

HOUSE OF ASSEMBLY

Wednesday 25 September 1985

ESTIMATES COMMITTEE B

Chairman:

Mr G.T. Whitten

Members:

The Hon. H. Allison
 Mrs J.E. Appleby
 Mr S.J. Baker
 Mr D.M. Ferguson
 Mr J. Mathwin
 Mr M.K. Mayes

The Committee met at 11 a.m.

Electoral \$2 518 000

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. Becker, Electoral Commissioner.
 Mr M. Duff, Deputy Electoral Commissioner.

The CHAIRMAN: I declare the vote open for examination. First, I call on the leader of the Opposition side of the Committee to make an opening statement if he so wishes.

The Hon. H. ALLISON: I do not propose to make an opening statement. There is a lot of work to be done today, and eliciting answers by question is the best procedure.

The CHAIRMAN: Does the Attorney-General wish to make a statement?

The Hon. C.J. Sumner: No.

The Hon. H. ALLISON: People do not understand the recent changes to the Electoral Act. One question of interest is the period of time which may be required for the Electoral Commissioner to establish his preparedness for an election. According to our calculations, we believe that the minimum time for calling an election would be 24 days; can you confirm or deny that?

The Hon. C.J. Sumner: That has nothing to do with the lines. This is a Budget Estimates Committee and not an occasion to seek information about anything that cannot be ascertained from reading the legislation. I have no objection to the Electoral Commissioner providing him with that information but it has nothing to do with the lines.

The Hon. H. ALLISON: I was under the impression that the Electoral Commissioner would be able to provide that information, since the main part of his job is to establish preparedness for an election. If the Government and the Opposition are totally unaware of the minimum period required for the calling of an election, I can only say that this State is in a very dire situation. Would the Minister reconsider his objection?

The Hon. C.J. Sumner: I am happy for the Committee to have any information they like. It is simply not relevant to today's inquiry.

The CHAIRMAN: The Chair may differ. Salaries for the Electoral Office are provided in the budget lines. I rule that the question is valid.

Mr Becker: Our calculations are that it will take 28 days to actually run the election from the writ to polling day. The 24 days comes up as a result of not taking into account clear days; for example, the writ issues at one minute past midnight so you cannot count that first day, because you have 23 hours and 59 minutes—one minute short of one clear day. The way in which the count proceeds from there means that certain things would fall on weekends.

We do not have nomination days on weekends, so we must roll over to the following Monday. The best way to calculate it is to start from polling day and come back 14 clear days, and that provides the day of nominations: we then come back a further three clear days, providing the day for the closing of the rolls, and then we come back a minimum of seven or a maximum of 10 clear days to calculate the time at which the writ issues.

The Hon. H. ALLISON: The yellow book (page 89) states that one objective is to promote the policy and principles as prescribed by the code of general principles for occupational safety and health. In what way is that a responsibility of the department? Is it a general responsibility, or does it refer specifically to departmental objectives?

The Hon. C.J. Sumner: It is a general responsibility of every department.

The Hon. H. ALLISON: In what way is that achieved?

The Hon. C.J. Sumner: The Government has a policy relating to occupational safety and health that it believes should be applicable throughout the public sector. The Electoral Department picks up that obligation as do all other Government departments.

The Hon. H. ALLISON: The yellow book (page 89) also states that as one strategy the Electoral Department and the Crown Law Office are currently developing regulations under the new Act, and a departmental working party has been formed to consider the administrative aspects of the Act and regulations. Have the new regulations been promulgated, and who is on the working party? What are its objectives and what is the current position?

The Hon. C.J. Sumner: The Act and the regulations have been proclaimed.

The Hon. H. ALLISON: What educational material and programs are proposed?

The Hon. C.J. Sumner: I can show the honourable member some material that has been distributed to all year 11 and year 12 students, such as 'Voting and you', 'Electoral Rolls and Enrolment', and 'Electoral Districts'. In addition, an advertising campaign will be conducted by the Electoral Commissioner at the time of the next general election to explain the procedures under the new Act.

Mr FERGUSON: I note from page 15 of the Estimates of Payment that there is an allocation for conduct of elections for associations and other bodies. Does that refer to union elections whereby union rules require that the Electoral Department handles elections? Is this an increasing cost on the Electoral Department? What percentage of the department's time would be tied up with union elections?

The Hon. C.J. Sumner: Some of these are union elections but certainly by no means all, and the organisation concerned pays the Electoral Department to conduct the elections. In the financial year just completed 21 elections were conducted under this heading for the following organisations:

Australian Barley Board.
 Shop, Distributors and Allied Employees Association.
 Upper Eyre District Soil Conservation Board.
 South-Eastern Drainage Board.
 Fire Brigade Officers' Association, South Australia.
 South Australian Jockey Club.
 Department of Fisheries (Referendum).
 The Adelaide Children's Hospital, Inc.
 Satisfac Credit Union (Council and Supervision).

Drug and Alcohol Services Council.
Citrus Board of South Australia.
Police Association of South Australia.
Royal Australian Nursing Federation (S.A. Branch).
University of Adelaide General Staff Association.
South Australian Egg Board.
Police Association (Plebiscite).
Australian Barley Board.
Julia Farr Centre, Inc.
Lower Eyre District Soil Conservation Board.
Murray Plains District Soil Conservation Board.
South Australian Potato Board.

That is an ongoing program of the department and the organisations concerned pay the department for conducting the elections.

Mr FERGUSON: Is this an increasing workload for the department?

The Hon. C.J. Sumner: I understand that they have increased over recent years at a rate of about 10 per cent per annum of new associations. They are no charge to the revenue of the State.

Mr FERGUSON: I now refer to the line 'Election expenses' on page 16. Who determines the wages of casual staff employed on election day, and under what determination are they employed?

The Hon. C.J. Sumner: The Minister has the responsibility for determining the salaries for part-time staff, and it is done on the advice of the Public Service Board.

Mr FERGUSON: Is it determined by comparison with clerical awards? How is the determination made?

The Hon. C.J. Sumner: Apparently, yes.

The Hon. H. ALLISON: Consequent upon the question asked by the member for Henley Beach a few moments ago about organisations that had ballots conducted for them in 1984-85, is it expected that there will be a substantial increase in the number of organisations in 1985-86? I believe the number was 21.

The Hon. C.J. Sumner: There were 21 in 1984-85 and it is expected that there will be some increase. Already programmed this year are two new organisations—the Ambulance Board and Port Augusta Hospital employees representative—and we expect that there may be some additional hospitals, in particular, wishing to make use of the services.

The Hon. H. ALLISON: Page 96 of the yellow book under the heading 'Delivery Mechanism' indicates:

Roll searches are conducted predominantly by departmental officers. On occasion, assistance is given by epidemiological staff where the study requires greater commitment of resources than can be provided from officers of the department.

At the top of the page the second paragraph in the second column states:

It is essential to ensure confidentiality of information, particularly where it may not be in the interest of a person being sought to be located.

In view of the fact that outside epidemiological staff are being employed, how is confidentiality being achieved? What safeguards are being undertaken?

Mr Becker: The policy of the department is that, because electors are required to enrol (notwithstanding the fact that we still have voluntary enrolment in South Australia), we protect that information very closely. The only time we allow that information out is if it is to the benefit of the community at large. In many cases the epidemiological studies are long-term projects, in some cases running over 20 years. For example, people who may have attended the Adelaide Children's Hospital 20 years ago are followed up now to see how well they have progressed and to determine what the treatment was like at that time.

If we do not have the manpower available in the department to do that work, we ask the body making the inquiry to supply the labour. These inquiries involve fairly large numbers. We know that the information is treated very

confidentially and that it is used only for the specific epidemiological purpose. I really do not think that the knowledge about an elector's details gained by the people doing the work would be remembered longer than the time taken before they moved on to the next elector.

The Hon. H. ALLISON: I refer to 'Need Being Addressed' on page 96 of the yellow book, as follows:

Demographers and sociologists conducting studies of the aged population in specific areas of the State are now approaching the department for information.

In the main, what sort of information is being sought?

Mr Becker: They are just general age profiles. At this stage we are doing that work on behalf of local government community boards.

Mr BAKER: My first question relates to the provision of \$1.8 million for the 1985-86 election. Can the Minister provide a breakdown of the figures for the pamphlets we see here today, the leasing of premises, and the staffing costs?

The Hon. C.J. Sumner: The estimated costs for the 1985-86 periodical and general elections are: returning officers fees for the election, \$85 000; printing and stationery, \$150 000; postage, \$40 000; polling staff (fees and allowances), \$850 000; Legislative Council scrutiny, \$150 000; casual staff, \$40 000; returning officer and presiding officer training, \$50 000; advertising, \$250 000; contingencies, \$135 000; telephones, \$10 000; and miscellaneous, \$40 000. That makes a total of \$1 800 000.

Mr BAKER: Could the Minister supply the same information for the previous election in 1982?

The Hon. C.J. Sumner: Yes. Returning officers fees for the election, \$72 000; printing and stationery, \$120 000; postage, \$33 000; polling staff (fees and allowances), \$585 000; Legislative Council scrutiny, \$130 000; casual staff, \$30 000; returning officer and presiding officer training, \$25 000; advertising, \$75 000; contingencies, \$110 000; telephones, \$7 000; and miscellaneous, \$33 000.

Mr BAKER: If an election were held within one month, for example, on 26 October, what would be the resource implications and would there be any difficulty in the department conducting that election?

The Hon. C.J. Sumner: No more than usual, as I understand it.

Mr BAKER: I understand that there are different provisions in relation to the residency qualifying period between the Constitution and the Electoral Act. What will be done to overcome that anomaly?

The Hon. C.J. Sumner: I have not examined that particular issue. I am happy to do it and will let the honourable member have my opinion on the matter if he can give me full details of the problem he apparently sees.

Mr MATHWIN: I understand that the nomination papers will be quite different under the new Act. Are those nomination papers prepared and could we have further information on the matter?

The Hon. C.J. Sumner: I understand that they have been printed.

Mr MATHWIN: Page 98 of the yellow book states, 'Proceed with the preparation of the history of the department (funding by Community Employment Program).' How much money has been made available for this and over what period of time? How many persons are involved and what are their qualifications? What departmental staff is required to supervise or be involved with these CEP employees?

Mr Duff: I cannot specifically indicate the amount that has been allocated for that project because we have three CEP projects and one International Youth Year project funded at the moment. The total of the four projects is \$103 000. One project concerned the preparation of local government maps following the 1983 redistribution that we

required for encouraging electors for the new subdivisions, *vis-a-vis*, the local government areas. Another project undertook a survey of youth non-voters following the last election. Another project concerned the history of the department. The fourth project, which was the International Youth Year project, financed the preparation of the brochures that were handed out earlier.

In relation to the project involving the history of the department, we have two master graduates and two clerical staff working on that. They are scheduled to complete it by the end of this year. It involves not only researching some of the early history from the Archives, but trying to put together a slide library of early electoral districts.

Mr MATHWIN: Part of the question that I asked related to what departmental staff was required for supervision. Do you know that?

Mr Duff: We have one officer who supervises all four projects on a part-time basis: he has other duties.

Mr MATHWIN: What qualifications does that person have?

Mr Duff: The supervisor has an honours degree in arts and is working on his doctorate at the moment.

Mr MATHWIN: The Attorney offered further information in relation to my first question. The information I sought was what type of nomination paper it was. How much alteration was there from the old one?

Mr Duff: There is a radical change in the nomination forms. Three forms are involved, each in three parts. The first is the nomination form, in which two electors nominate a candidate and he signifies his acceptance. The second form is for a candidate who wishes to have descriptive information printed on the ballot paper, which may be the name of a registered political Party, the description 'Independent', or the description 'Independent' followed by not more than five other words. If he wishes to use the name of a registered political Party, it requires the registered officer of that Party to endorse that form.

The third form for the House of Assembly relates to a candidate who wishes to lodge a voting ticket. The order of candidates' names to be printed on the ballot paper will be determined by lot. It will be up to the candidate to find out from his returning officer what that order is and then to signify how he wants his preferences to flow.

The Hon. C.J. Sumner: We can make them available to any member of the Committee who would like a copy.

The CHAIRMAN: You could advise the Committee that all these regulations and forms appeared in the *Government Gazette* three weeks ago.

The Hon. C.J. Sumner: These did not: they were not done by regulation, but they can be made available to members.

Mr MATHWIN: I will accept that offer.

Ms LENEHAN: On page 16 of the Estimates of Payments booklet, does the allocation 'Production of electoral rolls, \$208 000 proposed' include any proposed expenditure to provide the electoral roll information to electorate offices by means of a down-line computer system through the telephone system? This matter was raised on the Premier's Committee yesterday. The Parliamentary Librarian was asked about down-line based information. The member for Mallee and I both asked several questions about this area.

The Parliamentary Librarian made the point that a need exists for a total system for the Parliament so that information created can be used as part of a single system. I went on to ask him whether he believed that it was possible to have a system where we could have the electoral rolls accessed both at the Parliament and the members' offices and whether that could be somehow part of a more complete system that would also have *Hansard*—some members of Parliament have looked at the Government Computing Centre and seen how this can be done—from both Houses

on this data base as well as the range of information for which the library would be responsible.

The answer that I got to my question—and it is relevant—from the Parliamentary Librarian was that this would be possible, and that it would be possible to have this range of information available to members at the electorate offices as well as having some terminals in the Parliament. What sort of money is envisaged by the Attorney in providing this total systems-type accessing for this kind of information, which would include the electoral roll information?

The Hon. C.J. Sumner: This line does not include any allowance for that sort of equipment. In relation to electoral rolls, it was explained last year that it is possible at a cost, but I am not in a position to make a decision about that: it is a matter of Government policy, which obviously relates to facilities for the Parliamentary Library and electorate offices. Technically, there is no difficulty for the Electoral Department.

Ms LENEHAN: Would the system that I have outlined have any saving in printing costs, given the printing and clerical costs involved in providing members with updates and reams of information on paper?

The Hon. C.J. Sumner: There are some marginal savings, but obviously the cost of the introduction of the system would be substantial.

Ms LENEHAN: Is the paper involved in the production of updates now costly?

The Hon. C.J. Sumner: It is \$20 000 per annum, but the scheme that the honourable member is suggesting would obviously cost considerably more than that. I said that there would be some marginal saving if the scheme were introduced, but it is really not a matter for the Electoral Commissioner. He can do it if the honourable member can convince the Government to make the funds available for computerisation in electorate offices and the Parliamentary Library. As far as the Electoral Commissioner is concerned, the electoral rolls could be put on it.

The Hon. H. ALLISON: The order for candidates will be decided in future by ballot rather than by the alphabetical system. What form will that ballot take? Will members front up to their local returning office and draw straws or will a more scientific ballot be conducted along the lines of a lottery?

The Hon. C.J. Sumner: The regulations that have recently been promulgated provide in regulation 4 a procedure that involves the names being placed in envelopes, the envelopes being placed in a container, the container being shuffled, and the Electoral Commissioner drawing the envelopes one at a time from the container. I understand that has been the procedure for some years with respect to the Legislative Council, which has always been done by lot.

The Hon. H. ALLISON: Page 96 of the yellow book states in the 1984-85 specific targets and objectives, that the department will assist *bona fide* organisations and individuals in locating electors when departmental resources permit and that all requests in 1984-85 were satisfied. How many requests were received?

The Hon. C.J. Sumner: The people who have made these requests have been public trustee and private executor companies in South Australia seeking information about potential beneficiaries under wills or estates that they are administering. A charge is levied by the Electoral Department for the search conducted and the elector is notified, first, for his permission, before the information is passed on to the inquirer.

Mr FERGUSON: If there were an election called tomorrow, how long would it take to complete printing the electoral roll?

Mr Becker: We would have the lot out by next Thursday.

The Hon. C.J. Sumner: A little clarification is needed there.

Mr Becker: If the election were called tomorrow, that would be the time at which the writ issues, but from the time at which the roll closes—which may be seven or 10 days after the issue of the writ—to the time that we produce the hard copy is about a week.

Mr BAKER: One part of the nomination form will, in fact, be whether you want a party or some description put on the ballot paper. I understood from the Electoral Act it would be up to the discretion of the returning officer whether anything other than the candidate's name is put on the ballot paper. If some candidates want details of 'Independent' or whatever, and others do not, how will this work?

The Hon. C.J. Sumner: It is not a matter of discretion for the Electoral Commissioner, it is a right that the candidate has under the Electoral Act, to have the Party that he nominates included on the ballot paper or the word 'Independent'—with not more than five words. The only discretion that the Electoral Commissioner has is the rejection of a name of even an elector, I believe, but also the name of a Party which is frivolous or obscene.

Mr BAKER: There will be considerable money spent—and it is being spent—on roll scan devices; what do they actually do? I have been quite taken with parts of the American system whereby a means exists for an instant result to be obtained from the ballots through electronic devices. There are other alternatives, such as optical mark reading, etc. How will the electoral roll scanner work?

The Hon. C.J. Sumner: The electoral roll scanner is not designed to assist in the counting of votes, it is designed to assist in checking who has voted, following an election. It is quite an important initiative of the Electoral Department and, in fact, the department has received a good deal of favourable publicity for this technological development. I ask Mr Becker to provide the honourable member with full details of what it is and its stage of development. He might also be able to comment on the likely implementation of it as a permanent application.

Mr Becker: The scanner was developed because we had difficulties with the error rate from the time at which a person has his name marked off on the roll in the polling booth to the time that we actually send out non-voters' notices, etc. We did not have a reliable method of checking whether or not there had been multiple voting as well. We thought that the best idea was to try to take the human side of things out of it by putting a machine in between the voting day and the time that the elector actually receives the notice of not voting or having voted more than once.

The machine cost us about \$100 000 and it is now almost complete. It is passing electors at the rate of 4 million per hour and there has been considerable interest shown in it, not only here but in the United States. In fact, we have some people arriving from Queensland in the next hour or so to have a look at our new developments, including the on-line system that we started last week. In the long run the roll scanner will be a tremendous device because once the digital data base has been completed, we will be able to ascertain the exact catchment area of each polling place. A particular problem we have at the moment is trying to staff and provision the polling booths.

Membership:

Mr Trainer substituted for Mr Mayes.

Mr BAKER: How far have we advanced with this in relation to this election? I presume it will still be on the manual system.

Mr Becker: It depends on the timing of the election. At this stage it looks as though the scanner will be ready for

the election, but it will be used only on a testing basis, which will probably be only over two or three districts. We would not want to go straight into a new machine without first trying to check its credentials against the manual system.

Mr BAKER: I will return to a previous question I asked, which the Minister either did not wish to answer or did not know how to answer: are there any differences in criteria between the Commonwealth and the State as far as residential qualification on the electoral roll is concerned, for a particular area?

The Hon. C.J. Sumner: No. However, if the honourable member wishes to identify his problem, I will have it examined and will write to him about it.

Mr BAKER: How is the difference between voluntary and compulsory enrolments between the Commonwealth and the State handled within the Commonwealth Electoral Office?

The Hon. C.J. Sumner: There has not been any change and there does not need to be any change in the practice which has existed for many years. Perhaps Mr Becker can explain exactly what happens.

Mr Becker: The claim form fulfils both purposes. A person required to complete the claim form for Commonwealth purposes automatically picks up the State. Those who choose not to enrol for the State, may, by making certain annotations on the claim form, reject that side of the claim.

Mr TRAINER: What procedure do you follow to determine the requirement for the location of polling booths following the redistribution, bearing in mind that there have been two redistributions, Federal and State, which must have created absolute chaos in determining where booths must be located, also given that there should be minimum changes to previous locations to cater for the varying number of electors who will attend these polling booths?

The Hon. C.J. Sumner: Mr Becker will explain the procedure.

Mr Becker: I would like to say that it was not entirely a hit and miss situation. We try to achieve a reasonable spread of polling booths across a district, but it depends on the nature of the district as to the number of polling booths that one may wish to use. For example, because there is a slightly older population in Norwood than in some other districts, so that the people are not quite so mobile, we would provide one or two more polling booths there than in, say, the new District of Bright. The main determinant is that we can actually find facilities to locate polling booths. We like to use schools if we can, and in some cases there are multiple polling places for, say, three districts at the one venue. A school with three separate classrooms, one for each district, could be used.

Mr TRAINER: Is that an efficient method? Does confusion result from that?

Mr Becker: There is possible confusion. For a start, there will be some confusion because the districts have changed since the 1982 election and, secondly, the Commonwealth had divisional voting at its last election. On average, there are 3½ State Assembly districts for each Commonwealth division. As soon as we start cutting up a Commonwealth division a number of boundaries are created and people have to cross those boundaries to vote at the place where they voted last time. We will try to educate people through our advertising programs. Returning officers will be letter-boxing in those marginal areas to try to encourage people to go to the booth in their district and not necessarily the booth that is actually most convenient for them. That may prevent booths running out of ballot-papers, as occurred at the last Commonwealth election, and it will improve planning. Three polling places might operate from the one insti-

tution and we found that that was the easiest way to avoid confusion because there might be no decent facility in two of the districts within a convenient distance of quite a number of electors.

Mr TRAINER: In the context of people finding themselves in different locations as a result of redistribution, there would be particular complications where some people, because they are on either side of the dividing line between a State district and two Federal electorates, would be able to vote at either of two polling booths for a State election but would be restricted to, say, the northern of two polling booths for a federal election and *vice versa* in regard to some districts where people would be able to vote at either of two polling booths for a federal election but would be restricted to one of the two for a State election.

Mr Becker: That is correct.

Mr TRAINER: Therefore, you would conduct a fairly heavy advertising campaign in regard to those polling booths.

Mr Becker: Precisely.

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

Corporate Affairs Commission, \$4 479 000

Chairman:

Mr G.T. Whitten

Members:

The Hon. H. Allison

Mrs J.E. Appleby

Mr S.J. Baker

Mr D.M. Ferguson

Mr J. Mathwin

Mr J.P. Trainer

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.I. MacPherson, Commissioner, Corporate Affairs Commission.

Mr J.K. Leydon, Assistant Commissioner, Corporate Affairs Commission.

Mr T.J. Bray, Manager, Support Services, Corporate Affairs Commission.

The Hon. H. ALLISON: The yellow book (page 171) states:

The national commission is also initiating moves for deregulation in scheme legislation and procedures. In this area the South Australian commission has a new obligation to contribute and thereby aid in the reduction of business community costs and the rationalisation of administrative efforts.

What are the moves referred to and what will be the practical consequence for the Corporate Affairs Commission?

The Hon. C.J. Sumner: The commission has adopted a general policy of attempting to deregulate wherever possible. There are a number of areas where this has occurred and I can provide details to the honourable member either by letter or during the deliberations of the Committee.

The Hon. H. ALLISON: The yellow book (page 171) states that resource difficulties will continue to be a major issue in the context of constant demands for servicing of national and local obligations. What sort, of difficulty does the Minister envisage in this financial year?

The Hon. C.J. Sumner: There are always resource difficulties. There were resource difficulties last year and the year before; they always exist. One of the major areas was in respect of corporate finance and the member will see that there has been an increase in staff that has been permitted in this budget year.

The Hon. H. ALLISON: The same paragraph states:

The commission's responsiveness to processing of documentation for new fund raising ventures must receive the highest resource allocation priority in 1985-86.

