue costs to manufacturers and, ultimately, to consumers. There is often an overlap in packaging and labelling between Consumer Affairs Department requirements and health requirements. Is this area being addressed by any of the Minister's officers?

**The Hon. C.J. Sumner:** I will comment on the previous question again as to the descriptions here. My understanding is that these corporate management objectives are in very similar terms to those that appeared in the yellow books when the honourable member was a Minister in the previous Government. I also point to the second column on page 113 where I am sure the member will find the sorts of positive statements that he is looking for, statements such as:

To promote a concept of fair trading within the community and, by education, to encourage self-help on the part of consumers.

That seems to be a positive strategy, which I am sure the honourable member would be enthusiastic about.

The question of uniformity is an important issue. In fact, the Labor Party in this State and the Federal Labor Party went to their last election with a commitment to promote uniformity. In fact, after the election of those Governments, a working party was set up, following in fact a proposition I put to the Standing Committee of Consumer Affairs Ministers, to promote uniformity in consumer affairs legislation. Procedures already exist to promote uniformity in packaging that Mr Noblet may be able to give more information about.

At least in terms of recent initiatives a working party on uniformity of legislation is currently working on the development of a uniform, fair trading Act which can be incorporated in both State legislation and in Part V of the Trade Practices Act, so that there would be mirror legislation at the Commonwealth level dealing with fair trading of corporations with that legislation also existing at the State level to deal with the area of individual firms and the like where the State has constitutional responsibility.

Unfortunately it is a fact of life in our federation that it is difficult to achieve uniformity. However, it is a desirable objective and we are working towards it through this working party. Mr Noblet can perhaps explain some of the other initiatives regarding uniformity that are already in place.

**Mr Noblet:** There is little I can add to what the Minister has already said. On the national basis uniformity is proceeding with a high priority. A standing agenda item for all meetings of officers and Ministers relates to uniformity of packaging and labelling in particular, which the honourable member raised. This is a subject of continuing concern at the national level. Within the State, an interdepartmental committee has been established so that all submissions that go to Cabinet which contain requirements relating to packaging and labelling go first to an interdepartmental committee so that an assessment can be made of whether this submission involves additional regulations or whether it is consistent or not with existing regulations to try to bring about as much rationalisation as possible of packaging and labelling requirements within the State.

**Mr INGERSON:** At page 113 of the yellow book a statement is made that social and economic changes have contributed to some consumers adopting an aggressive and unrealistic attitude and some traders becoming unco-operative in relation to consumer complaints. Can the Minister expand on those two matters?

**The Hon. C.J. Sumner:** These are matters that have been referred to in the annual reports of the Commissioner for Consumer Affairs, Mr Noblet. I refer the honourable member to those reports. I think there was comment on this matter in his most recent report, the one tabled last year. Partly, this comes about because of some misunderstanding about what Consumer Affairs Department officers can do. Obviously the Department exists to assist consumers, but it does not exist to automatically take a consumer's side without having a matter properly investigated, so the officers of the Department to whom complaints are made and who are responsible for investigations do have a responsibility, while certainly having a general brief to assist the consumer, to investigate complaints and to ascertain whether or not there is any substance in them and to then advise the consumer following that investigation.

Some consumers, however, take the view that Consumer Affairs Department officers should take up their case right or wrong. That is really a misconception about the role of the Department, a misconception fairly commonly held. Clearly, we have to ensure that the officers carry out an investigation and give advice to a consumer following the merits of that investigation. From time to time we have problems with traders being unco-operative. However, I think that it would be true to say that they are in a minority. There are certain people who are unco-operative and who get named from time to time in the Commissioner's reports, but I think it is true to say that they are in a minority.

**Mr INGERSON:** At page 113 of the yellow book there is a statement made that to meet changes in technology greater emphasis will need to be given to staff development. What are the detailed steps being taken in this regard?

**The Hon. C.J. Sumner:** Mr Pryor will answer that question.

**Mr Pryor:** The Department, as was stated last year, appointed a senior management services officer after a period of some absence with the specific objective of concentrating on training and development of our officers. We have also put into train programmes whereby investigation officers attend either at factories, various building institutions, etc., to as best as possible keep abreast of technology in their particular areas. We are currently working with the national TAFE authority in an attempt to develop a uniform course throughout Australia concentrating on the training of standards officers, as they are now called, in the weights and measures area. One of the objectives of this course will be, if at all possible, to expand the course on a modular basis to encompass training for investigation officers in all areas of the law and probably products.

Rather than to try to achieve that with our own resources we thought it would be far more economical to utilise various institutions that already exist. Those are the types of initiatives that we have taken with a very limited budget, and it is possibly the most appropriate way to proceed.

**Mr INGERSON:** In regard to strategies the statement is made to continue the current practice of consultation with industry regarding review of legislation. What consultation? Industry appears frequently not to be consulted or insufficiently consulted. The prime example is the Bread Industry Authority Bill about which bread manufacturers were not consulted much and, in fact, did not approve of the Bill in the form in which it was introduced, and the retail industry was not consulted at all and heard of the Bill from a source other than the Department.

**The Hon. C.J. Sumner:** It is not true to say that industry is not consulted—it is consulted by the Department of Public and Consumer Affairs on a close basis. Industry respects the consultation that occurs. I have regular meetings with people from business such as the Retail Traders Association, the Australian Finance Conference, and we discuss legislation that is coming up, issues that are causing them concern, we provide reports on issues, and Bills that are being prepared are invariably made available for consideration by industry groups. For instance, regulations on secondhand motor vehicles are being discussed with the industry. It is a regular process and to say that it does not occur is not correct. In regard to the bread industry, there was some consultation with bread manufacturers over a considerable period. That industry has been a bit of a problem going back through the 1970s. There had been discussions. A bread authority had been suggested as far back as 1974 or 1975. The honourable member may have picked an example in the bread area where consultation perhaps was not as great as it was in other areas, but it is untrue to say that we do not consult with industry. The Department is meticulous about that.

**Mr GROOM:** At page 114 of the Programme Estimates under the heading 'Industry/Occupational Licensing and/or Regulation Programme' provision of \$33 000 is made for the implementation of the Commercial Tribunal. Will the Minister outline the current position of the Commercial Tribunal and tell the Committee how many appointments have been made and what will be the role of the Commercial Tribunal this year and beyond?

**The Hon. C.J. Sumner:** The Commercial Tribunal has been established and a Chairman, Mr David Wilson, a legal practitioner in private practice, has been appointed. Some of the proposed jurisdictions have been transferred to that Tribunal and it is in operation. Mr Noblet can perhaps provide details of the future programme.

**Mr Noblet:** The Commercial Tribunal presently exercises jurisdiction under the Consumer Credit Act, the Consumer Transactions Act, the Fair Credit Reports Act and the Credit Unions Act. It is expected that the next jurisdictions it will take over are those presently the province of the Land and Business Agents Board, the Landbrokers Board and the Land Valuers Board. In fact, a Bill is now before the Parliamentary Counsel that has been the subject of extensive consultation with industry to transfer that jurisdiction to the Commercial Tribunal. The review of the Commercial and Private Agents Act has recently been completed and instructions for legislation are being prepared to implement that report. That will also transfer a further jurisdiction to the Commercial Tribunal later this year. The Second-hand Motor Vehicles Act is only awaiting finalisation of the regulations to bring it into operation, and the Tribunal will then exercise its jurisdiction under that Act, leaving the only other major jurisdiction to be given to it being the builders licensing area that for a number of reasons, not

the least of which is the imminent introduction of a building indemnity scheme, is more complicated than the others and will probably be left until next year.

**The Hon. H. ALLISON:** I again refer to page 114 of the Programme Estimates in regard to the full-time equivalents employed and ask the Minister to say what positions the additional staff occupy and what is the total manpower of the Department.

**Mr Pryor:** The Department's funded average for 1984-85 will be 433.3. We are presently averaging 411. Some of the expansion of 21.9 provides for a casino inspectorate; the full-year effect of provision of financial examiners in the liquor area to combat licence fee avoidance; the full-year effect of the expansion granted to the Department in 1983-84 in areas such as the Public Trustee, the appointment of a Deputy Public Trustee, trust and checking officers, etc., and positions in the residential tenancies area. Seven of those positions relate to the Ethnic Affairs Commission, which I assume will be debated later.

**The Hon. H. ALLISON:** I refer to page 136 of the Programme Estimates in regard to uniform legislation to regulate travel agents. Is this legislation to be in the form of negative licensing and has AFTA and the industry in general been consulted?

**The Hon. C.J. Sumner:** Agreement has been reached between the Commonwealth and the States on the question of regulating travel agents. It was reached at the last Standing Committee of Ministers of Consumer Affairs held in Adelaide in March and attended by the Federal Minister of Recreation and Sport. It is a combination of Federal and State legislation. The Commonwealth will take over the responsibility for a compensation scheme, and the States will be responsible for the licensing of travel agents. The Commonwealth has the responsibility for drafting the legislation that will be picked up by the States to cover the licensing system. That has not yet been drafted but, when it is, we have agreed in principle to pick up the system of licensing of travel agents. It will not be a negative system: it will be a traditional licensing system. It has been discussed with AFTA.

**The Hon. H. ALLISON:** Again at page 136 reference is made to specific targets and the intention to prepare amendments to the Consumer Credit Act and the Consumer Transactions Act to bring them into line with the uniform legislation introduced in New South Wales and Victoria. Is it the intention of the Minister to make banks and building societies comply with the requirements of the Act, other than licensing requirements? When will the Act be introduced?

**The Hon. C.J. Sumner:** If the honourable member proceeds two more lines down he will see:

Amend the Consumer Credit Act to extend truth in lending provisions to banks, building societies and credit unions.

