

## HOUSE OF ASSEMBLY

Tuesday 30 September 1986

## ESTIMATES COMMITTEE B

**Chairperson:**

Ms D.L. Gayler

**Members:**

The Hon. H. Allison  
 Mr D.S. Baker  
 Mr S.J. Baker  
 Mr M.G. Duigan  
 Mr T.R. Groom  
 Ms S.M. Lenehan

*The Committee met at 11 a.m.*

**The CHAIRPERSON:** The procedure will be relatively informal. Changes to the composition of the Committee should be notified to the Chair as they occur. If the Minister undertakes to supply information later, it must be suitable to be inserted in *Hansard* and must be submitted no later than Friday 31 October. I propose to allow the lead speaker for the Opposition and the Minister, if they wish, to make opening statements for about 10 minutes but not longer than 15 minutes. I will take a flexible approach towards the call for asking questions: I will allow about three questions from each member, alternating from one side to the other. There may be a brief supplementary question before the next member is called. Subject to the convenience of the Committee, a member outside the Committee who wishes to ask questions will be permitted to do so once Committee members have exhausted a line of questioning. I would appreciate advance notice by members outside the Committee who wish to ask questions.

Questions should be based on lines of expenditure as revealed in the Estimates of Payments, although reference may be made to other documents. Questions must be directed to the Minister and not to the advisers. The Minister may refer questions to his advisers for reply.

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Electoral, \$912 000

**Witness:**

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

**Departmental Advisers:**

Mr A.K. Becker, Electoral Commissioner.  
 Mr M.S. Duff, Deputy Commissioner.

**The CHAIRPERSON:** I invite the member for Mitcham to make a preliminary statement, if he would like to do so.

**Mr S.J. BAKER:** Can I have some clarification about how we are to run through the budget lines? Everything is now linked together. Can we go through program by program rather than go back and forth?

**The CHAIRPERSON:** We will take each proposed heading of expenditure, for example Electoral, in turn and, if members wish to refer to any capital expenditure, that

would be reasonable. Does that answer the honourable member's question?

**Mr S.J. BAKER:** No. We now have the programs in chronological order, and that does not coincide exactly with the description in the yellow book. Can we move through the headings logically and not go back and forth? I should be grateful if we went through the items chronologically.

**The CHAIRPERSON:** We can be flexible about the range of questions on any line.

**Mr S.J. BAKER:** We will try to work through chronologically. Before a line is voted on, we might well want to ask a supplementary question on the previous line but, as far as possible, we will attempt to dispense with the questions in the order in which they should appear, given the order in the booklet.

I am pleased to have the opportunity to focus on the estimates of payments and the programmed expenditure for 1986-87. I should like to congratulate the Attorney-General on the amount of information that has been provided this year and on the way in which it has been provided. I should also like to congratulate him on the link between the two books. Members will recall that we have had some tremendous difficulties grappling with the various pieces of information in the past. There has been chaos in trying to link information provided about the estimates with that provided in what is euphemistically known as the yellow book.

The Opposition will ask about each of the portfolio areas. There are several prime questions which we appreciate concern the direction of the Government, proposed regulations and the extent of the resource increase detailed in the documents. We will attempt to gain some indication from the Minister about when pieces of legislation that have been promised—in some cases for some years—will be introduced.

**The CHAIRPERSON:** Would the Minister like to make an opening statement?

**The Hon. C.J. Sumner:** No.

**The CHAIRPERSON:** In that case, I declare the vote open for examination.

**Mr S.J. BAKER:** My first question concerns the conduct of last State election. We have found that there was a budget overrun of some \$300 000 on election expenses, yet the provision of rolls was much cheaper. Can the Minister explain what led to the cost overrun?

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

**Mr Duff:** The cost overrun was attributed mainly to the cost of advertising. We had budgeted an amount of \$25 000 but, because of new legislation, thought it prudent to increase that amount to enable us to make electors more aware of what was contained in the new Act: we spent \$306 000. Another area of overrun was fees paid to polling staff on polling day. These fees had not altered since 1982 and were updated. There was an overrun of about \$300 000. I can go through the lines we had budgeted for in connection with the conduct of the election and indicate unders and overs, if that is required.

**Mr S.J. BAKER:** I am only interested in major items.

**Mr Duff:** The overrun in advertising was \$56 000 and in fees paid to polling staff was \$273 000. We were able to make substantial savings in the cost of Legislative Council scrutiny because of the new method of voting and saved \$57 000 on budget in that area. We saved \$27 000 on the training of returning officers. That saving was not planned, but occurred because the new Electoral Act was not proclaimed until 29 August and we had little time to conduct training before the election. They were the major areas of unders and overs.

The second part of the honourable member's question related to why we underspent on electoral rolls. We budgeted to implement on-line electoral enrolment systems but two factors prevented us implementing those systems: first, the Government Computing Centre, which is designing the system on our behalf, has adopted as a matter of policy fourth generation software and, although it had almost completed writing our programs, it advised us it would be timely to convert to new generation software at no cost to us, so we deferred the on-line system, not wanting to introduce it when the election was being held. That system will be up and running next month.

**Mr S.J. BAKER:** A note at page 219 of the yellow book says that approximate 4 000 people failed to vote at the 1985 election and failed to provide any reason at all or failed to provide a response in the form of a valid reason why they failed to vote. That estimate is lower than I would have expected. I would have thought that the number would have been 20 000 or 30 000 people. How many people were identified as having failed to vote? How many were taken off the original number because they gave a satisfactory reason for not voting? Regarding the remainder, how successful has follow-up been and action to fine the people concerned?

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

**Mr Becker:** About 60 000 people failed to vote at the election, about half of whom were sent 'please explain' notices. A number of people rang in or attended at polling booths to tell us that somebody would not vote because of illness or because they were out of the State. We followed up 30 000 people and accepted most of the excuses given. We narrowed the number to 4 000 to whom we sent summonses for not giving a valid or sufficient reason for not voting, or for replying to either of the two notices sent to them.

**The Hon. C.J. Sumner:** Not of the summonses. Information that I have is that only about 700 have actually been served. The remaining electors within those 4 000 cannot be located.

**Ms LENEHAN:** I refer to program 2—'Operation of the State Electoral System' (Page 76 of the Estimates), and to the sub-program 'Participation in/support for Electoral Districts Boundaries Commission', for which nothing has been allocated (page 221 of the yellow book). Why is that actually mentioned? What does that line specify?

**The Hon. C.J. Sumner:** It refers to an Electoral Districts Boundaries Commission established under the Constitution Act of this State, which is responsible for carrying out the redistribution of electoral boundaries on a periodic basis. It is a commission, support for which is provided by the State Electoral Department, and Mr Duff is the Secretary to it, and in fact the Electoral Commissioner is a member of it, by virtue of the Statute which established it. It is a continuing function, for which on occasions there is a budgetary allocation, but in this coming financial year it is not anticipated that there will be any work for the Electoral Districts Boundaries Commission.

**Ms LENEHAN:** My second question relates to the matter of providing access to the electoral roll. I guess that this matter would come under any of the areas previously mentioned, in terms of keeping the electoral roll updated and accessible for members of Parliament. Briefly, I would like to inform the Committee of what has happened in another State in Australia. In 1985, the Western Australian State Government, in conjunction with all parliamentary Parties, commissioned a study of the requirements for an electoral management system for use by members in their electorate

offices. A bipartisan approach was agreed on and four members, who represented both Houses of Parliament, were selected to participate in a study which, it was envisaged, would lead to the installation of a computerised system in each member's office. Following tenders, which were advertised throughout Australia, an electoral management system, which was proposed by Consultech, was in fact agreed on and put into operation.

I would like to very briefly explain some of the functions that this system has. The first and most important function that it has for members of Parliament, and particularly I suggest for Lower House members, concerns the accessibility of the electoral roll. A data base containing a complete copy of the electoral roll is now maintained on each member's system. Separate data bases for private voter information and contact information are also maintained, thus maximising the use of that information, which is currently made available to members in South Australia. As well as that, separate data bases are maintained for private voter information, and contact is with voters so that should a member leave office these data bases can be taken by the member without affecting the overall integrity of the data base containing information from the Electoral Department. Access to any elector information can be obtained instantaneously and searches of the data base can be made through any combination of criteria.

The second facility, as well as this electoral roll facility, is the research facility, and members may build information on topics relevant to their own electorate or to specific areas of responsibility and are able to search that information by any number of criteria.

The third facility is a telex facility, and I will not explain what that is. The next is a budget management facility, which I believe most members of this Parliament would find very relevant, particularly in light of the recent changes to the taxation situation. Since members have to keep detailed records of their expenditure in relation to their electoral allowances, the facility to maintain details of expenditure and to budget that expenditure over the period of the year would prove most invaluable.

Another facility is that of security. The system has been designed with security log-on passwords and identification numbers to ensure that unauthorised users do not have access to the system. Therefore, the confidentiality which members take very seriously in relation to their constituents would, of course, be maintained. The system is apparently extremely easy to use. In relation to record management, the integration with the voter data base in a records management system allows members and their staff to quickly locate the relevant file and maintain details of matters with which they are dealing.

The reason why I have taken the Committee's time in outlining that is—as I am sure the Minister would be aware—that this is now the fourth year in a row I have raised this question of bringing the facilities of Lower House and Upper House members into the twentieth century—into the mid-1980s and beyond—which is something very important to me. Is the Minister aware of the Western Australian system? Has there been any investigation into the provision of a similar system in South Australia? Have any costings been undertaken to investigate the provision of that kind of facility for members of Parliament?

**The Hon. C.J. Sumner:** I am not aware of the Western Australian situation. I have no responsibility whatsoever for the provision of services to electorate offices. What the honourable member requires as far as the electoral rolls are concerned is technically feasible, as has been stated on previous occasions. If the honourable member can get the

budgetary allocation from the responsible Minister to upgrade services to electorate offices, the Electoral Commissioner is technically able to provide the service.

**Ms LENEHAN:** The reason I have raised this with this Committee is because, under the line on page 76, program 2, 'The production of electoral rolls', we are currently furnished with electoral rolls and provided regularly with updates of those rolls. The electoral roll is the fundamental basis of any information system to operate in an electorate office. While I am aware that the whole package would not come under the Attorney-General's portfolio, most certainly this whole access to and provision of information on electoral rolls would certainly come under his portfolio.

At present members have to go to those rolls and manually type on or have handwritten on to envelopes communications with their electorate. (I am not talking here about the initial contact which is certainly provided in the way of sticky labels.) This present practice is quite inefficient and, I think, really not a productive use of the staff in the electorate offices. However, I certainly will be taking this up with the appropriate Minister—the Treasurer—when he is before us.

**The Hon. C.J. Sumner:** We are ready, willing and able to assist, provided that the funds are made available. I have no responsibility for facilities in electorate offices. If, within our existing resources, the honourable member is able to suggest a more efficient way of providing information from the electoral roll, we are perfectly happy to examine that.

However, if budget allocation is to be made in this area, it has to be made as part of upgraded services to electorate offices. That is not my responsibility. If the honourable member feels that, given our current budget, we can do anything in this area to assist, I am happy to examine that. I am not sure whether she is suggesting that the production of the electoral rolls can be done in a way that will provide savings which can be used in another area, or that we can make the system more efficient. I expect that, if we were to make savings with respect to the reduction of the electoral rolls, the Treasurer would require the money to be reallocated to general revenue.

**Ms LENEHAN:** Because the Attorney-General has asked whether some suggestion could be made (and I think it can), I wish to ask a supplementary question. I think that we could probably ascertain what savings would be made by having a direct on-line system to update the electoral rolls rather than having the very cumbersome system that we currently have where an enormous amount of paper is used in order to send out information to particular electorates, to Upper House members and to various other people. I think I asked a question before about what sort of savings would be made by removing this rather antiquated and cumbersome system of sending out large printouts of paper plus all the sticky labels.

**Mr Becker:** There would be, I suppose, significant savings to us—probably \$5 000 or \$10 000. Those savings would be passed to the electorate offices in relation to the cost of the labels, the cost of the computer stationery, and the actual labour involved in splitting the rolls and delivering, but the savings would be fairly small as far as we are concerned.

**The Hon. C.J. Sumner:** We will analyse the savings on the assumption that the honourable member has obtained all the facilities that she needs for her electorate office by way of computers, and ultimately it is for the Government and Parliament to decide where those savings, if they are available, should be allocated. It would be a policy issue as to whether they should be used by the Electoral Commissioner for the Electoral Department for some purposes for which it may require them, whether they ought to be returned

to general revenue, or whether in fact the savings ought to be transferred to the Minister responsible for the provision of services to electorate offices. That would have to be decided by the Government as a whole, but I am happy to identify and advise the Treasurer what savings there would be within the Electoral Department if the system outlined by the honourable member were in operation. The preliminary indication is that the savings in the context of the overall cost of the facilities that the honourable member wants would not be great.

**The Hon. H. ALLISON:** I believe that in previous years Mr Becker indicated that, if members had computer facilities of their own which were compatible with those in the Electoral Commissioner's office, then software might be available so that the member could do his or her own work in extracting information and programming a computer. The material is available at the moment in the printout and sticky labels which, in their own right, are a godsend. Simply because of the time it saves in typing up envelopes, I do not know that any member would want to sacrifice the receipt of those. Most members contact members whose advice as to a change of address we receive, but I believe that in previous years it was said that, in addition to the computer printout, the software that was available for the production of that computer printout also would be available for an electorate office. It is the same information in a different form.

**The Hon. C.J. Sumner:** I understand that it is technically possible. I suppose it is a matter of general policy whether a member who has the resources to have a personal computer ought to get the material, but a person who does not have the resources cannot get the material. No decision has been made on it, but it is technically possible.

**The Hon. H. ALLISON:** Could the Minister say what the success rate might be of the extensive advertising campaign that was conducted prior to the last State election in 1985? For example, how did the percentage of people who voted in 1985 compare with the percentage in 1982? Was it a considerable improvement? I know that in my electorate I had the highest vote in the State (95.9 per cent) and I wondered whether that was attributable to the general situation or simply my own popularity.

**The Hon. C.J. Sumner:** I think it is worth pointing out to members that the periodical statistical returns for the general election of 1985 have now been produced and the booklet is available to members and ought to have been sent to them.

**Mr Becker:** On this occasion we actually mobilised a few more people than we did in 1982 and 1979. Marketing people will say that, once the figure is up around 93 per cent or 94 per cent of the market, the other 6 per cent or 7 per cent will not be affected, no matter how much one spends on advertising. The main thrust of the advertising on this occasion was not so much to mobilise the vote, but to reduce the informal rate, particularly in the Legislative Council where in 1982 there was an informal rate of 10.02 per cent.

I think on this occasion that figure was reduced to 3.7 per cent, which was effective, particularly as we have a new system (and admittedly it was similar to the Commonwealth system of 1 December 1984), and we had to make sure that that message got across. The rate in the House of Assembly was 3.5 per cent and in the Legislative Council it was 3.7 per cent. I think it was quite an effective campaign. We know that the campaign was effective because the slogan that we used was actually written on a number of the ballot papers.

**The Hon. H. ALLISON:** Can the Minister say how many voters actually took advantage of the right to enrol privately either by not having their names or by not having their addresses printed on the electoral roll?

**The Hon. C.J. Sumner:** I am advised that it was less than 100 people. I can obtain the precise number and advise the Committee later.

**Mr DUIGAN:** As to program 2, could the Minister indicate what the average enrolment per electorate is now? How much higher is it than the figure as at the redistribution, and what is the current highest electorate enrolment?

**The Hon. C.J. Sumner:** Two electorates have moved from the 10 per cent tolerance. Fisher has moved up to 14 per cent above tolerance and Elizabeth is 13 per cent below.