What is the present response time? What are the documents and what is the objective?

The Hon. C.J. Sumner: This matter has been addressed by the commission and by the Government by the addition of four corporate analysts to the commission's staff in this financial year. The Government sees it as being important that the business community and people who wish to engage in fund raising are able to get their documentation assessed and approved as quickly as possible. The South Australian Corporate Affairs Commission has a good record in this regard, particularly compared with the other States. I am advised that the South Australian commission is able to assess this documentation more quickly than commissions in most other States, and the Government has recognised the importance of this by the addition in this financial year of four additional corporate analysts for that area.

Mr FERGUSON: My question probably deals with the staff salaries and wages line. Concerning the new incorporated organisations Act that has just come into being, has that caused an increase in the commission's work? If it has, what is the expected increase in the next three or four years?

The Hon. C.J. Sumner: It will involve some increase in the workload of the department but it is really too early to assess precisely what that will be, because the Act has only recently come into effect.

Mr FERGUSON: Based on my experience of searching company records, I point out that balance sheets have not been lodged in accordance with company rules. Is it possible to computerise the balance sheets so that there could be an easier check back on whether companies have lodged their balance sheets on time? Is that a possibility?

Mr Bray: The department has already a computer system that has been operating since 1969. It has a facility for issuing notices in the event that a company does not lodge its annual return. Some of those annual returns may, in accordance with the Companies Code, be required to contain also a balance sheet and other financial information. There is a computer facility to follow up the lodgment of company annual returns. Subsequently if the annual return is lodged for a company and does not contain a balance sheet as required, it is followed by a further requisition process following document examination.

Mr FERGUSON: How long might a company be in default before the department catches up? How far back? Is it a matter of years or months?

Mr Bray: In May this year the department initiated a program to implement the issue of penalty notices relating to the failure to lodge annual returns. At present the registry area and the follow-up program are working on failures to lodge 1984 annual returns. In other words, those due to be lodged in the peak period of January 1984. Some more difficult matters, more serious breaches, go beyond that but the majority of follow-up work is now in the 1984 category.

The Hon. H. ALLISON: At page 178 in the left hand column under 'Delivery Mechanism' concerning the program 'Industry/Occupational Licensing and Regulation' the yellow book states:

Audits of liquidators' accounts are performed by corporate finance staff or by private practitioners on instructions from the commission.

How many private practitioners were retained? Are there any comparative cost benefit analyses of the use of private practitioners *vis-a-vis* the commission's staff?

Mr Leydon: We use private practitioners when funds are available in a liquidation in order that a private liquidator can be appointed to carry out an audit check of the liquidator's stewardship. In the financial year under review we made five such appointments. We recognise that it may well be appropriate to audit accounts of liquidators where no surplus funds are available to instruct a private practitioner and, in those cases, a registered company auditor who would be an officer of the commission would be appointed to carry out that task.

The Hon. H. ALLISON: Again at page 178 under 'Issues/Trends' the final sentence states:

Additional corporate analyst resources will be required when new legislation to regulate the futures industry is introduced later in 1985-86.

What resources will be required? What additional corporate analyst resources will be required by way of accommodation, staff and equipment?

The Hon. C.J. Sumner: The futures industry regulation is something that the Ministerial Council on Companies and Securities is proceeding with. A draft Bill and regulations are to be exposed for public comment for two months in the reasonably near future. It will provide for national regulation of futures markets and operators, and try to overcome some of the problems that have been identified in futures operations in the past. Southern Cross Commodities is one such example. It is not possible to estimate accurately how many corporate analysts will be required. In South Australia at this stage it is expected to be no more than one (in fact, probably only part of one).

The Hon. H. ALLISON: The Minister has partly answered my next question: when will legislation be introduced in South Australia? Will the legislation be on the same cooperative basis as the companies, securities and takeovers legislation?

The Hon. C.J. Sumner: Yes.

Mr BAKER: Can the Minister explain why the incorporated associations are not yet on computer and why no effort has been made to acquaint all associations so incorporated in South Australia with the changed rules under which they will now operate as a result of recent legislation passed by Parliament?

The Hon. C.J. Sumner: The commission has advertised the fact that the new law is in place. In fact, members of the commission, when invited to do so, have given talks to people about the new law.

Mr BAKER: I have a large number of associations in my area, of which a fair proportion are incorporated bodies. Many of them are not aware of the changes that have been made and are unaware of the new requirements. Because they are not in computer form, it would be very difficult to provide advice without going through an extensive manual system, whereby individual advice is given rather than running it off on a computer file. The observation made is that, because of the new constraints on the operations of associations, the fact that there is inevitably a change of personnel in associations makes it very difficult for them to comply with requirements about, for example, reporting to the commission.

Despite the fact that the Minister has advertised the changes, it appears to be fairly fundamental that office bearers in associations should be made aware of their responsibilities as far as placing returns with the commission. That fact has not been made clear. Is it intended that that should be done, or will they all be allowed to slide, or will massive manual resources be used to check on the various associations in South Australia?

The Hon. C.J. Sumner: A major exercise is proceeding at the moment within the Corporate Affairs Commission on computerisation of records and the like, particularly with reference to the national scheme. A substantial amount of work has been done on that. A national advisory committee was established to ensure that we achieve compatibility (because we are operating within a national scheme). It is important that what is developed here is compatible with New South Wales, Victoria, Queensland, and so on. That is proceeding, and it is important for the national scheme.

As soon as possible, computerisation of records with respect to incorporated associations will also be introduced. I am happy to ask the Corporate Affairs Commissioner to examine whether or not it is possible to prepare some form of explanatory document that can be sent to incorporated associations to assist them with the new Act. The new Act does not involve any substantial additional regulation for the great majority of associations.

Mr BAKER: I refer to page 172 of the yellow book, which refers to returns overdue and increased revenue recovery. Mention has already been made about outstanding amounts due to the commission and that there will be an endeavour to collect those amounts during 1985-86. Can the Minister provide details of the numbers and amounts outstanding on the basis of six months, 12 months, 18 months and two years?

The Hon. C.J. Sumner: That information will be provided to the honourable member.

The Hon. H. ALLISON: I refer to 'Issues/Trends' on page 180 of the yellow book, as follows:

However, this State's contribution still lags behind other States particularly in the areas of resource devotion to corporate finance support of the business community, computerised services to customers and essential clerical support for functions meeting public demands.

Can the comparison between South Australia and other States be quantified in any way? How far behind the other States are we? What additional resources are required?

The Hon. C.J. Sumner: I have already provided the honourable member with the information on that. That is the matter addressed in the budget with the allocation of four additional corporate analysts.

The Hon. H. ALLISON: Is that the only issue—we are short of analysts?

The Hon. C.J. Sumner: That has been the major area of concern. This relates to the contribution to the whole of the national scheme. As I have said, in general we have a good record in dealing with the applications but, obviously, it can be improved. That is why the Government has made the additional allocation in the budget for this year. I have already commented on the computer program currently being developed.

The Hon. H. ALLISON: I refer to '1984-85 Specific targets/objectives', as follows:

The response time for processing of complaints to investigation division has been reduced.

What is the average response time at the moment?

The Hon. C.J. Sumner: It is not possible to generalise in that respect because each complaint has its own circumstance: some are simple complaints and others are more complex. For the reasons outlined to the Committee last year, there has been an improvement in the investigation division. I think that the improvement in the restructuring that we introduced last year with the appointment of an assistant commissioner, who had responsibility for the legal enforcement side of the Commission's operation, has assisted in expediting investigations and prosecutions such that in 1984-85, 19 prosecutions were completed for offences under the Companies Code and related legislation, excluding annual return prosecutions. That figure this year is 53.

The Hon. H. ALLISON: How do those figures compare on the statistical base? What proportion of complaints are resolved and still left outstanding in each of the two years? Is 53 a vast improvement proportionally as well as numerically?

The Hon. C.J. Sumner: That is with respect to prosecutions, although I see that the number of investigations completed during 1984-85 was 295 and will be 285 during 1985-86. One cannot draw any particular conclusions from that because it depends on the type of investigation one is dealing with. Obviously, if one is dealing with the Elders type investigation and one ends up with a lot of those on one's plate, the time taken to deal with them will be considerably longer than that taken to deal with more minor matters.

It is not possible to generalise. We can say that the response time for processing of complaints by the investigation division has been reduced. What we cannot say is by how much, because it is not possible to average it. It depends on the individual complaint that has been filed. However, it is possible to say that the number of cases that were actively under investigation at 30 June 1985 was 120. That compares with the number of investigations actively under investigation at 30 June 1984, which was 161, and at 30 June 1983, when it was 186. It is difficult to answer the question precisely. The Corporate Affairs Commission believes that the changes that were made last year have reduced the time and improved the investigation and legal prosecution procedures.

Mr BAKER: What are the qualifications of the staff who make up the investigation section?

Mr MacPherson: All the personnel in the investigation area are qualified accountants and are members of either the Australian Society of Accountants or the Chartered Institute of Accountants.

Mr BAKER: Do any staff members have legal backgrounds, or are they all accountants?

Mr MacPherson: The way in which the investigation arrangements are structured is that we seek to have an investigator with accounting qualification work in tandem with a legal practitioner. Where it is necessary to do so we supplement that team with a police officer.

Mr BAKER: Page 182 of the yellow book indicates that during 1984-85 investigation and litigation spent about \$135 000 over budget. Why did this overrun occur? Will the Minister at a later time supply me with information on the breakdown of staff costs and court costs associated with the litigation that has taken place?

Mr Bray: The increase in actual spending above budget resulted largely from the salary situation. The department engaged a temporary solicitor to assist with the investigation workload. A vacant senior solicitor position was filled, and some resource transfers were made from other program areas. A retired police officer, who had previously worked with the Corporate Affairs Commission, was engaged as a temporary investigator to assist with the investigation workload. They were the main reasons for the increase. There were also some increases in salaries of police officers who were seconded to the department. Those salaries are included in the total of \$1.120 million, although the police officers are not employed by the Corporate Affairs Commission.

Mr BAKER: There were 18.6 full-time equivalents proposed for 1984-85. The outcome was 18.3 full-time equivalents engaged for 1984-85. Therefore, the employment targets were not reached. The explanation given is that the employment increased above what was expected: that seems a little inconsistent. The other question relates to the cost of staff time and court costs associated with litigation. There seems to be a little inconsistency in the answer and the breakdown of court costs, but I am happy to receive the information at another time.

Mr Bray: One of the significant reasons was that in the department's approach to the allocation of salary costs in the year 1984-85 the attempt was made to reflect more accurately the actual cost of subprograms. In previous years, the salaries allocation to subprograms was based on the average salary per person across the department. In an attempt to improve the accuracy of the information the significant difference in classification levels—in other words, salaries of employees engaged in various programs—was recognised and, therefore, some readjustments were made to the allocation of salaries. The average salary for the department was in the order of \$24 000. If the investigators comprising the investigation and litigation subprogram were costed on a rate of \$24 000, that would not reflect the true salary cost of that subprogram. So, internal calculations of salaries have a significant effect on that difference between proposed and actual.

The Hon. H. ALLISON: Page 180, under 1985-86 specific targets and objectives, refers to the investigation of insolvency matters being commenced within six months of the receipt of the liquidator's report. Is any action being taken to speed up the availability of those reports?

Mr MacPherson: We have initiated an arrangement whereby we meet with the Insolvency Practitioners Association on a regular basis to discuss matters of mutual concern and interest. In the process of that consultation we have arranged to ensure that when their reports are lodged they are given a priority within our organisation to ensure that any evidentiary aspects are not lost, and that action is taken at the first opportunity after receipt of the report.

The Hon. H. ALLISON: Referring to the response times for processing of corporate fundraising documentation, what is the current time and what is the ultimate objective of the department?

The Hon. C.J. Sumner: Unfortunately, it is not possible to answer that question because it depends on the complexity of the documentation. Some trust deeds require significant inquiry and checking, particularly if a novel arrangement is embodied in them. Others can be done very quickly because they are in a reasonably standard form and they have been seen before by the Corporate Affairs Commission, which knows what can be approved quickly. It is not possible to answer the question by saying by how much the time will be reduced: all we can say is that the Government's commitment of an additional four staff—corporate analysts—in this area should mean a reduction in the time.

The Hon. H. ALLISON: Can the Minister say what are the areas of principal change regarding staffing, referring to the last item on the same page?

Mr Bray: The department in 1984-85 had a funded staffing level of 96 full-time equivalents; the funded staffing level for 1985-86 will be 106.1. The increase from 96 to 106.1 is made up of one position for ADP redevelopment, 3.5 full-time equivalent positions for revenue recovery, 1.8 full-time equivalent positions for typing, one position for accounts examination and 3.1 full-time equivalents for corporate finance workload—four in a full year.

Mr BAKER: Page 183 of the yellow book refers to a notice of cancellation under the Business Names Act. Was that associated with the Adelaide Grand Prix Company and was it done at ministerial direction?

Mr Bray: The one notice referred to related to an issue in the financial year 1984-85. The notice in relation to the Adelaide Grand Prix Company was issued approximately seven or eight weeks ago, so that is not the notice referred to in that paragraph. That notice referred to a business name of 'In-jean-ious'.

The Hon. H. ALLISON: Has the Bill for revised credit unions administration, referred to on page 185, yet been

drafted, and when does the Minister expect that it will be tabled for public consideration?

The Hon. C.J. Sumner: No, the Bill has not been drafted. A commission industry working party is looking at the credit union legislation at present, particularly in the light of deregulation of the Australian financial markets. It will produce a report that the Government will have to consider and, if it is acceptable to the Government, it would then form a basis of legislation.

The Hon. H. ALLISON: Also on page 185 on the left-hand side, 'Associations and Co-operatives', what additional resources will be required by the new Associations Act?

The Hon. C.J. Sumner: As I indicated with respect to the Associations Incorporation Act, when the honourable member for Henley Beach asked me a similar question, it is not possible to say at this stage. We believe there will be some additional resources needed but it is a matter of testing it out over time.

The Hon. H. ALLISON: On page 185 under 'Delivery Mechanism' there is reference to the building societies and the credit unions division; what is the Corporate Affairs Commission's role in determining interest rate levels on loans? Could the Minister expand on the views of the CAC on current applications for increases in the interest rates, in view of what we all see as continuing upward pressure on rates by banks, including the State Bank?

The Hon. C.J. Sumner: Can the honourable member indicate to me where interest rates are referred to in the documentation?

The Hon. H. ALLISON: I am referring to page 185; reference can also be found at the top of page 187 as follows:

With increasingly larger amounts of household savings and corporate funds being invested . . .

I assume that the Corporate Affairs Commission broadly has some responsibility in advising the Government regarding the determination of interest rate levels on loans.

The Hon. C.J. Sumner: Is the honourable member able to point to any reference to interest rates in the papers?

The Hon. H. ALLISON: No.

The Hon. C.J. Sumner: That is quite correct because the Corporate Affairs Commission does not have any direct role in recommending appropriate interest rates for building societies. Information is collected by the Corporate Affairs Commission with respect to this matter and assessments are made by the Corporate Affairs Commission, but obviously a decision relating to interest rates is one that also has some involvement from Treasury. It is not an exclusive jurisdiction that the Corporate Affairs Commission has.

The commission's major role in relation to credit unions and building societies is in the area of regulation but, if the question of interest rates arises, then the Corporate Affairs Commission collects information from the building societies and there are discussions, usually involving the commission, but there is other input as well, including input from Treasury.

The Hon. H. ALLISON: On page 187 under 'Broad Objectives/Goals, Building Societies and Credit Unions', the fourth line reads:

To develop and implement more adequate legislation which will meet the present day needs of building societies and credit unions.

What does the Minister propose there in the development of 'more adequate legislation'?

The Hon. C.J. Sumner: Quite a bit has already been done, particularly with respect to building societies, in the legislation that was passed earlier this year and late last year, to try to broaden their capacity to compete beyond strictly home loans into such areas as travel, Visa card and the like. Legislation was passed, and that is an ongoing process. We

now have a much more competitive financial sector. It is important that the Government is able to respond to requirements of those financial institutions that it is responsible for regulating—namely, building societies and credit unions.

We believe in South Australia that over the past 12 months we have done that, particularly with respect to building societies, and that their major demands in this respect have been met expeditiously by the Government putting up legislation as soon as it felt it was justified, shortly after requests were made by building societies for that broadening of their role in an attempt to amend the legislation to improve their competitive position.

A similar process is proceeding in relation to credit unions. It is an ongoing process and the commission's industry review of the Credit Unions Act that I have just mentioned is part of that process. The Corporate Affairs Commissioner also points out that on a day-to-day basis the commission meets regularly with the building societies and credit unions to listen to their views and to pick up any issues that might need attention.

The Hon. H. ALLISON: On page 187, in the first line of the top right-hand column, 1984-85 specific targets, we find:

Building societies legislation amended to enhance competitiveness.

In what way can the conduct of various categories of business, like personal finance, travel and so on be overviewed? Is it within the cooperatives or by subsidiaries? What sort of criteria are being imposed? How do South Australian procedures vary, if at all, from those interstate?

Mr MacPherson: With respect to the question of competitiveness, the Minister has already answered, in part, what we have achieved. With respect to the operation of subsidiaries by building societies and the capitalisation of those subsidiaries, we have undertaken to monitor very closely exactly how that is done to ensure that the interests of the society *per se* are not placed in jeopardy through the activities of the subsidiary. In short, we look to ensure that the subsidiaries' activities are not being guaranteed by the society and that other arrangements that exist between the society and any operating subsidiary are such as to ensure the integrity of the building society.

The Hon. H. ALLISON: The follow-up question to that is: is our methodology the same as in other States? If not, how do we do it? Is there any uniformity from State to State?

Mr MacPherson: There is no uniformity of legislation, as such, in relation to building societies and/or credit unions. Our administrative practices would be much the same as those adopted in the other States.

The Hon. C.J. Sumner: There is the question of deregulation, which the member for Mount Gambier asked at the beginning. The question of regulation and deregulation is something that is constantly before governments in most areas.

At some levels there are calls and needs in the public interest for regulation and in other areas that same public interest requires deregulation, so we cannot say specifically that the whole thrust is deregulatory, whether this Government, the National Party in Queensland or the Liberal Party in Tasmania is in office. There are deregulatory aspects of Federal Government policy of which honourable members are fully aware.

There has been quite substantial deregulation of the financial sector. In many areas the Federal Government is concerned to be involved in deregulation where that is in the public interest but, on the other hand, in some areas regulation is necessary, and I have already referred to some of those areas.

For instance, it was felt that, because of the potential importance of the futures industry in Australia over the next few years and the fact that there is regulation of the securities industry generally, the futures industry should also come within the cooperative scheme and thus be regulated. There is cross Party support for that, as I said, to try to overcome the problems that have occurred in the past, and I refer to the Southern Cross Commodities situation. That is an example of regulation through the cooperative scheme. In other areas there is an attempt to deregulate. For instance, it has been decided that horse-racing syndicates will not be regulated, although that could occur under the national scheme.

It has been said that retirement villages will not be regulated under the national scheme, and that will cease, the matter being delegated to the State Corporate Affairs Commissions for the time being. However, from 30 June 1987 there will be no regulation of retirement villages at the national level and each State will have to decide whether or not it wants to regulate those villages. This Government will probably adopt the position, again in the public interest, that there should be some regulation of retirement villages to protect the people who live there and to provide them with security of tenure and information about tenure, their rights and the cost of investment in a retirement village. Consultations are currently taking place. That is one area where there has been deregulation nationally, but it will have to be considered at State level.

It was interesting to note the other day that, although there has been some criticism by church organisations of the regulation of retirement villages, in Victoria a church organisation retirement village is in trouble. It is that sort of problem that we have to examine. Obviously, in the commercial area it is possible that people will invest in a retirement village without security of tenure and the like, and that is the sort of thing that we must address. However, these matters will be addressed outside the concept of the national scheme. So on the one hand there is regulation (for instance, in the futures industry) and on the other hand there is some degree of deregulation (in regard to retirement villages and horse-racing syndicates).

A number of other initiatives have been taken by the ministerial council over the past 12 months or so, such as the introduction of short form prospectuses. The annual return for companies has been shortened and completely redesigned, so that there is a short form return for companies: this is a deregulatory measure. A number of things are being done where possible to deregulate through the national scheme, but it is a two-way process. From time to time there is a need to regulate if that is in the public interest, but certainly I think that the Federal Government and most State Governments are concerned, where possible, to be involved in deregulation. Clearly, if that is to be done, we must take into account the public interest primarily.

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

Mr D.M. Ferguson
Mr J. Mathwin
Mr M.K. Mayes

Witness:

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

Departmental Advisers:

Ms C.M. Branson, Crown Solicitor.
Mr M.N. Abbott, Chief Administrative Officer.
Mr P.E. Croft, Manager, Systems Development, Justice Information System.

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

The Hon. H. ALLISON: I refer to page 12 of the yellow book under '1984-85 Specific Targets', the final sentence being:

Project to set up DIRC information outlets in South Australian country towns commenced.

What towns are now centres for DIRC information? How is that system operated in those towns?

The Hon. C.J. Sumner: That is a project not of a Government department but of the Disability Information Resource Centre. Although I do not have the details I will certainly obtain them.

The Hon. H. ALLISON: I suppose the Minister will have the same problem with another related question concerning the setting up of approximately 50 outlets in country towns. What sort of outlets will be established? Is that information in the not available category?

The Hon. C.J. Sumner: Again, the Disabled Information Resource Centre is not a Government department, although it receives Government funding.

Mr MATHWIN: It is in the program.

The Hon. C.J. Sumner: It is, but I do not know why.

The Hon. H. ALLISON: In the same paragraph dealing with 1984-85 specific targets and objectives this statement is made:

Liaise with Education Department and tertiary education regarding disability awareness.

What has the Attorney in mind in that area, because we understood the Premier was responsible for the disability adviser? What is the extent of any contact with the Attorney in his department? Can the Attorney say what are the principal areas of concern currently with the disability area?

The Hon. C.J. Sumner: Does the honourable member want a list of Government achievements? I will run through them. Commitments made by the Government prior to the last election include the appointment of an adviser to the Premier on disabled persons. That has now been carried out. The formation of an interdepartmental committee of Government officers has been established; a Government officers disability advisory committee is covered by the Disability Adviser to the Premier. The third commitment was the formation of a permanent Cabinet subcommittee to coordinate policy services for all people with disabilities. That role has been carried out by the Human Services Committee of Cabinet. It was formed in December 1982.

Establish an information resource centre in a central location: it will be recalled that at the time the Government was elected the suggestion was that the Disability Information Resource Centre should be located outside the central city area. The Government did not favour that and undertook to see its establishment in the city area. That was done at 215 Hutt Street, Adelaide. It was established on 6 June 1984 at that location. There was the promotion of discussions with trade unions to gain better access to

[Sitting suspended from 12.57 to 2 p.m.]

Attorney-General's, \$10 209 000

Chairman:

Mr G.T. Whitten

Members:

The Hon. H. Allison
Mrs J.E. Appleby
Mr S.J. Baker

employment. The Public Service Association has established a special disability committee and it is hoped there will be further contact between the Disability Adviser to the Premier, the Premier and other unions with respect to this matter.