The question of uniformity with New South Wales and Victoria in the consumer credit area is presently under consideration. There may be some difficulties in South Australia moving to complete uniformity with those States.

**Mr RODDA:** Page 113 of the yellow book states:

The opening of the proposed casino in Adelaide will require the Department to develop and maintain adequate scrutiny over the casino's operation and report to the Casino Supervisory Authority.

What is envisaged in that? This seems to be quite an embracing task that the Minister is taking on.

**The Hon. C.J. Sumner:** I am sure that Mr Young would be very happy to expound on this as he has spent the past seven weeks studying casinos throughout the world.

**Mr Young:** There is a provision under the Casino Act that requires the Superintendent of Licensed Premises to have the constant scrutiny of the operation of the casino. Under this legislation the Superintendent is responsible to the Casino Supervisory Authority. It is proposed that the inspectorate for the casino will be established in the Department of Consumer Affairs, and it will comprise two arms under a Chief Casino Inspector. One arm will require no additional staff because we have persons very skilled in accounting, most of whom have a background in commercial accounting work. They will be responsible for the financial analysis of the work of the casino and also for corporate scrutiny of the contracts and the composition of the companies involved.

The other arm will require additional staff, which has already been alluded to. These inspectors will have a presence in the casino. They will supervise the running of the games to ensure that the public interest is preserved and will have the responsibility for supervising the equipment, the standard of the equipment and games and the general conduct on the premises. It is envisaged during this financial year that sufficient staff will be appointed to be trained for that function.

**Mr RODDA:** I have a supplementary question. At the bottom of the page it states:

To establish a casino inspectorate.

Is that one and the same?

**Mr Young:** Yes.

**Mr RODDA:** Page 113 of the yellow book states that one of the objectives will be:

To undertake a comprehensive research and education project directed at those persons affected by the Residential Tenancies Act.

It has come to my notice over the past couple of years that tenants vacating premises find themselves questioned on quite substantial costs for painting or repairs, about which they argue. Because they do not want to lose time from work to go to the Tribunal and argue about it, it seems to ride by. Also they are not quite sure of their rights. On the other hand, one will see some quite ruthless tenants or landlords pressing people to the nth degree. What is envisaged in this short but very important undertaking mentioned here?

**The Hon. C.J. Sumner:** I ask Mr Noblet to provide some information on that topic.

**Mr Noblet:** The example given by the honourable member is exactly the sort of thing we need to find out more about: whether there are cases in which people are prejudiced by not coming to the Tribunal as a result of disputes, when perhaps they should. We believe that is the case as mentioned in some areas. We are not sure. We need some quantitative research undertaken so that we can better understand some of the problems in the relationship between landlord and tenant, which has been described as the second most passionate relationship known to man. We need to work out steps that can be taken to overcome some of these problems.

One of the difficulties with residential tenancies legislation is that, although it is regulating a sector of the public—to use a neutral word—many landlords are not experienced businessmen and do not have access to legal advice and industry associations, as some other businesses do. So, it is not always sufficient merely to pass laws that impose obligations and rights on landlords and tenants without some sort of sensitive project to make sure that they understand the nature of those obligations and rights, why they have been enacted, how they can take advantage of them or become better able to make use of them. Research needs to be done to understand precisely the problems in the area. There also needs to be an education programme so that both landlords and tenants can be better informed of their

rights and obligations which, hopefully, will minimise the incidence of disputes, which far too often occur in this area.

**Mr RODDA:** I have a supplementary question. What initiatives and undertakings will there be in this area.

**Mr Noblet:** There are several ways that the research part can be done, either by commissioning someone to conduct specific research on the topic or including some questions in an omnibus survey conducted by one of the survey organisations. I am not quite sure how far down the track the project is. Certainly, the alternatives will be looked at to see what is the best way of gaining this type of information.

**The Hon. C.J. Sumner:** I understand that we are seeking some CEP funding for this project.

**Mr RODDA:** I notice that there is a one liner:

To develop a corporate computer plan.

Does that refer to your Department?

**The Hon. C.J. Sumner:** Mr Noblet knows about computers.

**Mr Noblet:** One of our most urgent needs is to develop a corporate computer plan. We are probably the most under-computerised Department in the Public Service. Some of the activities we undertake scream out for computerisation. Although we have access to computerised facilities in some areas, for example, builders licensing, through the Government Computing Centre, there is no computerised system for much of the occupational licensing and work that is undertaken in the Department that could be done far more effectively and efficiently with computer facilities.

Not only will the installation of computer equipment in many areas—liquor licensing, births, deaths and marriages and a number of others—enable us to do in the future what we are doing now in a more efficient fashion, it will also enable us to do things we are not doing now that we perhaps should be doing. In the Department there is a great deal of information that should be available for the purposes of the Department but which is difficult to access at the moment because of some fairly antiquated manual record-keeping procedures that have gone on for many years.

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

**Ms LENEHAN:** I refer to Consumer Services on page 137 of the yellow book. Will the Minister enlighten the Committee about the current state of play in relation to Action Home Loans? Some months ago I asked a question in the House of Assembly about this company and requested that its activities be investigated. Subsequently, the company has certainly been shown to be suspicious, and I guess it can be described in even stronger terms.

Recently, I was approached by several constituents who have been caused great distress as a result of their transactions with the company. In one case a constituent borrowed \$4 000 and will have to repay about \$8 000 over a very short period. I have advised my constituents as to their rights, but I would like the Attorney-General to advise the Committee as to the status of the investigations into Action Home Loans.

**The Hon. C.J. Sumner:** I am aware that the honourable member has been very active in pursuing consumer interests since she entered Parliament. She has pursued a number of matters to resolution through the Department of Public and Consumer Affairs. I compliment the honourable member on the interest she has shown in this area in relation to the issues she has put forward on behalf of her constituents. I well recall the swimming pools issue which was taken up and resulted in an investigation carried out by the Commissioner of Consumer Affairs. The honourable member has now taken a leading role in the Action Home Loans issue. The Director-General may be able to supply more information.



**Mr Noblet:** The honourable member described the activities of Action Home Loans as 'suspicious'. I think she was being over generous and putting it rather mildly. I described the company as conducting by far the worst loan sharking operation that I had seen in my 10 years of involvement in consumer credit legislation. I stand by that statement. The more we look into the activities of the company, the more I am convinced that that statement was highly justified. The company has been conducting business in South Australia for a fairly short period, but in a very devious and convoluted manner which involves the law in three States.

The company is based in Queensland and requires people to take out mortgage guarantees with an associated company. The principal behind Action Home Loans Proprietary Limited is one Lawrence Howard Horvits, who is also a director of the associated company. The transaction takes place in South Australia. This has meant that investigation of the matter has been very complicated. The fact that the company's records were in a fairly poor state has made things even more difficult. We have now received advice from the Crown Solicitor. I expect that next week a prosecution will be instituted against the company for failing to comply with certain provisions of the Consumer Credit Act, principally for failing to obtain a credit provider's licence in this State.

The situation in relation to consumers who have dealt with the company is far more complicated because of the application of laws in the different jurisdictions. Over the next few days I will be writing to all consumers who we know dealt with this company. The company has now been placed in provisional liquidation in Queensland and, as a result of the changed circumstances, the advice that we have given to people who have contacted us may well have to be changed. We are advising people that they should not pay any moneys under their loans to anyone for the time being, until the position has been sorted out. Some South Australian consumers have received telexes, telegrams, telephone calls, and letters from people who claim to have purchased the mortgages from Action Home Loans Proprietary Limited. These people are asking South Australian consumers to make future payments to them. Our advice is that consumers should not make payments to anyone they have not heard of before unless those people can clearly substantiate that they are entitled to the money under the mortgage.

I expect that I will be corresponding with consumers affected in the next few days. Today I sent a letter to the provisional liquidators of the company asking them to comment on certain aspects of the transactions as the South Australian law applies to them. In particular, I contend that as a result of the application of the South Australian Consumer Credit Act the interest and other charges on the loans made in this State, I believe, are not recoverable. That fact may be of considerable assistance to consumers who have borrowed money from the company in this State, and certainly as far as the interest payments are concerned. However, borrowers will still have to pay back the principal sometime in the next two years, depending on the date they first took out the loan.

It appears that many people took out loans with the company and signed many documents without properly appreciating the fact that they were only repaying interest throughout the period of the loan and would have to find money to pay back the principal in full, usually two years after the date when the loan was first taken out. In fact, under the terms of the contract people will have to pay back considerably more than the amount of the loan because of all the fees and charges deducted up front from the amount of the loan, including a 15 per cent deduction to an associated company in New South Wales called Nofoxi Proprietary Limited. Those people we know of in South

Australia who have dealt with the company will receive a letter from me within the next few days advising them of the position at the moment.

The future conduct of any legal proceedings will depend on the response I receive from the provisional liquidators to the letter that I wrote today. I have also made preliminary inquiries with the Legal Services Commission. Although the Commissioner for Consumer Affairs can represent consumers in legal proceedings in some circumstances, there is a monetary limit to the amount involved in any proceedings in which the Commissioner can represent people. That amount is \$5 000, which has been unchanged since about 1977. That monetary limit prohibits me from representing consumers in this matter. I have made preliminary inquiries with the Legal Services Commission and I had a conference with an officer of the Commission early this week to see whether the Commission can assist by taking action in the Supreme Court on behalf of consumers. Perhaps there can be a declaration as to consumer rights under the contracts that they have signed.

**Ms LENEHAN:** Will the Attorney-General consider reviewing the Act in relation to the \$5 000 limit? Obviously the limit of \$5 000 was reasonable in 1977. As a result of my experiences with this company, I believe that that amount should be reviewed and that the limit should be increased.

**The Hon. C.J. Sumner:** Once again, the honourable member's suggestion is very worthwhile. I will certainly look at the matter that she has raised. In view of the fact that the limit was set some years ago, I believe there is a need to review it.