**Mr DUIGAN:** Is it possible to get a list of the electorates and their variation from the tolerance?

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

**The CHAIRPERSON:** If the Minister has the information available, he can table it now.

**The Hon. C.J. Sumner:** We will try to get it to the Committee before the conclusion of business.

**Mr DUIGAN:** My second question relates to non-voting. On 21 August, a private member introduced a Bill to amend the Electoral Act. He said that \$182 000 was spent by the Electoral Commission on checking the roll to determine the non-voting level. Is it fair to suggest that the whole of the \$182 000, minus the \$62 000 which it was suggested would be received from fines for not voting, should properly be allocated to chasing up non-voters, or should some of it be put aside to check the roll to ensure that people have not voted twice?

**Mr Becker:** The \$182 000 is not spent just on following up non-voters. It is also spent on ensuring that people vote only once. Regardless of whether we have compulsory voting, that check will be made. The roll count that we have developed would reduce the cost to about \$80 000. The problem is that our process of following up non-voters is very inefficient. We must develop better techniques in that respect. We have had two people working on it full time since last year and they will continue until December. The present method costs us far too much.

**The Hon. C.J. Sumner:** The simple answer is that a check of the roll has to be done after every election. A check has to be made to discover non-voters and a check has to be made for double voting. That must be done irrespective of whether we have voluntary voting. Although there might be some savings in a voluntary voting system, it would be incorrect to suggest that they would amount to \$182 000.

**Mr DUIGAN:** My third question relates to the various forms that were used during the electoral process last year. Is a report on the conduct of the election being prepared? Have the forms for nomination for indicating preference and for postal voting applications been examined? Would some consideration be given for altering them in the light of the use made of them at the last election?

**The Hon. C.J. Sumner:** The Electoral Commissioner is doing a report on the last election, as he did in respect of the 1982 election. He will examine the conduct of the election and discuss any issues, especially of a mechanical rather than a policy nature, which arise as a result of the conduct of the election. The report can be made public and will be considered by the Government. Legislation may be introduced to deal with the issues that the Electoral Commissioner has identified.

**Mr D.S. BAKER:** Some 60 000 people did not vote and 700 out of 4 000 received summonses. That performance is not too good, to say the least. I hope that the Attorney-General's performance when it comes to recovery is gen-

erally better than that. Is there a breakdown of the electorates of where these people are enrolled?

**The Hon. C.J. Sumner:** No.

**Mr D.S. BAKER:** Will the 3 300 that you cannot find automatically be scrubbed off the roll?

**Mr Becker:** We served only 700 summonses. The chances are that people died, moved interstate or overseas or were otherwise itinerant and were not around when we called. The problem with follow-up is that it costs between \$8 and \$15 to serve a summons. It costs too much to keep going back. We have had magistrates fining people \$5. That is patently crazy when the expiation fee is \$10 and the maximum fine is \$50. We frankly do not think that it is worth the effort. Perhaps I should clarify that. It is not worth the effort in terms of the financial return on the summons. We make one call and, if the person concerned is not there, we do not spend another \$15 trying to find them because we know that we will not get a sufficient return.

**Mr D.S. BAKER:** I understand that you have accepted 30 000 excuses such as that mum is sick or dad is away. If the cost is escalating at this rate, is that not a good case for scrapping compulsory voting?

**The Hon. C.J. Sumner:** That is not a case for scrapping compulsory voting. It is drawing a ridiculously long bow. If that is an example of the logic that is displayed in the House of Assembly, I am glad that I am a member of the Legislative Council.

**The CHAIRPERSON:** Thank you, Minister. That will be sufficient.

**Mr DUIGAN:** Has there been any examination of the rate of participation of people who have recently become citizens in terms of their voting entitlement? Should any education program be prepared and directed towards ethnic participation in the electoral process?

**The Hon. C.J. Sumner:** Obviously, efforts that can be made with respect to electoral education and training will be made. At present there is an allocation of \$41 000 for that purpose, part of which is being utilised on non-voting. When that process is completed, attention can be given to what efforts will be put into electoral education within the confines of those resources. I take the honourable member's suggestion on board.

**Mr DUIGAN:** My question on program 1 relates to services provided by the Electoral Commissioner for bodies conducting elections. Will the Minister describe the charging process used by the Electoral Commissioner for preparing rolls for ballots that he conducts for other organisations and, in particular, the point reached in discussions with the Local Government Association in relation to costs that may be involved in preparation of rolls for local government elections?

**Mr Duff:** There are two questions here, the first in respect of the statutory and miscellaneous ballots that we conduct, and the second relating to provision of rolls for local government elections. I will address the first question first. An amount of \$52 600 is allocated this year and, under that, revenue is shown as an amount of \$79 000 for that same program, whereas revenue last year was only \$9 600. Until the end of the last financial year we had conducted elections for outside bodies charging them only for ballot papers, postage and election material sent out, but did not recover the cost of our staff salaries. This year we propose charging for the staff salaries involved to make the program fully supportive. We are not sure at this stage what effect this will have on the branch. Some organisations may back away from us, so we will have to play the matter by ear. If that is the case, we will not achieve the anticipated \$79 000 in receipts.

**Mr Becker:** On the local government side of things, the suggestion that I made was that we attempt to recover the actual processing that we do on behalf of local government. The best way to do that is to divide total processing charges by three for Federal, State and local government and on that basis it worked out at roughly 10c per elector per annum. The total cost of roll maintenance is considerably more than the \$270 000 mentioned. It is of the order of \$1.5 million, which is largely borne by the Commonwealth, which is getting a bit tired of bearing the brunt of this cost, so some of its officers are coming here in early November to look at the Joint Rolls Agreement that, in the long run, may end up costing the State quite a lot of money. We will not know until we see what comes out of that meeting.

For 10 years we have had a facility to charge local government but have not done so: however, costs are getting so prohibitive that we thought that now is the time to move into this area and for them to pay for the service that they are getting. Local government gets two roll closures per annum whereas State electoral departments only close a roll when they need it for an election; therefore, it is getting the lion's share of the whole thing. In terms of maintenance, we have 69 subdivisions caused by the overlaying of 13 Commonwealth divisions with the 47 State Assembly districts. If you stick on top of that 134 local government authorities and 800 wards, it really complicates the issue to the point that a lot of costs are incurred purely and simply because of local government.

**Mr S.J. BAKER:** I would like to express my appreciation for the services provided by the Electoral Commission in the form of roll updates and particularly rolls, as mentioned by the member for Mawson. If at some stage the Government has sufficient funds to provide appropriate computer or word processing facilities it may be feasible to take that extra step. At this stage it is not a viable proposition. My second observation relates to the fact that, of the 60 000 people who did not vote, only 700 were served with notices and hit with fines. I note the correction pointing out that it is not worth while on a cost benefit analysis, because the fines imposed for not voting will never meet the cost of money spent. It does, however, point up that 60 000 people in South Australia—for whatever reason—have not performed their duty at the poll. The comment made by the member for Victoria about the future of compulsory voting as compared with voluntary voting must come into focus, given that there seem to be a large number of people in the community who—for whatever reason—are not meeting their voting responsibility. If there is an indication at any time that this is a voluntary/compulsory system, then the system we see today will fall into some sort of disrepair as a result.

**The CHAIRPERSON:** Will the member please ask his question.

**Mr S.J. BAKER:** Can the Electoral Commission provide a breakdown by electorate of the incidence of double voting at the last State election?

**Mr Becker:** In fact, only one person was found to have voted more than once.

**Mr S.J. BAKER:** How many 17-year-old people have used the preliminary enrolment facility and how many have had to re-enrol or change their enrolment between first enrolling and reaching the age of 18 years?

**The Hon. C.J. Sumner:** We do not have precise figures, but can get them for the honourable member.

**Mr S.J. BAKER:** I refer to the comment at page 225 of the yellow book that we have to introduce a program of public electoral awareness. Is the Minister considering an ongoing program or will something be generated closer to

an election? What program has he in mind, given that I cannot find a budget item which would cater for any extraordinary increase in the amount of money being spent in this area? Further, what does the Minister intend to target in this proposed program?

**The Hon. C.J. Sumner:** Insofar as resources permit, programs will be developed on an ongoing basis. In the past the Electoral Commissioner has been involved in some public information campaigns. Pamphlets have been produced for school children explaining the voting system. A package of pamphlets was prepared before the last election. The Electoral Commissioner points out that the telephone book now has a page in it containing voting information. So, some things are being done. I do not have a precise program on which I can advise the Committee at the moment.

The allocation in that area is \$42 000—representing 1.5 full-time equivalents, if that is the way that the \$42 000 is used. So, once their existing work is out of the way, a program will be developed for further education. At this stage there is nothing more for this financial year. However, it is a process that is desirable in principle, obviously designed to enhance people's awareness of the electoral system, and it is a process that we wish to continue, but I can only point out that there are obviously financial difficulties at present.

In response to a previous question about non-voters, I think it is worth pointing out that the system with respect to non-voters has not changed recently and that roughly the sorts of numbers that we had on the most recent occasion were not out of the ordinary and have prevailed since compulsory voting has been in existence, having been introduced by the Liberal Government in South Australia in the early 1940s, with the support of the Government and the Opposition at that time.

Furthermore, in relation to the figure of 60 000, in broad terms, 30 000 were removed automatically because of people being over age 65 and because certain excuses were given at the polling booths on election day. The expiation fee was paid by about 3 000. That is beyond the first 30 000, which were already accepted as people who, as I said, were over age 65. In the final analysis, 4 000 summonses were prepared, of which 700 were served. That breakdown of figures is from information provided. It is not substantially different from what has happened in the past. So, there has not been any change, and it is worthwhile pointing out that it does not reflect any deterioration with respect to the number of people who voted in an election in recent times that would lead to the conclusion that voluntary voting ought to be introduced.

As I said before, it is a complete *non sequitur*. There is no logical basis for using those figures to argue for voluntary voting. If honourable members wish to argue that for some other reason, that is fine, although I suspect the true reason would never be outlined by them. However, to use those figures as any explanation or rationale for moving from compulsory to voluntary voting is not logical. To do that one would have to show that the situation had deteriorated in recent times. However, there is no basis for the argument and efforts are made as far as possible to pursue those who can be identified as not having voted and as not having provided satisfactory reasons for not voting and who have not paid an expiation fee.

**Mr D.S. BAKER:** If it is a fact that most of the people of that 60 000 who do not vote are over 65 years and are therefore exempted, why not—

**The Hon. C.J. Sumner:** I said that some of the initial 30 000 were over 65. That was one reason.

**Mr D.S. BAKER:** Therefore, there may be a case to make voluntary voting available to those people who are 65 years of age or over.

**The Hon. C.J. Sumner:** I do not think that that would be administratively sound or desirable. I think that if there is to be a system of compulsory voting, it ought to apply to all electors on the electoral roll, in line with the situation at present. But as a matter of practice—and not just at the most recent election, this having been accepted by successive electoral commissioners—that has been accepted as being grounds for not pursuing people who have not voted. I guess that is the best way of putting it.

**The Hon. H. ALLISON:** Page 224 of the Program Estimates provides a list of organisations for which the Commissioner performed services. I note that included in those are the Fire Brigade Officers Association, the Public Service Association of South Australia, the Filipino International Club and the South Australian Canine Association, which could not be regarded as being statutory or government organisations. Has the Commissioner used the same basis for charging that he has previously applied to local government—that is, materials only—and will there be any change in that approach, if that was the former method?

**The Hon. C.J. Sumner:** The approach has been applied for the additional costs to the department, that is, additional to those that the department has as part of its normal budgetary allocation. However, I should say that the policy will be changed and a full cost recovery program will be implemented with respect to those organisations that seek the assistance of the Electoral Commissioner to conduct their ballots: in other words, the full cost of conducting that ballot will be charged to the organisation concerned, relating not just to the costs that are additional to the already existing strength of the Electoral Commission.

**The Hon. H. ALLISON:** Would the Minister be able to provide to those organisations a forward estimate of the likely outcome or a firm quote for services, or is it on an ultimate fee-for-services basis?

**The Hon. C.J. Sumner:** I understand that an indication has already been given to the organisation when an approach was made.

**Mr S.J. BAKER:** Following this point of the automatic taking off of those people over 65, has the commission changed its approach—and it may well be that the Federal people are more at fault here than the State people, but they may well have been given some advice as to the procedures under which to operate. I have had examples in the last year of two constituents who wished to be removed from the electoral roll. One was a classic example of two sisters living together, one of 83 and one of 81, both with walking sticks and I think one was half blind.

They had proof of their age within the Electoral Department. They were informed by the Electoral Office that they would be requiring doctors' certificates to say that they were incapable of exercising a true and valid vote. That is somewhat different from the system which a number of my constituents have used in previous years where they have found, whether through the total disillusionment with politics or just through ill health, that they do not wish to take part in the system.

Perhaps they do not wish to see a Labor Government here in South Australia and do not wish to be part of the system. Is the commission aware of any change of rules, regulations or, indeed, instructions being sent to electoral officers which are requiring a much more substantial reason for being taken off the roll than the person's word, particularly for those people who are in a very high age range and for whom there are some good reasons why they should

be off the roll? Has there been any indication from your officers or Federal officers that the policy has changed, because there certainly has been some change in the attitude of the electoral officers in that regard?

**The Hon. C.J. Sumner:** You are suggesting that it is easier to get off the roll?

**Mr S.J. BAKER:** No, far more difficult, even in deserving cases.

**The Hon. C.J. Sumner:** I am advised that the policy is that the only basis for getting off the roll is if you are of unsound mind.

**Mr DUGAN:** My question is supplementary to the first question asked by the member for Mawson about the electoral roll. I acknowledge the point made by the Minister in respect of the budget allocations to electorate officers and I acknowledge what he said to the Estimates Committee last year about the provision of those services to members through the Parliamentary Library. My question is whether or not there are any practical impediments to that sort of information referred to by the member for Mawson being made available to members directly through the Electoral Commissioner's Office, namely, the information relating to categories of electors, people who have recently come on to the roll and people who have recently gone off the roll and so on: can that be provided (if not directly to an electorate office and if not directly to the Parliamentary Library); to members through the Electoral Commissioner's Office?

**The Hon. C.J. Sumner:** I am sorry, I am not really clear as to what the honourable member is requesting.

**Mr DUGAN:** I understood the member for Mawson to be talking about the availability to members of Parliament of updates of the electoral roll; of the ability to classify electors who are on the roll by virtue of either age or occupation as well as a comprehensive electoral roll at any point in time. Is it technically possible to use the data base the Electoral Commissioner has already? If it cannot be provided direct to members' offices because there is a budgetary constraint and if it cannot be provided to members through the Parliamentary Library because of budget considerations, are there any technical reasons or other reasons why the Electoral Commissioner could not offer that service to members through his own office?

**The Hon. C.J. Sumner:** There is no technical problem, but it is a matter of cost, which is the answer I gave originally.

**Mr DUGAN:** So that means that, if the Electoral Commissioner wanted to, he could provide it technically so that members could ask the Electoral Commissioner to do it at a cost. Is that the corollary?

**The Hon. C.J. Sumner:** He could go through the electoral roll, or I assume it could be done from the new computer program. One could divide it up if one wished and provide the information, if someone could provide the money for it to be done. This issue really has absolutely nothing to do with the Electoral Commission. I know that people insist on raising it and I do not mind answering the same questions I have answered for the last four years, but it seems to me an appalling waste of the Committee's time. The answer simply, in three or four words, is that it is technically possible but we have no funds.

**The Hon. H. ALLISON:** My question is triggered off by the previous question and the Minister's statement that it was irrelevant. I do not think it is irrelevant but I test the water by simply asking the Electoral Commissioner if he has been approached by any body or organisation to extract precisely the information which he says can be extracted and, if so, has it been sought in quantity over the last 12 months?

**The Hon. C.J. Sumner:** There have been requests. Epidemiologists make those sort of requests and it can be done, but there is a cost. Someone has to meet it.