Review of the effectiveness of the slow worker permit: as a result of the Cawthorn report into industrial laws in South Australia slow worker permits are now issued by the Industrial Commission. Licensing is part of the process of the commission which ensures the involvement of all concerned. Research accommodation needs through the Housing Trust: the trust assisted with research undertaken by the Australian Housing Research Council in 1982.

Upgrading and extending hours in Domiciliary Care, expansion of services in Southern and Western Domiciliary Care, and expansion of the range of some services, extra staff: there are a large number of other commitments, but I am not sure how many the member wants me to go through. He will also realise in the budget papers and the statement prepared by the Premier that there was reference to another initiative in the area of disability.

The Hon. H. ALLISON: Perhaps we could go to page 14.

The Hon. C.J. Sumner: I would just like to complete the picture. I am not sure what the member was after concerning information. There is also reference in the Premier's budget statement to a proposal for a transport subsidy policy for disabled people. Also, the Government was actively involved in negotiations relating to the establishment of a permanent home for the Disability Information Resource Centre as a Jubilee 150 project. The Government made available land in the city square mile to the Disability Information Resource Centre to enable permanent premises to be constructed there. That project will be carried out by the Master Builders Association as a Jubilee 150 project.

The Hon. H. ALLISON: That was in the Premier's lines?

The Hon. C.J. Sumner: That is not in anyone's lines. A lease was granted by the Government to the Disability Information Resource Centre and it negotiated with the Master Builders Association. It is hoped that construction will be completed next year in the Jubilee 150 year. It will be a permanent new home for the Disability Information Resource Centre. There have been a large number of significant initiatives. Of all the commitments made by the Government prior to the last election in the disability area—another one being the inclusion of comprehensive anti discrimination legislation, now called the Equal Opportunity Act, and provisions relating to discrimination on the ground of physical handicap.

At the present time a working party is examining the question of intellectual disability and how that might best be dealt with in terms of discrimination and how that is overcome in relation to people with an intellectual disability. That committee is in the process of preparing a report that will be assessed by the Government in due course. With respect to all the commitments in the disability area, I think there is only one that has not yet been concluded, and that deals with the question of administrative assistance to an umbrella organisation representative of disabled persons. The major problem with that is attempting to identify and have a group or organisation that could be considered as an appropriate umbrella organisation. Apart from that, all the commitments in the disability area made by the Government at the last election have been met.

With respect to the honourable member's comment, the disability adviser is the Disability Adviser to the Premier and is located administratively in the Premier's Department. Obviously there is a large amount of overlap in this area spreading to other departments, because the Disability Adviser has an advocacy role within departments. Obviously

there are a number of important areas where I have contact with the Disability Adviser, although administratively he is responsible to the Premier through the Premier's Department. The area of discrimination, and the working party on intellectual disability and discrimination against people who are intellectually disabled come within my policy responsibility; and the question of DIRC and the negotiations and discussions with respect to the funding of DIRC have been conducted by me in conjunction with the Disability Adviser to the Premier.

The Hon. H. ALLISON: A tremendous amount of organisation is associated with the disabled. Has the Attorney-General attempted to identify any one umbrella organisation through which the Government could negotiate? Are negotiations still on an independent organisation level?

The Hon. C.J. Sumner: I suppose at the moment that matter is on the backburner. There were attempts to identify an umbrella organisation, but there is a number of groups which consider that they should have umbrella status. For the moment I think it is a matter of letting things work themselves out over a period of time. We have certainly attempted to have discussions to try and identify or indeed create an umbrella organisation. Up to now that has not been possible.

The Hon. H. ALLISON: I refer to page 14 of the yellow book. Can the Attorney-General detail the membership of the Legal Practitioners Complaints Committee? What are the dates of appointment and termination of appointment for the membership of that committee?

The Hon. C.J. Sumner: I do not have that information, but I undertake to provide it to the honourable member.

The Hon. H. ALLISON: Does the Attorney-General have other information relevant to that committee, such as the remuneration, the staff available to the committee, the number of complaints it receives and the categories that those complaints are classified under? How many complaints have been resolved and over what period have complaints been outstanding?

The Hon. C.J. Sumner: I think I will have to take all those questions on notice.

The Hon. H. ALLISON: Who is the lay observer on the committee at the moment?

The Hon. C.J. Sumner: Mr Guscott. The member for Mount Gambier asked some questions about matters which are really the responsibility of the Disability Information Resource Centre. If the honourable member wishes me to put some questions to that body, I am happy to obtain replies but, technically, it is not a Government department.

The Hon. H. ALLISON: I refer to page 16 of the yellow book and the Classification of Publications Board. What backlog is there in classifying video tapes?

The Hon. C.J. Sumner: I do not think there is any backlog in South Australia. At this point I am not sure what the backlog is at the Commonwealth level. I can certainly obtain that information for the honourable member. There is no substantial backlog in South Australia. At the present time videos are submitted to the Commonwealth Film Censor for classification.

The Hon. H. ALLISON: Last year during the Estimates Committee there was a lengthy discussion with the Attorney-General in relation to the question of the X and ER classifications. At that time the Attorney was propounding the introduction of an ER classification. Does the Attorney or the Federal Government intend to introduce an ER classification within the next 12 months? There is a great deal of public speculation about this at the moment.

The CHAIRMAN: The Attorney-General does not have to answer the question, because it relates to the intention of the Federal Government, and that is not within the province of the Attorney-General.

The Hon. H. ALLISON: I ask that question because, even though it may be the State Attorney's intention, very often these matters relate to legislation enacted across Australia and in conjunction with the Federal Government.

The Hon. C.J. Sumner: At the present time X rated videos have been banned. That situation will not be examined again for the time being. As I indicated when the legislation was before Parliament, a select committee of the Federal Parliament is examining this issue. I imagine that the committee's report will be made available to the Commonwealth and State Ministers responsible for censorship and that further discussions and a decision will then be taken. I am not sure when the report will be brought down, but there is no intention to alter the current situation with respect to videos. As I said during debate on the Bill, the report of the federal select committee will be examined when it is brought down.

Mr BAKER: How is the performance of prosecution staff evaluated? By way of explanation, car manufacturers have quality control and take samples of goods from the production line. In the same way I presume that each officer representing the Crown will be sampled to see the quality of their work in the courts. Will the Minister inform the Committee of how that procedure is followed?

The Hon. C.J. Sumner: The situation with respect to Crown prosecutors is the same with respect to other employees of Government departments. I understand that the honourable member was employed in a Government department before he decided to seek electoral success. He achieved it as the member for Mitcham, and I am sure he would know the procedures adopted in the Public Service to deal with the qualifications of employees.

Mr BAKER: From that reply I gather that there is no quality control on prosecution staff?

The Hon. C.J. Sumner: That is an assumption that the honourable member makes.

Mr BAKER: Well, the Minister did not tell me any differently. He did not suggest that there was any extraordinary assessment of these people.

The Hon. C.J. Sumner: It seems that the honourable member is attempting to cast some kind of aspersion or is being critical of the Crown prosecution branch, presumably for his own purposes and in a manner that is probably irrelevant to the proceedings of this Committee. Crown prosecutors are qualified lawyers. They are appointed to their Public Service positions in accordance with the procedures of the Public Service Act, with appropriate selection panels—a procedure I am sure the honourable member is aware of. Obviously, from time to time their performance is judged, particularly if there are applications for reclassification or promotional positions which, as I said, is in accordance with the procedures of the Public Service.

Mr BAKER: I would have expected that if there was a high failure rate in relation to obtaining appropriate verdicts in criminal cases it would signal that something was not going as well as it should.

The Hon. C.J. Sumner: That really needs a comment.

The CHAIRMAN: Order! I advise the Committee once again that questions can be asked of the Minister and the Minister will then be asked to respond. Up to the present time there have not been a lot of questions—only comments. I also ask members when asking questions to speak in an audible voice so that I can hear them.

Mr BAKER: The Minister is aware that I have some concerns about a particular case. I have written to him and I presume that the letter has actually reached him and has been brought to his attention. This matter concerns a particular trial and subsequent trial. In the letter I asked the Attorney-General whether he would investigate the prosecution of a particular person who was found—

Mr FERGUSON: What budget line are you talking about?

Mr BAKER: Page 74. I am trying to ascertain whether there is provision in that line. If we want to test it we can test it to the extreme.

Mr Ferguson interjecting:

The CHAIRMAN: Order! The Chair will decide when and how questions are to be asked. I expect no comment that will disrupt this Committee.

Mr BAKER: I had some concerns about a particular case of which I hope the Attorney-General is aware. Some comments were made about the prosecution of that case by independent people who attended the trial. That is why I was asking about assessment procedures. I thought the question was valid and if there was something wrong it could be brought to the attention of the department that the standard was not being maintained, or that there were complaints from outside, and the department would then investigate. In the same way, when something goes wrong on a production line there is an investigation. I did not obtain an answer from the Attorney-General. I am now going along the line—

The Hon. C.J. Sumner: With respect, the honourable member did get an answer. It is quite unfair to the prosecutors concerned for the honourable member to make these unsubstantiated accusations. I merely indicated that the procedures for review of the performance of staff in the Attorney-General's Department are the same as the procedures in the Public Service, of which the honourable member is fully aware. Prosecutors are subject to the direction and supervision of the Crown Prosecutor, who is a senior prosecutor. The last Crown Prosecutor was appointed a Queen's Counsel, and all prosecutors are subject to the supervision and direction of the Crown Solicitor.

Therefore, I did answer the question. The answer is that there is supervision and control of prosecutors. If there are instances of people writing to me with complaints in relation to the conduct of prosecutions—and there are very few of these complaints—then they are investigated by me with the assistance of the Crown Prosecutor and, if necessary, the Crown Solicitor. If the honourable member has written to me about a particular case, then I will examine it. What I do not think the honourable member should do is, for his own purposes, attempt to cast some kind of negative reflection on the professional capacities of Crown prosecutors.

The other suggestion (that somehow or other Crown prosecutors' professional competence should be judged by some statistical survey about whether or not they get the appropriate verdict) involves a gross misunderstanding of the legal process.

Mr BAKER: Having been chastised for attempting to find out what procedures are followed, and given that the Attorney-General is less than forthcoming on certain matters—

The Hon. C.J. Sumner: Again, as a Minister appearing before this Committee, I will not stand by and have the honourable member debate issues and make assertions that are untrue.

The CHAIRMAN: Order! Since the inception of these Committees, as far as I am concerned, members have conducted themselves very well. I will not have the proceedings disrupted at this time. I do not want comments made of the type that the member for Mitcham has been making. I repeat: the honourable member will ask questions of the Minister and the Minister will reply. How the Minister replies is up to him. The honourable member for Mount Gambier.

The Hon. H. ALLISON: Page 18 of the yellow book under '1984-85 Specific Targets/Objectives (Significant Initiatives/Improvements/Achievements)' states that the Law Reform Committee in 1984-85 finalised a number of reports,

and then goes on to list them. Included in that list are the 77th Report of the Law Relating to Delivery of Deed; the 90th Report, Dealing with entire contracts; the 91st Report, Inherited Imperial Law between 1820 and 1836; and the 95th Report, Relating to *Qui Tam* Actions and Common Informers. I notice that '1985-86 Specific Targets/Objectives (Significant Initiatives/Improvements/Results Sought)' again includes the 90th Report, the 91st Report, the 77th Report and the 95th Report, with the comment that the Law Reform Committee will examine those matters. If these reports were completed in 1984-85, is there any further justification for the Law Reform Committee's re-examining them in 1985-86?

The Hon. C.J. Sumner: I cannot answer that: I can get the information for the honourable member.

The Hon. H. ALLISON: Can the Attorney indicate which of all those reports are not implemented, and when does he propose to implement them?

The Hon. C.J. Sumner: Which ones?

The Hon. H. ALLISON: The ones finalised by the Law Reform Committee in 1984-85.

The Hon. C.J. Sumner: I can get a report for the honourable member on what the state of play is with implementation. Implementation is an ongoing process if the Government decides to accept the recommendations of the report, but the Government does not always accept the recommendations of the Law Reform Committee. I can ascertain the status of each of those matters and any others that are outstanding.

The Hon. H. ALLISON: We would appreciate the Attorney's advice. Is the extra legal position created in 1984-85 under the responsibility of the Law Reform Committee or is it in the Attorney-General's Office?

The Hon. C.J. Sumner: It is in the Attorney-General's Office.

Mr MATHWIN: Referring to page 39, is the parole evaluation report and study available or is it a ministerial report for the department only?

The Hon. C.J. Sumner: That project is being carried out by the Office of Crime Statistics. I assume that the results of that research will be available when it is completed.

Mr MATHWIN: It is not completed yet?

The Hon. C.J. Sumner: The research project is not yet completed.

Mr MATHWIN: Referring to the same page, in collecting statistics, particularly with the DUIs, are all offenders logged? Are all the statistics gathered, including adult and juvenile? Does your department take all the statistics for adults and juveniles or is the juvenile area taboo in that you have to leave it to the Department of Community Welfare? What is the situation in collecting these statistics and making them public?

The Hon. C.J. Sumner: The Office of Crime Statistics produces a six monthly report, which is an overview of criminal statistics in South Australia—the result of criminal matters dealt with in various courts. From time to time, special projects are carried out and special reports produced. There have been a number of those over the past few years: there is a special report into homicide, one into sexual assault, and a number of others that are part of the ongoing process of the Office of Crime Statistics, which produces regular reports on the usual statistics and special reports on particular topics.

I do not have with me the format of the report, but it would be available in the Parliamentary Library: it covers statistics relating to criminal jurisdictions in South Australia. I can try to ascertain the extent to which juvenile offenders are mentioned in the reports if the honourable member would like me to do so, although most of the

juvenile statistics are contained in the annual report of the Children's Court.

Mr MATHWIN: Do you collect the statistics on the actual offence or do you put it into the two categories of juveniles and adults?

The Hon. C.J. Sumner: A number of statistics are collected: first, the reports to police, and at the farthest end of the scale are victimisation surveys, where one attempts to ascertain crime rates in a locality or country by carrying out surveys of victims. It is often considered that that is the most satisfactory way of determining the real rate for a particular crime because one is carrying out a survey of people who have been affected by criminal activity but who may not have reported it to the police. Those surveys are difficult to carry out in that the statistics are not readily available, and one has to get it done specifically, perhaps by the Australian Bureau of Statistics. Two victimisation surveys of that kind have been done in Australia in the past two years—attempting to determine crime rates by reference to people who have been the subject of criminal activity.

The next lot of statistics that can be collected relate to police reports: those statistics are produced by the Commissioner of Police every three months and published in the *Gazette*, referring to offences becoming known to the police, in other words, people who report offences to the police. That is obviously a different set of statistics from the first that I mentioned. Then, there are statistics relating to the charging and treatment of those matters through the courts. Then we have matters that come before the Magistrates, District and Supreme Courts. They are dealt with in the six monthly Office of Crime Statistics report.

We do not have the capacity to do the first in South Australia (that is, victimisation surveys), but they are done federally. The Office of Crime Statistics reports on a six-monthly basis with respect to the latter two, that is, offences becoming known to police and the dealing with those offences through the court system. I do not believe that that generally covers the juvenile area or Children's Court, which is done separately, and the statistics relating to matters that go through the Children's Court are reported on by that court or its advisory committee.

Mr MATHWIN: In other words, if an offender is up on a graffiti charge or whatever and his record is available to the court after the sentencing, his juvenile record is not there with it? It is just the adult record?

The Hon. C.J. Sumner: No. The person is in an adult court the sentencing judge is provided with the whole record of the offender, including his juvenile record.

Mr BAKER: I have a question relating to the payments to victims of crime. During 1984-85 the proposal was to spend \$951.700 and the actual expenditure was \$1.323 million, about \$370 000 higher than expected. The proposal for 1985-86 is identical with the figure for 1984-85. Is there some catch-up in the 1984-85 figure? As trend lines normally go up rather than down in these areas, one would have expected that there would be an escalation in the amount provided for victims of crime?

The Hon. C.J. Sumner: This is something over which we have no control. There has been an increase in payments to victims of crime over the years since the criminal injuries compensation system was introduced in 1969. There has been an increase in the amount of money given to victims of crime by way of criminal injuries compensation but it depends on the number of cases that are brought before the courts. That figure is there for convenience. We do not expect there to be any less; it will probably be more. If it is more, we have no alternative but to pay it and there is an understanding with Treasury that it will be automatically met.

Mr BAKER: It is really principally a nominal amount taken from last year without suggesting that we will be paying a lot more, but we probably will be. However, it is difficult to estimate, as the Minister points out.

I notice that there has been a substantial increase in the Parliamentary counsel line, which is on the same page. In the yellow book there was an explanation about consolidation of Acts and that sort of thing. Do we have a breakdown for the Parliamentary counsel line? There is an increase in expenditure from \$396 000 to \$709 000 in the Parliamentary counsel line. Are there details on that?

The Hon. C.J. Sumner: The increase in the amount for Parliamentary counsel is caused by increased resources to that area but, in particular, by combining the subordinate legislation section of the Crown Solicitor's office to Parliamentary counsel in the Attorney-General's Department. It was partly an organisational change—3.8 full-time equivalents were transferred. We had a section in the Crown Solicitor's office previously that did Government regulations.

Mr BAKER: Legal services to the State actually declined; so that would be where it was.

The Hon. C.J. Sumner: Rather than have two sections doing what is really legislative drafting, it was thought the drafting of regulations should come under the responsibility of Parliamentary counsel, and that has happened. That is partly the cause of the increase. In addition to that, five new positions have been established late in the last financial year.

Mr BAKER: On page 19 we have a figure for the Human Rights Commission of \$3 500 proposed in 1984-85 and then \$4 000 for 1985-86; what is that \$4 000 actually spent on?

The Hon. C.J. Sumner: That is a contribution to State attendance at the United Nations. It should really refer to the Human Rights Committee of the United Nations—it is not the Federal Human Rights Commission—and one State officer attends every year. Each State makes a contribution to that, and that figure is the contribution.

The Hon. H. ALLISON: Immediately above the Human Rights Commission line on page 19 there is an off-shore constitutional matters line; what are the off-shore constitutional matters?

The Hon. C.J. Sumner: That is a contribution to the International Law of the Sea Conference in which one State participates and each State contributes, and the States rotate the attendance.

The Hon. H. ALLISON: In relation to the payments to victims of crime, based on the steady escalation in the number of claims and the amounts paid out, is it fair to expect that the 1985-86 settled claims would increase by \$300 000 or \$400 000, leaving the provision on this line and underestimate?

The Hon. C.J. Sumner: Yes, that is quite likely, but I have just explained that we have no say in the amount, as it is determined by the court. If the amount exceeds the \$1.3 million, Treasury will make the additional funds available, because they will be the subject of settlement or court order. There is no option. It is taking a stab in the dark at what the figure will be and Treasury suggested we leave it at the 1984-85 figure, knowing that additional funds will be made available if the payments exceed that amount.

The Hon. H. ALLISON: On page 22, one of the 1985-86 specific targets is to implement an agreed action plan in connection with a performance appraisal and development review conducted within the division. What is this? What are the results of the review? What action is proposed?

The Hon. C.J. Sumner: That is a management services matter, on which I can get some information, if the honourable member would like.

The Hon. H. ALLISON: We will look forward to receiving that.

Mr BAKER: How much has been invested in the Justice Information System and what is the expected cost once hardware and software systems have been developed? Can we have an update of where we have been and how far we are going?

The Hon. C.J. Sumner: The final decision on the JIS is about to be taken. This matter is currently being considered by the Government. It is a little difficult to give the honourable member an assessment at this stage of what the figures might be, although obviously a substantial amount is involved. The system has been costed by Treasury. I refer the honourable member to the Auditor-General's Report (page 55), which refers to the JIS. There has been some difficulty regarding the participation of the courts in the system. The Chief Justice has taken the view that the courts cannot participate in an overall justice information system that is controlled by the executive arm of government. However, we have, I hope, successfully negotiated a situation whereby there can be some form of linking of the two systems so that information is provided by the courts to other Government departments, but subject, of course, to the control of the courts. That was always to be the case, but there would be a separate facility, the details of which are still to be finally determined.

The original concept was for a justice information system that involved all the justice agencies—the police, the Attorney-General's Department, the Department for Community Welfare, the Department of Correctional Services and the courts—but it became clear about two years ago (and I believe that last year I explained the position fully to the Committee) that the Chief Justice saw difficulties and was not prepared to agree to the courts participating in a justice information system run by the executive arm of government because the courts must be independent of government. Therefore, the matter is proceeding to the final decision stage, and I expect that final decisions will be taken fairly shortly, but the courts either will have their own separate facility (which will be compatible with the JIS) or they will have what was to be their part of the JIS facility but with a wall built around it so that, in effect, it is a completely separate facility but with the capacity to transmit information from one system to another. Court orders and the like would be transmitted, but there would be no sense in which the separate courts computer system would be integrated into an executive run justice information system.

Unfortunately, that separation of the courts from the full concept of the JIS involves cost penalties, but there is nothing that can be done about it. I hope that the final decision can be made soon and that there is an assessment which indicates that, even with this additional cost penalty because of the separation of the courts (and that cost penalty is based on the fact that the courts have a full computerised system, as they would have had had they been part of the JIS), it is still worthwhile in cost benefit terms proceeding with the JIS.

Mr BAKER: We know that machinery and software will be required for the system, but what is the unique identifier? Will there be a unique fingerprint system, will we play with alpha codes, or will there be unique identifiers at the police stage that will follow through the system?

Mr Croft: We do not plan to introduce a new number system so that a number will be allocated formally to each person. Essentially, people will be identified in the system by their name. Internally, it is likely that there will be a number to link records, but that number will not necessarily be known by the people who are subject to the system.

Mr BAKER: I did some work on the JIS 10 years ago as a result of the Mitchell committee report and I know that

there were terrible problems regarding aliases, alphas and so on. Who is currently leading the project team for the JIS?

The Hon. C.J. Sumner: Mr Malcolm Hill.

Mr MATHWIN: There is a list of matters that are being investigated by the Law Reform Committee at present and a list of matters that have been completed; I understand that the list of matters presently being investigated and not reported on is longer than the other list. Could we have a copy of that list?

The Hon. C.J. Sumner: I am happy to provide a full report on all the matters before the Law Reform Committee and the stage of development.

The Hon. H. ALLISON: The yellow book (page 42) refers to preliminary work undertaken to assist the committee to prepare a draft agreement for a computerised legal information retrieval system. What progress has been made? Has the Law Society been involved in this project? When will the system become operational and will it involve interface with New South Wales and Victoria in particular?

The Hon. C.J. Sumner: We are marking time on this matter for the moment. Agreements have been entered into by CLIRS with the Governments of New South Wales and Victoria. Some concern is being expressed about some aspects of the development of CLIRS, particularly in Victoria, although in New South Wales there seems to be less concern. The negotiations proceeded with respect to signing an agreement until about June this year, and a committee was established to negotiate the agreement that involved Mr Ian Nosworthy, I think, who had been appointed by the previous Attorney-General to act on behalf of the Government, particularly in dealing with the matter at a national level, as there is a national committee as well that reports to the Standing Committee of Attorneys-General on the question of computerised legal information systems. Mr Nosworthy was a legal practitioner in private practice.