**The Hon. H. ALLISON:** I refer to page 136 of the yellow book '1984-85 Specific Targets/Objectives', as follows:

Prepare and promulgate regulations under the Second-hand Motor Vehicles Act, 1983.

The Automobile Chamber of Commerce, at least, has been seeking the regulations for some time. How long will it be before they are completed?

**The Hon. C.J. Sumner:** A draft should be available for comment by the end of October.

**The Hon. H. ALLISON:** Referring to the Builders Licensing Act, under 'Specific targets', the statement is that the regulations are to be finalised to enable the home owners indemnity scheme to become operational. Once again, this Bill was initiated by the former Government and passed in early 1983. How long will it be before those regulations are ready for promulgation?

**Mr Noblet:** The development of a system to provide a building indemnity scheme has been very protracted, very largely due to the fact that we have been consulting extensively with all parties who are interested in this: not only builders and their associations, but local government. The scheme was designed in such a way that local government was required to sight a certificate of insurance before giving the building approval. There have been difficulties in getting the building representatives to agree on what the system should be.

Two major industry associations are involved in the building industry. They have not been able to agree with each other in many instances on the way in which the scheme should operate. The Local Government Association and local government bodies have had some concerns about their involvement in the scheme; we have had to take that into account. The regulations are still not finalised. Draft regulations were prepared and circulated very widely for comment. Those comments are still being assessed. I cannot give a firm date as to when the scheme can be brought into operation, but we are certainly mindful of the priority that needs to be given to it and we are giving it whatever priority we can in view of the resources we have available.



**The Hon. H. ALLISON:** The next question relates to page 140, members fees, under 'Major resource variations': Provision for increase in members' fees—\$24 000.

Can the Minister enlarge on that?

**The Hon. C.J. Sumner:** Recently, the Public Service Board carried out a comprehensive review of all fees paid to members of boards, statutory authorities and the like in the Government service. Some of that review resulted in an increase in fees for some of the members. It was an attempt to bring some rationality into the system, throughout Government, the various instrumentalities and boards that are responsible for various aspects of regulations.

**Mr Pryor:** Also, as part of the introduction of the Commercial Tribunal, the Public Service Board reviewed the fee payable to the Chairman. That has increased from a sessional fee to one which, by the time it allows for all of his involvement in the various aspects of the Commercial Tribunal, is in the vicinity of \$20 000. That, in effect, replaces some of the other fees already paid.

**Mr INGERSON:** On page 113, in relation to liquor licence fee avoidance, there is a comment:

To provide more resources to combat liquor licence fee avoidance.

What are the extra resources that will be put in? What is the estimated extent of the avoidance? What are the efforts at avoidance? What methods of detection are being used?

**Mr Pryor:** The Government provided six additional financial examiners in our Licensed Premises Division to undertake this work early in the financial year, but due to problems in attracting qualified people we appointed the last of these only within the past two months. The inspectors themselves have brought in an additional \$187 000 by way of revenue of returns from various licences. In addition to their work in the field, they have also been working with the Superintendent of Licensed Premises with respect to certain matters associated with the casino. We hope to appoint another inspector within the next two or three months. If that occurs we will have a full complement of inspectors out in the field combating licence fee avoidance. If the honourable member wishes an elaboration on their actual methods in the field, I will ask Mr Young.

**Mr Young:** Perhaps it is not just the known amount of additional fees that the Government has collected, but the mere fact that these skilled investigators are in the field and active in the area encourages more accurate returns to be lodged generally by those in the industry.

**Mr RODDA:** On page 148, relating to price control, under 'Need Being Addressed' it says:

It is possible for excessive prices to be charged for some essential goods and services in a market where there is either limited or no freedom of choice by consumers . . .

This seems to deal *in extenso* with price control. My sheet says that there is a reduction of resources of \$30 000. We were criticised for reducing staff in this area. Can the Minister tell the Committee what he proposes to do with this budget with regard to this important question of price control?

**The Hon. C.J. Sumner:** I am pleased to see that the honourable member, who was a Minister in the previous Government, has now developed an intense interest in the question of price control. In July 1979, 10 people were in the Prices Division; by 1981-82 this had been reduced to 4.3, which is a significant reduction in the number of people engaged in price control activities in South Australia, and that occurred during the period of the previous Government. That figure has gone up and down—we are talking about full-time equivalents—over the past few years. In 1982-83 it was 4.6 average full-time equivalents; in 1983-84 it was 5.2; in 1984-85 it is estimated to be four.

We must bear in mind that the Government has stopped the dramatic reduction that occurred in the prices division

of over 50 per cent during the three years of the Tonkin Government. We must also realise that the Federal Prices Surveillance Authority has been established, and we expect that Authority to adopt a more activist role in monitoring and, where necessary, control of prices. It is worth pointing out that, when the State Government was involved in the control of petrol prices, that resource was required in the prices division. As members are aware, the question of petrol price control has now been transferred to the Prices Surveillance Authority at the national level, and therefore it is considered that the number of people in that division is adequate at present to meet the needs. Of course, should there be examples of monopoly activity or unfair practices in the market place, that could be very quickly reviewed.

There is a problem in relation to resources, particularly in the policy area, and the honourable member has referred to regulations under the Second-hand Motor Vehicles Act and the building indemnity legislation. In general, there has been a lack of resources in the Department of Public and Consumer Affairs policy area in recent times. The resources that were freed up in the prices division have been made available to the policy branch of the Department, and it is hoped that that will assist with getting into place regulations which are still outstanding and to which members have referred. It will also ensure that the Department is in a better position to develop proper policy.

Members must realise that there was a quite substantial reduction of resources in this Department from 1979 to 1982, and we have arrested that reduction. There has been a crying need in the policy area for additional resources, and in the light of the more active entry of the Federal Prices Surveillance Authority into the area of price control it was considered that resources in the prices division were adequate for the moment, given the other priorities and in particular the allocation of additional resources to the policy area.

**Mr RODDA:** I note that the Department will provide advice on request. I take it that plenty of publicity will be given to that. Even in the salubrious District of Victoria, people growl occasionally about overcharging in some areas.

**The Hon. C.J. Sumner:** That service is offered. If complaints are brought to the attention of the honourable member in regard to excessive price increases, they can be investigated by the Prices Commissioner and a report prepared and presented to the honourable member. That is an ongoing activity. Quite often people write to the Department giving examples where they consider price increases have been excessive. Even the activity of providing advice has a deterrent effect because, if people know that the Prices Commissioner is out and about making inquiries, it constitutes some incentive to moderate price rises.

**Mr RODDA:** The yellow book (page 151) refers to standards maintenance, and the protection of persons and their rights. What is envisaged in this area?

**The Hon. C.J. Sumner:** That involves ensuring that weighing and measuring devices, in particular, are accurate. This is another area in which there was a significant reduction in resources. It is interesting to note that the establishment was 44 officers in the standards branch of the Consumer Affairs Division but, by the Tonkin Government's Budget of 1982-83, that number had been reduced to 34.6. So there was a reduction of 10 officers in the standards branch and, of course, that has an effect on the enforcement of standards.

There is concern in this area at present. For instance, a large number of complaints are received about short weight, of firewood. Massive percentages of short weight, indeed up to 50 per cent, in prepackaged articles, firewood, and other trial purchases are coming to light, and the Department believes that that is directly attributable to the decision taken in 1981-82 to abandon monitoring and law enforce-

ment in the market place. That is a fact of life. It was a priority of the previous Government, and there was a substantial reduction in resources in the standards maintenance area. Unfortunately, it has not been possible for this Government to completely wind back the reduction in that area, but we have stopped the reduction and, as I have indicated, it was a substantial reduction. The problem is that, once there is a reduction in monitoring, the sort of problem that I have outlined occurs. I have been horrified by examples of short weight in the firewood distribution industry.

The basic work of the standards branch is outlined at page 151 of the yellow book. The work of that branch has been hampered to some extent because there has been a reduction in resources since 1979. I hope that that reduction will not continue, but we cannot have it both ways: we cannot enforce standards on the one hand and cut staff on the other hand, but that is what occurred.

**Mr RODDA:** I wish to ask a supplementary question regarding standards. The banning of dangerous products must be undertaken in consultation with other States to prevent the dumping of such products in States that have not imposed a ban. Is any consultation taking place?

**The Hon. C.J. Sumner:** I ask Mr Noblet to answer that question.

**Mr Noblet:** There is a Commonwealth/State Consumer Products Advisory Committee which meets at least twice a year and on other occasions as required to consider the need for uniform action to be taken on products which are believed to present some hazard to the health and welfare of consumers in this country. The procedure of that Commonwealth/State committee is that a register is maintained in Canberra by the secretariat for the committee—which is presently the Consumer Affairs Division of the Department of Home Affairs and the Environment—on allegedly unsafe products.

When a complaint is received about a product believed to be unsafe as a result of information received, the product is placed on that register in Canberra and each State is advised that it has been placed on that register and is asked to make inquiries in its jurisdiction as to whether it is available and whether the product is considered to be unsafe. A process of consultation is gone through when products are put on that register and investigations are undertaken right throughout the nation. The culmination of those investigations can range from a decision that the product does not present an undue risk to the safety of consumers, in which case no action is taken, up through various alternatives on the way to a possible agreement to ban a product on a uniform basis throughout Australia.

The alternatives that might be considered along the way include an information standard, where a product is considered to be dangerous if improperly used, but only if improperly used, and the danger may be minimised by giving people information as to how they should properly use the product, up through a safety standard where perhaps a product has a defect which makes it dangerous whether used properly or not, but the safety danger is capable of being removed by some modification to the manufacturing process. Certainly a great deal of emphasis is being given to co-operation and consultation between the Government organisations of the respective States and Territories to ensure that whenever action is taken in relation to dangerous products that action is taken on a uniform basis.