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

Corporate Affairs Commission, \$4 308 000

**Chairperson:**

Ms D.L. Gayler

**Members:**

The Hon. H. Allison

Mr D.S. Baker

Mr S.J. Baker

Mr M.G. Duigan

Mr T.R. Groom

Ms S.M. Lenehan

**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 of Corporate Affairs.

Mr T.J. Bray, Assistant Commissioner (Services).

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

**Mr S.J. BAKER:** On page 259 of the yellow book the program of industry/occupational licensing and regulation appears, as it does in a number of areas in almost all Ministries. I have read the explanation provided as to what role this program is likely to perform. I am still not clear who will actually dispense this service and what service has been targeted by this line in the budget. I wish also to ask some questions about licensing of futures. Can the Minister target the area a little more specifically? In the explanation it suggests that it has something to do with securities. As I presume that most of these areas lie within the province of the Federal Government, can the Minister explain what role is played by the department in the licensing of bodies in relation to the futures market, the securities market, brokers, etc?

**The Hon. C.J. Sumner:** I am not sure what the honourable member's question is. Does he want an overview of the regulation of companies and the securities industry in Australia?

**Mr S.J. BAKER:** By way of clarification, how does this program line fit in with the National Companies and Securities Commission?

**The Hon. C.J. Sumner:** Until the proposal of the Fraser Government to develop the cooperative scheme for companies and securities regulation was put forward, the companies and securities regulation was on a State by State basis. There was legislation in each of the separate States. It was basically, but not completely, uniform. Between 1972 and 1975 a proposal was put forward to regulate companies and securities by legislation passed by the Federal Parliament. Following the 1975 election, that was not proceeded with. The Fraser Government was elected on a policy that it called cooperative federalism. As a result of that it developed a proposal to get national legislation to regulate companies and securities in Australia, but to do it by way of what was called the cooperative scheme. That involved an agreement between the Commonwealth and the States, the

effect of which is that the Commonwealth Parliament will pass legislation that is proposed by a ministerial council.

The ministerial council comprises the Attorneys-General of the States, the Northern Territory and the Commonwealth. It is the policy making body and the policy directing body of the National Companies and Securities Commission. The legislation is proposed by the ministerial council; it passes the Federal Parliament and it is then picked up by virtue of State legislation that is already in place which says that, automatically, the law in this area passed by the Federal Parliament will be the law applicable in the various States, and it is uniform because it is the one law proposed by the ministerial council and passed by the Federal Parliament. That is the role of the ministerial council in the preparation of legislation.

The ministerial council is responsible also for the administration of the National Companies and Securities Commission which I suppose could be categorised as a Federal body, but it is subject to the direction of the ministerial council which, as I have said, is the cooperative group of Commonwealth and State Attorneys-General. The Corporate Affairs Commissions administer the legislation on behalf of the National Companies and Securities Commission and in accordance with the policy guidelines established by the National Companies and Securities Commission. It is a bit of a hybrid operation which retains some State participation in the policy making in this area but which still at the same time gets uniformity of legislation and substantial uniformity of administration in this area throughout Australia. The Corporate Affairs Commission existed before this cooperative scheme came into existence and continues to exist, but with a slightly modified function. Although it is a State organisation, receives its budget from the State and is responsible to the State Minister, it is responsible also to the National Companies and Securities Commission and, through that body, to the ministerial council. It carries out all the functions that it is established to carry out under that legislation.

In addition, some other matters are added to it. As a matter of State policy, the regulation of cooperatives, the regulation of incorporated associations and the regulation of building societies and credit unions are not matters covered by the cooperative scheme: they are administered by the Corporate Affairs Commission by virtue of State legislation. That is the broad outline of how companies and the securities industry is regulated in Australia. The scheme was developed under the Fraser Government and it was supported at that time by the State Labor Government. That was picked up by the incoming Liberal Government, and I understand that the former Attorney-General (Mr Griffin) had some role in the development of the legislation in this area.

**Mr S.J. BAKER:** It is noted on page 259 that 212 new applications were processed. How many matters have been investigated? When somebody applies for a licence in one of these areas that has been mentioned, I presume that there is an investigation of the appropriateness of the licensing of a person in that area.

How many of these people have been found wanting in terms of qualifications, whether financial or other, before receiving a licence? Is there a waiting list? To what extent are there delays in obtaining a licence? Can the Minister provide examples of people who have had their licences revoked in the past 12 months and the reasons for revocation? Does the system provide sufficient checks and balances? I should like some indication of how well it is working.

**The Hon. C.J. Sumner:** Auditors, security industry dealers, futures industry brokers and liquidators are licensed in accordance with national legislation. Perhaps the Commissioner can give some details.

**Mr MacPherson:** Before a person can be licensed, he must satisfy the Commission that he is a fit and proper person to be an auditor, liquidator or to be licensed under the securities industry code. When the Commission is anxious that a person might not meet the relevant criteria, we are obliged to afford him a hearing at which he can present his case. We have held several hearings, details of which can be provided. As a result, some applicants have not been approved. As for revocation, the commission's approach is to assist people to comply with statutory obligations. When we are on notice that there may be some aberrations in the way they are proceeding, we arrange a hearing. We seek to rehabilitate a party rather than revoke the licence.

**Mr S.J. BAKER:** I should appreciate it if the Minister could provide later answers to my questions about that group of people. Targets for 1985 not achieved appear on page 260 of the yellow book. The book says:

The commission did not achieve the aim of commencing insolvency investigations within 6 months of receipt of liquidators reports due to extra investigative resources being devoted to major prosecutions and the increased number of liquidators' reports received.

What is the change between 1985-86 and 1984-85 in the level of need for liquidation processes? To what extent has the six month period been breached? How long has it taken? What processes are in train to reduce it to a more suitable length of time?

**Mr MacPherson:** The six month figure was an administrative goal set in the department. We tried to establish a close liaison with members of the Insolvency Practitioners Association and to meet them regularly to become aware of matters of concern to them. As a result of those discussions, we were told that one of the major problems that they faced was that they made a report to the commission but it was unable to take proceedings within a reasonable time. On that basis, we set a goal of six months. By and large, it has worked but there have been several pressures in the investigatory area because of the workload and an inability to recruit people with the requisite experience to discharge our obligations. We shall try to maintain the six monthly deadline. Our running over with respect to some matters is not all that serious because of the liaison. If a matter is pressing, we have such a rapport with the association that we can take a matter up as a matter of priority if the association wants it pursued.

**Mr S.J. BAKER:** I should like to have the information for which I asked about the change in workload from 1984-85 to 1985-86.

**Mr DUIGAN:** I note that the proposed allocation is less than last year. The Corporate Affairs Commission came in \$345 000 under budget. I should commend the Minister for the oversight that he effected over the commission for that result to be achieved. The Minister has mentioned the national cooperative scheme. The yellow book says that legislation will be expanded during 1986-87 to cover regulation of franchising agreements and the futures industry. I have seen reports which suggest that both areas involve national market considerations and that there has been some discussion whether, as a result of what are called administrative inefficiencies caused by the scheme, that regulation might be better taken over by the Federal Government so that it would completely control national companies and securities legislation and the incorporation of companies, leaving only administrative functions to be han-

dled by the States. Is that likely or merely something that is being raised by some members in the Ministerial council?

**The Hon. C.J. Sumner:** It is not being raised in the Ministerial council as far as I am aware, but the matter has been raised from time to time. It has been considered whether we should have national legislation administered by the Federal Government and that the States should have no role. Those issues have been raised by a Senate committee on legal and constitutional affairs, which is examining the role of the Federal Parliament with respect to the cooperative scheme.

The concern of the Federal Senate and Parliament is that, when legislation is produced to the Senate by the Federal Government on behalf of the Ministerial council, there is no real option open to Parliament but to pass it. If it does not pass the legislation, it could cause the collapse of the scheme. The Senate's concern is that that would detract from the sovereignty of the Federal Parliament. The committee has also raised questions about the cooperative scheme and whether it should continue in its present form.

That Senate committee is taking evidence. The South Australian Government has prepared a submission and forwarded it to the Senate committee, which will be in Adelaide, I think, on Friday of this week when evidence will be given in support of South Australia's submission. The South Australian submission argues that the cooperative scheme ought to continue, and argues strongly that the splitting of functions between the registration of companies and control of the securities industry—the former function being with the State Government and the latter function a matter for the Federal Government—would be a detraction from one of the achievements of the cooperative scheme, which is a coherent code for legislation and administration of the scheme whereby the policy and administration are all vested in the ministerial council.

To split this up would seem to the South Australian Government to be a backward step and we will be making a submission to that effect to the Senate select committee. I do not think that at this stage there is a case for major changes to the scheme, which has only been effectively in operation for some five years. I believe that the business community is really looking for a bit of certainty in this area and does not want more chopping and changing of the scheme. From the South Australian business community's point of view, they are quite strong in their support of the cooperative scheme because it provides them and our regional community with some input into policy making decisions that we would not otherwise have. That is the view that will be put to the Senate select committee.

In relation to franchising, there is a Bill being considered by the ministerial council at present to deal with franchising contracts. If passed, the proposal is that there will be legislation introduced of the nature of the cooperative scheme, but outside current legislation relating to companies and securities: it will be dealt with in a separate Bill, which has been prepared and exposed for public comment. In relation to the question of regulation of the futures industry, it is proposed that that will also be done within the cooperative scheme, but by way of separate legislation, and that, in the near future, there will be legislation introduced into the State Parliament regarding futures legislation which has been introduced into some other Parliaments in Australia.

**Mr DUIGAN:** Page 64 of the Auditor-General's Report indicates that fees received from all sources by the Corporate Affairs Commission for the last financial year totalled \$7.9 million, yet we are being asked to approve expenditure of \$4.3 million. Are the fees received by the commission and its expenditure related?



**The Hon. C.J. Sumner:** The fees are set in most cases by the ministerial council with respect to Federal cooperative aspects of administration carried out by the Corporate Affairs Commission. The other fees in the area of associations and cooperatives are set by the State Government. The amount obtained by way of fees exceeds the cost of administration: that has always been the case.

**Mr DUGAN:** So the remaining \$3.5 million goes where?

**The Hon. C.J. Sumner:** Into general revenue.

**Mr DUGAN:** In respect of program 2—the regulation of companies and various costs associated with them—are they the same throughout Australia, or does each State determine its own level of fees?

**The Hon. C.J. Sumner:** With respect to administration of companies and securities (that is, the cooperative scheme that I have outlined) the fees are the same throughout Australia.

**The Hon. H. ALLISON:** At page 254 of the program papers, the resources summary shows a total expenditure over the past three financial years as running between \$4.5 million and \$4.7 million a year and total receipts as ranging from \$8.3 million to \$9.8 million a year. Can the Minister explain how the surplus is derived and whether the excess reverts automatically to general revenue?

**The CHAIRPERSON:** I think that the Minister has just answered that very question for the member for Adelaide.

**The Hon. H. ALLISON:** Can the Minister give the Committee some idea of how the receipts are derived?

**The Hon. C.J. Sumner:** The receipts information appears at page 255 of the program papers.

**The Hon. H. ALLISON:** My question is still the same: is there a more specific breakdown of the final total available?

**The Hon. C.J. Sumner:** I am not sure how much more specific the honourable member wants it to be, as it already shows registration of auditors, liquidators, etc. How much more specific can one get?

**Mr GROOM:** I turn to page 260 of the yellow book and the program titled 'Regulation of companies' and the sub-heading '1986-87 specific targets/objectives,' which states that new provisions of the Companies (South Australia) Code dealing with directors continuing to be involved with failed companies will be utilised in 1986-87. Will the Attorney-General outline how they will be utilised and how this will bring about a change in departmental conduct in future with regard to companies?

**Mr MacPherson:** There is a recent amendment to section 562a of the Companies Code which provides that the commission can issue a notice to persons who have been involved in the management of the affairs of companies that have failed. The commission can, in complying with the requirements of that section, issue a notice to a person who comes within it prohibiting them from further participating in the management of companies for a period of up to five years unless they receive court permission to do otherwise.

**Mr GROOM:** Is there an estimate of what departmental resources will be needed to police the new provisions of the Companies Code relating to failed companies?

**Mr MacPherson:** We will absorb that commitment within the existing arrangements that we have within the investigation, legal and police contingency that is currently attached to the commission.

**Mr GROOM:** A further specific target/objective for 1986-87 is:

The legislative framework for State level regulation and monitoring of the retirement village industry will be developed, and proposed to the Government.

Can the Attorney-General outline the implications of that change for the retirement village industry?

**The Hon. C.J. Sumner:** Legislation is being prepared and will be introduced in the present session of Parliament. Regulations currently carried out under the cooperative scheme, under the companies legislation, will no longer be applicable after 30 June next year. At present we are developing a system of regulations (it has not been finally determined) to take up the area of retirement villages from 1 July. It deals basically with disclosure by the entrepreneur to the prospective investor and with the security of tenure for the individual who goes into the retirement village. It will be a minimal regulatory regime, consistent with getting a scheme which protects the interests of the person who goes into a retirement village. The Corporate Affairs Commissioner might be able to add something to that.

**Mr MacPherson:** The legislation is being prepared for the purpose of public discussion and we will involve the various interest groups in the community in the process of settling the final legislative form so that it will be responsive to their needs and reflect a balance of the needs that have arisen within the industry.

**Ms LENEHAN:** I would like to congratulate the department on the efforts that have been made in the past to ensure the protection of the interests of people going into retirement villages. I also congratulate the Minister on the proposed legislation, which will regulate the industry. I have a question supplementary to that asked by the member for Hartley. It relates specifically to whether any consideration has been given to placing some regulation on retirement villages in the way in which the villages are advertised. In the past it has been suggested that a hostel, and most importantly a nursing home, were to be built within the complex later. When this has not eventuated it has caused an enormous amount of heartache to those who have been involved with such retirement villages. I am particularly aware of this problem within my electorate. Would the Minister or the Commissioner like to comment on whether it is possible to ensure that that form of what could be described as false advertising can be controlled, because this matter has caused a lot of heartache for many people?

**Mr MacPherson:** We seek to control the advertising that is undertaken by persons who offer what is in this area a prescribed interest. We seek to do that in a way that balances the needs of the people who are undertaking the development to be able to maintain a presence in the market, while at the same time not to hold out representations to people who may be interested that certain facilities will be provided which, in the fullness of time, cannot be delivered. We control this through a system of licensing or granting exemptions subject to conditions that ensure that any advertising is not misleading.

**Mr S.J. BAKER:** In commenting on what has just been said, I think the Committee should be aware that I have been associated with nursing homes that have waited for four years for finance from the Federal Government and that they have nearly gone bankrupt in the process. This was despite the fact that they were given some undertakings originally. Therefore, the shoe does not fit some feet very well in this regard, and it is not quite as clear as the member for Mawson indicates. If a person says that they have a nursing home and they cannot get the finance for it or something has gone wrong because of regulations by the Federal Government, who is acting in good faith? I refer to the regulation of business names. Briefly, what proposals are in train for a new Business Names Act and what changes are envisaged? These questions relate to an indication on page 261 of the Program Estimates that one of the 1986-87 targets will be a new Business Names Act.

**The Hon. C.J. Sumner:** There are two broad approaches to this: one is that there is a view that no regulation of business names is needed and, in fact, a proposition has been floated in some States of Australia that that regulation be abolished altogether with the parties involved being left to fight it out. I am not sure that that is the way that we ought to go. At present the Government would not adopt that view. Other issues have arisen with respect to the business names area and an update of the legislation is proceeding at present.

**The Hon. H. ALLISON:** One or two things in these lines puzzle me, to say the least. Reference has been made to page 254 of the Program Estimates, where the department is showing a considerable excess of receipts over expenditure. We have the scenario of 107.5 staff being listed in 1985-86, with 99.7 being the actual staff number, and the proposed number for 1986-87 being 100. In other words, this indicates a cash surplus but a diminishing staff ratio. At page 259 reference is made to the department's inability to recruit additional staff resources approved in 1985-86, whereas in the bottom left-hand column on page 260 reference is made to extra investigative resources being devoted to major prosecutions and the increased number of liquidators' reports received. In the right-hand column the statement is made that the response times for processing corporate fund raising documentation were only maintained, rather than improved. When one also considers that computer crime detection will be adding considerable additional problems for the department, is it a budgetary restraint that is causing the problems: is it due only to the department's inability to properly train staff or are other factors involved that are leading to the obvious problems that the department is experiencing?