The Law Society representative was Mr Terry Evans. I think the Legal Services Commission was involved; certainly, the Attorney-General's Department was involved. Negotiations proceeded with respect to the agreement, but for the moment we are not pushing ahead because we are waiting on the results of discussions in Victoria to ensure that before we sign no problems will arise in the future. Queensland has not yet decided whether to sign with Computer Power, the organisation that has offered the CLIRS system in New South Wales and Victoria. Queensland and the other States are holding off for the moment assessing the situation to see whether or not CLIRS—through Computer Power—is the best option, and whether there are other options available or whether we ought to give exclusive rights to CLIRS or whether there ought to be other organisations that can involve themselves in providing this material.

The matter is under review. As soon as we think the situation has settled down a bit more we will recommence negotiations, but we are still committed to involvement in a system which we hope is compatible throughout Australia and which will enable users in South Australia to access not just South Australian Statutes and reports but also Statutes and reports of other States.

The Hon. H. ALLISON: Does that mean that ultimately the Law Reform Committee would operate (once CLIRS was in operation) from SGIC building rather than from the Supreme Court?

The Hon. C.J. Sumner: That is not really related to CLIRS. The honourable member may be aware that Mr Justice Zelling, Chairman, Law Reform Committee, retires in June 1986.

The Hon. H. ALLISON: This is relevant to the next line down.

The Hon. C.J. Sumner: Yes. The Government is currently considering the future of the Law Reform Committee and it is likely that we will establish a law reform commissioner who will probably operate—it is not clear yet from where he will operate—from SGIC building.

The Hon. H. ALLISON: Still at page 42 we have a reference in the last paragraph to the printing of the Justices' Handbook, which was to be ready last year. Is the Minister saying it is almost ready for publication and will be available in the current financial year?

The Hon. C.J. Sumner: It is not ready. It is being prepared by one of the magistrates and we are really in the hands of that person as to when it is completed.

The Hon. H. ALLISON: A couple of financial items are dealt with on page 43. Can the Minister say why his office costs have increased by \$100 000 and why executive management costs have increased dramatically by about \$60 000?

Mr Abbott: That increase is basically because we have increased the staffing levels by 1.3 persons in that program. That accounts for a portion of it. The other portion is in respect of a word processing system. Another part is that we have proposed to fund in this financial year travel expenditure for the Minister. They are the main reasons. There has been a reallocation of resources rather than an increase in the staffing establishment; a reallocation of resources from the program 'Law Reform Policy' to the Minister's office.

In respect of executive management costs increasing from \$13,000 to \$74 000, that is largely a salary cost. Previously, executive management costs of the department were only shown as .4 of an officer, which comprised the previous Crown Solicitor and Deputy Crown Solicitor (.2 each). We have increased the management resources of both the Crown Solicitors and the Assistant Crown Solicitors into the executive management program. That staffing number has resulted in the increase in costs.

Mr BAKER: Has the Minister produced an interim report on JIS, or has a report been given to the Minister that is available for outside consumers to see where the project is and what decisions have to be made?

The Hon. C.J. Sumner: The tender documents have been released and are available from the Department of State Supply for \$100 a copy.

Mr BAKER: The Minister said that the tender documents are available, so presumably departments have reached a stage where they are actually calling for submissions on the type of equipment required, including software, to meet the needs of what the system will comprise.

Mr Croft: That is correct. The tender has been out for two weeks. It comprises several parts. One is the application development software; the second is the hardware, the computing hardware and discs; the third is the network and communications equipment; and fourthly, the terminals and printers. The tender closes in a number of stages, commencing at the end of October and finishing in mid-December. The tender leaves open a number of options as to how the Courts Department's requirements can be satisfied.

Mr BAKER: By using the tender system you are not closing off the option of segmenting the Courts Department. In fact, you are asking people to respond to that option at the same time—is that what you are saying?

Mr Croft: Yes.

Mr BAKER: I note the Auditor-General's comments for 1984-85. There must be a fairly clear indication from the department at this stage (because it has called for tenders) whether the figure of \$14 million mentioned in the Auditor-General's Report is a realistic assessment of the cost for the development of hardware/software training and various other aspects of the system over the next two to three years.

The Hon. C.J. Sumner: The tender documents have been released. As I said before, the final decision about funding is expected to be made in the very near future. There has been some hold-up on that because of the court's difficulties, as I have already outlined. I hope that those difficulties will be resolved shortly and that the final commitment can then be made. The Courts Department's non-participation in the system has attracted a cost penalty in the order of, I think, \$3 million to \$3.5 million. That has had to be reassessed by Treasury and by the departments concerned, and it means the way in which we deal with the courts has had to be examined taking into account the factors I mentioned previously. I believe the overall cost benefit of the scheme will be justified, despite the cost penalty involved in separating out the courts.

Mr BAKER: We are talking about \$18 million altogether?

The Hon. C.J. Sumner: That depends on how we treat the courts.

Mr BAKER: They may be separated out?

The Hon. C.J. Sumner: They must be separated out, but they may be treated differently to what was originally envisaged. Whether the Courts Department will be treated separately but in the same way as originally proposed under the integrated JIS is a matter that we are currently attempting to resolve. How that is dealt with will depend on the additional cost involved. The costs mentioned in the Auditor-General's Report are \$14 million and a cost penalty for the department not being part of the system, depending on the type of computer system adopted or accepted as being available to the courts, and when it is available.

The Hon. H. ALLISON: I refer to page 25 of the yellow book, where we are advised that Parliamentary Counsel is responsible for preparing consolidated Acts and regulations, and that the production of consolidated Acts has increased. What consolidated Acts are currently in train or proposed for 1985-86?

The Hon. C.J. Sumner: I apologise; I only have information relating to 1984-85, as follows: the Criminal Law Consolidation Act, the Education Act, the Juries Act, the Motor Vehicles Act, the Road Traffic Act, and the Stamp Duties Act. I do not have information from Parliamentary Counsel as to those that he is working on at the present time, but I will obtain the information for the honourable member.

The Hon. H. ALLISON: I refer to 'Delivery mechanism', where we are advised how many legal and clerical officers comprise the office of Parliamentary Counsel. What are the duties of the additional legal and clerical staff?

The Hon. C.J. Sumner: I have already explained that 3.8 full time equivalent positions were transferred from the Crown Solicitor's office. They were previously drafting regulations in the Crown Solicitor's office, but that function has now been transferred to the Parliamentary Counsel's office. In addition, some clerical officers were added to assist with the consolidation of statutes. I mentioned that 3.8 full time equivalents were transferred and five new positions have been established. Of the five new positions, three are legal and two are clerical. Obviously, one of the roles of the additional staff will be to upgrade the consolidation of statutes.

The Hon. H. ALLISON: Under '1985-86 Specific Targets/Objectives' we are informed:

To institute a gradual review of old and defective regulations. Is this a long-term proposition for deregulation or will it be a quick move in 1985-86?

The Hon. C.J. Sumner: I think it is part of Parliamentary Counsel's role in consolidating statutes and bringing them up to date, because he is also Commissioner for Statute Revision. As part of that process, when legislation is being

consolidated, Parliamentary Counsel examines regulations to see whether or not they need updating. Clearly, Parliamentary Counsel's role does not relate to policy aspects of the regulations. However, if policy decides that a regulation should continue, Parliamentary Counsel will see that it is properly drafted and compatible with the consolidation of the statute and that it is compatible with modern drafting styles.

The Hon. H. ALLISON: I refer to 'Issues/Trends' on page 30 of the yellow book, as follows:

The actions of administrative tribunals appear to be subjected to closer scrutiny.

What is the increase in work for the Crown in this area as a result of the closer scrutiny of administrative tribunals and their actions?

Ms Branson: The Crown is informed about the closer scrutiny by reason of receiving more prerogative process served on it, which is a process that the member might be aware of in which the Supreme Court is asked to review the activities of administrative tribunals. We do not have available to us, and it would be difficult to obtain but possible if the member requires it, precise figures of the number of prerogative process received in one financial year over another. However, it is well recognised that the number is increasing and it necessarily places an increasing burden on the Crown.

The Hon. H. ALLISON: On how many occasions and to what financial extent was legal advice sought outside the Crown Solicitor's Office during 1984-85? This may be relevant to the provision of service for the conveyancing of land acquired or disposed of by the Government under 'Broad Objective' in the lefthand column. Has it been necessary to seek outside legal advice?

The Hon. C.J. Sumner: As a general principle, no. I cannot remember, and do not have the figures or details of it in front of me, when that might have occurred. The general rule is that legal advice for the Government is handled in-house. However, there have been occasions during the past financial year when a member of the private profession has been briefed to prosecute. That is still occurring. Staff numbers in the Crown Prosecutor's Office are not up to the maximum at the present time and there is a need for some flexibility, particularly before the criminal courts, to ensure that the case load is dealt with. For that reason from time to time a member of the private legal profession is briefed to prosecute for the Crown.

That is one example. There are other examples. However, they are generally confined to situations where there may be conflict; where the Crown can only advise one of the parties involved and it may be necessary to obtain some independent advice. Apart from those fairly occasional situations, most of the work is done in-house.

Mr BAKER: Page 38 of the yellow book under '1984-85 Specific Targets' indicates that reports were produced in three areas. I note that in relation to 'Participate in Review of Parole in South Australia', 'Complete Unemployment and Crime Project', 'The office completed a research paper on possible implications of reforms to rape legislation proposed in a recent report by the Women's Advisory Unit', and 'Completed survey of the uses of unsworn statements in criminal trials during 1982-83 and 1983-84' there would be reports floating around someone's office. Are these reports available publicly or are they internal documents?

The Hon. C.J. Sumner: Most of the reports of the Crime Statistics Office are made public. In relation to the bail report, that material was made available and formed part of the basis for the legislation that was introduced in this Parliament.

Mr BAKER: What about 'Participate in Review of Parole in South Australia.'

The Hon. C.J. Sumner: That is proceeding and has not been concluded, although I understand it is some way down the track. However, there is no final report yet.

Mr BAKER: What about 'Complete Unemployment and Crime Project'.

The Hon. C.J. Sumner: That data has been collected but the final report is not available until the next financial year. I do not know whether the results of the research paper on possible implications of reforms to rape legislation have been made available. I think that the Director published that in a legal services document. I do not think there is any problem with that; we can probably make it available. In relation to the survey of the uses of unsworn statements in criminal trials, I am not sure whether that has been published but I will ascertain that for the honourable member. At this stage I can see no difficulties with that material being made available to the honourable member, if he would like it.

Mr BAKER: I would like the material in relation to the reforms to rape legislation, which is presently fairly topical. I am interested in the implications for legal reform, the recommendations of the Women's Advisory Unit and how legal people feel they fit into the framework of law as we see it today.

The Hon. C.J. Sumner: I can obtain that material, I think, for the honourable member. Most reports are made public. The office does other work which is often part of a broader project; like the bail report was a broader project, but the office had input into the statistics. The report on rape was prepared by the Women's Adviser, but the office made comments on that report, and similarly, with the unsworn statements matter. They are not reports of the Crime Statistics Office itself, but is material prepared by the office as an aid, criticism or critique of other work that had been done. I cannot see any difficulty with that material being made available.

Mr BAKER: Comment was made on the radio, which came from the Crime Statistics Office, relating to the fairly low correlation between drugs and house breakings. I intended to ring the manager of the CSO to see whether I could get that report. I know that it is not listed here, but information given over the radio was completely at odds with research material I have obtained and other material obtained from Sydney which indicated that 40 per cent of people in gaol for housebreaking were drug addicts, and the people caught contributed to 60 per cent of housebreakings. Will the Minister check with the CSO to find out whether there is a report available or whether that comment was made in response to a question looking at figures that were available?

The Hon. C.J. Sumner: It was a paper prepared by one of the officers of the Crime Statistics Office for a seminar held in Brisbane earlier this year on breaking and entering, and burglary offences. I assume that it can be made available. It was also the subject of some press comment during the year.

[Sitting suspended from 3.30 to 3.47 p.m.]

Mr BAKER: Concerning the Justice Information System, can the Attorney give details of the consultancies that were let during 1984-85 and 1985-86, the people to whom they were let, the purpose for which they were let, and the moneys involved?

Mr Croft: The JIS project has engaged in three consultancies so far: the first was with Touche Ross Pty in 1982; the second, more recent, was with Information Engineering (Aust) Pty Ltd, and is ongoing, to do work with regard to data modelling in preparation for the design of the data base for the Justice Information System; the third was with

Logica Pty Ltd. That is now finished, and involved the design of a network for the JIS project. A very short consultancy was linked with PA to assist with filling the vacancy for the Project Director position.

A couple of consultancies are planned for this financial year: the first is to assist in the evaluation of tenders to ensure that that is carried out in a reasonable manner; the second is a follow-up consultancy with Logica to ensure that the network area of the tender evaluation takes into account all of the modern design principles for networks; the third, with Information Engineering (Aust) Pty Ltd, is an ongoing consultancy associated with data modelling.

Mr BAKER: The other question concerned the amount of money involved. How was the \$169 000 spent in 1984-85 shared out? If that information can be provided later I will be happy.

Mr Croft: I will take it on notice.

The Hon. C.J. Sumner: A couple of questions were asked previously, on which I can now give some clarification. There has been some confusion or mistake in the way in which the Law Reform Committee topics, outlined on page 18, have been listed in the yellow book. I can provide to the Committee a list of reports issued or likely to be issued between 1 July 1984 and 30 June 1985.

The CHAIRMAN: Will the Minister provide it to *Hansard*?

The Hon. C.J. Sumner: Yes. I will put it in *Hansard*. One is the assessment that was made of what reports were expected to have been done in the past financial year. Some of those were included in the list as having been completed when, in fact, they have not been completed.

The Hon. H. ALLISON: Four of them are mentioned for review again.

The Hon. C.J. Sumner: That was an error, I think. I am able to give a list of reports issued or likely to be issued between 1 July 1984 and 30 June 1985. Then there are the references presently before the committee, on which a draft report has been prepared but not finally issued. In addition, there are some other references that are not yet completed. The important one is the second list, that is, references presently before the committee. I will put them both in to indicate how the error has occurred.

The Hon. H. ALLISON: They were all listed as being complete last year and are all up for review again this year.

The Hon. C.J. Sumner: I will provide a comprehensive report on where we are with the law reform references. The second issue was the Legal Practitioners Complaints Committee. The Chairman is Mr B. Lander, a legal practitioner, who was appointed from 4 April 1985 until 3 April 1988; he receives \$3 690 per annum. The other members of the committee each receive \$3 090 per annum and they are: Mr J. Broderick, whose term is until 8 May 1988; Miss C. Clancy, whose term is until 3 April 1988; Mr G. Holland, who is a member until 3 April 1988; Mr M.L. King, who is a member until 3 April 1988; Miss M.J. Nyland, who is a member until 3 April 1988; and Mr A. Raphael, who is a member until 3 April 1988.

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

Attorney-General, Miscellaneous, \$895 000

Chairman:
Mr G.T. Whitten

Members:
The Hon. H. Allison
Mrs J.E. Appleby

Mr S.J. Baker
 Mr D.M. Ferguson
 Mr J. Mathwin
 Mr M.K. Mayes

Witness:

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

Departmental Advisers:

Ms C.M. Branson, Crown Solicitor.
 Mr M.N. Abbott, Chief Administrative Officer.
 Mr P.E. Croft, Manager, Systems Development, Justice Information System.

The Hon. H. ALLISON: On what basis is the increase in State contribution to the Legal Services Commission of \$757 000 (from \$660 000) calculated?

The Hon. C.J. Sumner: The increase is primarily caused by State Government contribution to the establishment of additional regional offices of the Legal Services Commission.

The Hon. H. ALLISON: What is the federal contribution for this financial year?

The Hon. C.J. Sumner: We have not been advised of the allocation for this financial year.

The Hon. H. ALLISON: What other receipts or income does the Legal Services Commission have, or expect to have, for the financial year?

Mr Abbott: The Legal Services Commission, in preparing its 1985-86 budget, expected to receive statutory interest of \$570 789; interest on trust accounts of legal practitioners, \$377 515; contributions from clients, \$9 178; other costs recovered, \$40 000; and, other income, which mainly comprises of interest on investments of funds held waiting to be paid, \$36 829.

The Hon. H. ALLISON: I note that that is a little over \$1 million. What is the projection of the commitments of the Legal Services Commission in the next two years? Will it be expanded or will it remain fairly static? I note that expenditure in regard to regional offices has been referred to.

The Hon. C.J. Sumner: The usual formula is a State grant, increased by reference to the CPI, plus additional moneys made available for regional offices. Those regional offices have been established as a joint exercise between the State and Commonwealth Governments with 76 per cent funding from the Commonwealth Government and 24 per cent funding from the State Government.

Mr BAKER: What is the cost sharing formula between the State and Commonwealth for legal aid?

The Hon. C.J. Sumner: I have just outlined the formula for administration costs—76 per cent Commonwealth contribution and 24 per cent State contribution.

Mr BAKER: By that calculation, South Australia is spending about \$3 million on legal aid. What was the sum of State spending on legal aid last year and how does it compare with the amount spent in the previous two years?

The Hon. C.J. Sumner: Does the honourable member want to know the State contribution to legal aid?

Mr BAKER: Given that South Australia is party to providing funds for legal aid, I assume that the State would know the total cost of operating the legal aid service in South Australia. What was the total cost of legal aid in South Australia for the past three years?

The Hon. C.J. Sumner: In 1982-83 the cost was \$5 057 796; in 1983-84 it was \$6 509 041; and, in 1984-85 it was \$7 404 000.

Mr BAKER: Will the Minister provide details (and I will take his advice as to how much detail can be provided given the joint relationship) about the cost of legal aid to Emily Perry over the past five years? How many cases have involved legal aid of more than \$100 000? I have been concerned that certain notable people are using and abusing the legal aid system, and we can form our own conclusions as to the rights and merits of particular cases. However, a number of my constituents have asked for legal aid but have been refused, although less meritorious cases have received legal aid. Many conditions seem to be imposed on legal aid.

The CHAIRMAN: Order! The honourable member is asking a question that should probably be asked in the House of Assembly. First, the honourable member is asking what has been spent on the Emily Perry case and then what has been spent on legal aid over the past five years.

Mr BAKER: No, Mr Chairman; I asked what Emily Perry has gained from legal aid over the past five years.

The CHAIRMAN: It is the duty of the Committee to consider the budget for this year in comparison to that for last year: it is not fair to ask the Minister to go back for five years. That question can be put on notice or asked in the House of Assembly.

Mr BAKER: I will take your advice on that, Mr Chairman.

The Hon. C.J. Sumner: Perhaps I could respond. The Legal Services Commission is independent of the Crown and the Government. While its annual report gives details of funds provided, there are difficulties in regard to confidentiality about providing information on individual cases. If the honourable member wishes to ask that sort of question in the House of Assembly it can be referred to the Legal Services Commission, but it is for the commission to decide what information it can release, given its charter under the Legal Services Commission Act.

The figures I have cited represent the total sums for Commonwealth and State contributions. The State contribution in 1985 was \$660 000, but in addition there is the statutory interest contribution, plus interest on solicitors' trust accounts. A couple of years ago this Government was able to negotiate the position in regard to solicitors' trust accounts, and that has increased the sum available to legal aid. We are quite proud of the extent to which we have been able, in conjunction with the Federal Government, to expand the availability of legal services to the citizens of this State by the opening of offices in Whyalla and Noarlunga, the first regional offices to be opened since the establishment of the Legal Services Commission in 1978. Plans are afoot for the opening of other regional offices.

Mr BAKER: I was pleased to see the increased funding for the Norwood Mediation Service. I have had occasion to refer constituents to the service when there has been a neighbourhood dispute and we had some successes where I never thought it would be possible. I was pleased to see that there was increased funding at that level. The service seems to be effective, at least from my point of view, and I would like to place that on the record. I presume the Minister was just talking about the provision of community legal services because on page 83 reference is made to the extension of legal centres. Does the \$100 000 cover leasing arrangements, or is it purely for salaries and wages associated with new centres?

The Hon. C.J. Sumner: There is some confusion. I was referring to the establishment of regional offices of the Legal Services Commission. That has been one area of extension of services in Noarlunga and Whyalla. In addition, we have provided for the first time a specific line—Community Legal Centres—last year \$95 000 and this year \$100 000. That goes to community legal centres at Norwood, Noar-

lunga, the Parks and Bowden/Brompton. The Legal Services Commission is responsible for assessing applications from those organisations and recommending the distribution of funds. Of course, it can go for any purpose: salaries, rental or whatever.

The Hon. H. ALLISON: Referring to the line Legal Services, the Minister might choose to bring in this information later, but has he statistics on the number of cases dealt with respectively by in-house staff and private practitioners in 1984-85, and the various categories of cases?

The Hon. C.J. Sumner: That information can be provided. On the next sitting day there will be tabled the report of the Legal Service Commission. It will provide all that information in some detail.

The Hon. H. ALLISON: A few minutes ago the Minister said that the proportion or percentage of contributions was 76 per cent federal and 24 per cent State for administration. Can he say whether any decisions have been made at State or federal level about the future of the commission? Over the past few months there have been rumours that the Federal Government will be asking the States to assume full responsibility for legal services and that there may be subsequent general revenue grants. Is that the case or will the present system prevail?

The Hon. C.J. Sumner: No decisions have been made. The Commonwealth Attorney-General established a legal aid task force that produced a report, a discussion paper in November 1984, and a final report in August 1985. It contained an assessment of a delivery of legal aid in Australia. At this time no decisions have been taken by the Federal Government on the report's recommendations.

The Hon. H. ALLISON: What centres have received grants in South Australia under the heading 'Grants to community legal centres'?

The Hon. C.J. Sumner: I have just listed them. They are: the Parks Community Legal Centre, Noarlunga Community Legal Centre, Norwood Community Legal Centre and Bowden/Brompton Community Legal Centre.

The Hon. H. ALLISON: Can the Minister say what are the criteria for allocating grants? Does he have a list of the set criteria, or is it on an *ad hoc* basis?

The Hon. C.J. Sumner: The criteria are those set by the Commonwealth Government for funding of these sorts of organisations, community legal centres, and the Legal Services Commission has adopted them and applies them when applications for funding are received. They are Commonwealth Government guidelines. They are adopted by the commission. I have a copy here, but it runs to three pages. If the honourable member would like that information I can send him a copy.

The Hon. H. ALLISON: If the Minister would make the guidelines available to the shadow Attorney it would be appropriate.

The Hon. C.J. Sumner: Yes.

The Hon. H. ALLISON: Can the Minister say what controls are exercised to ensure proper expenditure of funds by the four community legal centres?

The Hon. C.J. Sumner: As I said before, the Legal Services Commission is responsible for oversight of funding in this area and the organisations are required to provide a report to the commission every six months. It is statistical information, financial reports, and an annual report at the close of each financial year. There are statistical and financial reports provided every six months as well as an annual report at the close of each financial year.

Presumably it is a report of a more general nature. That is provided to the commission and to me as Minister. The commission also maintains contact with community legal centres by means of attendance at annual and other meetings of the centres. It is the usual funding supervision

carried out for community legal centres in a similar way as the supervision of funds given to other voluntary organisations. From what I can gather it seems to be close supervision by the commission of the funding aspects.