**The Hon. C.J. Sumner:** I add with respect to the previous question that the combined resources of consumer services and standards maintenance have been increased from 112.5 full-time equivalents in 1983-84 to 117.2 full-time equivalents in 1984-85, so the Government has taken steps to address the decline that was occurring during the period of the

previous Government and has been able to make some modest additional allocation of resources in that area.

**Mr INGERSON:** My question relates to spirit measures. A comment is made in the papers that draft model regulations have been prepared in relation to this matter and that these regulations will be considered at a national conference in September 1984. As I understand it, the Commissioner of Standards has long had a bee in his bonnet that the only spirit measures that should be allowed are interlocking ones. As I understand, these are inordinately expensive and the hotel and club industry is totally opposed to them. Can the Minister say whether these measures have been included in the draft regulations; whether there has been any consultation with industry and, if so, to what degree; the possible cost of this type of measure to the industry; and whether the simple egg measures that are used at the moment are likely to be banned?

**The Hon. C.J. Sumner:** The member is seeking to embark on a rather long and complicated topic. I will ask Mr Young to comment on this matter, although it is probably the Commissioner for Standards who is the expert on spirit measures.

**Mr Young:** I am aware that the Commissioner for Standards is conducting negotiations and discussions with the industry with a view to achieving some amicable solution to the problem relating to the giving of correct measure. This matter goes back a number of years, indeed some 15 years, so it has been a long and protracted affair. Some 15 years ago an investigation was conducted which showed that correct measure was not being given to consumers. Since then the Commissioner for Consumer Affairs has been active in endeavouring to ensure that a fair measure is given to consumers. This is a matter of balancing that aim of a fair measure against cost. Until recent times interlocked inverted measures have been expensive, but recently a cheaper model has come on the market. I understand that, in consultation with the industry, efforts are being made to come to some amicable arrangement about this matter. I am, however, not aware of recent moves.

**The Hon. C.J. Sumner:** I think that the problem was that the original measures that were on the top of the bottle were notoriously inaccurate. A survey done on the accuracy of those measures indicated that people were not getting what they paid for. Although that may seem a small thing in relation to one drink, it is like, in packaging correct weight, dropping a few grammes on every packet. If one drops that few grammes on every packet and there is a high turnover the saving can be substantial. It was that sort of problem that led to some action in an attempt to get a spirit measure that was satisfactory and accurate.

A number of methods are accurate. One is the manual measure, making sure that it is filled properly in front of the consumer. There can be a line on a glass and the pourer must ensure that the glass is filled to that line. The interlocked device can be used; that is favoured but is expensive. One can also use the inverted top to which I have referred and which has been found to be inaccurate. There is universal agreement throughout the industry that this measure should be phased out because it is inaccurate. One can use the inverted non-interlocked device, but if people want to cheat on those it is fairly easy to do so. This is a difficult problem and discussions are proceeding in relation to it. I hope that with the advent of a cheaper interlocked measure there will be some resolution to this matter.

**Mr INGERSON:** Is it intended that the simple egg cup measure will be banned?

**The Hon. C.J. Sumner:** No. The only one that is notoriously inaccurate and open to abuse is the measure that goes on top of the bottle. A non-interlocked device is also open to abuse by taking the glass away before all of the

liquor is drained out of the device. There are problems with those too, but the egg cup is obviously accurate, provided that the consumer can see that it is filled up. I suppose it could be filled with short measure if it was not within the view of the customer, but that is difficult to do.

**Mr INGERSON:** In regard to variation, what is considered to be a reasonable variation in measuring? It was said that the system is open to abuse. I understand what the standard deviation is, but what is the level for saying there is or is not abuse?

**The Hon. C.J. Sumner:** We would need to get comment from that from the Commissioner of Standards. A tolerance is involved, but I am not exactly sure of it. If the member seeks that information, I undertake to provide the Committee with it as well as up to date information about where we are going with the regulations.

**The Hon. H. ALLISON:** I refer to page 148 of the Programme Estimates. The second paragraph under the heading 'Specific Targets' in regard to issues and trends opens with the classic understatement of 1984:

Petrol product pricing has continued to be a cause for concern—  
The comment follows on with what is obviously more hopeful than anticipatory (it admits to that) when it states: . . . it is hoped that the Prices Surveillance Authority will provide stability during 1984-85.

How will the Minister and his team restore order from chaos by means other than simply transferring the responsibility to the Prices Surveillance Authority at Federal level? I was surprised and disappointed to hear the Attorney virtually say that the State Government had absolved itself of any further blame or interest by passing over responsibility to the Federal body. The fact that we formerly had a maximum wholesale price 3 per cent below the former Petroleum Products Pricing Authority price in 1982, which was abolished when the new Prices Surveillance Authority fixed the price, did not lead to industry stability when that move was taken.

In fact, it is common knowledge throughout Australia that the whole field of petrol selling is at a cut throat stage and only in the last week or so in the Adelaide press we have heard that resellers are cashing life insurance in order to keep up with others who are discounting. If the Minister believes that the Federal Government will be accepting full responsibility and will be bringing back order to the industry, can the Minister also give an assurance that he will make every effort on behalf of South Australian petrol resellers to lobby the Federal Government to do something quickly, because the plight of resellers caught in the present long and continuing price war in many cases is quite desperate?

**The Hon. C.J. Sumner:** The member has embarked on yet another long and complex topic. I am sorry to hear that he is sorry that the State Government has indicated that it believes that the proper authority to assess petrol prices is the national Prices Surveillance Authority, but we do hold that view. The fact is that the petroleum industry—the oil industry—is a national industry. The situation that we had where four States were exercising State price control at levels below the price justified by the Petroleum Products Pricing Authority, as it was before the introduction of the Prices Surveillance Authority, was quite unsatisfactory, from all points of view.

The reductions that were taken were made by various State Governments and were not based on any rational assessment of price. Essentially, they were political decisions and the State Government took the view that we should get back to the national justification of petrol prices because we were dealing with a national industry. That has been the objective that we have achieved. The objective was supported by the oil companies and supported by the South Australian

Automobile Chamber of Commerce, as representative of resellers, and I believe supported by most people in the industry.

What the honourable member may have forgotten is that prior to the transfer of responsibility to the Prices Surveillance Authority there had been discounting in Adelaide. So, the transfer of responsibility for pricing to the Prices Surveillance Authority has not had any effect on discounting: discounting started again in Adelaide on a reasonably active basis late last year. Prior to that there had been about 12 months when there had been much stability in the retail petrol market in South Australia and little competition because the resellers held their prices at a similar level; indeed, in most cases at the same level throughout South Australia for a very long period.

Late last year discounting started again and continued in bouts earlier this year and, until the transfer of the pricing powers to the Prices Surveillance Authority, has continued since. It just is not possible to argue with any substance that the transfer by the State Government of responsibility for petrol prices to the national authority has resulted in the discounting or the so-called price instability in the industry. That happens to be the situation.

So, there is no guarantee that, if the State intervened with its State price control powers, there would be so-called stability back in the industry. There is no guarantee of that at all. I repeat that prior to the transfer of responsibility in this area to the national authority there had been discounting for several months in South Australia. What the transfer of pricing to the national authority did, which I think was desirable and which was supported by the resellers, was to equalise the wholesale justified price as between the different companies.

Prior to the Prices Surveillance Authority taking over, the old Petroleum Products Pricing Authority set different prices for different companies. That provided an almost inbuilt capacity for instability, because Shell's wholesale price was the lowest and Ampol's was the highest. If they were all selling at the same retail price Shell resellers were obviously getting much more than Ampol resellers, and it also provided the capacity for, say, Shell resellers to provide it at a lower price and thus start a competitive discount war. I believe the equalisation of the price should have helped stability in the industry rather than hindered it, but there are more fundamental problems that the industry has to face. The industry is aware of that, whether it be at the wholesale or retail level.

The level of discounting that occurred in recent times is not a level of discounting that can be sustained and still return profits to the industry. One is faced with the fact that at the present time there has been a levelling off of demand for the product and an oversupply internationally in recent times. There has been an argument that there are too many outlets, so we are maintaining the number of resellers in the industry that may not be economically justifiable.

That combination of factors, plus retail competition through such agencies as Southern Cross Petroleum through the activities of one or two resellers who own their own sites and have been able to organise reasonable terms with the wholesalers, has introduced a very competitive situation in the industry as a whole. That compares to what occurred for the best part of 1982-83 where there was an incredible amount of stability but little competition at the retail level. Now we seem to have gone to the other extent where there is an incredible amount of competition but problems of instability and viability for the industry, and most recently pressure on the resellers.

I do not know the answer. Clearly, if discounting breaks out again and the average market price over a period of

time is much less than the wholesale justified price of the Prices Surveillance Authority, there will be a case for resellers and consumers to go to the Prices Surveillance Authority and say, 'You should, when assessing the price, take into account market factors. Throughout Australia—Adelaide, Perth or wherever—in the past few months the market price has been below the price set as the properly justified price based on the costs put forward by the oil companies.'

*Mr Ingerson interjecting:*

**The Hon. C.J. Sumner:** It is a difficult question; I will answer the honourable member. I am quite happy to debate it. That is a situation that could be put by the resellers to the Prices Surveillance Authority to reduce the price. The fact that the price is reduced does not mean that one would do away with the discounting. The honourable member shakes his head. It may be interesting to know just what his solution to the problem would be. State entry into the area, State price control, would not achieve the results that he advocates. The discounting started before the 3c situation and the transference of this price control responsibility to the Federal Prices Surveillance Authority. That is a fact: one cannot deny that. So, I believe very strongly that we should be in a national situation for the setting of petroleum prices.