**The Hon. C.J. Sumner:** The first point to make is that there has never been a direct connection between the receipts obtained in that area and the expenditure. As far as I am aware, that has always been the situation. There has not been a direct relationship between receipts and expenditure for this particular area, just as there are not in virtually every other area of Government. The receipts go to general revenue and an allocation is then made by the Government of the day, depending on its priorities.

That was certainly the situation under the previous Liberal Government. This situation was not precisely the same in numbers but the situation in principle was the same. The receipts exceeded expenditure and, if it is any consolation to the honourable member, it is the same as far as I am aware in such States as Queensland and Tasmania. So, there is nothing unusual about that as indicated in these budget papers. That is a situation which has existed for many, many years, if not since the companies were being incorporated; that the receipts exceeded the expenditure of that particular body which was responsible for the regulation.

The actual budgetary allocation to the Corporate Affairs Commission then is decided as part of the general budget process for the Government as a whole, and the Corporate Affairs Commission has had to participate in the savings which have occurred throughout Government for the purposes of the preparation of this particular budget. I am sure that the honourable member is aware of the broad policies adopted by the Treasurer in that respect, particularly with respect to taking the average number of persons employed in 1985-86 as the base for the numbers in 1986-87.

That is the actual average number as opposed to the commitment levels for the previous year, which had been the previous basis for deciding what allocation there ought to be in the ensuing year. So, this department has had to participate in those savings as has every other department.

With those constraints on resources, it is obviously not possible to do everything as quickly as one would wish.

With respect to staff, there is a problem in this area. It is a highly specialised area, and it is not just the South Australian Corporate Affairs Commission which has difficulties. The National Companies and Securities Commission has difficulties, and I believe that other Corporate Affairs Commissions have difficulties in obtaining and attracting the highly skilled staff which are needed in this very specialised area.

I suppose one could obviously pay more to people to attract them, but that has implications that one has to examine in terms of relativities throughout Government and it needs to be examined fairly carefully. There are problems with recruitment, yes. It is not just a matter of money: it is a matter of whether or not the people with the skills are available in the marketplace, and whether or not Government can offer the price which they are asking for their labour.

**Mr S.J. BAKER:** I have just one question, and it is an observation and perhaps the Minister can provide the information. There have been some enormous problems with the Associations Incorporation Act. Even the leaflets put out by the Corporate Affairs Commission have been brought by people into my office for interpretation to see whether they can comply. I note that the Minister has a budget line to say that he has some amendments there, and we will see some information brochures.

Can I ask the Minister to get some of his officers to talk to some associations, big and small, prior to changes being made, because the associations are having some real difficulties in knowing what they have to comply with, how quickly they have to comply and when they have to comply with them. The last check I made showed that there was not at least a complete list of associations within the commission. If he would take these comments on board I would be delighted.

**The Hon. C.J. Sumner:** We are not going to have a question asked without a response.

**The CHAIRPERSON:** We are bound to suspend at 1 p.m.

**The Hon. C.J. Sumner:** Then we will come back. We are not going to have questions asked at the death-knock. That is not the way things are run.

**The CHAIRPERSON:** We must suspend at 1 o'clock.

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

**The CHAIRPERSON:** I shall resume where we left off and allow the Minister to answer the final question about the Corporate Affairs Commission.

**The Hon. C.J. Sumner:** I will ask Mr MacPherson to respond in detail, but both the Incorporation of Associations Act and the cooperatives legislation were passed by Parliament with the support of all Parties. The principles in the Incorporation of Associations Act were that those associations which took the corporate form in this way by means of incorporation under the legislation and which were, in effect, large corporations with large budgets and responsibilities to the community should be subject to similar reporting procedures as other corporate entities. It was not intended that the small incorporated association that is incorporated for convenience should be under regulation substantially beyond the previous regulation, noting however, that incorporation is a privilege granted by legislation to associations wishing to incorporate and that it gives them some advantages, so they have some public responsibilities.

The policy behind it is not in dispute as far as Parliament is concerned. Regarding the administration, if the honour-

able member has any query or problem with which an individual association may have approached him, the Corporate Affairs Commission will provide assistance either to him or to that association.

**Mr MacPherson:** I cannot add much to the Minister's reply. The commission has sought to help those associations that are not of major significance in a commercial context by giving them a series of exemptions and advice on what they should do to comply. We published a pamphlet and forwarded it to all associations on our register and their response has been largely supportive. If the honourable member can indicate what difficulties he has had, perhaps we could assist him.

**The CHAIRPERSON:** As we previously agreed, that was the final question.

**Mr S.J. BAKER:** That reply changes the whole tenor. We speeded up the process to get through and we shall be brief on this item. We set aside a couple of questions to help the process.

**The CHAIRPERSON:** If members of the Committee wish to ask further questions on this line, please bear in mind that we have a time limit today. The honourable member for Mitcham.

**Mr S.J. BAKER:** I sent out a leaflet to as many as I could contact indicating some of the major responsibilities under the Act, and they have had problems. I could follow up on that matter. One area of information about which we asked earlier and which the Minister says is covered in the yellow book concerns the fees collected in the revenue area. The Minister said on page 255 of the yellow book that all the receipts were shown under recurrent expenditure (recurrent receipts). Can the Minister give details of the amounts that appear under that heading and will he break down the 1985-86 receipts and what is proposed in the individual areas in 1986-87 for the individual areas under his control in respect of which he collects fees? Do those fees come from the Commonwealth Government or by way of collections from business agencies in this State?

**The Hon. C.J. Sumner:** The receipts are outlined in brackets. Under 'Industry/Occupational Licensing and Regulation' (that is, fees under the cooperative scheme), the actual sum received in 1985-86 was \$38 000. Under 'Regulation of Companies', also under the cooperative scheme, receipts for 1985-86 were \$7.24 million. The registration of auditors and liquidators under the 'Industry/Occupational Licensing and Regulation' are under the cooperative scheme and those fees are set by the ministerial council, comprising Attorneys-General from the Commonwealth, all States and the Northern Territory. The regulation of business names is controlled by State legislation and shows a total of \$1.166 million. The regulation of cooperatives and associations is effected pursuant to State legislation. The final one ('Information, Search and Inquiry Services to Public on CAC'), is a mixture of Federal and State requests because it relates to searches, which may be searches of various firms, depending on whether one is dealing with a company, business name or cooperative.

I do not think that it is useful to break the figures down any further. The great bulk of the fees received (\$7.24 million) is received with respect to national companies and securities legislation, under which the fees are set by the ministerial council.

**Mr S.J. BAKER:** There is the very large amount of \$7.24 million and \$2.7 million worth of effort has been expended. Obviously, there are some question marks about how somebody pays much more for the service than they are actually getting out of it. Can we have a breakdown of the individual items and from where the major amounts are coming? For

each individual service provided some fees must have been collected.

**The Hon. C.J. Sumner:** As I said, with respect to the receipts and expenditure in this area, there has been a similar situation for many years—I would assume going back to the Playford era. There is nothing new about this situation. Now that the honourable member has specified what it is that he wants (which is a breakdown of the receipts under the regulation of companies), Mr Bray will specify the general categories.

**Mr Bray:** The item of \$7.24 million comprises mainly lodgment fees paid by local companies. In addition, an amount (and it is only an approximate amount) is received from the other States pursuant to the fee sharing agreement to which all States and the Commonwealth are a party. I recall that the amount is about \$500 000—in other words, the total of amounts received by other corporate affairs offices.

**The Hon. C.J. Sumner:** Virtually the whole amount comprises lodgment fees, either new registrations or the lodgment of documents relating to already registered companies. We can provide a list of the fees and, if it can be more precisely identified, then we will do that also, but the simple answer is that they are all fees established by the national scheme, and the bulk of the money comprises fees relating to the registration and administration of companies legislation, which is for lodgment of documents relating to that legislation, whether it be new registrations or already existing companies which have statutory requirements to file returns and the like.

**Mr S.J. BAKER:** It would appear that there is a form of taxation involved here. I understand why and how the fees are set, but the amount of service provided is \$2.7 million and the amount of receipts is \$7.24 million. Given that the costs of the service are far less than that, I wanted to ascertain who was getting stung the most. I would appreciate it if, in due course, the Minister could give me a breakdown of the general revenue items involved.

**The Hon. C.J. Sumner:** We will attempt to break it down. I repeat that the situation with respect to that is nothing new and it is something that is mirrored in every other State.

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

Attorney-General's, \$12 417 000

**Chairperson:**

Ms D.L. Gayler

**Members:**

The Hon. H. Allison

Mr D.S. Baker

Mr S.J. Baker

Mr M.G. Duigan

Mr T.R. Groom

Ms S.M. Lenehan

**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.L. Kelly, Acting Crown Solicitor.

Mr M.N. Abbott, Chief Administrative Officer.

Mr M.K. Hill, Project Director, Justice Information System.

**The CHAIRPERSON:** I declare the vote open for examination. This line involves 'Attorney-General's, Recurrent'; 'Attorney-General's, Capital'; and 'Attorney-General's, Miscellaneous'. While I will endeavour to allow some flexibility, I draw to the Committee's attention that there are three individual votes.

**Mr S.J. BAKER:** Does the Attorney-General have any information as to shortages, cash irregularities or thefts relating to any Government property within this portfolio area?

**The Hon. C.J. Sumner:** None to my knowledge. I am not quite sure what the question is intended to elicit. If the honourable member has anything more specific in mind, I should be happy to try to answer him.

**Mr S.J. BAKER:** The question is just a general one. Irregularities have appeared in the Auditor-General's report in the past when inadequate care has been taken by Government departments. I do not think that the Minister's department is particularly at risk. Indeed, it is far less at risk than any other. The question relates to all departments. Have amounts of cash been missed or have goods been stolen from areas under the Minister's control?

**The Hon. C.J. Sumner:** Not to my knowledge.

**Mr S.J. BAKER:** My second question was put on notice by a colleague some time ago but has not yet been answered. It is:

How many official overseas trips were undertaken by the Minister in the past 12 months, what was the destination, purpose and total cost of each trip, who accompanied him on each trip and what was the cost incurred by each individual who accompanied him?

**The Hon. C.J. Sumner:** That question has been answered but I shall get the answer, as I should like to read it into the transcript.

**Mr S.J. BAKER:** My third question relates to the Ombudsman. Can the Minister say why the Ombudsman was transferred to his portfolio area? What is the Minister's response to the Ombudsman's request for wider jurisdiction? What will the response be, given that the available resources are unchanged from last year?

**The Hon. C.J. Sumner:** As for the second question, the Cabinet has already acceded to the Ombudsman's request to amend the legislation to broaden his capacity to cover health units incorporated under the Health Commission, and legislation is being drafted to that end. That is a response to a recommendation in the Ombudsman's report. The legislation will be introduced as soon as it is drafted.

The transfer is an internal matter of administration. The Premier determined that the Ombudsman's office ought to be the responsibility of the Attorney-General's Department. The honourable member knows that the Ombudsman is a statutory officer who reports to Parliament, as does a judge, but that the staff who service his office are public servants and are therefore responsible to a Minister. It was thought that the policy issues relating to the Ombudsman Act could appropriately be the responsibility of the Attorney-General. The honourable member will know that when his Party was in Government, the Attorney-General—Mr Griffin—took quite an active interest in matters involving the Ombudsman. His work involves legally related issues in that he is responsible for investigating administrative acts of Government officials. It therefore seemed appropriate that the Attorney-General should be the responsible Minister, so the administration and staff were transferred.

It is entirely appropriate for the Ombudsman's staff to be in the Attorney-General's Department because the policy

issues with which he deals are dealt with by attorneys as well. Under the present and previous Government, when there have been proposed amendments to the Ombudsman Act, the Attorney-General has been involved in policy issues and in advising the Premier. The Premier deemed it appropriate to make the transfer, which is consistent with the responsibilities of the Ombudsman's office.

**Mr DUIGAN:** I should like to ask about program 6, which deals with the payment of victims, and to consider, in particular, the criminal injuries compensation fund. I have noted that there has been a substantial increase in recoveries under the Criminal Injuries Compensation Act from \$38 000 in 1983-84 and \$75 000 in 1984-85 to \$264 000. Can the Minister explain what has changed in the department to ensure a greater level of recovery?

**Mr Abbott:** The major reason for the increase in recoveries is the introduction in late 1984-85 of a computerised debt recovery system at the Government computing centre. The system is under review with the objective of enhancing recovery even further during the current financial year. Greater efforts in the recoveries section of the Crown Solicitor's law clerk area have also contributed.

**Mr D.S. BAKER:** Can we have some details of the payments made to victims of crime?

**The Hon. C.J. Sumner:** We can provide a breakdown of the \$1.278 million as follows:

The Government computing centre cost for the collection system is \$13 573, bailiff fees cost \$823, there were payments to victims of \$1.23 million, and Dun and Bradstreet consumer cheques cost \$3 180.

**Mr DUIGAN:** Is there an average or maximum level of compensation payable to victims of criminal injury and has that amount increased recently?

**The Hon. C.J. Sumner:** The maximum amount is \$10 000, to which the figure was increased in 1979.

**The Hon. H. ALLISON:** Page 189 of the program papers shows that the Ombudsman's Office has been transferred from the Premier's Department. I recall that in his annual report the Ombudsman mentions that he is seeking power to inquire into various health institutions. Is the Minister aware of the Ombudsman's wish in this regard and, if so, which particular health institutions are in line for inquiry? Does the Government agree with this intent and, if so, how will it be achieved?

**The CHAIRPERSON:** I must point out that the Attorney-General answered that very question a few minutes ago, dealing with hospitals incorporated under the Health Commission Act and advising that Cabinet had approved the introduction of legislation which is presently being drafted.

**The Hon. C.J. Sumner:** We have agreed to the Ombudsman's recommendations, which are contained in his annual report, and are implementing them.

**The Hon. H. ALLISON:** The Disability Information and Resource Centre has been transferred from the Attorney-General's Department to local government. Is this a downgrading of that department, as the community recognises it as such? People are looking for reassurance in relation to this matter, because past Governments, and the present Government, have associated the rights of the disabled and their special needs with the Attorney-General's Department and its special ability to cater for them.

**The Hon. C.J. Sumner:** It is certainly no downgrading of the area. I do not wish to recite the initiatives taken by the Bannan Government in the disability area, but they are considerable. We came to office in 1982 with a program which has been substantially implemented. I think that only one of the commitments made in 1982 has not been fulfilled and that is due to no fault of ours. Part of that package involved the establishment of a Disability Adviser to the

Premier. Mr Llewellyn has been appointed to that position and is located in the Premier's Department. He is responsible for broadly advising the Government on issues relating to people with a disability. Rights of people with a disability are still a responsibility of the Attorney-General through equal opportunity legislation, which is administered by me as Attorney-General.

The Commissioner for Equal Opportunity is administratively located in the Department of Public and Consumer Affairs for housekeeping matters, but the Commissioner, who is responsible for the Equal Opportunities Act, is responsible to the Attorney-General. Therefore, the Attorney-General is still very much involved in the general issue of the rights of the disabled, but cannot be involved to any great extent in service delivery for the disabled. I think that it would be true to say that it is important as a matter of policy that the issues with respect to the disabled that are raised, and the policies that are developed, are implemented throughout various Government departments: we do not set up a little group within Government and say, 'That is for the disabled, and therefore satisfies all our policy objectives with respect to that particular area.'