The Hon. H. ALLISON: Can the Minister advise who decides on the recipients of grants and the size of grants? Is it on a recommendation of his senior officers? Is it based on criteria such as present or projected caseloads?

The Hon. C.J. Sumner: As I said, the commission is responsible for assessing the applications and makes recommendations to me as Minister. I get Cabinet approval for them and they are assessed in accordance with the guidelines that I have already outlined or indicated will be made available to the shadow Attorney.

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

Works and Services—Attorney-General's Department,
\$340 000—Examination declared completed.

Courts, \$22 454 000

Chairman:

Mr G.T. Whitten

Members:

The Hon. H. Allison

Mrs J.E. Appleby

Mr S.J. Baker

Mr D.M. Ferguson

Mr J. Mathwin

Mr M.K. Mayes

Witness:

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

Departmental Advisers:

Mr P.F. Young, Acting Director, Courts Department.

Mr G. Byron, Deputy Director, Courts Department.

Mr G. Lemmey, Senior Finance Officer, Courts Department.

Mr J. Witham, Manager, Support Services, Courts Department.

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

The Hon. H. ALLISON: I refer to page 47 of the yellow book and 'Issues', as follows:

However, the Chief Justice has advised that he will not agree to the courts becoming part of the integrated system on the grounds that courts must not only be independent but be perceived by the general public to be independent of Executive Government.

This matter was discussed last year, and the Attorney-General referred to it earlier this afternoon in relation to the Attorney-General's vote. To what extent will this create a problem and obstruction in the system, because part of the justice information system is being deliberately excluded? Will it create major problems in the exchange of information?

The Hon. C.J. Sumner: It is a pity that the honourable member did not ask this question previously when an officer from the justice information system was present.

The Hon. H. ALLISON: It comes under both the Attorney-General's vote and also this vote.

The Hon. C.J. Sumner: I think I have already answered this question fairly fully. I think I indicated that some cost penalty was involved in this area. It is now up to the Government and the Courts Department to determine how computerisation of the department will be handled. I expect that that decision will be made in the near future. The Chief Justice has agreed that there can be a link between the courts administered aspects and the other agencies involved, but that it cannot be run as an integrated system controlled by one executive group which includes the courts. The needs of the courts will have to be addressed separately but with some form of link so that information as determined by the courts can be transmitted to the other agencies and so that the courts can receive information from the other agencies. I am not sure whether the honourable member was asking a general or a technical question.

The Hon. H. ALLISON: I am trying to anticipate the size of the problem, if a whole section of the system literally refuses to be integrated to the extent that information can freely pass in and out as a consequence.

The Hon. C.J. Sumner: The honourable member must understand that even under the integrated JIS, information was not going to pass freely from the courts. Even under the originally proposed integrated system the courts would still have had control over the information transmitted from the courts to the other agencies. The fact that at that stage the courts were part of an integrated system was seen by the Chief Justice as unacceptable from the point of view of the independence of the Judiciary—not because the courts did not have control over the information that they were able to transmit to other agencies, but because the Chief Justice thought that it was incompatible to have the courts involved in what was basically a system run by the executive arm of government.

The proposal under the original system was for an exchange of information but that that information would be under the control of the courts. The information given under the new proposal will still be under the control of the courts, but so will the development and operation of the computer facilities for the courts (whatever they may turn out to be). Information will still be transmitted from the courts to the other agencies, and that information will be as determined by the courts. Presumably, the courts will determine that certain of its orders can be transmitted to the police, to correctional services and perhaps to community welfare, depending on the needs.

The Hon. H. ALLISON: I refer to 'strategies' on page 47 of the yellow book, as follows:

To ensure that the department policy on community access is given due consideration in the development of all projects and initiatives.

To what extent will the community be given access, and how will this be achieved?

Mr Byron: In the development of the Courts Department strategic plan it was decided in consultation with the Judiciary and the Government that emphasis would be placed on providing better access to the courts system for the community. The Courts Department has introduced this policy in its initiatives and projects. It is something that must be taken into account in relation to the development of any new systems, procedures, and so on. As I have said, it is part of our corporate strategy. As an example, we are producing a series of pamphlets as the need arises; for instance, we have produced a pamphlet for the Coroner's office because of the number of inquiries it was receiving.

That pamphlet was distributed to relevant agencies in the community. There was immediate success in that it reduced the percentage of inquiries to the Coroner's Office by something in the order of 30 per cent, enabling better information to be more readily available. That is the sort of thrust that we are talking about.

The Hon. H. ALLISON: Page 48 of the yellow book under 'Recurrent Expenditure' refers to an increase in salaries and a decrease in the mechanical reporting contractor (partially offsetting increase in salaries). Will the Minister explain this quite substantial decrease in relation to the mechanical reporting contractor?

Mr Witham: The decrease in the amount for the mechanical reporting contractor involves, essentially, payments to the private contractor for court reporting services. It is an initiative this year to increase the Government transcription service, and that will divert some work away from the private contractor.

The Hon. H. ALLISON: Does that mean that there will be a steady move away from the private contractor? Is it the Minister's intention to do away with private contracting in court reporting?

The Hon. C.J. Sumner: The Government undertook to maintain the employment level of manual court reporters at the date of the 1982 election. That has been done. There will be a core of manual court reporters. In addition, there is the Government transcription service and the private contractor. The Government determined, on the advice of the Courts Department, the Public Service Board and Treasury, that a shift of some of the work from the private contractor to the Government transcription service would result in some savings to Government, and that is what occurred partially in May this year. It is proposed that it will continue with the engagement of more employees in the Government transcription service next year.

The policy is to have a mix: a core of manual reporters, with the Government transcription service and private contractors. The assessment made by the Courts Department, the Public Service Board and Treasury is that some shift from the private contractor to the Government transcription service would be economical—there would be savings—and that is why that decision was taken. Since then the private contractor concerned has made representations to me with respect to the additional transfers and engagement of staff early next year. I have agreed that that should not proceed to be implemented, pending further representations from the private contractor. However, the information we have is that an increase the Government transcription service would result in savings to the Government. That is the basis of the policy.

Mr BAKER: There is inevitably comment about delays in processing through the courts. It is a never ending problem in the legal system which has received much comment over the past 10 years. Is the Minister able to provide a report on each of the jurisdictions (Supreme Court, District Criminal Court, Magistrates Court and Local Court) and the extent of delays that exist in the system today? Has there been an improvement in waiting periods for trials?

The Hon. C.J. Sumner: I can provide the honourable member with schedules. I seek leave to have inserted in *Hansard* without my reading them three statistical tables—'Waiting Period for Trials', 'Outstanding Cases for Trial in the Supreme Court', and 'Workloads in Courts'.

Leave granted.

WAITING PERIOD FOR TRIALS
(in weeks)

Court	August 1983		August 1984		August 1985	
	Civil	Summary	Civil	Summary	Civil	Summary
Adelaide (Full)	32	—	38	—	32	—
(Limited)	44	—	36-40	—	32-36	—
(Small Claims)	28	—	12-16	—	8	—
Adelaide Children's Court	—	6	—	12	—	6
Adelaide Magistrates Court	—	12	—	11*	—	7*
				28**		19**
Port Adelaide (Limited)	18	—	22	—	29	—
(Small Claims)	17	18	19	22	19	29
Berri	13	12	10	16	11	14
Ceduna	6	6	12	12	4	4
Christies Beach	12	12	6	6	12	12
Glenelg	—	9	—	4	—	3
Holden Hill	—	15	—	7	—	18
Kadina	12	12	8	8	13	13
Millicent	13	13	9	9	8	12
Mount Barker	14	14	15	15	20	20
Mount Gambier	13	13	9	9	6	6
Murray Bridge	12	12	16	16	12	16
Naracoorte	11	11	9	9	12	12
Para Districts	17	17	18	18	16	16
Port Augusta	6	6	12	12	8-9	8-9
Port Lincoln	9	9	6	6	18	18
Port Pirie	15	15	15	15	11	11
Tanunda	11	11	20	20	18	18
Whyalla	8	8	14	14	12	12
District Criminal	—	10	—	12	—	16

* Indicates 1 day trials

** Indicates trials of 2 days or more

OUTSTANDING CASES FOR TRIAL IN THE SUPREME COURT

August 1983		August 1984		August 1985	
Civil	Criminal	Civil	Criminal	Civil	Criminal
866	28	972	75	1 081	36

WORKLOADS IN COURTS

	July 1983 to June 1984	July 1984 to June 1985
Local Courts—Summonses Issued	65 000	57 033
Summary Courts—Complaints	112 000	107 774
District Court Civil—Actions Listed	3 427	3 519
Trials	999	974
District Court Criminal—Trials	207	202
Supreme Court Civil (Processes Lodged)	3 856	4 191
Supreme Court Criminal (Matters disposed of)	454	540

The Hon. C.J. Sumner: I am reasonably pleased with the progress in the court lists, although they are never satisfactory, never have been and probably never will be entirely. The Supreme Court figures indicate that, comparing August 1984 with August 1985, there has been a reduction of some 50 per cent in the criminal cases awaiting trial: there were 75 in August 1984 and there were 36 in August 1985. With respect to civil proceedings, there has been an increase of 10 per cent in outstanding cases, from 972 in August 1984 to 1 081 in August 1985. We understand that some cases have taken longer and that a lower disposition rate was achieved in the past financial year, although we do not have comprehensive statistics on how long cases are taking. In addition, we have the change in jurisdictional limits; that occurred earlier this year and should have some effect on the listings. The outstanding cases with respect to civil proceedings represent 14.2 months waiting time; with criminal cases, one month waiting time. Certainly, with respect to criminal cases before the Supreme Court at the moment

the situation is most satisfactory. With respect to civil cases, it is not entirely satisfactory, but that may be, and I hope will be, affected over time with the new jurisdictional limits of the District Court.

With respect to the District Court, on 1 August 1985 there was that increase in jurisdictional limits. An additional criminal court was commenced in September in order to improve the situation with regard to waiting periods for criminal trials, although in August 1984 it had a 16 week waiting period, so clearly there is a need for some attention there. The additional criminal court from September should assist with that. The Senior Judge of the District Court is looking at problems in criminal listings in conjunction with the legal profession and Crown Law officers with a view to improvement in those.

The situation in the District Court is reasonable, considering the absences in judicial offices between July 1984 and June 1985. There was the use of some of the District Court judges as Commissioners of the Supreme Court; that was decided on last year because the list of the District Court at that stage was in reasonable shape: Judges Newman, Rogerson and Burnett spent some time as Commissioners of the Supreme Court. Judge Boylan was on sick leave from June 1984 to February 1985. Sabbatical leave was granted to Judge Stevens, four months; Judge Rogerson, five months; and Judge Taylor, six months during that period. Judge Moran was on sick leave for six weeks during that period. Two District Court judges will be on sabbatical leave for each of the next three years.

Given that situation, the fact that the full jurisdiction of the Adelaide Local Court is at 32 weeks is reasonable. It is generally agreed that one cannot really do much better than four or five months and, if you have a list that is about five or six months long, that is about as good as can be expected, given that trials have to be got up and that there are demands on medical witnesses and the legal profession. Thirty-two weeks for full jurisdiction compared with 38 in August 1984 is a reasonable result.

In summary, the criminal situation in the Supreme Court is very good; the civil situation needs attention. In the

District Court the situation is reversed; the criminal lists need attention and the civil lists are reasonable. You will note from the figures that I have inserted in *Hansard* that there has been an increase in the numbers of civil actions in both the Supreme Court and the District Court.

With respect to the local and summary courts, in the Adelaide Local Court there has been an improvement in all jurisdictions, and that is encouraging. The Adelaide Magistrates Court has seen substantial improvement. The waiting time in August 1985 for one-day trials is only seven weeks; for two-day trials it is 19, which is considered to be too long, but it is a reduction from 28 weeks in August 1984. So, there has been a substantial reduction there. The up-to-date figure is that the waiting period for one-day trials in the Adelaide Magistrates Court is five weeks, and that is very good indeed.

Port Adelaide is a problem and is not acceptable. An additional magistrate will assist in Port Adelaide from January 1986. Part of the problem in Port Adelaide is the accommodation: we have to find an extra court to enable an extra magistrate to sit at Port Adelaide. At Christies Beach waiting times are not too bad, but have increased somewhat because the second magistrate has been used elsewhere: that situation is being monitored.

An additional magistrate is to be provided to assist at Holden Hill from January 1986. Again, accommodation problems will ultimately be addressed by a new courthouse: that will not be completed in this financial year, although it will be started. At Mount Barker the problem in this growing centre is increasing work. Mount Barker needs to be addressed: there has been some increase in the lists there. Port Lincoln has increased, caused largely by an upsurge in the number of defended matters proceeding to trial, for reasons that we are not aware of. The Chief Magistrate is currently looking at that situation.

The appointment of supervising magistrates, which happened a few months ago, and their close liaison with the Chief Magistrate enable them to monitor the situation closely at each centre because they are responsible not just for the courts in which they sit but for other suburban and country courts. It is therefore possible to identify the problems earlier and to adjust resources more quickly. Although there has been a decline in the number of originating processes in the local and summary courts, there are more defended cases, and that is a trend that is likely to continue. It seems—and again it is probably impressionistic more than statistically based—that cases are taking longer to dispose of because of greater complexity.

On the whole the situation is quite encouraging. We believe that substantial improvements have been made, particularly in the Adelaide Magistrates Court. There were significant problems in the past financial year with absences from the District Court, for reasons of illness and sabbatical leave, and obviously there are some problems. That will always be the case. However, we now have the structure to address those problems expeditiously.

Mr BAKER: In relation to coronial inquiries (page 79) there is a decrease in the number of people employed under this line. I understand that the coroner's section actually went through a reorganisation. I also note that forensic science fees seem to have affected the figures there, since we have an increase from \$445 000 in 1984-85 to \$691 000 in 1985-86. Where has this forensic science division actually been accounted for; has it been shifted to the police provision?

The Hon. C.J. Sumner: The Forensic Science Centre is part of the Department of Services and Supply; so it is separate from the coroner's office.

Mr BAKER: Why is there a decrease in employment from 4.2 to 3.0 from 1984-85 to 1985-86? Also, the cost of coronial inquiries has increased from \$445 000 to \$691 000.

Mr Lemmey: What has happened with the full-time equivalents—and this has happened on a lot of programs this year—is that we have changed the percentage allocations of people, and their time. What has happened is that the basis of 1984-85 is just not correct according to what we think will happen in 1985-86. A different emphasis has been placed on figures throughout a lot of programs. It is three years since it has been looked at across-the-board; we have changed percentage allocations this year. There is really no decrease, as such, in the coroner's office.

Mr BAKER: What is the reason for the increase from \$445 000 spent in 1984-85 to \$691 000 proposed in 1985-86, noting that we are talking about forensic science fees accounting for \$262 000? I would have assumed that that would have also been a cost in 1984-85. Why is there this large increase of approximately 50 per cent in that budget item? I take the point that full-time equivalents working in that area have been redistributed.

Mr Lemmey: There has been an increase in the post-mortem charges by the Forensic Science Centre and also for the first time last year—which is a carryover effect for 1985-86—the Forensic Science Centre has introduced charges for court appearances and report preparation. That is why the \$262 000 increase has occurred in the Forensic Science Centre.

The Hon. C.J. Sumner: The Coroner's Office pays the forensic science centre; it is a cross-charge.

Mr BAKER: The amount of \$262 000 seems to be an enormous increase, given that the total budget line, involving four employees, was \$445 000—an increase of 50 per cent. If I did my mathematics, I would suggest that we would probably have to have a 100 per cent increase in fees and the rest of that non-salary item made up fully of forensic science fees. Are we suggesting there is a 100 per cent increase in forensic science fees?

Mr Lemmey: It is much more than that; the fees have increased from \$65 per post-mortem to \$365.

The Hon. C.J. Sumner: That is a cross-charge.

The Hon. H. ALLISON: I return to page 48 and the question of private contracting. The Minister said that one of the reasons for the steady reduction in private contracting for court reporting lay in the savings to Government which Cabinet believed would accrue. On the lines to which we were earlier referring the decrease in mechanical reporting refers only to a partial offsetting of the increase in salaries: in other words, the Government is spending more. Has the Minister, in fact, deferred the appointment of further manual court reporters pending a reinvestigation of claims made by the contractor that there could be considerable savings to the Government?

I understand that a figure of \$1 million saving to the Government was allegedly claimed, provided the optimum advantages were given to private contractors, advantages which may not be realistic. Is the Minister reconsidering the situation, and does he still maintain that the Government will save by appointing more staff?

The Hon. C.J. Sumner: The commitment the Government has is to the level of manual court reporters that existed in November 1982. It is recognised that there is a cost penalty in that, but we believe that there ought to be a core of manual reporters—46.8 is the current establishment. The judiciary prefers manual reporters. They provide a service which is faster; transcript comes back to the court and the litigants more quickly than from tape services. Although there is a cost penalty in that, there are some advantages in terms of efficiency and service to the courts. There is also an advantage in that, because they are in court, they

do not have to type up everything, whereas with the tape service everything is typed. That is the extent of the Government's commitment.

Beyond that, the Government has no preconceived notions about how court reporting should be provided. We have looked at it purely in economic terms, and an assessment was done. Indeed, that assessment was not a Government initiative, as such; an assessment was done in the Courts Department and checked by the Public Service Board and Treasury, and it indicated that an increase in Government tape services, at the expense of the private contractor, would result in savings to the Government.

It was on that basis that additional people were employed in May and the decision was taken to employ more people in January next year. That decision was taken purely on the basis of economics and cost savings. Recently, as I said, a private contractor saw me and asked whether he could put forward a more detailed case as to what he believes may not be justified in what we are doing. I have asked him to make a submission and I have indicated that we will not proceed to implement the decision to move more of the work to the Government tape service or to expand that service until the private contractor has had an opportunity to present his submission and we have assessed it. I put off the implementation of that decision until Saturday week.

The submission has now been received and it will be assessed, but I emphasise that the decision that has been taken to the present time was made on the basis of advice from the Courts Department and those in that department who are responsible for court reporting, and it was assessed by Treasury and the Public Service Board. That is the Government's position on the matter. We are not moving to Government tapes just for the fun of it.

Apart from the commitment to the core of manual reporters to which I have referred, the means whereby transcripts are provided to the courts is a question on which we are reasonably open, given that we accept that there must be a mix. The assessment of those agencies was that there were cost advantages in moving the work from the private contractor to the Government tape service. That is the Government policy position. If the honourable member wants further details about these matters and if he wants to get into arguments about how these calculations were arrived at, they are issues that the officers are prepared to discuss.

The Hon. H. ALLISON: The yellow book (page 56) states that the number of persons committed for trial in the Supreme Court increased by about 30 per cent in 1984. Do I understand that a few moments ago the Attorney cited precise statistics in that regard for the member for Mitcham when the Committee was considering the current waiting times in all jurisdictions?

The Hon. C.J. Sumner: We do not know how many people were committed for trial, but I cited the number of cases outstanding and the waiting times.

The Hon. H. ALLISON: The yellow book (page 59) refers to services provided by the Sheriff's Office in the criminal jurisdiction and I note that the allocation has been increased from \$1.476 million in 1984-85 to \$1.963 million this year. Why is such a substantial increase proposed?

Mr Lemmey: It is a matter of reallocation of officers to programs. If the honourable member compares figures for the civil jurisdiction with those for the services provided by the Sheriff's Office, he will find that the allocation for the civil jurisdiction has decreased substantially. This is because people's time has been used for different programs.

Mr BAKER: What is the current status of negotiations between the Commonwealth and the State regarding investigations by the Equal Opportunities Board on behalf of the Human Rights Commission? I understand that there was a

delegation to the Attorney regarding the board's acting as an agent for the Human Rights Commission in South Australia.

The Hon. C.J. Sumner: There is no doubt that this question is completely irrelevant under this line, but I am happy to accommodate the honourable member. He is referring to the Commissioner for Equal Opportunity, who comes under the Premier's Department. Generally, the negotiations have been concluded and the Commonwealth contribution has been received for the office of the Commissioner for Equal Opportunity to enable the Commissioner to act as the agent or delegate for the Human Rights Commission in South Australia. That is already in operation.

Mr BAKER: What are the terms of reference and the cost-sharing arrangements?

The Hon. C.J. Sumner: I have no details in that regard. The arrangement was based on the anticipated workload and the expected level of inquiries. As is always the case, the Commonwealth-State negotiations were reasonably protracted and a formula was eventually arrived at. I can obtain that information and provide it by letter for the honourable member.

Mr BAKER: In recent years there has been increased awareness about problems of repetitive strain injury associated with machines for recording purposes, word processors and so on. The Courts Department employs many court reporters. However, there seems to be no specific reference in the documents to programs for assessing reporters on machines (and reporters at Parliament House would probably be in the same category) and evaluating the extent to which those machines are contributing to RSI. Is analysis and research being carried out in this regard?

The Hon. C.J. Sumner: This is a matter of concern to the Courts Services Department. Mr Witham can provide further information.

Mr Witham: There were significant RSI problems in the Court Reporting Branch 12 months ago and within the department we put much emphasis on trying to overcome the problems with the help of various people from the Health Commission, the Workers Rehabilitation Unit and other independent bodies, private consultants and so on. We have also introduced a number of initiatives in the department, including provision of light duties to appropriate people and so on, until about a month ago we had only one new case of RSI among court reporters in the current year. This compares with a position last year when we had typically five or six people away at any given time. We appear to be overcoming the problem, although we are not sure how, because we have adopted a shotgun approach that appears to be succeeding. Also, we are looking at a new initiative, called computer aided transcription.

There are two reasons for the introduction of computer aided transcription. One is to improve efficiency of providing transcript, and the other is to reduce significantly the amount of keyboard work performed by reporters. They still take down the evidence on the Stenotype machines, but rather than having to type it back they simply have to do modifications as on a normal word processing application, so it will substantially reduce the number of keystrokes they perform, and we believe that will again reduce the incidence of RSI.

Mr BAKER: Do the stenographic machines have a tape that goes straight to a processing device? How do you save keystrokes from one machine? Generally, it has to be translated to another machine.

Mr Witham: At the moment we do not have this facility, which is available overseas. The Commonwealth Reporting Service has introduced it and we are now looking at computer aided transcription. Basically, an especially modified Stenotype machine is used. As well as producing a paper

tape that can be read back, an audio cassette is produced at the same time. When the reporter leaves court the cassette is read by a microcomputer and translated into English.

The Hon. H. ALLISON: A few minutes ago the Minister was kind enough to offer some analysis by his officers of the method used to assess the cost of private reporting against Government reporters. A simplistic measure would be to add together the total cost to the Government of reporting services plus benefits—superannuation and the like—and divide that by the number of pages produced in order to come up with a figure. Can the Minister or his officers advise of a more precise method of analysing the true cost of Government reporting?

Mr Witham: The Court Reporting Branch works basically on a standard costing approach but we do check that occasionally against the approach suggested, of taking the total budget allocation and dividing by the number of pages. If that latter approach is adopted for the past financial year the average cost per page is \$8.95. If one works from the other point of view of standard costing, which is the method used, because it incorporates figures that are not shown in those estimates, including certain overheads, then these figures apply, and I will give a comparison. For court reporters the direct costs are \$7.81 a page, and indirect costs are \$2.34, a total of \$10.15. For Government tape the direct cost is \$5.34 and indirect cost is \$1.88, a total of \$7.22. For Spark and Cannon, a private contractor, I will give two figures. The rate that I believe should be compared is the effective rate in the court precincts area.