There are problems in the industry. It cannot sustain the levels of discounting it has had in recent times, and I do not believe it will. The oil companies will be in difficulty and recently have been in difficulty with their profitability; the resellers likewise. Other suggestions have been put forward that we should go for divorcement; get the oil companies right out of the retail market. On the face of it that seems to be a solution that might be satisfactory to the resellers. Then what potentially does one get?—the large resellers, say a consortium such as Southern Cross, then competing amongst the wholesalers—remembering that the oil companies are out of the retail market—for a low price. So, if one gets a large consortium of resellers together, they can squeeze the wholesalers on price and pass that on competitively in the retail market. Or, one may get the very strong resellers, those who may have three or four stations and can use their economic power and the fact that they have big throughput as a bargaining point, to get a lower price from the wholesalers.

So, one transfers the competitive problem from the oil companies retailing in the market place to other resellers using their power to get lower prices from the wholesalers and pass that on. One does not necessarily overcome the problems in the industry by divorcement either. There are other suggestions that can be put. All I am putting to honourable members is that the situation is not easy to resolve. For the moment, the Government is monitoring the situation but we would be very reluctant to impose State price control again.

**Mr INGERSON:** When are you going to transfer bread and milk to the national boards?

**The Hon. C.J. Sumner:** I think that there is a difference for national prices surveillance.

**Mr INGERSON:** It is a national product.

**The Hon. C.J. Sumner:** They are not national products in the sense that bread is manufactured by four or five major national companies. There is much more diversity in the manufacture of bread than there is in the manufacture of petroleum products. The manufacture of petroleum products in Australia at the moment is done by about five companies since the recent rationalisation. The manufacture of bread in this country is done by some large and some small organisations. The same applies to milk. There is no justifiable analogy there.

One way of suggesting that the matter might be resolved is to impose a minimum price control and insist that petrol

should not be retailed below a certain price. If the honourable member wants to suggest that, I would be quite interested for him to make that suggestion. If he would like to write to me with that suggestion I would be very happy to consider it. Of course, he would have to bear in mind, in doing that, that it could hold the price of petrol up, which his constituents who are members of the RAA might be quite vocal about arguing with. The situation is not easy. I repeat: that reimposing State price control will not necessarily resolve the problems because quite substantial discounting occurred earlier this year when the 3c reduction on the federally justified price was already in place.

**The Hon. H. ALLISON:** The interjection from my colleague really answered the first part of the question I was putting to the Minister. The second part of the question simply relates to the Minister's arguments. Among the many points he put he said—and I don't know whether it was 'a commonly held belief' or 'a held belief'—that there were too many outlets in the industry. I know that point was made very strongly during the time of the former Dunstan Government when deliberate moves were made to close down a large number of petrol outlets. As I followed the Minister's argument, one point kept coming back to me, and that was that time was really the essence for so many of these resellers who have been complaining, and the ones who have been complaining most are generally the smaller ones who can least afford to sell life assurance, for example, to keep up their discounting. Can the Minister give me any argument to convince me that I am wrong in assuming that one sure end result of this delay in passing over to the Prices Surveillance Authority will be the closure of many smaller petrol outlets.

**The Hon. C.J. Sumner:** The honourable member is quite wrong. With respect, he obviously does not understand the situation. I repeated several times during my remarks that the fact that the Federal Prices Surveillance Authority is now responsible for setting petrol prices nationally is not related to the recent level of discounting. The honourable member's question is based on that hypothesis: he is quite wrong in that. The fact is that the most recent bouts of ups and downs in discounting started towards the end of last year.

That was six or eight months before the State Government agreed to allow petrol price control at national level. To suggest that the recent bout of petrol discounting, which ended last Saturday, is a result of the State Government allowing the Prices Surveillance Authority to control petrol prices is quite erroneous. There is no substance for that argument at all. I am quite happy to debate that with the honourable member anywhere, including within this Committee. It is hard to answer the honourable member's question, because it is based on a false hypothesis.

**Mr INGERSON:** If discounting continues to occur within the industry and a significant number of small businesses go to the wall, what will the Attorney do?

**The Hon. C.J. Sumner:** At this stage, that is a hypothetical question. It is a difficult problem. However, I am not sure that that is likely. I do not believe that the recent level of petrol discounting can be sustained forever. The oil companies have levels of profitability which one would expect would not allow discounting to continue. Obviously the resellers have levels of profitability with discounting which create problems for them. All we can do is monitor the situation. There may be some way of rationalising sites, as occurred in the 1970s. There are economic forces operating which are beyond the power of even the State Government to influence.

I mentioned the general forces that are operating: a levelling off in demand, an excess of supply throughout the world, and a problem with the number of sites that have to be

sustained viably in South Australia. Those factors plus the aggressive competitive approach adopted by some resellers have a bearing on the matter. After all, it is resellers who initiate some of the discounting—not just the oil companies. I am aware that some resellers argue that oil companies are giving large rebates to independent operators. Independent operators who own their own sites use that fact and the fact that some of them have developed very large throughputs through their stations to bargain with the oil companies to get them to provide them with good competitive terms.

I will not use any names but, if a reseller who owns his own site and has developed a massive throughput of petrol cannot obtain a decent deal from the oil company that supplies him, he will simply get it from another company. It is not a simple issue. Many solutions have been suggested, including divorcement and minimum price control. However, they all have side effects. The experience with minimum price control has not been very satisfactory. I would be surprised if the honourable member advocated that. The problem with divorcement is that it starts another chain of problems, which I have outlined.

I think we must ensure that any price differential in supply from the wholesalers to the retailers is based on economic grounds. I understand that resellers are presently considering legal action under the Trade Practices Act and other legislation as a result of their meeting last week. For the moment the State Government is monitoring the situation. I do not see a case for intervention. In any event, one would have to explain what form of intervention would deal with the problem. I would be very interested in any suggestions from the honourable member. I would be happy for him to write to me on the topic and put forward his views on the situation in the petroleum industry as to how this difficulty could be overcome.

[Sitting suspended from 8.37 to 8.50 p.m.]

#### Additional Departmental Advisers:

Mr B. Krumins, Chairman, South Australian Ethnic Affairs Commission.

Mr M.L. Schulz, Deputy Chairman, South Australian Ethnic Affairs Commission.

**The Hon. H. ALLISON:** We had some trouble in relating past expenditures to the present ones on pages 73 and 74 in the Estimates of Payments and pages 122 to 134 in the yellow book. What staff does the Minister currently have serving him in Ethnic Affairs? How many are there? Who are they, and can the details of salaries be provided, not necessarily this evening but in due course?

**The Hon. C.J. Sumner:** Does the honourable member want all the staff in the Ethnic Affairs Commission—the full names of all staff members and their classifications?

**The ACTING CHAIRPERSON:** Would it be possible for it to be provided as an insertion in *Hansard*?

**The Hon. H. ALLISON:** These costs do not seem to be provided anywhere in the Estimates of Payments. It is that error of omission that makes us seek more information.

**The Hon. C.J. Sumner:** We can provide that information for the honourable member. He wants the staffing of the Ethnic Affairs Commission; is that right?

**The Hon. H. ALLISON:** And the Ministerial staff who are directly related to it.

**The Hon. C.J. Sumner:** The only person in addition to the Ethnic Affairs Commission is the Secretary to the Minister of Ethnic Affairs. Previously that role was played by a person who filled both the job of Secretary to the Minister of Consumer Affairs and Secretary to the Director-General, Department of Public and Consumer Affairs, and the Deputy Director-General, Department of Public and Consumer

Affairs. Now, those two jobs have been split. There is a Secretary to the Minister of Ethnic Affairs, who is Mr F. Verlato. That is a permanent Public Service position, not a Ministerial position. It was advertised and filled at an AO1 classification. In addition to being Secretary, that person will provide additional research assistance, as his own time permits, to the Ethnic Affairs Commission in its various tasks. In addition, we will provide further information.

**The Hon. H. ALLISON:** Has the Minister approved tertiary study leave or arrangements for any members of the Ethnic Affairs Commission and, if he has, will he give details?

**Mr Schulz:** One officer is undertaking part-time studies for a graduate diploma in public administration. His name is Fred Schaeffer, and he is allowed five hours a week to attend lectures and tutorials, as prescribed by the Public Service instructions.

**The Hon. H. ALLISON:** How many employees of the Ethnic Affairs Commission have been transferred to other departments and agencies?

**Mr Schulz:** Nine officers have been transferred from the Commission to various other Government agencies in the past two months. Officers have been transferred to the Department for Community Welfare, the Department of the Public Service Board, and the Department of Public and Consumer Affairs. Some of the officers who have been transferred to other Government agencies have been replaced by officers who have matched the high requirements for interpreting and translating in terms of qualifications and educational standards.

**The Hon. H. ALLISON:** Have these transfers resulted in wholesale changes of gradings or status, for example, from part-time to permanent employment, or have the officers simply retained their previous form of employment?

**Mr Schulz:** In May this year Cabinet approved an establishment of 11 permanent Public Service positions, so that some of the officers who previously occupied positions as temporary Government employees now occupy permanent Public Service positions.

**Mr MAYES:** What encouragement does the Commission offer to young people to take up training for interpreting as a basis for joining the service?

**Mr Krumins:** Considerable encouragement is given. We are working very closely with the language studies sections of the colleges of advanced education and we continually train students in our organisation. That provides very close ties with the education authorities. Quite a few graduates from the courses are being employed in our organisation.

**Mr MAYES:** To clarify that matter, are any cadetships or is time off offered for training people within the branch who wish to go on and reach a higher level of qualification at a national standard?