It is important that policies with respect to people with a disability be implemented throughout Government, the Health Commission, Community Welfare, transport and other areas: that is why a Disability Adviser was appointed in the Premier's Department—to oversee policy generally throughout the whole of the Government. The Attorney-General still has a very important role with respect to the rights of the disabled. With respect to the Disability Infor-

mation and Resource Centre, it was felt that the Attorney-General's Department did not have any real expertise in making assessments about the effectiveness of the resource centre as compared with similar organisations dealing with information and providing resources to the community in a whole lot of other areas; so, it was felt that it was better from that point of view to have the Disability Information and Resource Centre responsible to the Department of Local Government, where the assessment of all other information centres is carried out. That means that the Disability Information and Resource Centre can be assessed by the people who have the expertise and knowledge to decide whether or not the centre is fulfilling its purpose, how it compares with other information centres in terms of its case load, and those sorts of things. That provides a better basis for deciding what funds ought to be allocated to it. That is the reason why responsibility was shifted: there was certainly no downgrading of the area and, as I have said previously, the Attorney-General still has a very important role to play with respect to the rights of the disabled.

**The Hon. H. ALLISON:** Can the Minister advise who is currently on the Legal Practitioners Complaints Committee and can he supply us with appointment dates and information about the length of appointments?

**The CHAIRPERSON:** If he wants to do so, the Attorney-General can have the tables inserted in *Hansard*.

**The Hon. C.J. Sumner:** I table the details of membership of the Legal Practitioners Complaints Committee, details of membership, expiry dates and, also, the Legal Practitioners Disciplinary Tribunal for insertion in *Hansard*.

#### LEGAL PRACTITIONER'S DISCIPLINARY TRIBUNAL

Name	Sex	Position	Emp. Status	Start Date	Expiry Date
B.A. MAGAREY	M	Chairman	Priv. Cit.	25.3.85	25.3.88
K.P. DUGGAN QC, LLB	M	Deputy Chairman	Priv. Cit.	25.3.85	25.3.88
R.P. ANDERSON	M	Member	Priv. Cit.	25.3.85	25.3.88
D.N. ANGEL	M	Member	Priv. Cit.	25.3.86	24.3.89
K.F. CANNY	M	Member	Priv. Cit.	25.3.86	24.3.89
P.W. ERIKSEN	M	Member	Priv. Cit.	25.3.86	24.3.89
P.A. HERRIMAN	M	Member	Priv. Cit.	14.11.85	25.3.87
E.F. NELSON	F	Member	Priv. Cit.	25.3.84	25.3.87
J.W. PERRY	M	Member	Priv. Cit.	25.3.84	25.3.87
H. WILLIAMS Q.C.	M	Member	Priv. Cit.	18.9.86	25.3.88
K.J. WARD	M	Member	Priv. Cit.	25.3.84	25.3.87
D.H. WILSON	M	Member	Priv. Cit.	25.3.86	24.3.89

#### LEGAL PRACTITIONERS COMPLAINTS COMMITTEE

Name	Sex	Position	Emp. Status	Start Date	Expiry Date
B.T. LANDER	M	Chairman	Priv. Cit.	4.4.85	3.4.88
J. BRODERICK	M	Member	Priv. Cit.	9.5.85	8.5.88
C. CLANCY	F	Member	Priv. Cit.	4.4.85	3.4.88
G.G. HOLLAND	M	Member	Priv. Cit.	4.4.85	3.4.86
B.P. MURRAY	M	Member	Priv. Cit.	26.6.86	4.4.88
M.J. NYLAND	F	Member	Priv. Cit.	4.4.85	3.4.88
A. RAPHAEL	M	Member	Priv. Cit.	4.4.85	3.4.88

**Ms LENEHAN:** I turn to program 10 relating to Crime Statistic Services in the estimates book at page 198. The broad objectives of the Crimes Statistics Office are the prosecution, conviction and sentencing of offenders. I asked the Attorney-General a question in the Parliament some time ago relating to the provision of statistics about sentencing people to community service orders and asked for a breakdown according to the number of people sentenced to community service orders and a breakdown court by court of which courts are sentencing people.

Is it possible to obtain details of the types of offences that people are being sentenced for and of the length of time involved in community service orders? I will be guided by the Attorney as to whether the Office of Crime Statistics

produces any breakdown of the details of the cost of community service orders. I suspect that this might come under the Minister of Correctional Services.

**The Hon. C.J. Sumner:** We will attempt to provide what information is available on that topic.

**Ms LENEHAN:** Can the Minister provide a breakdown in terms of cost? I am aware that cost of keeping someone in prison is \$67 000 on average, for example. Are relevant statistics available through the Office of Crime Statistics?

**The Hon. C.J. Sumner:** I am not sure whether they are. They would probably be more readily available through the Department of Correctional Services. But it would not surprise me if the Office of Crime Statistics does have some information.

**Ms LENEHAN:** I refer to major resource variations for 1986-87 and to the Victims of Crime Survey. Can the Attorney elaborate on the purpose of the survey?

**The Hon. C.J. Sumner:** The Victims of Crime Survey was announced in August last year. It was referred to in the second reading explanation that I gave when introducing the victims of crime legislation last year, which was reintroduced again earlier this year and passed by Parliament. I announced then that Cabinet had approved funding for a Victims of Crime Survey. This was one of a number of initiatives that the Government, and eventually the Parliament, took in respect of victims of crime, and I am pleased to say that this has put South Australia at the forefront of legislation of this kind in Australia and indeed it has achieved recognition internationally. Part of the package was the Victims of Crime Survey and that will be designed to carry out an assessment by way of questions and the like of victims, to ascertain what their dissatisfactions are with the criminal justice system, what they feel their needs are and what they feel is lacking in the existing system, so that future policy can be based on some firm statistically valid research on this topic.

**Ms LENEHAN:** Is the survey currently being undertaken?

**The Hon. C.J. Sumner:** The survey will commence this financial year, although it may not be finished within the 1986-87 financial year.

**Ms LENEHAN:** For how long do you imagine it will go?

**The Hon. C.J. Sumner:** It is not envisaged that it will take more than 12 months overall from the time of commencement.

**Mr D.S. BAKER:** I refer to Program 9—'Legal Services to the State'. Can I have some details in relation to this matter? Are these services all provided to the Minister's departments and statutory authorities? If not all, to which statutory authorities does this apply?

**The Hon. C.J. Sumner:** Basically, the answer to the question is 'Yes', but certain statutory authorities do not utilise the services of the Crown Solicitor, and I refer to statutory authorities such as ETSA, the Housing Trust, the State Bank, the SGIC and PASA. Those that are of a more commercially orientated nature would not use the services of the Crown Solicitor. I can provide a more precise list to the honourable member if required.

**Mr D.S. BAKER:** I do not want a precise list; a list of the ones to which this does not apply is probably more important, and the Attorney has just indicated some of those.

**The Hon. C.J. Sumner:** There may be others. We know the ones for whom we act, and it is easier to provide the honourable member with a list of those agencies for whom we act rather than the others. However, this relates to the sort of authorities in the category that I have outlined.

**Mr D.S. BAKER:** Is legal advice provided to the Ombudsman?

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

**Mr D.S. BAKER:** No doubt legal advice was also provided to the Health Commission in relation to the problems that the Ombudsman has had.

**The Hon. C.J. Sumner:** We need to clarify the position in relation to the Ombudsman. Obviously we do not advise where there may be a conflict between the Ombudsman and a department. If a situation like that arises our primary responsibility is towards the department, and the Ombudsman has to seek independent advice. In relation to allocations to the Ombudsman, there is a figure referring to payments to consultants. I am advised that that relates to legal fees.

**Mr D.S. BAKER:** And would be the case in relation to the problem that the Ombudsman had with the Health Commission.

**The Hon. C.J. Sumner:** Rather than being in relation to a legal dispute, that is more an issue of interpretation, and the Ombudsman certainly seeks Crown Law advice and, indeed, the advice of the Solicitor General, on the interpretation of Statutes. I suppose that he would seek the Attorney's view on a policy issue, but we are talking about a legal dispute where the Ombudsman has questioned (and he does from time to time) a department and the department feels the need for legal advice, in which case we advise the department and the Ombudsman gets independent advice on that topic.

**Mr D.S. BAKER:** Would it not be more efficient for those authorities that choose to use the legal services of the State to be somehow charged for those services of the State? The figure is now nearly \$4 million, and I would think that the breakdown would be quite interesting in relation to who is getting the most benefit out of it.

**The Hon. C.J. Sumner:** This issue has arisen with Government on a previous occasion. It is a fair question. There is certainly some difference of opinion on the efficacy of cross-charging within Government departments. Of course, this relates not just to the Crown Law Office but across the whole range of Government departments. The question is whether cross-charging ought to be used so that the actual cost of a particular service can be charged to each individual agency within Government. In principle, there is quite a lot to be said for that proposition. As I have said, this issue has been raised previously. Part of the Tonkin's Government program performance initiatives was that cross-charging ought to be introduced, and I understand that it has been introduced in a number of Government departments. There was some question as to whether it ought to be introduced in respect of the Crown Solicitor's Office. To be fair, it is Treasury's view that there ought to be cross-charging. That has generally been opposed by the department, primarily because it considers that it could be self-defeating in that there would need to be extra resources allocated in order to properly cost the work done by the Crown Solicitor so that the charge could be made.

The end result of it all has been that the decision has been taken not to do it with respect to the Crown Solicitor's Office because we do not think it is cost effective. There would need to be extra staff to do it and we do not think that it would assist to any great extent in terms of the program and efficiency of the individual departments. Of course, the other argument which the Crown Solicitor uses and which, I think, has some validity, is that a department may not seek legal advice if it is short of funds in any particular year, if it is running over budget.

It may say 'We used the Crown Solicitor's Office last year so we will not use it now.' That can sometimes be very self-defeating, because I think the Crown Solicitor also would take the view that Government departments ought to use her services more often because if you use them you can avoid further problems down the track and often avoid mistakes that can be costly. So, the end result has been yes, we understand the principle: it is accepted in government in some areas. The end result of the debate within government with respect to the Crown Solicitor's Office was that we would not cross-charge.

**Mr D.S. BAKER:** My worry would be that it is not used in areas where Government departments are competing with private enterprise, in other words, competing on an unfair basis.

**The CHAIRPERSON:** I take it that this is a supplementary question?

**Mr D.S. BAKER:** Yes.

**The Hon. C.J. Sumner:** That is a reasonable point which the honourable member makes, and I can get some additional information on that topic if he would like it. I would think that there would be very few instances where the Crown Solicitor would act for statutory corporations which are in direct competition with private enterprise. We are already providing the honourable member with a list of those for whom we act, and he will be able to work out from that whether there is any competition with private enterprise.

**Mr D.S. BAKER:** The STA readily comes to mind, which is now defunct, but Group Laundry and others are in fact competing.

**The Hon. C.J. Sumner:** We do not act for the STA in most cases. In some areas we act for the Minister.

**The CHAIRPERSON:** I would appreciate it if the honourable member would direct his questions through the Chair.

**The Hon. C.J. Sumner:** It is a reasonable point, so I am happy to provide the answer.

**The CHAIRPERSON:** Yes, but we are up to the fifth question from the member for Victoria.

**The Hon. C.J. Sumner:** There are some circumstances in which we act for statutory authorities in some cases but not in others, and the STA is one of those. They have private solicitors but may also use the Crown Law Office for some of their work. The simple answer is no, in most cases we would not act for statutory corporations which are in direct competition with private enterprise, but we will provide the list and I would be happy to receive any comments the honourable member wishes to make on it.

**Mr DUIGAN:** Because we are on program 9 I also have a question I would like to ask. On page 197 which deals with the program of legal services to the State it says under the heading of 'Issues and Trends' that the enactment of the Government Management and Employment Act has resulted in an increase in the number of opinions both formal and informal which have been provided. Will the Minister provide an explanation as to why that particular Act has resulted in so many opinions being sought?

**Mr Kelly:** The provision of advice with respect to the Government Management and Employment Act has been a pretty time-consuming task for the Crown Solicitor's Office. The Government Management and Employment Act went through Parliament late last year and came into operation at the end of June this year. The areas in which the Crown Solicitor was called upon to give advice related to the rights of individuals, the rights of public servants so far as transitional provisions were concerned.

There were a number of changes to the ways in which promotion appeals and disciplinary appeals were to be handled. As well, there were a number of carry-over situations where persons were appointed under the old Act, and it was necessary to give advice in relation to the rights of those persons. Also, there was the drafting of a substantial number of new regulations and directions in respect of Public Service employment, and that required a large number of legally oriented opinions in those matters.

**Mr DUIGAN:** Has the situation arisen or is it likely to arise whereby the Crown Solicitor's Office would be asked both by the head of an individual Government agency and by the Government Management and Employment Board to provide advice on similar issues? That is, would they be acting for the principal employment body for the State as well as for the separate agencies of government?

**The Hon. C.J. Sumner:** The Crown Solicitor would act for both.

**Mr S.J. BAKER:** I looked through the budget items and can find no reference to the Minister taking an overseas trip in the forthcoming year, nor anything for his officers in the lines at which I have looked. Can the Minister confirm that that is the case? We have overseas visits by the Minister under a number of lines. If we look at the white book we have law reform and overseas visits of officers. You have it in the general line which is further down, I think it is \$20 000 for the Minister for an overseas trip last year—page 71 under 'Intra-agency and support service items'. There are a number of recurring elements, and it is also on the general wrap-up of the yellow book on page 187, which details the general intra-agency support services. I presume that, since no provision has been made, neither the Minister nor his ministerial officers will be undertaking any overseas trips in the forthcoming year.

**The Hon. C.J. Sumner:** There is no specific budgetary allocation for it, but there may be some need for an overseas trip. At this stage I am not aware of any, although I think there is one that the Chairman and the Director of the JIS must take to Japan in the next few weeks, so there may be some overseas visits. They are always a little difficult to predict, so there is no specific budgetary allocation for them.

**Mr S.J. BAKER:** What is the disposition of the Minister's ministerial officers between the Attorney-General's Department and the Department of Consumer Affairs?

**The Hon. C.J. Sumner:** I assume the honourable member is referring to the ministerial officers as opposed to public servants: I only have two ministerial officers. One is an executive assistant, Mr Alan Joy and the other one is a press secretary, Mr Nick Carne.

**Mr S.J. BAKER:** Under the 'intra-agency support services' on page 187 we have 'Minister and Minister's office'. We have nine staff there. Do they service the Attorney-General's Department from a centralised point or are some of those nine persons also employed in other areas such as the Department of Consumer Affairs?

**The Hon. C.J. Sumner:** They are in the Minister's office in the Attorney-General's Department. One of those officers would do some work of a post box kind for the Department of Consumer Affairs, because the secretary of the Attorney-General also acts as a post box for parliamentary questions some of which must be directed to the Department of Consumer Affairs and would have to come back through the Attorney-General's office. The people referred to under that item and employed in the Minister's office in the Attorney-General's Department include, I assume, the two staff members to whom I have referred. There are also four legal staff (the Director of Policy Research and three others), my personal secretary, and assistant secretary, a stenographer, a parliamentary clerk and a couple of other typists.

**Mr S.J. BAKER:** Regarding the Disabled Information Resource Centre, a body of expertise within the Attorney-General's Department and the Department of Consumer Affairs focuses on the equal opportunities area and information related to improving the lot of the disabled in the community. I assume that it is important that the agencies concerned with the work of the information centre are linked together. What other areas does the Minister intend to hive off to other departments in the same way as the Minister said that the Disabled Information Resource Centre would be transferred to the Local Government Department?

**The Hon. C.J. Sumner:** I referred to funding. It is not a Government agency.

**Mr S.J. BAKER:** But that service will be provided by the Minister of Local Government?

**The Hon. C.J. Sumner:** The funding will be provided through the Minister of Local Government's line.

**Mr S.J. BAKER:** Since the control of that Information Resource Centre is to be transferred from the Attorney-General's Department, where there is considerable expertise concerning the disabled, this action would seem to be inconsistent with improving the service given to the disabled. What other services are to be transferred from the Attorney-General's area and are there plans to transfer equal opportunities, for instance, to another area?