The direct cost there is \$7.60, and the indirect cost is 38 cents, a total of \$7.98. The overall rate, which includes the Industrial Court and the outside bodies they service is \$6.95 plus 35 cents indirectly, an overall total of \$7.30.

The Hon. H. ALLISON: I realise that the method given to me was extremely simplistic and that there were other factors, including the cost of Government buildings, depreciation and equipment. Often the Government is accused of never building in any of these costs. If the cost of offices, building, furniture, depreciation, maintenance and paper are included I would be reassured.

Mr Witham: We include every item that you have just mentioned, except accommodation. We do not take that figure into account in any of the services, because it is not worth doing for comparisons.

The Hon. C.J. Sumner: It is the same for both.

Mr Witham: Yes. Spark and Cannon use our premises.

The Hon. H. ALLISON: At page 73 of the yellow book reference is made to the Sex Discrimination Board, the Handicapped Persons Discrimination Tribunal, but there is no reference to the Equal Opportunities Tribunal in 1985-86. Is that because the new tribunal is not expected to be in operation in this financial year?

The Hon. C.J. Sumner: It is expected that the Equal Opportunities Tribunal legislation will be proclaimed in this financial year.

The Hon. H. ALLISON: Provision would have to be made?

The Hon. C.J. Sumner: Yes, but it would be picking up what is already there. I do not know that there would be any massive additional costs with respect to the tribunal.

The Hon. H. ALLISON: I refer to page 64 of the yellow book. The Wardens Court has a reduction from \$53 000 to \$31 000. Is this a transfer of staff, or does it reflect a slowing in activity?

The Hon. C.J. Sumner: It is a transfer of staffing.

The Hon. H. ALLISON: I refer to 'Issues/Trends' on page 60 of the yellow book, as follows:

In other courts delays in matters proceeding to trial have become constant. An acceptable delay period is still to be reached.

What is an 'acceptable delay'?

The Hon. C.J. Sumner: It is not possible to indicate for all courts what an acceptable delay might be. In relation to civil litigation in the Supreme Court and the District Court probably five or six months would be about the best one could hope for, given the problems involved in getting a case up for trial, the availability of medical witnesses and the availability of legal practitioners. In practical terms, to enable people to get witnesses in place, get a trial ready and so on, five or six months is reasonably satisfactory. It may be possible to bring it back to four months, but I would think that anything less than that would be very difficult in terms of getting a case ready. Of course, I am giving a rough estimate.

In criminal cases, I think that any delay beyond one or two months is really not acceptable. I think that within two months of a case being introduced into the District Court or the Supreme Court it should be dealt with. Obviously there are problems with delays longer than that, particularly if people are in custody. Priority is given to persons in custody in those courts.

In relation to the Adelaide Magistrates Court and courts of summary jurisdiction generally, again, it is not possible to identify an appropriate period. If people are in custody, clearly, they should be dealt with as quickly as possible, and they are given priority. If they are not in custody, the urgency is not so great but, again, waiting lists should not be too long. I would think that, if one were able to reduce hearing times in courts of summary jurisdiction to about two or three months, again, we would be doing reasonably well.

In relation to the limited jurisdiction of the local court, one could probably have a trial ready in less time than the five to six months that I mentioned for the full jurisdiction, because the cases are less complex. Certainly, in relation to the small claims court, if cases come on within a month or six weeks, that is desirable. It is not really possible to give hard and fast rules; they are parameters in relation to what would be considered reasonable, I believe.

The Hon. H. ALLISON: Under 'Issues/Trends' mention is made of the increase in the jurisdictional limits in the District Court (which was a matter of debate in the House recently). It is predicted that this will increase delays in that court. Has the increase in jurisdictional limits come into effect yet and, if not, when will it come into effect?

The Hon. C.J. Sumner: The increase was proclaimed on 1 August. It was done on the basis that none of the cases currently before the Supreme Court that might qualify for the District Court would be shifted down to the District Court. Therefore, the effects of the change will flow into the system over a period of time. At one stage in the past when there was an increase in jurisdictional limits for the District Court the Supreme Court appointed a judge to purge the Supreme Court lists and send everything that was not considered to be beyond the jurisdiction of the District Court down to the District Court. That has not happened in this case. Agreement has been reached between the Supreme Court and the District Court that that will not happen. Therefore, the effects will flow through over a period of time. Of course, it should improve the situation in the Supreme Court, but we will have to monitor carefully the effect on the lists in the District Court.

The Hon. H. ALLISON: I refer to '1984-85 Specific targets/objectives', as follows:

The review of small claims has been completed and recommendations proposed to the Attorney-General... [the Attorney-General would] commence to implement recommendations contained in the small claims review following Government approval.

Has the Attorney-General finalised his own recommendations to the Government, and what are they?

The Hon. C.J. Sumner: No, I cannot—the report was released, submissions were invited from interested parties and the submissions are still being received. When they have all been received, I will be in a position to assess the matter further.

The Hon. H. ALLISON: I refer to page 83 of the yellow book. Mention has already been made of the relocation of the Supreme Court judges' libraries. What building program is proposed to facilitate the shared use of the libraries?

The Hon. C.J. Sumner: A Supreme Court building program has been designed to renovate the old Masters Office in the Supreme Court, which has now been shifted to the old District Court. It is proposed that judges' chambers will be placed in the old Masters area. When they are relocated, there will be better use of resources because the judges will have closer access to the libraries. That building program will proceed in this financial year.

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

Public and Consumer Affairs, \$16 218 000

Chairman:

Mr G.T. Whitten

Members:

The Hon. H. Allison

Mrs J.E. Appleby

Mr S.J. Baker

Mr D.M. Ferguson

Mr J. Mathwin

Mr M.K. Mayes

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, Department of Public and Consumer Affairs.

Mr D.J. Hassam, Chief Management Services Officer, Department of Public and Consumer Affairs.

Mr N. Leckie, Management Services Officer, Department of Public and Consumer Affairs.

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

Mr BAKER: There has been a significant amount in the press about Challenge Homes and the director of that organisation. How many complaints were received during 1984-85 about this organisation? Is the Minister aware that the director of the organisation was, as I understand it, an undischarged bankrupt from five years previously? Has this matter been referred to the Minister for action or, at least, to the Builders' Licensing Board?

Mr Noblet: I cannot supply details of the number of complaints received over the period in question, although they can be obtained for the honourable member if he wishes. One week before the company went into liquidation we had, from memory, nine outstanding complaints against it. We had just written to the company expressing concern about the number of complaints and asking it to come in and discuss them, and to state its intentions about them. Of course, events overtook us and the company was subsequently placed in liquidation. I am not familiar with the

allegation that one of the directors of the company is an undischarged bankrupt, but I can obtain that information if it is required.

The CHAIRMAN: Order! I do not know whether I require that information to be obtained. I have grave doubts about the validity of the question. This Estimates Committee should inquire into the expenditure on the lines of the budget. The Committee should not be inquiring into undischarged bankrupts and that type of thing, unless the honourable member can link his question to a line.

Mr BAKER: We spend considerable resources on the consumer affairs portfolio. The department is supposed to act as a watchdog for consumers in South Australia. There has been considerable concern expressed about the ability of people with building complaints to receive justice. As the Minister is aware, a home builders action group was formed as a result of dissatisfaction, not only with builders but also about the inability of the Department of Public and Consumer Affairs to cater for their complaints. I have named Challenge Homes, but the department has also received complaints about other builders. Has the Minister been kept informed of the complaints received by the department about building companies over the past two years? If so, at what intervals has he been told about complaints? Has there been any feedback to the department on what action should be taken?

The Hon. C.J. Sumner: The honourable member has a short memory and probably was not a member of this Committee last year. His Government had no interest in consumer affairs from 1979 to 1982. It did what it could to reduce resources available to the department, and 54 equivalent staff were removed from it during that period. The previous Government wanted it both ways: it wanted to reduce staff dramatically (and there is no question the razor gang, the Hons K.T. Griffin, D.C. Brown and E.R. Goldsworthy, lined up the Department of Public and Consumer Affairs for treatment); and it did not want to know about it.

The previous Government was prepared to take whatever action was necessary, I believe in the long run, to dismantle the department—and went a fair way down the track in any event—to ensure that it was unable to deal effectively with consumer complaints. When we came back to Government, as I said, the equivalent of 54 staff had been removed from the whole department, not just the consumer section. People were acting in positions all over the place that could not be filled because of the restraints that had been placed by the previous Government on the activities of the department.

Now, for presumably his own local electoral purposes, the member for Mitcham comes in and attempts to be a white knight in the home building area. There has been, partially, as a result of Government policies in this State, a dramatic increase in home building. That is highly desirable and is something that the Government supports and, indeed, promoted. I believe that the level of economic activity in South Australia, which has increased quite dramatically over the past two years, has been partly as a result of activity in home construction and activity in the building industry. There has been a massive commitment of funds, both public and private, to this industry. The level of investment for office and commercial buildings is at a level that has not been seen for some 10 or so years.

Similarly, this occurred with respect to house building. As a result of that unprecedented increase in house building there was, as I indicated earlier this year, an unacceptable level of complaints. I took the matter up with the Housing Industry Association and received submissions from the Home Builders Action Group. Following the meeting that the honourable member has referred to, I invited members

of that group who were still disgruntled about their builder to resubmit their complaints to the department, I personally inspected one of the homes, and transferred staff from the Department of Housing and Construction to the Department of Public and Consumer Affairs to deal with building complaints. So, as soon as the problems were drawn to my attention I acted. In addition to that—

Mr Baker interjecting:

The CHAIRMAN: Order!

The Hon. C.J. Sumner: That is not true: it is an interjection that is not only out of order but it seems incorrect. The honourable member ought to have that made clear to him. I also attended a meeting of the HIA executive. So, the Government acted as quickly as was possible.

Maybe the honourable member is also attempting to give the impression that the department is able to do something that it is not able to do, and he knows that the department cannot adjudicate on disputes. The department and the consumer affairs officers cannot make orders to rectify work. If the honourable member is suggesting that they should have that power, I would be very interested to hear that and for him to discuss it with his shadow Minister.

The Builders Licensing Board has the responsibility for making orders for rectification work. So, if disciplinary action is to be taken against a builder—cancellation or suspension of licence—or if action is to be taken for work to be rectified, that order has to be made by the Builders Licensing Board. The builder has the right to appear before that board, as do the aggrieved party and the inspectors from the department.

In addition to the things that I have announced, the Government will shortly introduce legislation dealing with home building contracts, with criticisms that the Commissioner of Consumer Affairs has made about those contracts on a number of occasions, and with a report that was prepared and released publicly a short time ago. We are receiving submissions on that report, but certainly the Government is committed to the introduction of legislation to deal with some of the major problems in home building contracts.

Furthermore, at the same time legislation will be introduced to deal with the jurisdiction of the Builders Licensing Board, which will be transferred to the Commercial Tribunal. In addition to being able to take disciplinary action and make orders for rectification work, the new Commercial Tribunal will also be able to deal with disputes and award damages against builders. In other words, it will be able to resolve the whole dispute; one of the major problems that we have had until now has been that the Builders Licensing Board has been able only to order rectification work. If the rectification work is not done, the aggrieved party must take action in the civil courts for damages, although the board may take disciplinary action against the builder if the rectification work is not carried out.

So, in summary, when these matters were drawn to my attention I acted as quickly as possible in the manner that I have indicated: discussions with industry and with the people who were complaining about the building work, transfer of staff to assist with the complaints, reinventing those people who had complaints to bring them forward again, and legislative initiatives, which I have mentioned, with respect to the Builders Licensing Board and home building contracts.

Mr BAKER: On much the same subject matter and looking back at the Estimates Committee last year, my colleague the member for Mount Gambier asked a specific question about the building indemnity scheme. By way of explanation, we are all aware that in December 1982 the Hon. John Burdett introduced the building indemnity scheme by way of a Bill in the Parliament, which was passed in March

1983. On 27 September 1984 in Estimates Committee B, Mr Noblet replied that the development of a building indemnity scheme had been very protracted, one of the reasons being that there were some problems in getting agreement between the building representatives—we assume the Housing Industry Association and the Master Builders Association were the major partners. My colleague in the Upper House informs me that immediately he received this information he contacted both associations, which denied that there was any difference of opinion between them; they were irate that the accusations had been made. We are now 12 months down the track: can the Minister tell me why there seems to be some difference of opinion as to where the hang-ups in the system have occurred and why a further 12 months have gone by?

The Hon. C.J. Sumner: The building indemnity scheme has been proclaimed to operate from 1 October. It is all very well for the honourable member to simply say that the legislation was passed in 1983. The fact is that the legislation does nothing: it does not establish a scheme.

Mr Baker interjecting:

The Hon. C.J. Sumner: All that it does is say there is capacity for a scheme to be established. It has no details about the scheme and how it should work. It merely says that a scheme can be established.

Mr BAKER: Would you support that?

The Hon. C.J. Sumner: I introduced it in Government.

The Hon. H. ALLISON: You took over John Burdett's Bill?

The Hon. C.J. Sumner: That is right.

Mr BAKER: So you support it? So it has taken two years to get further down the track.

The Hon. C.J. Sumner: I am not sure whether the honourable member is in order. He is interjecting again in a manner that is out of order.

The CHAIRMAN: Order! Interjections are out of order. I do not expect the Minister to answer the interjections: he should ignore them.

The Hon. C.J. Sumner: I would not answer the interjections: I only wish to point out that not only are they out of order but they are inaccurate, and that is what really concerns me. I want to clarify the situation. The Bill was supported by the Government and taken over as a Government measure in early 1983. All the details of the scheme were left to regulation. The Act was assented to in April 1983, and negotiations commenced with interested parties in May 1983, the interested parties being the Insurance Commissioner, the Builders Licensing Board, the Local Government Association, the Department of Local Government, the Credit Insurance Association, the Crown Solicitor, the HIA and the MBA.

At the same time further research was carried out into other schemes operating interstate and overseas. The fact is that it was found that many of these were unsatisfactory. In addition, there was the Commonwealth legislation on insurance contracts and insurance brokers and that had implications for this scheme.

This research culminated in the preparation of draft regulations, which were circulated to interested parties in November 1983. The interested parties were the SGIC, Edward Lumley & Sons (S.A.) Pty Ltd, Insurance Council of Australia, National Insurance Brokers Association of Australia Ltd, Real Estate Institute, Royal Institute of Architects, Chamber of Commerce, Consumers Association of South Australia, S.A. Housing Trust, Commonwealth Department of Housing and Construction, Australian Finance Conference, Insurance Institute of South Australia, Minet Australia Ltd, Credit Insurance Association (Aus) Ltd, SPASA, MBA, HIA, Australian Institute of Building (S.A. Chapter), Messrs Aldermans (Solicitors), Messrs Lynch

& Meyer (Solicitors), Local Government Association, and Department of Local Government.

Therefore, there was obviously the need for a comprehensive consultation procedure to be gone through. Submissions were received on the regulations. Then there were some problems with staff in the research division of the department, and at one time, because of staff movements beyond anyone's control, only one person was available for the project work in the department. Subsequently, the officer who was responsible was transferred to a position in another division. Again, there is nothing we can do about that, because the honourable member would know that a job was applied for and under the procedures in the Public Service Act, if a person gets the job, then is entitled to take it. He was thus unable to take this work to the new job despite the fact that the department made the request.

It was then a matter of finding another research officer to take over the project, and that did not occur until later in 1984. That person had to familiarise himself with all the work involved up to that time. A large file of discussions and negotiations, etc, was involved. It was not a job that could be done overnight. Further draft regulations were prepared by the new officer who was given the job. The project was completed in May; draft regulations were sent to the Crown Solicitor's Office; final regulations were received in August; and the scheme will come into operation on 1 October.

Mr Noblet believes that he may have been misunderstood with respect to what he said last year. He did say, and continues to assert, that the MBA and HIA have been unable to agree initially on some essential elements of the scheme but he is certainly not asserting that that is the whole basis of the delay which has been caused, for the reasons that I have outlined: complex regulations, problems with staff, and further research that was needed into a scheme that would be acceptable and likely to work in South Australia, given the fact that some such schemes, interstate and overseas, had not worked properly.

Membership:

Mr W.A. Rodda substituted for Mr S.J. Baker

Mr MAYES: I want to raise with the Minister the important initiative taken by the Government in relation to the commercial operation and, in particular, the initiative taken regarding commercial tenancies. I refer to page 140 of the estimate documents. What is the status of the implementation of the commercial tenancies? What administrative and adjudication action has been initiated by the department?

The Hon. C.J. Sumner: This important initiative has been taken by the Government to provide for dispute settling procedures, with respect to commercial tenancies, through the commercial tribunal which is already established to deal with a number of areas of occupational licensing. The legislation was passed to provide some regulation of the relationships between tenants in commercial premises and their landlords, and to eliminate some of the practices that have been identified as being undesirable and unfair to commercial tenants.

That legislation has passed and funds have been made available in this budget to ensure that that legislation can be proclaimed. The allocation has been provided for by Treasury for sufficient staff to deal with the new legislation. The matter will soon go to Cabinet for the formal creation of the necessary positions and to approve regulations that will be necessary in order to bring the Act into force. Then the staff to carry out the necessary work will have to be recruited. There is work both for the commercial tribunal in the adjudication of disputes and also work in receiving

complaints and attempting to conciliate between the tenants and landlords. Staff will have to be recruited but there is a firm commitment from the Government, and the budget allocation has been made, to enable the proclamation of that legislation at the earliest possible date. I cannot provide a date at this stage, because the regulations are still to be approved, the positions created, and the staff appointments made. However, there is now no barrier to that legislation's proceeding to be proclaimed as soon as those matters are resolved.

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

Membership:

Mr Hamilton substituted for Mr Mayes.

Mrs APPLEBY: The yellow book (page 126) refers to the rapid advance in technology as it affects both business practices and consumer goods and services. What work is being undertaken in staff development to address these matters?

Mr Hassam: Last year we conducted a number of programs for staff development, including customer contact courses for counter staff to improve relations with consumers and other clients of the department. On the technological side we have conducted a number of programs concerned with computers and the introduction of information technology. That has taken place at all levels of the department from the Director-General down to the most junior staff. We have actively encouraged staff to gain qualifications and skills through a variety of educational institutions: 36 people within the department's establishment are currently studying for degree, higher degree, diploma, associate diploma and certificate courses.

We have seen the introduction of a national course on weights and measures for our standards officers, and currently an intensive training program is under way for casino inspectors. We have conducted in-depth stress management courses for investigation officers within the Consumer Affairs Division, and individual managers have attended executive management courses at institutions throughout Australia, for example, at the administrative staff college at Mount Eliza.

Mrs APPLEBY: The yellow book also refers to the fact that the reluctance of many disadvantaged consumers to contact Government agencies for assistance has necessitated the need for education, programs for community opinion leaders. To what extent has that matter been taken up and are there plans for further development in that regard? Members would know that some constituents require an explanation rather than going through a long and detailed process. How has that program developed?

Mr Noblet: One of the difficulties in conducting educational programs for what we rather patronisingly refer to as disadvantaged groups is that it is not normally possible to reach these people through normal means, that is by radio, newspapers, television and other media and various displays that we use to get messages across to the general community; these methods are often not effective in regard to people in this disadvantaged classification, particularly migrants. We also find that a number of migrants are somewhat reluctant to approach a Government department for advice of any kind, some having come from countries with oppressive regimes where Government departments are thought to be things that one should not approach.

Therefore, we have adopted the practice of seeking out opinion leaders in the community, that is, those to whom people in these disadvantaged classifications tend to go for advice. We have a qualified social worker in the consumer education area working specifically in that regard. These opinion leaders are people from all walks of life. We may

find that migrants in a certain area have a great deal of respect for, say, the local butcher because he has the same ethnic origin, and thus they go to him for advice. In some cases, opinion leaders are ministers of religion, teachers, or people in other occupations.

We try to establish network systems to conduct seminars for the people to whom others go for advice knowing that many people are unlikely to come to us. We provide those opinion leaders with the necessary information and expertise so that they can pass on the messages that we would like to get through but feel we are unable to do through normal means. From the feedback we have received and from the reaction of the opinion leaders that we have identified in the community, we believe that the programs have been very successful in reaching people in these disadvantaged groups, and we will continue them in the future.

Mrs APPLEBY: I refer to the film that is designed to increase young people's awareness of potential consumer problems. This film has been the department's contribution to International Youth Year. Where is it being used and in what way are people being informed about this film?

The Hon. C.J. Sumner: The film has been completed but it has not yet been officially released. That should occur reasonably soon.

Mrs APPLEBY: How will people be made aware of the film?

Mr Noblet: The film will be made available to all schools in South Australia. I believe that it will be available in 16 millimetre format and video tape format. Consideration is also being given to trying to persuade cinemas to use the film as a filler, as they are often looking for travelogues and things of that kind. However, at present the main avenue of distribution will be through schools. I am sure that other avenues for getting across the message to the community will be announced by the Minister when the film is launched, which will be soon.

The Hon. H. ALLISON: The yellow book (page 107) states that one of the management objectives is to monitor margins and/or prices for various essential goods and services with a view to limiting the price to that which will provide a fair return on investment in those cases where the market is unable to do so. What action do the Minister and his department contemplate to limit prices in that way?

The Hon. C.J. Sumner: That is the ongoing role of the prices branch and the Prices Commissioner. I am not quite sure what information the honourable member requires. As the honourable member knows, there is price control on a number of goods in South Australia and there are various levels of control. Essentially, we try to intervene where we think there is a monopoly situation or where an essential service is involved but not where there is evidence of fair and open competition. Should the honourable member wish me to provide him with more details of the price control that operates I shall be happy to do so.

The Hon. H. ALLISON: Again under 'Issues' on page 107 it states:

The existence of complex consumer legislation with little uniformity between the States...

Can the Minister say what action is being taken to make legislation uniform, particularly in regard to product safety and the banning of dangerous goods?

The Hon. C.J. Sumner: A number of issues have been raised by the Government with a view to moving towards uniformity, as much as is possible. I can instance a number of examples. One is the uniform Fair Trading Act, which is an attempt to get those States interested to join in a joint venture with the Commonwealth to introduce one comprehensive Fair Trading Act covering unfair advertising, pyramid selling, unfair practices generally in trading, which would be incorporated in the Federal Trade Practices Act

and mirrored in those States wishing to be involved. That exercise is proceeding. I initiated that exercise immediately following the election of the Labor Government in March 1983.

It was believed then that the time was ripe to introduce this initiative, and there is a considerable amount of cooperation proceeding with the Commonwealth and the other States. I cannot say exactly when any legislation might be introduced but the negotiations and discussions are continuing. There have been other areas where we have proceeded towards uniformity, including a new Door-to-Door Sales Act. It is hoped to be uniform throughout Australia.

We attempted to get uniform legislation on travel agents. There was an agreement with the Commonwealth on that issue and four States, but I should say now that two States did not wish in any way to regulate travel agents—Queensland and Tasmania. Of course, ultimately, the Commonwealth decided it was a matter to be left to the individual States. Nevertheless, it was an attempt to get uniformity throughout Australia in this area.