**Mr Krumins:** Not at this moment.

**The Hon. C.J. Sumner:** Most of the people appointed to the new permanent positions of interpreter and translator have the qualifications required for those positions. If there are other people in the Commission who wish to further their studies they can qualify to do those studies within the rules of the Public Service Board such as apply to Mr Schaeffer.

**The Hon. H. ALLISON:** Will the Minister say whether I am correct in assuming that because there is no allocation for overseas travel under the Minister's line he will not be travelling overseas during the current year?

**The Hon. C.J. Sumner:** That is not a reasonable assumption to make. There was no allocation in the last financial year for overseas travel for the Minister, but I did manage to go overseas on a very useful trip. I have outlined to the Parliament on a previous occasion the details of my trip. The cost of that trip, I point out, was significantly lower

than that of comparable trips made by former Ministers of Ethnic Affairs. The comparisons are in *Hansard* for all to see, I think in March, who are interested, in making these quite invidious comparisons. The fact is that my trip was a bargain basement one.

Nevertheless, it was very useful. I went to Yugoslavia, Greece, Cyprus and Bulgaria. I hope that something positive will come out of the trip in terms of teacher exchange arrangements, which were almost at the point of conclusion with Greece. We have negotiations going on with Cyprus and with some of the republics of Yugoslavia that have not come to fruition yet. I am continuing to press the Italian Government to ascertain whether or not we can get teacher exchange. I outlined the details of this trip to the Parliament earlier. I do not at this stage have any plans for an overseas trip this financial year, unfortunately. But, if a trip becomes necessary, I will provide Parliament with full details of it, as I did on the previous occasion.

**The Hon. H. ALLISON:** Can the Minister tell the Committee what is the aggregate sum allowed for ethnic affairs within the Budget? According to line 1 of this document there is an amount of \$1.016 million; line 2, \$151 974, and line 7, \$219 257; a grand total of about \$1.387 million is allowed. Also, could we have the comparable expenditure for last year?

**The Hon. C.J. Sumner:** Mr Schulz will answer that question.

**Mr Schulz:** By way of explanation I indicate that last year the Commission was responsible for one Government programme only. That programme was entitled Services to Ethnic Groups and Promotion of Multi-culturalism. Following the report received by the Government on the review of the Ethnic Affairs Commission, it was considered appropriate to establish three programmes that would more correctly reflect the new directions of the Commission in relation to its responsibilities as outlined by the Government. From this financial year onwards the Commission is responsible for three programmes. One is entitled, 'Assistance and Services for Ethnic Groups'. Under this programme \$632 469 is provided for salaries and \$384 000 for contingencies.

The second new programme entitled 'Promotion of Participation of Ethnic Groups in the Social, Economic and Cultural Life of the Community' involves salary estimates amounting to \$128 974 and under contingencies about \$23 000 is provided for this programme.

The last programme of the Commission 'Public Sector Access and Equity for Ethnic Groups' covers salaries amounting to \$156 257 and \$63 000 is provided for contingencies. We found it very difficult to find comparable figures within those three new Government programmes and the one which was approved by the Government and for which funds were provided in the previous financial year, and in consultation with Treasury we found that in fact those apportionments could not be properly made. However, to give an indication of the changes, in the case of the first programme, \$334 000 was provided last year for support services as against \$384 000 proposed for this year. The increase is reflected in the change of direction of the programme that is now being proposed.

It includes some additional funds being provided to meet the cost of part-time interpreters and translators. In the case of the second programme one can compare about \$19 000, which was spent last year on support services, with \$23 000 this year. The increase is due to certain changes within the programme structure.

The last programme—just to make a meaningful comparison on support services—involved about \$45 000 being spent on activities that would be part and parcel of the new programme as opposed to \$63 000 being proposed for this financial year. In the case of 'Public Sector Access and

Equity for Ethnic Groups', this programme is aimed to strengthen the Commission's area of policy development, so that it will have the necessary tools of trade to be able to advise the Government on various changes that may have to be considered by the Government in the human services sector as well as in the general provision of services to the community.

**The Hon. H. ALLISON:** Can the Minister advise whether during 1983-84 he had to override or amend recommendations made by the Ethnic Grants Advisory Committee in regard to grants to ethnic people or community groups?

**The Hon. C.J. Sumner:** I do not believe that there were any major areas of disagreement between myself, the Commission and the Ethnic Grants Advisory Committee. There was one area involving a small amount that was made available to a Croatian days festival involving about \$700 which was made available and which had not been recommended. There have been no major areas of difficulty.

**Mr INGERSON:** What were the reasons for Mr George Giannopoulos leaving the employment of the Commission? Has he suffered any loss of salary classification or other benefit?

**Mr Schulz:** Mr Giannopoulos has, in consultation with myself and the Chairman, agreed that the present role he has been expected to perform on the Commission staff has not been consistent with his professional and educational training and he felt that he should look for a more appropriately suited office for his future development. At this stage Mr Giannopoulos is working for the Public Service Board assisting the Equal Opportunity Unit with the development of management plans appropriate for Government employees from non-English speaking backgrounds. So, he is fully employed and, hopefully, he will be placed in a more permanent position in due course.

**Mr INGERSON:** Has the Minister implemented his public announcement of the recommendations of the Migrant Police Working Party's Report?

**The Hon. C.J. Sumner:** Not all the recommendations of that report have been implemented. The recommendation that interpreters for police interrogations should be part of the interpreting/translating staff of the Ethnic Affairs Commission has been implemented. Legislation will soon be introduced relating to the rights of an accused person to an interpreter in a police interrogation. They were two of the very significant recommendations of the Police Migrant Working Party.

**Mr INGERSON:** The grants for ethnic organisations and festivals in 1983 was \$82 240 and in 1984 was \$79 965. Does the Minister expect a further reduction in 1984-85?

**The Hon. C.J. Sumner:** One cannot predict that. Clearly there might have been some small variation from year to year, but \$80 000 is the round sum allowance in this area. Obviously we must monitor it to ensure that that figure is appropriate. At this stage the Government cannot see any need to increase it.

**Mr INGERSON:** Have the commissioner's fees increased since 1 July 1983 and, if so, what are the amounts of such increases and the current fees?

**The Hon. C.J. Sumner:** The arrangement was previously \$21.25 per hour for meeting attendance. It has now been decided to do away with the payment by the meeting and to provide an annual allowance of \$1 500 to each part-time commissioner. The argument in favour of that is that we want part-time commissioners to see their job not just as going to meetings but as a broader role in the community of liaison with ethnic minority groups and assisting the Commission and the Government in that way.

**The Hon. H. ALLISON:** However late it may be, I appreciate the fact that the Minister and his two officers are treating this in a very serious fashion. I regret that some



members of the Committee on the Government benches are treating it in rather a cavalier fashion. I thank the Minister for his respect to the ethnic affairs line. The previous Government appointed to the Jubilee 150 Board a Mr Crottie. Has the Minister ensured that there is still a person appointed to that Board to represent the ethnic interests on it? Mr Crottie's role was specifically that.

**The Hon. C.J. Sumner:** There are two people appointed to the Jubilee 150 Board of ethnic minority background. One is Mr Irish Mykyta and the other is Mrs Anna Biglowski, if my memory serves me correctly—certainly Mr Mykyta. Mr Mykyta is Chairman of a Committee established by the Ethnic Affairs Commission to co-ordinate programmes for Jubilee 150 in the ethnic affairs area. His appointment to the Jubilee 150 Board was considered appropriate.

**The Hon. H. ALLISON:** At page 127 of the yellow book I notice it is intended to appoint an Ethnic Arts Officer. When will that appointment be made and will the officer be based in Ethnic Affairs or the Arts Department?

**The Hon. C.J. Sumner:** The officer will be based in the Ethnic Affairs Commission, and the appointment is expected to be made before Christmas.

**The Hon. H. ALLISON:** I refer to 'Issues/Trends' on page 129 of the yellow book in relation to rights, and so on. Does this mean that welfare services will be reduced by the Commission? What has caused the shift in emphasis from the provision of welfare services to the rights of migrants?

**The Hon. C.J. Sumner:** I think it is unhappily worded. I think a better description would have been 'The issue of the rights, in addition to the needs of migrant groups, has to be addressed'. The Commission itself has never been primarily responsible for the delivery of services, except in relation to interpreting, translating and information. Obviously there is a need to look at services in the welfare area. I point out that a task force has been appointed in the community welfare area, and I expect it to report shortly.

**Mr RODDA:** I refer to page 131 of the yellow book, as follows:

A proposal was formulated in conjunction with the Department of Labour to examine the problems faced by ethnic groups relating to industrial relations, workers compensation, industrial safety, redeployment and unemployment, information and interpreting services.

Will the Minister describe the proposal?

**The Hon. C.J. Sumner:** Following the last election the Government established task forces in Government departments involved in the delivery of services. Task forces were set up and reports were received in relation to health and education and I have indicated that a report on welfare will be brought down shortly. Another task force will be appointed in relation to industrial relations.

**Mr RODDA:** What is the state of the interpreting services? From my experience there is a shortage.

**The Hon. C.J. Sumner:** The acting co-ordinator is Mr Timpano. There are interpreters and translators at the central office and there are health interpreters at the Royal Adelaide and Queen Elizabeth Hospitals. Interpreters are primarily involved in interpreting in courts and in the health area. In addition, there is the ethnic information service, which is involved in the provision of information and the direction of people to appropriate Government departments where information can be obtained.

**Mr RODDA:** Are these facilities available in major country centres?

**The Hon. C.J. Sumner:** In courts in the country, yes.

**Mr RODDA:** What about difficulties in places such as Whyalla and Port Lincoln?

**The Hon. C.J. Sumner:** There are no permanent places available there, but contract interpreters can be engaged in large country centres.

**Mr RODDA:** There is an increase from \$223 000 to \$284 000 in actual expenditure for 1983-84 under 'Liaison with Ethnic Groups' (on page 133 under 'Recurrent Expenditure'). To what does that relate?