**The Hon. C.J. Sumner:** No. The honourable member is under a misconception. The Information Resource Centre is not a Government agency as such: it is an agency established certainly under the auspices of the Government. It was promoted by the previous Government, which established it and we have continued that policy. Indeed, our Government established the funding for it. It receives a grant. It is not a Government department. It will now receive its grant from the Local Government Department and have its activities assessed by that department, because that department is responsible for funding other information services throughout the State. It is therefore more appropriate, in assessing the effectiveness of an organisation charged with the responsibility of providing information, to do that by means of a committee or group that has the expertise to do that.

We have gained equal opportunities because, until the last election, the Commissioner for Equal Opportunities was in the Premier's Department and we have also gained the Ombudsman. These shifts occur in respect of Government agencies from time to time. The Information Resource Centre is, in effect, part of the policy of mainstreaming services for the disabled. We cannot have one agency solely responsible for the disabled; every agency must play its part. It is better to have this area serviced by the individual agencies which, as we have in Government, oversight from the Disability Adviser to the Premier with the Attorney-General still being principally responsible in the policy area, in conjunction with the Premier, as well as in the rights area. There is no intention of changing that.

**Ms LENEHAN:** Bringing this information centre under the umbrella of all information centres so that it is administered with the expertise and experience available to other information centres makes incredibly good sense because such centres cannot operate in isolation. They have an amazing network whereby officers exchange information. I understand that the transfer was made on 1 July. I am concerned with the questions that have been asked because they suggest that this transfer somehow represents a downgrading of services for the disabled, whereas that is not the intention. Indeed, the intention is the opposite: to tap into this large network of experience and expertise. I am familiar with the activities of a range of such services, including the women's information switchboard and other community information centres which come under the umbrella of information services. It is not a downgrading; it is using a multitude of community resources to improve the facilities and services available through that centre.

**The Hon. C.J. Sumner:** I appreciate the support of the member for Mawson.

**Mr DUIGAN:** My question relates to program 4 'Law Reform and Law Policy'. Over the past couple of years, the contribution towards the running of the Australian Institute of Judicial Administration has been increased and the contribution towards the cost of the Constitutional Convention has fallen. Can the Minister provide an explanation as to the reasons for, on the one hand, the increase and, on the other hand, the decrease?

**The Hon. C.J. Sumner:** With respect to the Constitutional Convention, members will know that the Federal Government has established a Constitutional Commission, which is currently preparing discussion papers and hearing evidence on reform of the Australian Constitution. I understand that it is the Federal Attorney-General's aim to have that commission report by 1988 with its recommendations on a Constitution for Australia. In the light of that, the Government took the view that there was little point in continuing with the Australian Constitutional Convention, so no funds have been made available for that purpose. Once the Constitutional Commission has reported, the matter will be reassessed, but there seemed absolutely no point in continuing with the Australian Constitutional Convention, which has achieved very little in its 13 years of existence, and therefore the best approach was to withdraw participation from it and to save the money that we allocated to it.

The Australian Institute of Judicial Administration is a body with membership open to judges, magistrates, lawyers, and court administrators. Through the Standing Committee of Attorneys-General it applied for an allocation of funds to establish itself in Melbourne. It has made some arrangement with Melbourne University. It will be appointing, I think, a Director at some time reasonably soon. It is responsible for research into legally related issues and, in particular, court administration. Also, it has conducted seminars on issues of interest in judicial administration. The Government felt that this organisation was worthy of some financial support and, therefore, that allocation has been made.

I should say that the question of judicial administration is something of great concern to Attorneys-General throughout the country, and of interest to members of the judiciary in South Australia. I have announced already a number of initiatives, in cooperation with the judiciary, to try to ensure that we are getting the most efficient use of the resources that go into our courts. Part of that package is the funding of the Australian Institute of Judicial Administration in order to encourage it to continue its work relating to seminars, training courses for judges, and research projects, which are all designed to make the administration of justice more effective and efficient.

**The Hon. H. ALLISON:** On page 191 of the yellow book under program 3 reference is made to the Legal Practitioners Committee. How many complaints have been made to that committee; how many have been resolved; and what were the categories? Page 193 of the yellow book refers to program 5 and the Law Reform Committee. Is there any intention of abolishing the Law Reform Committee, or will it continue in the foreseeable future with its good work? I notice that it has a work program of six different projects including Crown proceedings, champerty, ademption by equitable conversion, etc. Perhaps the Minister could advise the current costing for running that department and how many staff are involved?

**The Hon. C.J. Sumner:** In general, the Government is currently considering the future of law reform mechanisms in South Australia. Originally, Cabinet decided that the Law Reform Committee ought to be replaced by a Law Reform Commissioner who would be a full-time appointment. The question now is: what can be done in the current financial circumstances with which we are faced? The Law Reform Committee relied very much on virtually the voluntary work of Mr Justice Zelling, who has been the Chairman of the Law Reform Committee since its inception. I think, in 1969, and/or other voluntary work by members and there is some legal backup.



The staff comprised a legal officer and one secretary, and members of the Law Reform Committee comprised Mr Justice Zelling, two judges of the Supreme Court, the Solicitor-General and two people nominated by the Attorney-General and the Law Society. It was very much a committee staffed by volunteers. It depended to a great extent for its impetus on the work done by Mr Justice Zelling, who has since retired from the Supreme Court. The question is whether or not any judge will be prepared now to take on the chairmanship of the Law Reform Committee or, indeed, given the workload of the courts at present, whether the Chief Justice would consider that desirable. It is a matter on which the Government must decide in the next two or three months. Mr Justice Zelling very kindly has agreed to continue to chair the committee to complete these outstanding references.

The other thing that I think needs noting is that law reform committees are established in virtually every other State of Australia, and I believe it is important that their work be coordinated to a greater extent than perhaps has happened in the past. Obviously we would have to take into account the work that those committees are doing in deciding the future of our own mechanisms for dealing with law reform.

**The Hon. H. ALLISON:** On page 195 of the estimates, the Minister advises that *Hansard* is to become part of the new Joint Services Committee. When is the project to commence and what is the timetabling for final integration?

**The Hon. C.J. Sumner:** It depends on Parliament and when it wishes to proclaim legislation to establish the Joint Services Committee. The matter is out of my jurisdiction. Once Parliament, through the Presiding Officers, determines that legislation should be proclaimed, we will make the arrangements necessary to transfer responsibility for *Hansard* to the Joint Services Committee.

**Mr D.S. BAKER:** I have three questions concerning program 5 which might seem insignificant. Program 5 concerns law reform policy. One item is the cost of legal research on territorial sea law. I know that it is a small item, but is it still going? The amount of money involved is small. Has the Minister briefed a QC? What is the state of play?

**The Hon. C.J. Sumner:** There have been discussions at international level on the law of the sea. There is an international law of the sea conference to which Australia sends representatives. Because of the potential significance of the subject to the Australian States, they have agreed that they will regularly send a representative to accompany the Commonwealth Government's representatives. The contribution is to the State Government's representation as part of the Commonwealth Government's delegation. Representation is rotated among the States, and they all contribute.

**Mr D.S. BAKER:** Is it still a running battle with the Commonwealth? The territorial action has been settled, has it not?

**The Hon. C.J. Sumner:** I understand that there are still some negotiations with the Commonwealth on base lines—the line which must be drawn to determine internal areas and territorial sea for South Australia. The State has put in a claim for certain historic bays, such as Encounter Bay and Lacedpede Bay which, in strict international law, may not constitute bays. One must draw a line joining headlands, for example, to establish a base line from which to calculate a three, 12 or 200 mile area of territorial sea.

We are negotiating with the Commonwealth in respect of certain historic bays that a line should be drawn from, for instance, the Bluff or Encounter Bay to a point somewhere west of Goolwa. As for the three mile limit jurisdiction, there is an offshore constitutional settlement which gave

back to the States the territory three miles off the coast for mineral exploration, fishing rights, etc. That was finalised under the Fraser Government and the Federal Government has not made any attempt to unscramble the matter.

**Mr D.S. BAKER:** Some \$63 500 is to be spent this year on the Law Reform Committee library and \$63 000 was spent last year. That is a considerable amount of money for a library, is it not?

**The Hon. C.J. Sumner:** It is. Mr Justice Zelling developed quite a good law reform library during his time as Chairman of the Law Reform Committee. He offered it to the State at a commercial rate, although he made some small contribution to the library. The Government agreed to purchase it a couple of years ago, and this is the final instalment. There will, of course, be subscriptions. Its precise use has still to be determined but it can be put to good use. It will be used principally for law reform purposes.

**Mr D.S. BAKER:** There is a law library for the Solicitor-General. I see that it appears in a separate program. Is it being split up?

**Mr Abbott:** The reason for the split is that the Solicitor-General works in respect of legal services to the State and as a member of the Law Reform Committee. We have therefore spread his costs between two programs. That has been done ever since the introduction of program budgeting.

**The CHAIRPERSON:** We will turn now to the Justice Information System at page 199 of the budget papers.

**Mr S.J. BAKER:** Can the Attorney-General explain why there has been a blow-out from \$11 million to \$20 million in the overall cost of the Justice Information System?

**The Hon. C.J. Sumner:** To what is the honourable member referring?

**Mr S.J. BAKER:** An announcement was made during the weekend suggesting that the Justice Information System is to cost \$20 million spread over six years: that is my advice. I note that \$6 million is provided for hardware in the capital items listed under this line. Can the Minister explain the reason for the budget blow-out in relation to this system?

**The Hon. C.J. Sumner:** I am advised that there has been no budget blow-out.

**Mr S.J. BAKER:** Can the Attorney-General advise the Committee of the total cost of the hardware provision and the total cost of consultancy services and software developed out-of-house rather than in-house for the department, and the cost of resources required within the department to allow this system to reach its full potential?

**Mr Hill:** The sums of money used in prescribing costings depend on the time frame used and whether one is referring to the capital funds required from Treasury to get the project off the ground. The \$20 million referred to is for a six year period and includes all costs to mount that project. In terms of breakdown under the criteria that the member has asked for, I will take that on notice and provide it to him.

**Mr S.J. BAKER:** What will be the price of the Fujitsu hardware, what is its capacity, and is it IBM compatible?

**Mr Hill:** The Fujitsu hardware is IBM compatible. Again, if the member is asking me the cost of that hardware, one would have to nominate the difference between the capital purchase of the hardware and the period during which one is to add in the licence agreements. The cost of the Fujitsu hardware for this financial year is a little under \$3 million. The capacity of the configuration, in computing terms, is that there is a production machine that rates—using a computer rating of millions of instructions per second (mips)—between seven and seven and a half mips: there is a separate development machine that has a rating of between two and two and a half.

**The Hon. H. ALLISON:** Can the Minister tell us, as any system stands or falls on the quality of its software, the extent to which this software has been purchased as a job lot or has been specifically designed for the purpose for which it is intended?

**Mr Hill:** The JIS contract provides for the purchase of some package software where there are clearly defined functions for which a package fits, but the general thrust of the development of the project is to use tools to develop the software specifically for the applications.

**The Hon. H. ALLISON:** Will the equipment be in service and workable as soon as it is installed, or are we to have to wait for a considerable time before the software is developed and, if so, for how long?

**Mr Hill:** The hardware is already under installation. Some has already been installed in a test configuration and is working. In terms of software, the staff has completed its training off Government site in the use of these tools and as of this month is beginning some of the development of the initial system. We anticipate commissioning some of the initial applications in the first quarter of next year; then it is an ongoing thing for the next two or three years, but in a planned way.

**The Hon. H. ALLISON:** One matter which has concerned the Committee over the past couple of years has been that it was the original intention to provide an integrated system but there has been a fragmentation, with the Motor Registration Branch going off on its own and the Courts Department, led by the Chief Justice, also wishing to have a separate unit. In the longer term, when personality and other conflicts have been resolved, will the various pieces of equipment being set up in South Australia be compatible so that they may be brought together?

**The Hon. C.J. Sumner:** First, it is not a matter of a personality conflict.

**The Hon. H. ALLISON:** It was two years ago.

**The Hon. C.J. Sumner:** It was a matter of principle: the Chief Justice took the view that because the Judiciary is independent it ought not participate, in effect, in an executive-run Justice Information System where the planning, organisation and direction were all subject to, in effect, Executive Government. It was that issue upon which he took the stand that the courts information system ought to be subject to direction by the courts and not be part of an integrated system run by the Executive arm of the Government. That had nothing to do with personalities, but something to do with the principle that the Judiciary is independent of Government. That was the first point. The motor vehicles matter, I understand, was examined very carefully initially and rejected as not really something that could be proceeded with. Mr Hill may be able to give further information on that.

With respect to the courts, that question could perhaps be put to the Director of the Courts Department when we are dealing with the courts line. However, the Courts Department is proceeding to assess its need for computers and is making an assessment of the savings that can result with a proper computer based system within that department. When the department has done that it will make a presentation to Government for a system to be run by the Courts Department. There is a coordinating committee between the courts and the JIS to ensure that the systems between the courts and the JIS are compatible. But the Judiciary is adamant that the Courts Department and the Judiciary will have control over the computer that services the Courts Department and over the information that is received and transmitted by the courts. They will be able to transmit it electronically into the JIS but the control of

that transmission will remain with the courts. So, they will be compatible. I am not sure about the Motor Registration Division, but certainly with the courts they will be compatible.

**The Hon. H. ALLISON:** The only problem is that only one part of the system will be available on an eight hour or nine hour day whereas another part of the system may be available on a 24 hour day. Therefore, substantial delays could occur in obtaining absolutely critical information, with the court systems being run separately and controlled by a different authority. To my way of thinking it represents, whatever the Chief Justice might say, a severe hold-up.

**The Hon. C.J. Sumner:** That ought not to happen. Most of the information that the courts have will be transmitted, in any event, and held for the purposes of other departments. The information that is to be transmitted will be transmitted by the courts into the JIS and then, presumably, can be accessed in the JIS, because the information will be available. If it relates to correctional services matters, the courts will transmit details of, for instance, the penalty that was handed down, the term of imprisonment, the bond conditions and all that. That information will be in the court records but it will also be transmitted into the JIS and so then will be available to the users of it. The fact is that the point of principle taken by the courts was that they would not be involved in a system that was integrated directly with and controlled by a committee that comprised the Executive arm of Government, on the basis that the Judiciary is independent. That is an issue of principle. If the honourable member had wanted the Government to have a constitutional crisis, which we have already seen in recent times in another State, he could have insisted that we proceed in the way that had been originally envisaged. The fact is that the judges and the Chief Justice would not be involved in a system that was run by the Executive arm of Government. It was as simple as that. However, they will be compatible. Perhaps Mr Hill might be able to answer the question relating to the Motor Registration Division.

**Mr Hill:** The connections with the Motor Registration Division were tenuous at any time and, if there was going to be any coordination between the two systems, we were really looking to the Data Processing Board to exercise that role.

**Mr DUIGAN:** The program description for Program 11 indicates that a specific objective for 1986-87 will be the commencement of benefits that will be returned to Government as a result of the JIS. Mr Hill has already indicated that some of the staff who will be operating the JIS equipment have begun their training. Can I have some information about the ways in which those staff who are currently employed in the member agencies of the JIS will be redeployed once the JIS comes on-stream in those departments and how they will be integrated within the JIS or found other positions in their respective departments?

**Mr Hill:** In the feasibility studies and the subsequent costings that were done, part of the benefits package was identifying those full-time people whose current work would be, in effect, redundant. All the agencies involved have looked at the classifications and the levels of those people who will be affected, who will be found other employment within the agency.

**Mr DUIGAN:** Whilst recognising that the availability of some equipment may be limited from Australian sources, is that Committee, nonetheless, paying attention to the need to use as far as possible Australian expertise and whatever Australian equipment might be available that is compatible with the system that has been purchased, in terms of the whole system?