As to credit, we have had credit legislation in South Australia since 1972. New South Wales, Victoria and, we think, Western Australia, have now got a new Credit Act which picks up many of the features of the South Australian Act. We are still going to examine to what extent we can proceed with uniformity in that area. The decision was taken last Friday by the State and Commonwealth Consumer Affairs Ministers concerning electronic funds transfer systems to examine this issue from the consumers point of view and attempt to introduce a voluntary code with the assistance of the industry. If that does not work, it may be necessary to pursue uniform legislation.

With regard to product safety, there is a fair degree of uniformity in the way that those matters are dealt with on a State by State basis, apart from the restrictions that the Federal Government might apply to the importation of such goods, but there are reasonable notification procedures between the States in this area, although the legislation differs somewhat from State to State. In some States the capacity to act against dangerous goods and unsafe products is available.

The Hon. H. ALLISON: Again on page 107, concern is expressed about the degree of compliance with the Residential Tenancies Act. Can the Minister elaborate on that and explain what is giving rise to that concern? What is being done about it?

Mr Noblet: That statement relates that the number of cases in which an application is made to the Residential Tenancies Tribunal because there has been a particular dispute between the landlord and the tenant about some aspect of their dealings. In the course of investigation of that complaint it is often discovered that there have been other breaches of the Act that have occurred in the relationship between the landlord and the tenant. That may not be the substance of the complaint that the landlord or tenant is making, but it is discovered.

For example, it is often discovered when there is a dispute about whether the bond should be refunded to the landlord or the tenant that at the outset of the tenancy the landlord did not arrange, as the Act requires, for a list of the condition of the premises to be prepared and signed by the landlord and the tenant, so as to minimise the risk of disputes when there is some allegation that the premises have deteriorated or are not as good at the end of the tenancy as at the beginning.

That has led to our trying to develop some programs for assessing the level of awareness of the Residential Tenancies Act on the part of landlords and tenants, particularly ethnic landlords. At one stage we did seek to have funding from the Commonwealth for a survey to be undertaken for that

purpose, but the funding was not available under the scheme under which we applied. We are now looking at other means of attempting to improve the level of awareness of landlords and tenants, and landlords in particular, of the requirements of this legislation.

Mr HAMILTON: I refer to the question asked earlier by my colleague about consumer complaints. I refer to page 126, which shows the number of complaints that have been received concerning various complaints. What success rate has been achieved? For the year ended 30 June last 5825 complaints and 110 388 inquiries were received.

Mr Noblet: The difficulty with any assessment of that kind is that you have to establish some kind of criteria for measuring success. In some cases a complaint by a consumer in relation to a particular trader is considered to be fully justified, and we negotiate whatever redress we can for that complaint. In another case the complaint may be partly justified and the consumer gets partial satisfaction of the complaint. If success is measured by that criterion, I would like to think that we are certainly succeeding in resolving more disputes than are remaining unresolved.

In many cases someone comes to us with what they see as a complaint and it is dealt with simply by providing them with some information that satisfies them that they do not have any valid cause for complaint. To the extent that someone comes to us with what they perceive as a problem and are given information that enables them to go away satisfied, that is another way of measuring success even though there was no justification perhaps in the complaint that was received, because the person concerned is often coming to us with a combination of a complaint that he wants investigated and a request for advice. It is difficult to determine by what yardstick we should measure success in this area.

Mr HAMILTON: In terms of what are considered to be justifiable complaints, how is the success rate measured?

The Hon. C.J. Sumner: The problem is that I do not think there are any specific statistics in relation to what can be described as a success rate. I suppose we could obtain figures for complaints that did not proceed beyond the Consumer Affairs Department on to the courts or to the Builders Licensing Board. That information could probably be obtained after some research. However, I am not sure whether that is a measure of the success rate. How does one measure the success rate in this area?

I am not sure whether the Director-General can give a figure as to how many disputes are resolved at least to the satisfaction of the consumer by means of negotiation. However, one does not know whether a consumer is completely satisfied in that circumstance, anyway. Disputes are often resolved by getting parties together to discuss the issues and, ultimately, by the parties reaching a compromise. My impression is that the great majority of cases are resolved in that way and, if so, they are complaints that have been justified and successful in the sense that the consumer has obtained some satisfaction. I think that the great majority of complaints are resolved in that way. The number of complaints subsequently referred to court would probably be in the minority, but I have no specific figures on that.

Mr Noblet: An overall figure might not be as helpful as looking at the figures in particular categories. I am quite sure that the number of complaints that we receive and are resolved satisfactorily in an objective sense in relation to, say, the general retail industry would be higher than the number that we receive and resolve satisfactorily in the building industry. That is a reflection of the state of the industry, I suppose, and the complexity of building complaints and the amounts of money involved. I am sure one would find that, if the success rate is measured by whether a dispute was resolved to the satisfaction of both or either

of the parties, it would differ considerably in each of the different categories of complaint.

Mr HAMILTON: I am trying to determine the success rate in resolving disputes in this area because, from time to time, people complain to me and my parliamentary colleagues and are critical—fairly or unfairly—of consumer affairs. I am trying to assess the success rate or otherwise in this area so that I can pass that information on to those people. I have received a considerable number of complaints in relation to the Secondhand Motor Vehicles Act. I know it is a difficult area. My office has been involved in protracted negotiations over the telephone with the Department of Consumer Affairs in relation to this area. We have also attempted to contact secondhand motor vehicle dealers only to be told frequently that the boss was out, the mechanic was sick, and so on. It is particularly frustrating to constituents; and, equally, it is frustrating to members of Parliament and their secretaries who are trying to conduct negotiations in this area. How many complaints have been received in relation to secondhand motor vehicles?

The Hon. C.J. Sumner: The information is contained in the annual report of the Commissioner of Consumer Affairs. However, the annual report for 1984-85 has not yet been produced. We can certainly provide that information. If the honourable member wants additional information, he can go back through the reports for the preceding years where the levels of complaint are identified according to category—building, secondhand motor vehicles, insurance, and so on.

Mr Noblet: Judged by whether or not we resolve a complaint to the satisfaction of the complainant, I would think that our success rate in relation to warranty claims on secondhand motor vehicles is higher than is the case in other areas. However, those complaints which are not resolved to the satisfaction of a consumer often involve the perception of a consumer, in the first place, as to what he or she is entitled to and, secondly, in what we can do to assist. People will often buy a used car, obtain a report from the RAA or a mechanic before the warranty period expires, take the report to the dealer and then expect him to repair everything mentioned in the report. That perception is very common, but it is not correct. At the moment, the Act requires the dealer to repair any defect and place the vehicle in a reasonable condition having regard to its age.

An RAA report tends to identify (because that is what the RAA is asked to do) everything that is wrong with the vehicle. All of those things may not necessarily be covered by the warranty under the Secondhand Motor Vehicles Act. If a motor vehicle is 10 years old, one can expect certain parts to be worn to a degree. The car must still be serviceable and safe to drive, but one must expect some of the parts to be worn. Some people come to us even if their perception of their rights is correct, expecting that we can immediately fix a problem by asking the dealer involved to make repairs. Our role is simply to conciliate between the two parties to try to bring them together to a resolution of the dispute that both regard as satisfactory, even if there is some compromise on either or both sides. We have no authority to order a car dealer (or anyone else for that matter) to carry out repairs under warranty, or to take any particular action.

I hope that the honourable member will refer to the Minister or the department any cases where he thinks the department has not done all that it could to pursue a complainant's rights properly and effectively. I point out that in some cases there are misconceptions on the part of consumers as to their rights and as to what we can do about enforcing those rights. In order to overcome that problem as far as we can, we have prepared the first draft of a leaflet

which we expect to give to everyone who comes to the department with a complaint. The leaflet explains what the department can do and, just as importantly, what it cannot do, and we hope it will avoid any dissatisfaction arising in the future.

Mr HAMILTON: I have found that some people expect that every problem identified by the RAA will be fixed up (as stated by Mr Noblet). I now turn to questionable advertising which comes from interstate. In particular, I refer to advertising appearing in the *Sunday Mail* in relation to how one can win cross lotto under various schemes.

The Minister may be aware of the matters I have raised. I understand that unless a member of the public lodges a complaint about a particular system or their purchase of that system the hands of the department are somewhat tied, and the Attorney-General encounters some difficulty in trying to prosecute an interstate person. I do not know whether or not that is the case. However, I believe that members of Parliament have a responsibility, where they see a questionable form of advertising in relation to gambling, to bring that to the attention of the Attorney-General to try to redress it. Will the Attorney-General elaborate on that?

The Hon. C.J. Sumner: It is not necessary to have a specific complaint. If the honourable member has some concerns about a particular advertisement, whether interstate or otherwise, he can draw that to our attention and we can investigate whether or not it is misleading. Whether or not it is misleading depends on the assessment of the particular advertisement by the court if the department decides to launch a prosecution. To take action it is not necessary to have a complaint from an individual. The honourable member or any member of Parliament can draw any advertisement to the attention of the department, and then the matter is investigated on its merits.

Mr MATHWIN: Page 107 of the yellow book states:

A continuing need exists for consultation with industry particularly in relation to the transfer of the functions of the various occupational licensing boards to the newly created Commercial Tribunal.

When will the remaining areas of jurisdiction be transferred to the Commercial Tribunal? Why were steps not taken earlier for the transfer of the jurisdiction?

The Hon. C.J. Sumner: This is always envisaged to be a progressive procedure. A number of jurisdictions have already been transferred to the Commercial Tribunal. It is anticipated that legislation in relation to secondhand motor vehicles registration, land agents, brokers and valuers, and the Secondhand Goods Act will all be proclaimed early next year. Commercial tenancies legislation will be proclaimed as soon as staff have been engaged and the regulations completed. Legislation in relation to builders licensing, as a matter of urgency, will shortly be completed. Commercial and private agents legislation and hairdressers registration legislation will hopefully be completed early next year. That should complete the process.

Mr MATHWIN: Page 107 of the yellow book states:

There continues to be a significant increase in non-compliance with weights and measures and packaging legislation.

Will the Minister indicate some examples of this non-compliance?

The Hon. C.J. Sumner: There have been a number of problems. Light weight in sales of firewood has been an increasing problem and a number of prosecutions have been issued in this area. Petrol pumps are another area.

Mr MATHWIN: With the speed that the petrol price changes, one would have a problem keeping up.

The Hon. C.J. Sumner: That may be, but that has generally been to the benefit of the consumers. There is non-compliance with respect to scales and the like. The two most prominent areas are firewood and petrol.

Mr MATHWIN: Page 107 states, 'To rationalise the existing proliferation of occupational licensing authorities'. Apart from the Commercial Tribunal, what is being done in this area?

The Hon. C.J. Sumner: Primarily the Commercial Tribunal will be the occupational licensing authority. It is hoped that all occupations now required to be licensed can be brought under the jurisdiction of the Commercial Tribunal.

Mr RODDA: Page 107 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 parameters did the Minister and his department look at in this regard? We have seen the casinos operating in Tasmania and the Northern Territory, and I think a couple others are having a go. That is a fairly sweeping statement. In Tasmania the police and Treasury are involved and close scrutiny is maintained. As this is a new casino, has the Minister addressed all the shortcomings and developed new systems in relation to the ASER complex?

The Hon. C.J. Sumner: A casino inspectorate has been established and staff have been recruited and trained. I ask Mr Young to provide us with a summary of what action—and a good deal of action—has been taken to ensure that there is proper supervision of the casino.

Mr Young: South Australia is fortunate in some respects that it can draw on the knowledge and experience derived from the Northern Territory and Tasmanian casinos. It is anticipated, as we all know, that three casinos will be opening within the next six or so months in Australia.

All of those casinos are on the mainland and have established casino inspectorates similar to each other. In South Australia, in the Department of Public and Consumer Affairs we have established an inspectorate of some 10 officers, who were recruited from within and outside the Public Service. Some of them had no knowledge of casinos whatsoever, but two Government inspectors from Tasmania—two of our most experienced Government inspectors in Australia—were recruited to train these officers. They have trained them in all aspects of gambling games and methods of cheating, and all things relevant to gaming.

In addition, the officer responsible within the department has the right to approve a variety of things. He can vet and control and is responsible to the casino supervisory authority for all contracts entered into by the operator of the casino. He can control the number of people entering the casino. He is in the course of approving, for instance, the rules of the games, the odds in the public interest that will be determined for each game. We have built into the premises—and this has taken a great deal of planning over many months, because it had to be decided on very early in the piece—a sophisticated system of catwalks and security, which as at present envisaged will be a surveillance and security system which will be in the public interest second to none in Australia.

I repeat that we have had the benefit of the experience of those casinos that have paved the way in Australia. Obviously, a number of things immediately escape my mind, but that is a broad summary of what we have done and of our plans for monitoring the casino when it opens. There will be at least two Government casino inspectorates present on the casino premises at all times that gaming takes place, to receive complaints from the public and to monitor the croupiers, the operator's inspectors and the activities of the patrons.

Mr RODDA: One of the strategies is to establish a casino inspectorate. Can the Minister elaborate on the number of persons involved in the casino inspectorate? I take it that

that is the inspectorate that does the supervising as opposed to the people in charge on the floor.

The Hon. C.J. Sumner: That refers to the inspectorate that Mr Young has referred to.

Mr Young: The main thrust of what the Government inspectorate is on about is watching people who are watching people, rather than doing the thing themselves. Our Government inspectors are not there, for instance, to see that no-one under the age of 18 is on the premises: they are there to see that the operator has someone on the door to ensure that no-one under the age of 18 is on the premises.

Therefore, we are in the course of setting up a number of very strict, rigid procedures. That is the hard work: planning and developing of the procedures and making sure that they are right. Once they are established, we are on about seeing that they are adhered to. We have at present 14 people full time involved in preparation of this task. We have nine base grade Government inspectors through to more senior officers who are responsible mainly for the training and who, as I have said before, have considerable experience in the area. We have support staff plus three officers with tertiary qualifications in accounting: they are accountants with considerable commercial skill and experience in computers and computerisation, because the casino in Adelaide will have a large content of computerised activity. Some of the gambling games will be computerised, and that is a first in Australia. All those procedures need to be monitored and the necessary safeguards taken. In answer to your question, at this time there are 14 officers involved in that activity.

Mr RODDA: You will have facilities such as bars on the premises?

Mr Young: Yes, four bars are proposed for the premises: one is contained within a restaurant area and another in a snack area. The other two will be straight-out bars.

Mr RODDA: Are they in proximity to the gaming tables?

Mr Young: Two of them are in proximity to the gaming tables.

Mr RODDA: How close will they be?

Mr Young: It is difficult to say: to the nearest gaming table, about 20 feet. The point is whether people can gamble and drink at the same time: we are currently resolving that issue and defining areas where people can drink.

Mr RODDA: What meals would be served there?

Mr Young: I am not sure what the operator plans, but I know that the restaurant proposed will be of an extraordinarily high class.

Mr RODDA: Catering for a specific number?

Mr Young: Off the cuff, I cannot recall the number, but it will be a medium sized restaurant. It will cater for patrons who are not patronising the gambling area of the casino.

The Hon. C.J. Sumner: From what I know, the casino will be of a very high standard, probably in physical facilities as good as or better than any in Australia.

The Hon. H. ALLISON: On page 107 under 'Strategies', the Minister said that he would provide more resources to combat liquor licence fee avoidance. This has naturally been a problem for some considerable time. The amount of avoidance may run into millions of dollars a year. Can the Minister say what extra resources he will provide, either financially or in full-time equivalents of staff?

Mr Young: Approximately 18 months ago, the Government appointed officers—once again, skilled in accounting procedures and experienced in audit activity—to monitor the returns of liquor retailers and licensees. There has been also an education program within the liquor industry, and an additional two people have been appointed to the area to advise, guide and help licensees. During the past year or so a figure in excess of \$100 000 has accrued to the Gov-

ernment as extra licence fees by way of examination of these returns.

Of course, we do not know to what extent our education program has resulted in accurate returns being lodged. Clearly, the \$100 000 that we know has been gained from mistakes found in returns is not the end answer. It is a fact that the liquor industry is filing better and more accurate returns, and this is a result of devoting those resources in this area.

The Hon. H. ALLISON: On page 126, one of the broad objectives is to resolve consumer complaints through negotiation and conciliation and, where necessary, arbitration. To the best of my knowledge, negotiation and conciliation have been the only methods used by the department. If the term 'arbitration' is properly applied, we believe that this would mean that a matter was subject to an outside arbitrator. We do not believe that that method has been used by the Department of Public and Consumer Affairs and would question whether, in fact, it could be used, without legislation. What is the precise meaning of that statement and what mechanisms are used to resolve consumer complaints? In particular, what is meant by 'arbitration'?

The Hon. C.J. Sumner: There is a misunderstanding here. This is a program budget and it refers to all the activities undertaken under the program title of 'consumer services'. There is a separation between the functions of the officers of the Department of Consumer Affairs in negotiation and conciliation and the functions of the tribunals that have been established within the department, such as the commercial tribunal or the Builders Licensing Board. The commercial tribunal has, and will have, functions akin to arbitral functions or determination functions, but there is no intention for that function to be given to consumer affairs officers.

The confusion is that this is a program budget under consumer services, and what that paragraph means is that negotiation and conciliation is the first role of consumer affairs officers but, if that is not successful, then other mechanisms are established within the department, by way of the commercial tribunal and the like, to resolve matters by arbitration.

The Hon. H. ALLISON: On the same page, under 'Delivery Mechanism' the following statement is made:

Where it is in the public interest to do so, the Commissioner may institute legal proceedings or defend any proceedings against any consumer with a view to enforcing or protecting the rights of the consumer.

How many such actions have been taken by the Commissioner in the past 12 months? What are the types of cases and the results?

The Hon. C.J. Sumner: Although I cannot provide that information in detail at the moment, we can certainly obtain it. One case that comes to my mind is the action home loans matter, where the Commissioner has taken action on behalf of consumers in the public interest, but we can provide further details, if the honourable member would like.

The Hon. H. ALLISON: Yes, that would be helpful.

Ms LENEHAN: Was a significant capital expenditure involved in the implementation of the new liquor licensing laws which came into effect on 1 July of this year?

The Hon. C.J. Sumner: No. In fact, there will be a reduction in resources needed.

Ms LENEHAN: Under the previous and the new licensing laws, it has been suggested by many people in the community that the best kept secret in South Australia is the fact that both sets of licensing laws provided for fully licensed restaurants to provide a BYO facility as well. This would seem to be particularly relevant in light of the Federal Government's recent tax package and some of the media comment which has resulted from that, in terms of the economic

viability of restaurants in South Australia. Does the Minister believe that the new liquor licensing laws provide flexibility for restaurateurs to move into a new area of business and develop a whole range of new markets so that they do not totally depend on the traditional business lunch for their economic viability?

The Hon. C.J. Sumner: BYOs were possible under the old Licensing Act. Following legislation passed in about 1978, there were a few BYOs *simpliciter*, where the restaurant could not sell liquor to the patrons but where liquid had to be brought on to premises. In addition, those restaurants that chose to do so could allow people to bring their own liquor on to the premises, and a number of restaurants adopted that option of either selling their own liquor or permitting people to bring their own. Under the new legislation that is still possible.

However, the new legislation does open up additional possibilities, since the restaurant licence will now be able to be obtained by a restaurateur without having to establish to the court need of the public, and that was one of the criteria under the old legislation. A number of licensed categories—restaurants, motels, clubs—will not have to establish that the needs of the public require that the licence be granted: in other words, it becomes more of an administrative act and it will be done by the Liquor Licensing Commissioner. Basically, the applicant will have to show that the premises are suitable, but there should be greater scope for BYO restaurants to establish themselves, if that is their wish.

It is probably true to say that the public taste in Adelaide has been not to favour a great development of BYOs; that may be because of the nature of the revamped laws in 1967, which did not encourage BYOs but encouraged the establishment of fully licensed restaurants.

A certain community attitude was developed to the effect that, if one goes to a restaurant, one expects to be able to get a drink and not be told, 'I am sorry, but this is a BYO restaurant', whereupon you have to get up from your comfortable seat and walk a quarter of a mile down the road in the pouring rain to purchase a bottle of liquor and bring it back to the restaurant. I have always found that less than satisfactory when I have been in States that herald the joys of BYO drinking.

The possibilities exist for BYOs, and there is really no restriction if people want to establish BYO restaurants. That can be done much more easily now than under the old Act because of the change in procedures. Whether BYO restaurants will be established in Adelaide will depend on consumers' taste and preference, given that I believe that consumer preference in the past has been for fully licensed restaurants because of the convenience.

Ms LENEHAN: It is not a question of BYO versus licensed restaurants, and I do not suggest that the Minister was saying that. In fact, South Australia has probably the most flexible licensing laws of any State in Australia in that a restaurant can have a BYO licence and all fully licensed restaurants can also operate as BYO restaurants. Has there been evidence since the introduction of the new laws to suggest that people who operate fully licensed restaurants have started to advertise to the public that they can also operate as a BYO facility, so that they are offering the best of both worlds to people who dine out?

I wish to put on the public record my appreciation, as a backbench member of the Government, for the assistance of some of the officers of the Attorney's department, including Mr Peter Young, who has provided a great deal of information to backbenchers about the changes in the licensing laws. Mr Young was always available to answer questions, and I for one appreciate the role and function that he undertook. I am sure that the fact that the introduction

of the new licensing laws, which are so progressive in terms of those in other States, proceeded smoothly was in no small way attributable to the work of Mr Peter Young.

Is there any emerging evidence to suggest that restaurateurs are starting to take advantage of the flexibility of our licensing laws? Does research or evidence support or refute that?

The Hon. C.J. Sumner: I doubt whether there is any evidence in the light of the fact that the Act has been operating for only a short time. Mr Young may be able to add to my remarks.

Mr Young: I am not aware of any emerging evidence, but I will be very interested to find out and I undertake to ascertain the facts available and communicate them to the honourable member. I understand that, because the law provides that a BYO licence may be granted by the Liquor Licensing Commission in a less formal and more administrative way with fewer inflexible and compromising requirements, a number of BYO licences have been granted since 1 July. A licence can now be designed to meet the needs of the applicant rather than the applicant having to conform with the iron framework of a particular category of licence, as occurred under the old legislation.

An applicant can obtain a licence for a restaurant not solely to sell liquor but also to allow patrons to consume liquor on the premises. A licence can be granted to allow the sale of, say, after-dinner liqueurs only or a whole range of drinks, and this can be done far more easily and quickly now than under the old legislation. I will provide statistical data for the honourable member as soon as possible.

The Hon. H. ALLISON: The yellow book (page 126) advises that work has been continued on draft regulations to enable the proclamation of the Secondhand Motor Vehicles Act 1983 and that draft regulations have been passed to interested parties for comment. This closely parallels the building regulations situation. The Builders Licensing Act was introduced in 1982 and passed in 1983 as a Government Bill, but the regulations are still on the way. We believe that once again this is an initiative that should have been pursued vigorously. The public has not been getting the protection that is required. Can the Minister, without blaming the former Government, say when the regulations will be through and when the legislation will be ready for proclamation?