**The Hon. C.J. Sumner:** That was already explained when Mr Schulz outlined what was involved with the 'Liaison with Ethnic Groups' line. Three officers have been appointed to community liaison; their job is to assist communities with their problems—as opposed to individuals with welfare problems—and to assist organisations of ethnic minority groups in a wide range of activities.

**Mr RODDA:** Regarding page 132 in the yellow book, have the new separate regional offices at the Royal Adelaide and Queen Elizabeth Hospitals been established yet? If so, what staffing is involved?

**The Hon. C.J. Sumner:** Three interpreters and translators are appointed to the Royal Adelaide Hospital and four to the Queen Elizabeth Hospital. They are all new permanent positions that were created following the permanent classification of these positions. That caused the transfer of some of the people who had held those positions on a temporary basis. The Royal Adelaide Hospital will serve Greek, Italian, Serbian, Croatian, Vietnamese and Kampuchean people; the Queen Elizabeth Hospital, Italian, Greek, Vietnamese and Polish people.

**Mr RODDA:** As a supplementary question, my note has 'offices', not 'officers'. Am I wrongly informed? Is there a general or regional office?

**The Hon. C.J. Sumner:** It is called the 'Royal Adelaide Hospital Regional Office'.

**Mr RODDA:** What are its duties, or what input does it have?

**The Hon. C.J. Sumner:** It is an interpreting and translating office in both those places—the Royal Adelaide Hospital and the Queen Elizabeth Hospital—which I have outlined.

**Mr RODDA:** That is all that it does?

**The Hon. C.J. Sumner:** Yes.

**Mr INGERSON:** In relation to interpreters and translators, on page 122 is a reference to reconstituting the contract panel. As the contract panel of interpreters and translators is reconstituted, does the Minister believe that some existing contract staff will be retrenched? If so, how many? Will the decision to remove some existing practitioners from the present panel be made by the staff or by the Commission?

**Mr Krumins:** We have 149 contract interpreters on the contract panel. If it says 'reconstituted', that means that we had a hard look at the quality of the interpreters on the contract panel. Those, perhaps, who had no NAATI levels had their duties or contract terminated. There were only a few; they were fairly old and perhaps incapable of attending effectively to the duties in the hospitals. We are adding to that contract panel new interpreters and strictly asking for relevant NAATI levels. Therefore, we are revitalising the contract panel so that it becomes more effective and efficient.

**Mr INGERSON:** In which departments or agencies have mainstreaming arrangements been completed to the Minister's satisfaction, and in which departments or agencies does the Minister expect to complete such arrangements before the end of the financial year?

**The Hon. C.J. Sumner:** It is not a matter of mainstreaming arrangements being completed to one's satisfaction in this financial year. Obviously, it will be an ongoing process. To the extent that interpreters and translators are located in hospitals, that is in effect an exercise in mainstreaming. The extent to which we have established task forces in health, welfare, education, and labour and industry is all part of the process of mainstreaming, that is, bringing the Govern-



ment departments to the realisation of the change in the nature of Australian society and ensuring that those departments deliver their services taking into account the nature of Australian society.

That can be done in many ways, but we are saying that the Ethnic Affairs Commission should not be responsible as such for the delivery of services except in a very limited area of interpreting and translation and a small number of information services but that each Government department should be aware of its responsibilities to the whole community. The point of the task force was to bring that home to the departments and to develop within departments policies that gave effect to the multi-cultural policies of the Government.

**Mr INGERSON:** Is the Minister satisfied that accountability by ethnic schools for State grant money is satisfactory? What measures are taken to ensure accountability in this area?

**The Hon. C.J. Sumner:** That is a matter for the Minister of Education, but clearly some concerns have been expressed about the accountability of ethnic schools. A report was prepared on that area, and the matter is being examined by the Minister of Education, I believe. There is some case for ensuring, without taking away independence, of course, that there is proper accountability in those schools.

**Mr INGERSON:** Mention is made of the deferral of multi-cultural television to South Australia until the second half of the 1984-85 financial year. Has the Minister further information as to whether this commitment will be honoured by the Federal Government?

**The Hon. C.J. Sumner:** The honourable member's alter ego insists on asking similar questions in the Legislative Council. As far as I am aware, there has been a re-affirmation on a number of occasions of the commitment of the Federal Government to extend Channel O 28 to Adelaide; in fact, that commitment was re-affirmed in the most recent Budget. Some capital equipment has already been purchased, and I understand that that service should be available in Adelaide towards the end of the 1985 financial year. I cannot give a precise date, but the commitment has been re-affirmed, the budgetary allocation has been made and we fully expect it.

**Mr RODDA:** At page 122 of the yellow book under '1984-85 Specific targets' it is stated:

Monitor the testing programmes of NAATI and the programmes of teaching institutions to ensure the adequate provision of qualified interpreters and translators.

Which officers will monitor these programmes?

**The Hon. C.J. Sumner:** I think that the answer to that question is the one that Mr Krumins gave previously about liaison between the Ethnic Affairs Commission, NAATI and the South Australian College of Advanced Education where interpreters and translators are trained to ensure that NAATI standards are being adhered to and that people qualified at the appropriate level of NAATI are available when positions become available in Government services for interpreters and translators.

**Mr RODDA:** What does NAATI mean?

**The Hon. C.J. Sumner:** National Accreditation Authority for Translators and Interpreters, which is a national body established to set standards of conduct and conditions to ensure a proper grading of interpreters for different tasks.

**The ACTING CHAIRPERSON:** There being no further questions, I declare the examination of the vote completed and thank officers of the Ethnic Affairs Commission for their participation.

Corporate Affairs Commission, \$3 487 000

**Chairman:**

Mr G.T. Whitten

**Members:**

The Hon. H. Allison

Mr T.R. Groom

Mr G.A. Ingerson

Ms S.M. Lenehan

Mr M.K. Mayes

Mr W.A. Rodda

**Witness:**

The Hon. C.J. Sumner, Attorney-General, Minister of Consumer Affairs, Minister of Corporate Affairs and Minister of Ethnic Affairs.

**Departmental Advisers:**

Mr K. MacPherson, Corporate Affairs Commissioner, Corporate Affairs Commission.

Mr T. Bray, Manager, Support Services.

**The ACTING CHAIRPERSON:** I declare the vote open for consideration.

**The Hon. H. ALLISON:** On page 174 of the yellow book under the heading 'Issues' mention is made in the second paragraph that in the first two years of the scheme it has become increasingly clear that if the aims of the scheme in this State are to be fulfilled a uniformly high standard of participation must be achieved, and so it goes on. It mentions including control of the State's revenue base. There have been quite a number of complaints from small businesses about the complexity and cost of this new scheme. Is there any proposal to modify application of the scheme to smaller companies, and what does the reference to control of its revenue base really mean?

**The Hon. C.J. Sumner:** At present the States obtain some revenue as a result of registration and regulations in the companies and securities area. It is really a reference to ensuring that the State does not lose that revenue without some quid pro quo. As to the other question the honourable member raised about simplification of the corporate form, a Companies Law Review Committee has been established under the auspices of the Ministerial Council on companies and securities, and one of its terms of reference is to look at the corporate form and to investigate whether there can be, or whether there is a need for, any modification of that corporate form, perhaps to simplify matters for smaller enterprises. That is an inquiry that is being conducted by the Companies Law Review Committee.

**The Hon. H. ALLISON:** I refer to the first paragraph on the right-hand side of page 174 of the Programme Estimates stating that the introduction of revised legislation for co-operatives and associations was anticipated in 1983-84, and then it goes on to explain that it was deferred until 1984-85. What consultation has there been regarding the co-operatives regulations so far, and are copies of drafts yet available? Can the Minister advise about that and the proclaiming of the new Act?

**The Hon. C.J. Sumner:** I will ask Mr MacPherson to reply.

**Mr MacPherson:** With regard to the co-operatives regulations, the Commission has engaged the services of Messrs Stephens and Hughes, two chartered accountants, who are experienced in this area to assist in the drafting of the regulations. The regulations have now reached the stage where we are finalising our position, and we intend to consult with the Co-operative Federation within the next couple of weeks. An officer of the Commission has spoken

to members of co-operatives from the Riverland to ensure that the regulations when finally drafted will reflect the commercial reality of the co-operatives industry.

**The Hon. C.J. Sumner:** In regard to incorporation of associations, that Bill was introduced in Parliament in late 1982, and there was debate on it and much opposition from the honourable member's colleagues in the Upper House. As a result, the Bill was withdrawn and there has been consultation with people concerned on that Bill as well over a long period. That is proceeding, but it is hoped that there will be a new Bill available soon.

**The Hon. H. ALLISON:** In the second paragraph on page 174 reference is made to the possibility of national legislation in regard to building societies and credit unions. Can the Minister enlarge on the possibility of there being national legislation for building societies and credit unions, and upon the form it is likely to take? For example, will it mean that South Australia could lose any control that it currently has? How will it impact on South Australia's building societies and credit unions?

**The Hon. C.J. Sumner:** A quite detailed report was produced for the Victorian Government on financial co-operatives, and some weeks ago a meeting was convened in Melbourne on this topic by the Victorian Minister of Housing. A number of issues were discussed at that meeting and a working party was formed to look at some of the issues of concern to the financial co-operatives. The fact is that in the financial world we are in a completely new ball game now because of the recommendations of the Campbell and Martin inquiries into the financial system and deregulation, and these institutions are concerned about their competitive position. Some legislation has been proposed for South Australia that should be available in this session to broaden the capacity of building societies to offer funds to other than strictly a shelter provision. In addition, there are a number of other issues that have been raised by the co-operatives, all in the context of this more competitive environment and the working party established by Ministers at the Melbourne meeting is looking at a number of issues. It may be that national regulation will come out of that. Already there seems to be occurring more co-operation between financial institutions of a co-operative nature across State borders in Australia, and it was generally felt that, because of the problem of more and more of these organisations forming links and liaison and the like with institutions interstate, the only effective way to ensure that there are proper prudential controls is by national legislation.