**Mr Hill:** A sizeable part of press articles in yesterday's *Financial Review* and today's *Australian* deal with the fact that the Government has agreed to the purchase of a thing called a packet switch network from CSIRO. This happens to be the first time that CSIRO and its separate computing arm CSIRONET tendered in the open marketplace, competing against American equivalent products. In terms of our evaluation, we came out of that evaluation process looking extremely good. We see that as being a significant plus to Australian industry and it will certainly be a catalyst for CSIRO's new commercial arm to make other commercial ventures.

**Mr DUIGAN:** Can we have some information on the guidelines that will be established by the JIS committee for use by operatives in each of the user Government agencies about the privacy or use of information that is taken off system.

**Mr Hill:** We have done an extensive amount of work on the privacy principles that will govern the directions of the JIS. These were built on the principles established by the Law Reform Commission which, in turn, did extensive work in building on what was happening in other parts of the world, including the OECD. We have produced documents looking at the relevance of those principles to this project. The whole of the project personnel, from the board of management, the project management committee and, in consequence, all the agencies, have agreed to 10 of those 11 principles being applied in this case, and they will be the guiding framework.

**Mr DUIGAN:** Does that mean that operatives, for example in the Community Welfare and Correctional Services Departments, will have to key in an identification number if they have been approved by the committee as an authorised user of the system?

**Mr Hill:** Basically, yes.

**Mr S.J. BAKER:** It was mentioned earlier that the equipment had a capacity of 7 to 7½ mips, although I still work in megabytes. What is the translating and memory capacity of the main framework.

**Mr Hill:** Mips is a rating of speed, while megabytes is a measure of storage capacity and memory capacity. The memory is 16 megabytes and the storage capacity gets up to 25 gigabytes when fully operational.

**Mr S.J. BAKER:** It is certainly not lacking in capacity. Can the Committee be informed as to the total moneys that will be paid to Fujitsu for the six year contract?

**Mr Hill:** I can produce detailed financial matrixes of all the components that are being purchased, the time frames in which they will be acquired and the cash flows for when those payments will take place, and the bits they all relate to.

**Mr S.J. BAKER:** It will be an all-up cost?

**Mr Hill:** Yes.

**Mr S.J. BAKER:** There has been some concern expressed to me—and I do not place any great store on it because I understand that some of the providers of mainframes boost the capacity of their systems to meet almost any need. I take your advice that the system is the best available, but the question asked of me was why did we not actually go for an IBM machine when we have an Australian assembly capacity, as against a fully imported machine, when the information fed to me was that IBM could have done exactly what was needed for the JIS.

**Mr Hill:** I have no doubt that IBM could do the job but, in this case, when IBM, Fujitsu and nine other vendors were pushed through the sieve of our evaluation, it turned out that Fujitsu could do the job better and for a lower price. In terms of the Australian content, I am only aware

of an IBM PC factory at Wangaratta, but offsetting that are other assembly facilities which Fujitsu also has in this country.

There seems to be a concern about the Australian content embedded in the member's question, and I might add that Fujitsu has a very close working relationship with Csironet. They have a joint development program whereby they put in technology, transfer resources and capital to further develop Australian software products. That was an added feature which attracted us to the solution we took in terms of generating or cranking up Australian technology.

**Mr D.S. BAKER:** The report refers to a coordinated joint venture between justice related agencies. Have we already today enunciated what those agencies are?

**The Hon. C.J. Sumner:** Not today. It is Attorney-General's, Police, Community Welfare, Labour and Correctional Services.

**Mr D.S. BAKER:** Will any of those agencies be contributing to the cost of the operation?

**The Hon. C.J. Sumner:** It is an overall Government cost but, in calculating the savings to be made, obviously savings were identified in each department to identify the gains which can be made by the implementation of this system.

**Mr D.S. BAKER:** On an ongoing usage basis, I guess it will be supplied free of charge?

**Mr Hill:** At the end of the first three years the plan is that the facility will work on a recharge basis. It is important that the agencies know exactly what their demands are creating in dollar terms, and the plan is that the agencies would then make their bids to Treasury for the funds to support the centre, which they cooperatively and jointly manage.

**Mr S.J. BAKER:** Dealing with the configuration of equipment, will there be many processors centred within each department or are we going to have an on-line system linked to a mainframe, and where is that mainframe going to be situated?

**Mr Hill:** The mainframes will be located in the refurbished old Government computing centre which is at the back of the State Administration Centre. The two mainframes will be there but the power of the machine, those facilities, will be distributed via the Csironet packet switch network, and there would be intelligence, if you like, in that network itself by virtue of these micronodes which are, in effect, micro computers themselves.

**Mr S.J. BAKER:** What will be the take-up of the departments? Is the Attorney-General going to be on this year? Are you using the Attorney-General's Department as the start of the system and you will then progressively add to it? What program of implementation have you in mind?

**Mr Hill:** A program of implementation of the functions, as we call them, and each agency will be bringing up some functions within the first quarter of next year, as I previously advised. The priorities for those functions are worked out according to the priorities of the agencies but also according to the priorities of the group, because there are some link linear dependencies involved, and that is the nature of the cooperative venture.

**Mr S.J. BAKER:** Given that we are talking about functions rather than departments, what functions will have actually started on the system prior to the end of this financial year?

**Mr Hill:** That is part of a detailed project plan, the details of which escape me but, with the approval of the Attorney-General, I could certainly provide it.

**Mr S.J. BAKER:** It was mentioned that there was not likely to be a linkage into the Motor Vehicles Department. We are all well aware of the quick turnaround that is

available with a superior system in terms of stolen cars. Why was not Motor Vehicles part and parcel of the process?

**Mr Hill:** That was before my time and I am not sure of what transpired.

**The Hon. C.J. Sumner:** I think that decision was made before my time, too, so the honourable member might ask his colleague in the Caucus room.

**Mr S.J. BAKER:** Is it likely that that decision is going to be reconsidered at all in light of the fact of, as members would appreciate, the quick turnaround time on identifying stolen vehicles rather than having check sheets a mile long of what is the latest stolen vehicle; the capacity to intercept really depends on fast turnaround. I know that turnaround has improved quite considerably in the past few years, but it is still not up to the standards I would have expected in South Australia, given that there have been some enormous developments overseas in this sphere.

**The Hon. C.J. Sumner:** We can provide some information, and I understand that the Public Accounts Committee has asked for this on the question of the Motor Vehicles Registration Division. As I understand it, it was decided I think before we came to Government—but do not hold me to that—but it was decided that the mixing of the two—JIS and Motor Vehicles—really was not something which was viable.

The Motor Vehicles Registration Division does much more than provide information relating to justice. In fact, the information supplied from the division to justice related agencies is very small. The Justice Information System was designed so that information especially in relation to offenders could be picked up in the Police Department and be available through the whole gamut of justice related agencies to the end agency, the Correctional Services Department. The Motor Vehicles Registration Division had little to do with that. I assume that the decision was taken at a time when there was nothing integral about motor vehicles and the Justice Information System that made it sensible to develop them together. I assume that that was the reason for splitting them up. To me that seems logical, given the functions of justice related agencies and those of the Motor Vehicle Registration Division. The information needed by the police from the Motor Vehicles Registration Division, I assume, could be made available readily and switched into the Justice Information System where necessary.

**Mr S.J. BAKER:** Even if it was not part of the system development, surely there must be a linkage between the two. So, we are not working on different machines to satisfy different needs. Although there is a difference between the aim of the justice information system and the material that the Motor Vehicles Registration Division is supplying to the police, surely stolen cars would be one subject in respect of which accessibility to a single system would be an advantage. If one wanted to catch the offender, one would punch into the Justice Information System, and in the case of a stolen motor vehicle one would punch into the motor vehicles system.

**Mr Hill:** Accessing stolen vehicles is not necessarily an argument for connecting up with the Motor Vehicles Registration Division. Stolen vehicles reported to the police would be an integral part of the police involvement in the Justice Information System. Whether the stolen vehicles' file is placed on the existing computing system or the Justice Information System is a matter for decision by the Police Department, but the environment has been created by building this vendor independent package network for that decision to be made. The police will be able to switch to that file on any number of mainframe hosts.

**The ACTING CHAIRPERSON (Mr Duigan):** I remind the member for Mitcham that he should ask questions on the allocation on this line rather than on matters of policy, bearing in mind that only five minutes remains for Mr Hill to be available.

**Mr S.J. BAKER:** Surely expenditure is a matter of policy when we are discussing these lines. I understood that we were to have a Justice Information System that would trace offenders from the police through the courts. What mechanism will be used (unique identified, alpha identification, or some other) to trace offenders from the Police Department, avoiding the Courts Department, and finishing up in the Correctional Services Department?

**Mr Hill:** We have clear guidelines on policies concerning positive identification of people when they enter the system, including name and date of birth. Whether one uses a hashed up numeric code for that is immaterial.

**Mr S.J. BAKER:** I have had an interest in this area for 12 years. The system is coming to fruition now and that is good. I have a real concern that the courts have decided to be out of the system. All over the world, there are systems whereby courts information is protected as a unique unit without depreciating the total value of the system but I shall not pursue that matter. The program budget states:

The consequence of the Court Services Department no longer being involved is not known in detail.

When will we know what the Courts Department will be doing in respect of its movement into the computer age?

**The Hon. C.J. Sumner:** I do not know. The Director of the Courts Department might be asked about the analysis of the needs of his department which is progressing. The Courts Department will have to justify the expenditure to the Government and find the requisite savings within the department so that it can justify the computerisation.

**The ACTING CHAIRPERSON:** I ask the member for Mitcham to save any questions about the Courts Department until we are examining that department's allocation for computer systems and to confine his questions to program 11.

**Mr S.J. BAKER:** I am trying to obtain information on part of the implications of program 11 in terms of the Attorney's discretion and in the light of the management of the Justice Information System to the full potential. What pressure will be placed on the Courts Department to upgrade its facilities so that it can provide data that it is happy to release to the Justice Information System? Will there be a Government direction and will Government funds be made available for the upgrading of computer facilities in the Courts Department which are compatible with the Justice Information Service?

**The Hon. C.J. Sumner:** When the Courts Department came out of the Justice Information Service, it decided to examine its own needs, and it is doing that at present. It will then have to apply to the Treasurer for funds to satisfy its own computer needs. That application will be assessed in terms of the savings available. When that process is finished, a decision will be made as to the allocation to satisfy courts services computer needs. The Director of the Courts Department can provide more information on that. It will be compatible. The information that goes now from the courts to the other agencies can still be made available and fed into the Justice Information System. If the courts are computerised, it will be done electronically and, if they are not, presumably it will be done by some other means.

**Mr S.J. BAKER:** How long is it estimated that it will take to get the basic information from the Police Department and how far back will that basic information go? I ask the same question in relation to the Department of

Correctional Services and the clientele within the system: will we get information for the past 15 years on offenders and prisoners so that we have a basic amount of data in the system which can be updated and from which we can draw conclusions, and how long will it take to get to that stage?

**Mr Hill:** If the honourable member is asking how much file conversion will be undertaken in relation to the Police Department, that is a matter for it to determine and it has not been settled, because there are arguments both ways as to converting existing records and having them loaded into the data base or creating a data base as people enter the system. There are pluses and minuses both ways.

**The ACTING CHAIRPERSON (Mr Duigan):** Are you happy for Mr Hill to leave at this stage?

**The Hon. C.J. Sumner:** As long as the Committee is happy, I am happy.

**The Hon. H. ALLISON:** In the right-hand column of page 198 of the yellow book, one of the specific targets/objectives for 1985-86 for program 10 states that we will finalise the review of parole legislation. Can the Minister give any further advice on that and when he expects that to be finalised?

**The Hon. C.J. Sumner:** No, I do not know when that is likely to be finalised, but I will try to ascertain that.

**The Hon. H. ALLISON:** On the left-hand side of page 197 in the yellow book under program 9 the penultimate paragraph refers to the fact that there has been a substantial increase in lengthy hearings in the Children's Court, dealing mainly with children in need of care. It further states:

There is a need to increase the staff of this section to deal adequately with these matters.

Can the Minister give figures over the past three years as to the length of the average case and how many times cases would have to reappear before the Children's Court before they were finalised?

**The Hon. C.J. Sumner:** With respect to the honourable member, I doubt whether that information can be provided. Once there is some computerisation, it may be possible. We can provide some information as to the numbers in need of care orders. If the honourable member is trying to get us to detail a comparison between the situation three years ago and the present as to the average length of cases, etc., I would not think that that information is very readily available.

**The Hon. H. ALLISON:** Earlier in the same paragraph reference is made to an increase in the number of claims and matters being litigated in the civil section. Does the Minister have statistics as to the number and type of claim, again over the past three years?

**The Hon. C.J. Sumner:** I do not think we can provide any statistical information in that regard; it is just not possible. The records do not run to that, but I am advised by the Acting Crown Solicitor that the areas in which this has principally occurred have been in personal injury claims, workers compensation, industrial accidents and the like.

**The Hon. H. ALLISON:** In the left-hand column of page 196 in program 9, under the heading '1985-86 specific targets/objectives (significant initiatives)', it refers to the gradual review of old and defective regulations and the fortnightly publication of a list of assents and commencements of Acts, regulations and rules having begun on 1 June 1986. Can the Minister say what Acts have been consolidated during that short period and what is the program for the year?

**The Hon. C.J. Sumner:** With respect to consolidation of Acts, those that have been published already in the financial year 1986-87 are: the Adoption of Children Act, the Building Act, the Mining Act, and the Parliamentary Superannuation

Act. During this financial year it is hoped to consolidate the Acts and regulations in the Acts Interpretation Act, the Adelaide Festival Centre Act, the Administration of Probate Act, the Beverage Container Act, the Builders Licensing Act, the Evidence Act, the Land and Business Agents Act and the Local Government Act. Other Acts currently in the process of finalisation are the Planning Act, the Community Welfare Act, and the Children's Protection and Young Offenders Act and they should be published before Christmas. Some Acts were done prior to that.

The production of this publication was requested by the legal profession, because the Crown Solicitor's Office prepared, as a matter of course for its own purpose, a list of assents and commencements of Acts, etc., and the legal profession wondered whether it could be made available to them. We decided that it could be, provided that they were prepared to pay the fee to cover the cost of its production and that now proceeds. It is an informal publication and its users are warned that they cannot take any action if it is incorrect. The lawyers have to take final responsibility, but it is provided to them because it was prepared through a Crown Solicitor anyway and we acceded to their request to make it available to the legal profession and, for that matter, anyone else who paid a fee.

**The Hon. H. ALLISON:** Will the consolidation be available to members, just as the Acts are?

**The Hon. C.J. Sumner:** That is another issue. With respect to the review of old and defective regulations, the consolidation is continuing, and I will have the Deregulation Adviser also examine that. I do not know whether the consolidations are, as a matter of course, made available to members.

**The Hon. H. ALLISON:** The 1975 consolidation was supplied free of charge to all members, and that is the basic consolidation. Since then we have had the annual volumes, but no consolidation.

**The Hon. C.J. Sumner:** I am sure that we could provide them on request.

**Mr D.S. BAKER:** What are accommodation and service costs as referred to in programs 1 to 9?

**Mr Abbott:** The accommodation service costs in each of the programs reflect the accommodation cost that the department is charged by the Department of Housing and Construction and represent items such as rent, power, cleaning and general maintenance. The only exception is the Parliamentary Reporting Division which resides in this building and the payment for which is probably from parliamentary funds. The major component is the cost of the SGIC building, in which the department is mainly housed, and the cost of others which we occupy.

**Mr D.S. BAKER:** This cost has been included this year for Parliamentary Counsel but I guess that they reside elsewhere than Parliament House.

**Mr Abbott:** Accommodation costs were previously included in one program. This year, we have amended that and spread accommodation costs over each of the programs where the cost occurred.