The Hon. C.J. Sumner: I cannot do that without blaming the former Government: I am sorry that I have to do that, but the honourable member, having for three years been a member of the Committee before which I have had the pleasure of appearing, will know that the previous Government had no interest in consumer affairs and, in fact, did its best to downgrade that role and to reduce the resources available. I do not want to bore the honourable member by repeating details of that sorry episode: suffice to say that the equivalent of some 54 positions were removed from the department during those three years, and that created problems which, I believe, we have largely overcome.

It is expected that the Secondhand Motor Vehicles Act will be proclaimed reasonably soon. I point out that it has been necessary to prepare the regulations and that process has proceeded over the past 2½ years. Members must realise that the Government has consciously adopted an approach of full consultation with industry and interested parties in the development of proposals to provide additional protection for consumers, and this is one area where consultation with the industry has been necessary.

As was pointed out with respect to the building indemnity scheme, there have been staff problems in the department over the past few years, and these problems have been exacerbated by the attitude of the previous Government to consumer affairs generally and by other staff difficulties to

which I have referred. The research policy division of the dept is now, at last, at full strength.

Some of the problems that have occurred in the past should not recur. In fact, the Secondhand Motor Vehicles Act is ready to be brought into operation, but the industry has asked for a lead-in period to enable it to become familiar with the new Act, regulations and the forms and requirements of the legislation. In accordance with its policy of full consultation and cooperation with interested parties, the Government has agreed that some period can be allowed to enable the industry to become fully acquainted with the new regulations.

The Hon. H. ALLISON: At page 127 of the yellow book the following opening statement is made:

Proposals for uniform regulation of travel agents, and the establishment of a fund for those who suffer loss as a result of the collapse of a travel agent . . .

Does the Minister propose a negative licensing scheme? If not, what is the nature of the regulations proposed?

The Hon. C.J. Sumner: The scheme being developed is an attempt at uniformity, at least in conjunction with those States willing to move in this area, namely, New South Wales, Victoria, Western Australia, and South Australia. The scheme will be a licensing scheme with a compensation fund that will have to be introduced by way of mirror legislation in those States that are prepared to cooperate. This follows the Commonwealth Government's withdrawal from participation in a national scheme, which occurred in April this year.

Negative licensing was seriously considered and I was reasonably keen to see a system of that kind introduced. The problem with that in this industry is that the system will rely on the degree of industry cooperation, participation and administration of the compensation fund. If the industry is to contribute to the compensation fund then and, therefore, the industry will have to pay out to any defaulters and the industry requires some criteria for licensing.

In other words, it will require—the scheme currently proposed—some basic up-front criteria for licensing, first, involving the financial capacity of the applicant for a licence and, secondly, involving the character of the applicant, that is, whether the applicant is a fit and proper person. My instructions have been to keep the regulation in this area to a minimum consistent with the protection of the public from loss as a result of defaulting agents.

I have certainly made it clear that I do not want a system that would impose a closed shop and reduce competition. However, if one is to have a compensation scheme to which industry contributes and is involved in its administration, then there is a case for having some basic criteria for entry into the industry, that is, for licensing as a travel agent. It is for that reason that there have been some difficulties seen with the pure negative licensing aspect. It might have been possible to have a negative licensing system, but even then it could not have been a complete negative licensing system because one would need to have some record of who are the travel agents participating in the industry so that they could contribute to the compensation fund.

Even if you had a negative licensing system, it would have had to be a negative licensing system that involved some form of registration on the part of those people who participated in the industry, otherwise there would be no way of keeping track of who was engaging in the industry, that is, those people who were to contribute to the compensation fund. If you have no system of notification or registration or licensing, there is the potential for the existing individuals who contribute to the fund to pay for the defalcation of those people who have not been properly screened as being fit and proper persons, or having the financial viability to conduct a business.

The Hon. H. ALLISON: At page 131 under 'Specific Targets' it says that legislation to amend the Commercial and Private Agents Act is being drafted. We are all aware that this has been under consideration for a number of years. What is the nature of the amendments proposed?

The Hon. C.J. Sumner: A report was compiled on this topic and distributed to the public for comment. The legislation drafted is based on that report. I expect the legislation to be available for introduction early next year, and it should be able to be proclaimed as bringing commercial and private agents under the purview of the tribunal during next year, hopefully in this financial year. If the honourable member wishes more detail, I suggest he refers to the report.

The Hon. H. ALLISON: Again at page 131 it refers to draft legislation to replace the Hairdressers Registration Act. That question has been around for a long time. Most members at some time have received representation in recent years. Information was circulated to interested parties for comment, but what is the current position? Does the Minister intend to introduce legislation in the near future?

The Hon. C.J. Sumner: That is proceeding. I expect a Bill to be available for introduction in the reasonably near future and certainly no later than early next year. Hopefully, it will be in place in this financial year.

The Hon. H. ALLISON: I refer to page 144 of the yellow book under '1985-86 Specific Targets' and the statement:

Obtain information on and examine whether the French Government's C.L.I.P. (*Centre Local D'Information Sur Les Prix*) system of price limitation could be adapted for use in South Australia.

Can the Minister elaborate on the nature of that French system.

The Hon. C.J. Sumner: Recently, I received some information on that from the Prices Commissioner. It is a system of local monitoring of prices rather than a central legislatively backed mechanism. Basically, it means the provision of information about prices in a particular locality. One might choose a particular part of the metropolitan area or a country town in an attempt to obtain local information about prices; the level of prices is then compared both within that locality and with other areas or in various parts of the metropolitan area. I think it is more a price watch situation and a device to give publicity about prices rather than a centrally controlled and legislatively backed system.

I think its potential exists with goods that are sold in supermarkets rather than for petrol, bread or other products under price control. It is possible and fairly easy to impose some form of price control centrally. For instance, it can be done in relation to the wholesale price of petrol because there are only five wholesalers in this State. It is basically fairly easy to impose and police price control with respect to petrol. It is much more difficult to control—and, indeed, it is probably not necessary—the individual prices of items sold in a supermarket because of the competition that is available. However, there is a capacity (and I think this is what the French system is all about) to monitor in particular regions the prices at particular supermarkets, to collect information and use it as a means of providing comparative information for consumers about the level of prices in a particular area. That response is very general. The prices division has obtained some information on this system which exists in France. I intend to discuss it further with the division to see whether the system might be applied in South Australia.

The Hon. H. ALLISON: I refer to page 143 of the yellow book where reference is made to the monitoring of petroleum product prices in the metropolitan and country areas. Is the Government contemplating any action to fix the maximum or minimum retail price? I assume that this would require legislation.

The Hon. C.J. Sumner: Price control over petroleum products is exercised by the Prices Surveillance Authority. That is done at the federal level but it is effective in this State. The authority fixes wholesale prices for petrol throughout Australia. Interested parties, including consumers associations, the trade union movement and petrol resellers can put submissions to the Prices Surveillance Authority as to what they consider should be an appropriate wholesale price for petrol. That price is fixed and is abided by. Therefore, the South Australian Government, although it has the capacity to legislate in this area, believes that it is appropriate for the price to be set nationally—and that is what occurs at the present time. Indeed, to move away from that system would produce a large number of problems, as was evidenced two years ago.

With respect to retail prices, I think the honourable member would agree that there has not been much of a case made for retail price control in Adelaide in recent times because of the quite intense competition that has existed in the metropolitan area. On that basis, there is really no case for retail price control. The maximum wholesale price is fixed and the retail price in the metropolitan area is subject to competition. I do not believe there is any case for fixing maximum and minimum prices for petrol. Clearly, that would be anti-competitive.

If the honourable member believes that that should be done, I would be quite happy for him to indicate to me now his views in this area. The Government would bear those views in mind if it were to introduce legislation. For legislation to be passed it needs the support of both Houses of Parliament. The member for Mount Gambier's Party is represented in the Legislative Council, and it may be that he can indicate his Party's view on this topic. I anticipate that, if the Government were to introduce legislation to fix maximum and minimum prices, his Party—being a free enterprise Party and opposed to Government regulation and controls—would no doubt be very critical of the Government if we were to do that. Of course, that is a practical matter that we must bear in mind.

I think the fixing of petrol prices would reduce competition and would only increase the cost of petroleum products to the consumer. The major area of difficulty is in country areas. A number of surveys have been carried out by the Prices Commissioner into retail margins in country areas. There was some suggestion that the margins in Port Lincoln recently were too high, and that is currently being inquired into. However, generally, the Prices Commissioner has been of the view that retail margins in country areas have not been excessive, although they are higher than those that exist in the metropolitan area.

A number of factors lead to petrol prices generally and retail margins in country areas being higher. Wholesale prices are higher because of the freight differential which is added. In addition, resellers in country areas generally seem to require a higher margin in order to remain profitable.

Generally, they have a lower throughput and higher overheads, and assessments made by the Prices Commissioner in country areas indicate that on the whole the margins set by the resellers are justifiable. The major difficulty occurs because of the discounting in the city, and the lack of competition in the country.

There is not a great deal of competition in the country between resellers, whereas, as the honourable member knows, there is a significant amount of competition in the city. That leads to what appears to be a substantial disparity in prices between the metropolitan and country areas. I believe the Government's approach, which has been one of non-intervention in the retail petrol market in the metropolitan area, has been of substantial benefit to consumers—probably a benefit which, unfortunately, has not been realised by

the majority of consumers in South Australia and in the metropolitan area at least.

However, the policy of non-intervention by the Government in petrol marketing has been a substantial boost to consumers and it is one that I would have some difficulty moving away from. I agree that there are difficulties in country areas, but those difficulties are caused by the competition in the city that does not exist to the same extent in country areas.

The Hon. H. ALLISON: It is kind of the Minister to ask the Opposition for assistance, but it is one of those rare occasions when Ministers find themselves with an almost insoluble problem on their hands.

The Hon. C.J. Sumner: It is not an insoluble problem: it has been resolved.

The Hon. H. ALLISON: It has been resolved?

The Hon. C.J. Sumner: Yes. It was resolved with substantial benefit to consumers in the metropolitan area.

The Hon. H. ALLISON: One question I was asked by a reseller was whether the Minister would consider requiring oil companies, where they give any form of price support to a reseller, to give that price uniformly to all classes of resellers.

The Hon. C.J. Sumner: I understand the honourable member's desire to reduce competition in the industry and to ensure that prices to consumers are kept at a higher level. That may be the policy of his Party, and I would be interested to hear him articulate it if it is.

Mr MATHWIN: That is a ridiculous thing to say.

The Hon. C.J. Sumner: I would like the honourable member to tell me why it is ridiculous.

The CHAIRMAN: Order! What line does this relate to?

The Hon. H. ALLISON: On page 143 of the yellow book the last paragraph refers to the monitoring of petroleum product prices. The matter I raised would ensure that far more consumers received a cheaper price, assuming that major petrol companies, in giving discounts to one outlet, give that uniform discount to all outlets so that all consumers and resellers would benefit from the lower price. My motives were purely selfish since I spend about \$100 per week travelling between Mount Gambier and Adelaide. I would like to see petrol reseller outlets given discount by companies so that the prices I pay at country stations can come down by 7 cents, 8 cents or 9 cents a litre.

The Hon. C.J. Sumner: This is a difficult issue. The fact is that there is a prices surveillance authority that sets wholesale prices nationally, sets prices for metropolitan areas and a freight differential for various country areas. In the metropolitan area there has been substantial competition. In country areas there has been much less competition. As I have said, country resellers generally require higher margins than those in the city.

The honourable member has suggested that, if an oil company offers a discount to one reseller, it should offer that same discount to other resellers, irrespective of whether or not the reseller is a commission agent, a lessee or an independent freehold operator and irrespective of the volume of sales. Surely that is essentially an anti-competitive practice.

I believe that there is the capacity for resellers to argue that oil companies are involved in discriminatory and unfair pricing practices. I believe that, if that is to be done, it should be done before a tribunal established to examine it. I have invited resellers to do that before the Motor Fuel Licensing Board or, possibly, the Trade Practices Commission. The Government has offered to make counsel available to assist the Motor Fuel Licensing Board if petrol resellers wish to mount a case before that board (which I believe is available to them) that there are unfair pricing practices perpetrated by oil companies. That has not been done.

It is all very well for the honourable member to say that I can legislate in South Australia to require oil companies to provide the same level of discount to the reseller, irrespective of the sort of reseller or the volume of sales. If we did that, we would be the only State in Australia to do it. It would have an effect on competition. It would be hotly contested by oil companies. It would be hotly contested and considered to be a gross interference with the rights, for instance, of some independent operators.

Mr Skorpos, for instance, who is well known, would no doubt complain and go to the public and say, 'I am offering you cheap petrol and the Government, at the prompting of the Opposition, has insisted that I do not get the sorts of rebates I think I am entitled to because of the capital investment I have put into my premises and because of the high volume of sales I have developed from my premises. Therefore, I am a successful small business man and I am being discriminated against and forced not to compete because of Government interference.'

That may be the course that the honourable member wishes the Government to take. If that is the case I am quite happy for him, or his Party spokesman, to come out and we can have a reasonable debate about it. The honourable member wants to be under no illusion that what he is proposing is a reduction in competition; therefore, prices would be higher for petrol for consumers in the metropolitan area. All I am saying to the honourable member is that I do not wish to get into an argument of assessing whether or not there are discriminatory and unfair pricing practices by oil companies. If there are, there are mechanisms established to have that determined by an independent authority and not by the Government just intervening and legislating.

That independent authority, I believe, is either the Trade Practices Commission federally or, at a State level, the Motor Fuel Licensing Board. The Government has offered to provide counsel to assist the Motor Fuel Licensing Board if any party wishes to put to that independent authority an argument that there are discriminatory pricing practices. That would then enable the resellers, oil companies and independent resellers, who, because of their bargaining power have been able to get better terms from oil companies, to put their case. Then perhaps an independent authority could make a determination on it.

All I am saying to the honourable member is the moment there is competition there are allegations that some of it is unfair. It has resulted in substantially cheaper prices for petrol for metropolitan consumers (Adelaide consumers)—really significant benefits to consumers in this State. If that is to be interfered with on the basis that it is discriminatory pricing, it should be determined by an independent authority after hearing all the evidence. I can tell the honourable member that it is hotly contested and that independent operators, like Mr Skorpos, will say that they built their site up by hard work, they own it and made it into a successful operation, are continuing to expand it, are providing the public with cheap petrol and want to compete.

He will go along and argue that before any independent authority. If the honourable member would like him to argue it to him I am sure that he would be happy to do so. It is not an easy situation, but the matter will be and has to be resolved by a careful assessment of the arguments on both sides.

The Hon. H. ALLISON: I thank the Minister for that fairly lengthy explanation. Whilst the metropolitan area may have benefited, there is another side of the coin, where prices in the country are appreciably higher. Whilst the Minister said that country outlets seemed to require a high price, it is an indisputable fact that the price per litre freight from Adelaide to Mount Gambier would be about 2.8 cents. Yet, on the Princes Highway run, some very high-volume

petrol stations appear to be charging six or seven cents over the price in the metropolitan area. I quote a Mount Gambier price because we have reasonable petrol prices, yet stations that are much nearer to Adelaide claim that the differential is freight, when I assume that about 1.4 cents per litre would be freight and the rest a profit differential. So, I am not completely convinced that all country resellers are themselves behaving with propriety towards the petrol purchaser. It is not all on the oil companies' side.

The Hon. C.J. Sumner: I agree with the honourable member. I do not wish to argue that point. Some country resellers, because of the lack of competition, may be taking advantage of the situation. The problem is identifying them and then applying a price control order that affects them but not other operators who may have difficult profit margins. I said that it was pointed out in Port Lincoln there was some suggestion that excessive margins were being charged, and that is being examined. There would be a case for retail price control in some country areas if it could be shown that there was consistent overpricing in terms of the resellers getting margins that were excessive, but the investigations that the Prices Commissioner has generally carried out have indicated that that is probably not the case in most circumstances, although I would not wish to dispute the honourable member's argument that it is happening in some cases.

The main problem with country prices is that if one wishes to reduce them there has to be a subsidy from someone. The Government—that is, the general taxpayer—presumably can subsidise country users, or the metropolitan area or city motorist can subsidise them by higher city prices, thereby trying to equalise the price with that in the country areas. If that is done, it would involve an intervention in the market. I know that the honourable member's Party is in favour of deregulation and would not wish the Government to do that. Mr Howard, the new Leader who has now taken over from Mr Peacock, is the leader of what they call the 'dries' in the Liberal Party. Everyone knows that the dries, as opposed to the wets, are very keen on free enterprise, deregulation and non-intervention in the marketplace. We have to take some notice of that, as the honourable member would realise.

Mr Howard would probably come here and campaign against us at the next State election if we were to intervene in the market in the fairly dramatic way that the honourable member is apparently suggesting. We really do not believe that we should have to face Mr Howard's campaigning here against the State Government because the State Government had introduced the controls suggested by the State Liberal Party.

Mr Mathwin interjecting:

The Hon. C.J. Sumner: That is right: there may be wets and dries all over the place. It may be that, if Mr Peacock had been allowed to continue or if Mr Olsen would declare himself as a wet or a dry, the State Government may be able to decide more specifically what it is able to do. We are very concerned that, if we intervene in the market, Mr Howard would be very cross with us and we would not want him to come here and create havoc during the next election campaign and accuse us of over-regulating the South Australian economy.

Mr MATHWIN: Page 153 refers to an increased demand to open bowling alleys for public entertainment earlier than 1 p.m. on Sundays. What response will the Government give to this demand? As nothing has happened in relation to this and as the poor people with bowling arms are a bit worried about it, what objection is there to opening bowling alleys earlier than 1 p.m.? Many other entertainments open prior to 1 p.m. on Sundays. Surely, an early opening time would be a measure of deregulation to a certain extent.

The Hon. C.J. Sumner: We are looking at the Places of Public Entertainment Act at present. A number of issues have been raised under that Act in respect to the opening of places of public entertainment on Sundays, including such issues that have been publicised as the Glendi Festival and the Royal Show, which opened on Sunday this year for the first time. It is not an easy issue because in some areas there is significant resident resistance to activities on Sunday morning, and we are not sure what the end result of it will be.

I suppose that in a completely deregulated world, which we seem to be rapidly approaching, it could be a free-for-all on Sunday, but I am not sure whether that is desirable. At this stage, we are examining the Places of Public Entertainment Act. In some areas there would still be some significant resident resistance to complete deregulation in that area. I am not at the moment in a position to say what will be the final result of that review, but I can see that there are some problems with it.

Mr MATHWIN: Page 155 deals with the Public Trustee. I understand that a large number of complaints have been made in the past by regional real estate agents that where a property in an estate is held by the Public Trustee he does not use their services. I understand that the services of about five or six large city-based agents are always used by the Public Trustee. I also understand that real estate agents, including those operating in suburban regions, should be given an opportunity to place their names on the list and that regional agents be used where appropriate. I understand that that is the system, but it appears that this no longer works in this manner—in practice, anyway.

Complaints are emerging that the real estate agents in suburban areas, who should be able to give the best service, are being cut out of this kind of business: that is the information that I have gleaned. What action will be taken to ensure that land agents who operate in suburban areas are given a reasonable slice of the cake in regard to sales in their areas?

Mr Young: In the administration of deceased estates the majority of real estate is sold by public auction, unless there is an agreed price between all those interested in the estate, or the beneficiaries, and then it is sold, by contract, through an agent. Therefore, in the majority of instances we are speaking about sales by auction. It is true that over a number of years the Public Trustee has tended to use five or six agents, spread geographically throughout the State, who are experienced in selling properties by auction and familiar with the necessary procedures involved in the administration of estates.

However, following representation from a number of agents along the lines that the honourable member has stated, the Public Trustee wrote to the Real Estate Institute and requested that it circularise its members with a view to establishing a register of those agents interested in selling properties by auction for the Public Trustee. This resulted in an increased number of agents being used by the Public Trustee. I do not have the up-to-date figures (and I am prepared to get them, if they are required), but I understand that in recent times the Public Trustee's core of agents who are used in this way has been significantly increased.

The Hon. H. ALLISON: With regard to births, deaths and marriages (page 159), what progress has been made in microfilming records and when is that process expected to be completed?

Mr Young: The indices for births, deaths and marriages have been completed until the year 1908. At the time we commenced putting the indices on microfilm all those recorded after that date were also put on film; that means that approx 32 years of indices still remain. I am not sure how long this work is expected to take, but the process is

continuing and I anticipate that it would take about another three or four years.

The Hon. C.J. Sumner: I will respond again on that petrol pricing issue, which was of some importance. Although the Government does not feel that a case has been made out for direct intervention by the setting of minimum or maximum prices, because of the anti-competitive effects that would have (and, of course, the pressures that would lead to for that sort of regulation in a large number of industries, given that there is only one industry, the wine grape industry, where minimum prices are fixed), we are mindful of the concerns of petrol resellers, and a number of things have been set in train recently. I will briefly list them again: first, we have offered to provide counsel to assist the Motor Fuel Licensing Board, should an application be taken to determine whether or not there are discriminatory and unfair pricing practices with respect to oil companies and resellers. However, the initiative would need to be taken by resellers before the board. We would be prepared to provide counsel to assist the board in trying to come to some determination of that issue. All parties would be able to put their point of view and a determination could be made.

Secondly, we have written to the Prices Surveillance Authority requesting that at the next review of petrol prices it give some consideration to the market price in Adelaide. When the authority made its assessment of price in the middle of last year and equalised the price throughout Australia, a submission was put up that, in fixing the price, consideration should be given to the prevailing market price—that is, the level of discounting in various areas—and not just so called costs that oil companies may claim.

We have written to the Prices Surveillance Authority suggesting that consideration be given in the next assessment to the market price as one of the determining factors in fixing the basic wholesale price. Of course, that would still need to be determined by the authority's receiving submissions from other parties as well.

One of the major areas of concern has been the number of sites. It is generally conceded that there are too many retailing sites in the Adelaide metropolitan area and the Government has established a working party, chaired by an independent chairman, with resellers and oil companies to examine that issue and also the question of the introduction in South Australia of ghost sites—that is, sites which are operated by electronic cards—and what effect they might have on price, employment and the like.

The Government is actively attempting to come to grips with those issues. It may be that there must be further rationalisation of sites. The other issue which is of considerable importance and about which there are significantly different views is the question of opening hours for petrol resellers. At one end of the scale there are the free marketeers who would like complete open slather on opening hours for petrol stations. Of course, many resellers (but certainly not all of them) object to that. I understand that some resellers, for instance Mr Skorpos, would welcome 24 hour, seven day a week trading. Obviously, open trading hours for petrol resellers would have significant effects on the industry and could lead to some rationalisation.

That is another issue that will have to be addressed at some stage given that, in some areas of what is now the metropolitan area, there are no restrictions on petrol trading hours, although there are restrictions in the inner metropolitan area. There are many issues of concern in the petroleum industry. The Government does not believe that a case has been made out to date, for the reasons I have outlined, for direct interference by legislation to hold up the price, that is, by the introduction of minimum or fixed prices at the retail or wholesale level. However, the Government has been prepared to offer facilities that are avail-

able through independent organisations to arbitrate on these issues.

The **CHAIRMAN**: There being no further questions, I declare the examination of the vote completed. The Minister broke yesterday's record of 160 answers by answering 161 questions today.

ADJOURNMENT

At 9.32 p.m. the Committee adjourned until Thursday 26 September at 11 a.m.