**The Hon. H. ALLISON:** Page 174 of the yellow book under 'Implications for Resources' states that revenue from

fees is tied to nationally set levels. Did the Minister concur with or oppose the increase in fees scheduled to come round about 1 October 1984? Will the Minister give us an idea of the number of companies incorporated in 1983-84 and expected to be incorporated in 1984-85? Will the Minister explain the comparable level of past and anticipated fee incurring transactions in those two areas?

**The Hon. C.J. Sumner:** For local companies, new companies processed in 1983 were 2 026. In 1984 there were 2 634 new companies processed. It is very difficult to project the new companies for the coming year and I really do not have any information on it. The setting of fees is done by the Ministerial Council on Companies and Securities according to a certain CPI-related formula that was established as being an appropriate method to ensure that the increase in company fees kept up with inflation. There is a CPI adjusted formula used by the Ministerial Council on Companies and Securities each year.

**The Hon. H. ALLISON:** On page 177 of the yellow book under 'Regulation of co-operatives and associations' the proposed receipts for 1984-85 are \$28 000. Does the Minister see any increase in fees during that period?

**The Hon. C.J. Sumner:** Apparently we have not got to the point of proposing fees under the new regulations on co-operatives. I am advised that that is a figure for Treasury purposes which does not necessarily reflect what might happen because the fees have not been set yet under the new regulations.

**The Hon. H. ALLISON:** On page 181 of the yellow book under 'Broad Objectives/Goals' there is reference to exercising a protective role in relation to shareholders, etc. What inquiries were undertaken during 1983-84 and were any outstanding at the beginning and end of the financial year? Will the Minister give us some idea of how many prosecutions there were, in what area they were, and whether fines or more severe penalties were imposed?

**The Hon. C.J. Sumner:** The situation in 1983-84 is that there were 270 so-called jobs received, 295 completed, and 161 are awaiting or under investigation. It is not possible to detail all the inquiries received. However, in 1983-84 there were 23 prosecutions involving 25 separate counts and 11 prosecutions still before the courts involving 36 counts.

There are also a number of document lodgment prosecutions. I seek leave to incorporate in *Hansard* without my reading it a table which provides details of returns for the year ended 30 June 1984. It deals with prosecutions for failing to lodge annual statutory returns.

Leave granted.

#### FAILURE TO LODGE ANNUAL STATUTORY RETURNS—ANALYSIS FOR THE YEAR ENDED 30 JUNE 1984

Complaints Laid	Number of Complaints	Number of Prosecutions	Fines Imposed \$	Cost Imposed \$	Withdrawals	Summons Not Served
Section 158—Failure to lodge local company annual returns . . . . .	665	389	25 794	5 856	76	115
1982-83 Comparison Totals . . . . .	619	410	28 615	6 135	67	136
Section 380 default—Continued failure to lodge local company annual returns . . . . .	47	42	42 097	714	5	—
1982-83 Comparison Totals . . . . .	—	—	—	—	—	—

**The Hon. H. ALLISON:** I refer to 'Issues/Trends' on page 183 of the yellow book. I notice that the Government has expressed its concern about the 'backlog which is unacceptable'. What is the main reason for the extensive delays, and what is being done to improve the situation?

**Mr MacPherson:** In the past six months there has been a major reorganisation within the Department to ensure

that those employed on investigation and prosecution activities can focus on those areas without being deflected to more mundane clerical tasks. The outworking has been that in the period since 1 July we have commenced some 20 prosecutions in the more substantial area of criminal breaches of the Companies Code, other than those which are basic statutory offences involving the non lodgment of documentation.

**The Hon. H. ALLISON:** I refer to '1984-85 Specific Targets/Objectives' on the same page, as follows:

Improve the investigation response time to complaints received. Decrease the time delays between completion of investigator's briefs and examinations by legal officers.

What is the current time lag between each of those situations?

**Mr MacPherson:** It varies with respect to each matter. The Assistant Commissioner in charge of this area, Mr Lane, has undertaken certain arrangements with the liquidators in this State to ensure that, where matters appear to involve offences, that fact is brought to notice very early in the piece. That obviates delay and loss of evidence before the Corporate Affairs Commission can commence its inquiries. That has proven to be very successful. I cannot comment on the time frame, because it varies markedly.

**The Hon. H. ALLISON:** On page 187 I note that approval was obtained for the creation of an inspectorial position, the duties of which will include making inspections to detect breaches of the Business Names Act. When is that Act likely to be reviewed and what changes are proposed?

**Mr MacPherson:** We are looking at the Business Names Act. We are endeavouring to do this in conjunction with the other States so that the position in South Australia will not be dissimilar. I understand that the other States have not indicated any enthusiasm for doing this. We are continuing to review the position here. That person's role is to assist people to understand the legislative requirements. This person has been out on the road so to speak and, as a result, a number of people are now more aware of their statutory responsibilities in this area.

**The Hon. H. ALLISON:** We previously referred, on page 177, to a \$28 000 income for business name fees. That was a significant increase in fees. Can the Minister advise how many business name transactions there were in each of the past two financial years?

**The Hon. C.J. Sumner:** That related to co-operatives and associations. The business names line is immediately above it.

**The Hon. H. ALLISON:** Yes, business names. It is still a very substantial increase from \$839 000 to \$1.073 million.

**The Hon. C.J. Sumner:** With new applications, renewals, changes of address, other changes, cessations and expired names, there were 36 791 transactions in 1983 and 38 718 in 1984. In 1983 there were 9 618 new applications; in 1984 there were 11 379, which is a substantial increase in the number of applications—about 1 700—and which is encouraging.

**The Hon. H. ALLISON:** Referring to page 193, what changes are proposed with regard to building societies and credit unions where it says that there will be a review of legislation with a view to introducing a draft Bill improving the quality of examinations, liaising with auditors, etc.?

**The Hon. C.J. Sumner:** I have already outlined that to some extent. A number of things could arise out of this Victorian report and the meeting that we had some weeks ago. One of the proposals that I expect to introduce soon deals with the broadening of the capacity of building societies to lend money for non-shelter purposes, but there will be other amendments, too. That is basically to try to overcome the difficulties that the building societies and credit unions have in their competitive position following the restructuring of the financial system in Australia. I can certainly provide a lot of information on this topic, but I appreciate that we are running out of time.

**The ACTING CHAIRPERSON:** Could that information be subsequently provided?

**The Hon. C.J. Sumner:** There is no problem with that. We can do a little summary of the sorts of issues that are in hand. We will provide the information.

**The Hon. H. ALLISON:** On page 193, under the heading 'Building Societies and Credit Unions', it talks of 'The

emerging deregulation of banks and consequent increased competitiveness'. What further deregulation is proposed?

**The Hon. C.J. Sumner:** I do not know that there will be any further deregulation of banks. That is a Federal Government matter, of course. There has already been substantial deregulation from 1 August as a result of the Campbell and Martin Committee inquiries. The problem that the building societies and credit unions have is to ensure that their competitiveness is maintained in that deregulated environment.

**The Hon. H. ALLISON:** Is the Minister confident that a foreign bank will be encouraged to establish its headquarters in South Australia following the Premier's very firm statement that he will do everything possible in this regard?

**The Hon. C.J. Sumner:** The honourable member is drawing a very long bow if he thinks that that is relevant to the lines of the Corporate Affairs Commission.

**Mr INGERSON:** There seem to be many complaints from small business regarding registration of returns and corporate returns. Has a review been undertaken on the need to change procedures to simplify that area, particularly in regard to small business?

**The Hon. C.J. Sumner:** Are the complaints from small business partnerships?

**Mr INGERSON:** They are coming from small companies.

**The Hon. C.J. Sumner:** I referred to this earlier. The matter is presently being examined by the Companies Law Review Committee. The question of the corporate form to which I referred earlier involves the simplification of the corporate procedures. That may involve reporting mechanisms. If the honourable member is aware of any specific problems in that area, we would be interested to hear about them.

**Mr RODDA:** The yellow book at page 174 under 'Corporate/Management Objectives' states:

To encourage investor and creditor confidence by providing an organisational structure capable of effectively monitoring and regulating corporate securities and commercial trading.

I am sure that all members would be aware that companies, sometimes in rural areas, go into voluntary liquidation but it appears that the proprietor slides away with a great nest egg, leaving creditors lamenting. I know that the Commissioner is well aware of what is in my mind. Is the Department overcoming that problem or is legislation proposed to bring these fellows to book? At my office in Naracoorte there has been a long path of people who have been stung by these rascals. Will this initiative be effective?

**Mr MacPherson:** We are aware of those difficulties. The companies code is under continuous review to see whether we can limit the potential for people who perpetrate these types of fraud (which is basically what they are). The difficulty is that often evidence is not available, and because we operate in accordance with the rule of law it is not possible to institute proceedings against people where there is no evidence. The companies code has been amended to provide for reversal of the onus of proof where people seek to trade while the company is insolvent. In addition, those who suffer as a result of company officers trading in the corporate entity while the company is insolvent incur the potential for personal liability. I believe that the legislation contains adequate measures and, provided there is evidence to proceed against people, we do not hesitate to do so.

**The CHAIRMAN:** There being no further questions, I declare the examination of the vote completed. I thank the Minister, his officers, and members of the Committee (who asked 173 questions today) for their participation.

#### ADJOURNMENT

At 10 p.m. the Committee adjourned until Tuesday 2 October at 11 a.m.