**Mr D.S. BAKER:** Will you allocate the rest of the costs in inter-agency support service items under accommodation services? Will you allocate them to other programs? There is a budget of \$180 000 for it. That is Housing itself, I gather.

**Mr Abbott:** Yes.

**Mr S.J. BAKER:** Page 192 deals with the Classification and Publications Board. Members will know that that concerns naughty films and books. Much of the work has been done by the Commonwealth. Has there been any tightening of the ratings given by the South Australian board or has

it stayed with the classifications given by the Commonwealth?

**The Hon. C.J. Sumner:** I can only refer the honourable member to the Classification and Publications Board report which comes out annually. If he then has any questions, I shall be happy to try to answer them.

**Mr S.J. BAKER:** I asked the Minister whether he knew what was happening in his department.

**The Hon. C.J. Sumner:** I tried to answer the honourable member's question, but I am not sure what the question was.

**Mr S.J. BAKER:** The simple question was to what extent has the South Australian Classification and Publications Board changed classifications given to publications, videos and films by the Commonwealth? I do not expect the Minister to have a ready answer. Perhaps he could provide the information later.

**The Hon. C.J. Sumner:** Since the removal of X-rated videos from sale, the Commonwealth classification has generally been accepted. It should be remembered that Ministers from the States and the Commonwealth met several times to discuss X-rated videos and the classification to be given to other videos and films.

As a result of representations made by South Australia, the classification criteria were tightened, particularly with respect to violence in the R and M categories. The criteria adopted are now common virtually throughout Australia, so our board accepts the classification established by the Commonwealth film censor. It may examine complaints, but I do not know of it altering a classification with respect to videos, since legislation to abolish X-rated videos was introduced. Prior to that, our Classification and Publications Board adopted a stance which was sometimes at variance with that of the Commonwealth board—we adopted tighter criteria than the Commonwealth. The same occurred with publications. South Australia was traditionally tighter with publications than the Commonwealth although not all States—Queensland and Tasmania come to mind. I do not know the precise number of classifications of written publications in relation to which the South Australian board could have disputed the Commonwealth classification. My impression is that that happens rarely these days because the agreed criteria are virtually the same.

One video came before the board recently about which I assume some complaint was made. It was 21 minutes short of the version classified by the Commonwealth. I am advised that our board refused to classify it and referred it back to the Commonwealth for an explanation of the discrepancy. Our board raised a query about whether the Commonwealth had classified the video, but such cases are rare.

If I can provide any statistics, I will do so. Otherwise, I suggest that the honourable member peruses the report. If he wants to ask further questions, I shall be happy to try to answer them. The board is not subject to the Attorney-General's direction—it is independent.

**Mr D.S. BAKER:** The Attorney-General said that most classifications in the State are in line with those in the Commonwealth. Should not the Commonwealth do it all? We are spending money on it, albeit not a great deal. Is there a need for it any longer?

**The Hon. C.J. Sumner:** I think that there is. There are local complaints about publications and videos. The South Australian board can take a view different from that of the Commonwealth, although the criteria may be the same. Different decisions are sometimes made. Most Governments would want to retain some independent capacity in this area. The Commonwealth, through the ACT, permits X-rated videos. I assume that the South Australian Govern-

ment would wish to retain some authority in this area. I do not think that the cost is very great.

**Mr S.J. BAKER:** At page 187 of the program estimates there is a revenue item under the heading 'Residual intra-agency support services' of \$1 million. This amount appears, also, at page 6 of the 'Estimates of Receipts', under 'Other departmental fees and receipts,' so will the Minister explain where this windfall has come from?

**Mr Abbott:** The \$1 million mentioned is revenue that the department has been looking to get as a pay-back from the Legal Services Commission, which holds a substantial amount of State Government funds. In consultation with the Under Treasurer and the commission, discussions have taken place as to whether this money can be repaid to the State. Having said that, I point out that, since the budget was prepared, doubt has been cast on whether or not the Legal Services Commission Act enables money considered surplus to its immediate requirements to be repaid to the Government.

**Mr S.J. BAKER:** I presume that that money would have to go back to the Commonwealth?

**Mr Abbott:** The Legal Services Commission's administration and operating costs are funded jointly by the Commonwealth Government and the State Government at a ratio of 74 per cent to 26 per cent respectively. Those surplus funds represent the State Government's portion of the cake.

**The Hon. C.J. Sumner:** There is some doubt as to whether or not we can get that money back.

**Mr S.J. BAKER:** At page 196 of the program papers there is a suggestion that there will be an index of all regulations available in-house. This is probably an appropriate time to ask the Attorney-General what has happened to the CLIRS system as I have not been able to find mention of it in the detailed descriptions supplied. For a number of years members of Parliament have been promised a facility to access Acts and amendments to Acts through a computerised system. A system has been developed which allows one to consolidate Acts as amended so that members of Parliament can access the latest information available rather than pawing through all the amendments to a particular Act since 1975. Will the Attorney-General comment on how far along this track we are, or is it in the 'too hard' basket once again?

**The Hon. C.J. Sumner:** No; it is not in the 'too hard' basket with respect to those people able to pay for it. I do not recall any promise being made to honourable members that they would be able to access South Australian Statutes through the CLIRS system. An agreement between the South Australian Government and CLIRS was signed on 26 August and will enable CLIRS to access South Australian Statutes and case law to put them on its system. It will then be possible for those people who wish to use the CLIRS service to access the CLIRS data base, which will include material from around Australia excluding Queensland, possibly, because it has decided to do its own thing and has reached an agreement with another company to place its material on a database run by that other company.

CLIRS and the other company will have to do a deal to make Queensland information available to the CLIRS system and for the CLIRS system to make available to Queensland the information on its system. New South Wales, Victoria, South Australia and Tasmania have all entered into agreements with CLIRS and Western Australia is working towards such an agreement. This will mean that a legal practitioner or any user of the system—and it could be Parliament House—will be able to access information from the CLIRS database, which will be basically, as the infor-

mation is put on to the base, the South Australian Statutes and case law, and whatever else may be needed.

We have entered into an agreement to make that information available to CLIRS. At some point in time royalties may be payable to the South Australian Government by CLIRS. If the courts, Crown Solicitor's Office or the department wish to become a user we will have to pay to access information. There are no funds available at present to do that. That matter will have to be examined in the context of the next budget.

**Mr S.J. BAKER:** I presume that if that is the only option available then we cannot do an in-house system using the Government Printing Division with some fairly smart software, and that we are at least two or three years away from consolidated Acts becoming a viable possibility.

**The Hon. C.J. Sumner:** Acts consolidated in what form?

**Mr S.J. BAKER:** Available to members whenever they are looking at a new piece of legislation rather than their looking for all the amendments that have taken place since the last consolidation.

**The Hon. C.J. Sumner:** I have just explained that there is a process of consolidation going on and that the Acts I have just mentioned are being proceeded with CLIRS will not affect that in any way: it was not designed to affect that.

**Mr S.J. BAKER:** One of the facilities available under the CLIRS system does exactly what I have suggested and should have been made available to parliamentarians in this State, possibly 10 years ago. Computer processes are now very simple indeed. I went to a seminar where they talked about the Commonwealth system, where they are actually using numerical identifiers and where people are able to access information from *Hansard* up to five or ten years old, using word recognition. The process is a simple one from which one can transcribe information very readily. South Australia seems to be a long way behind the times in relation to this matter.

**The Hon. C.J. Sumner:** That is arrant nonsense. I do not know what the honourable member is talking about. He might like to discuss this matter with the Western Australian people, who have decided not to go on to CLIRS at this stage because their Statutes are in a situation where that is not possible. A complete consolidation was done in South Australia as recently as 1975.

**Mr S.J. BAKER:** Eleven years ago.

**The Hon. C.J. Sumner:** The honourable member says 'Eleven years ago'—the previous consolidation was done in the 1930s. To suggest that we are behind in this area is just ridiculous and, in any event, I am not quite sure how he is relating CLIRS to what he is saying. CLIRS may consolidate some Statutes, but the honourable member would only have access to it by the use of a personal computer. Is the honourable member suggesting that every time he wants to look at an Act he will go to his computer terminal, push a button and print out the whole of the Act. If that is his idea, the honourable member can pay for it, because I can assure him that the Government will not do so.

**Mr S.J. BAKER:** I do not have a rejoinder to that. I will take up the matter, as a perennial, next year, and I will actually bring along some documentation that may assist the Attorney. This matter has been of concern to me since I joined the Parliament. Earlier, the Attorney answered some questions about the Law Reform Committee. For some time now suggestions have come from various quarters that the Law Reform Committee is no longer a relevant body. I have not said that; it is just that some suggestions have been made. Does the Attorney intend at any stage

during this coming financial year to disband the Law Reform Committee?

**The Hon. C.J. Sumner:** I have already answered that question.

**The CHAIRPERSON:** I recall the Minister's answering that question earlier today.

**Mr S.J. BAKER:** The answer was fairly equivocal.

**The CHAIRPERSON:** I thought the answer was perfectly clear. The member might like to look at the *Hansard* record of this morning's proceedings.

**Mr S.J. BAKER:** I remember the answer that was given earlier; I was looking for a clearer statement from the Attorney on that.

**The Hon. C.J. Sumner:** I will not take up the time of the Committee. I can now provide information to the Committee in response to questions asked earlier. In respect of the review of the parole legislation, it is anticipated that that should be available by the end of the year. With respect to the question asked about the Legal Practitioners Complaints Committee, I can provide some statistical information, in tabular form, which the Committee can incorporate in *Hansard* or it can be tabled. Supplementary to that statistical information, I provide further information as follows. There were 14 complaint committee meetings held during 1985-86, with an average of 5.1 new matters and 10.5 previously listed matters were attended to at each meeting. I have just tabled the statistics. The complaints committee has again been able to investigate and conciliate many more matters. Both Mr McNamara and the Legal Officer working for the complaints committee spent most of their time in this area. It is only those that are not capable of conciliation or resolution by a finding of no *prima facie* evidence of unprofessional conduct that find their way to the Legal Complaints Committee.

The committee laid seven charges before the Legal Practitioners Disciplinary Tribunal during the course of 1985-86. Two findings of unprofessional conduct were made, three charges were dismissed and two were withdrawn. The trust account inspector undertook 112 inspections and 40 follow-ups. During the year four major irregularities were reported and some trust account matters were referred to the complaints committee. The inspection schedule included country trips to the Riverland, Whyalla, Mount Gambier, Naracoorte, Clare and Port Pirie.

With respect to the question relating to my overseas visits, I provide the following information. I have undertaken two official overseas trips in the past 12 months. On the first of these two trips, I attended, as part of an Australian delegation, the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which was held in Milan, Italy, from 26 August to 7 September 1985. The congresses are held every five years, the sixth congress having been held in Caracas in 1980. The agenda item of interest to me at the seventh congress was 'Victims of Crime'. In addition, I took part in the Fifth International Symposium on Victimology, held under the auspices of the World Society of Victimology, which was held in Zagreb, Yugoslavia, on 18 to 23 August 1985, that is, just prior to the Milan congress.

I was accompanied by the Director, Office of Crime Statistics, Attorney-General's Department, Dr Adam Sutton, and my Ministerial Assistant at the time, Mr Michael Duigan. Perhaps I should add that, whilst in Italy, I also took the opportunity of following up matters discussed with the Italian authorities in 1983, in particular the teacher exchange scheme. Dr Sutton did not return to Australia at the conclusion of the United Nations Congress. He spent

an additional week visiting three Government Criminology Units in England, Scotland and the Netherlands.

The total cost to the Government of sending the delegation was \$29 032, made up as follows:

Hon. C.J. Sumner and Mr Michael Duigan	
Airfares .....	\$9 977
Accommodation, meals and other incidentals .....	\$10 243
<b>TOTAL .....</b>	<b>\$20 230</b>
Dr Adm Sutton	
Airfares .....	\$4 988
Accommodation, meals and other incidentals .....	\$3 814
<b>TOTAL .....</b>	<b>\$8 802</b>

The second of my overseas trips was to Italy and Yugoslavia. This tour spanned 16 days departing from Adelaide on Sunday the 11 May 1986. From 12 to 19 May 1986 I was in Siracusa, Italy, where I was invited to attend a meeting of experts convened by the International Institute of Higher Studies in Criminal Sciences on the implementation of the United Nations 'Declaration of the Basic Principles of Justice for Victims of Crime and an Abuse of Power'. The declaration had been submitted to the General Assembly by the Seventh United Nations Congress on Crime Prevention in 1985. The institute covered my residential expenses (hotel and meals) but not my travel expenses. These were met from my parliamentary travel allowance and a full report of the parliamentary part of the overseas tour has been prepared and has been lodged with the Parliamentary Library.

From 20 to 24 May 1986 I was in Dubrovnik, Yugoslavia, where I attended a workshop on Victims Rights being conducted by the World Society of Victimology. My attendance at the workshop necessitated the preparation and delivery of a paper, a copy of which is attached to my report to be lodged with the Parliamentary Library. I was not accompanied by any Government (or ministerial) officers on this trip. The total cost to the Government for this trip was \$913.25. As already mentioned, my travel expenses for the trip were met from my parliamentary travel allowance, which, of course, all honourable members know is available to all honourable members of the Parliament, including the member for Mitcham who raised the question.

Perhaps I should point out to the Committee once again that the cost of my overseas visits compare more than favourably with the cost of overseas visits by members of the former Liberal Government; for instance, the cost of the overseas ministerial visit by the former Minister of Ethnic Affairs, the Hon. C.M. Hill, in 1982 was approximately \$30 000. That was four years ago. The Hon. Mr Hill. I might add for the information of the honourable member who has asked, was accompanied for the duration of the 35-day visit by his wife; by the Director of the Department of the Arts for 10 days, and by the Chairman of the Ethnic Affairs Commission for 16 days.

Further by way of comparison, the 35-day overseas visit by the former Attorney-General, the Hon. Trevor Griffin, also in 1982, cost approximate \$43 000. I do not know what that would be in current figures, but it was \$43 000. He was accompanied by three people: his wife, a press officer and an officer from the Premier's Department.

I may also add that, should the honourable member make the request, I am quite happy to make available officers of my department to go through the Parliamentary Library and assess the overseas visits which have been made by members of Parliament, including members on the honourable member's side of politics, and assess those trips, including the cost to the Parliament. Should the honourable member wish me to obtain that information, I am perfectly

happy to have that provided from the Parliamentary Library or the sources—

**The CHAIRPERSON:** Order!

**The Hon. C.J. Sumner:**—should the honourable member ask the question.

**The CHAIRPERSON:** Order!

**The Hon. C.J. Sumner:** Should the honourable member—

**The CHAIRPERSON:** I call the Minister to order.

**The Hon. C.J. Sumner:** I am answering the question.

**The CHAIRPERSON:** You certainly are, but I think that would be straying from a consideration of the Attorney-General's budget lines.

**The Hon. C.J. Sumner:** With respect, Madam Chair, I also wish to add—

**The CHAIRPERSON:** Order!

**The Hon. C.J. Sumner:**—that the proposal for members of Parliament to go overseas, the \$4 000 they get each year, was something introduced by the Tonkin Government.

**The CHAIRPERSON:** Order! There being no further questions, I shall declare the examination completed.

**Mr S.J. BAKER:** I will ask another question.

**The CHAIRPERSON:** Order! The opportunity for questions passed some time ago.

**The Hon. C.J. Sumner:** I am happy—

**The CHAIRPERSON:** I beg your pardon: I am chairing this committee, not the Minister. There being no further questions, I declare the examination of the vote concluded.

**Mr S.J. BAKER:** The previous question I asked—

**The CHAIRPERSON:** Order! The member for Mitcham—

**Mr S.J. BAKER:** There is a question on notice outstanding which the Attorney-General has not answered. The question was repeated and he has now given the answer, and I am quite happy, but perhaps the Attorney-General would respond a little more rapidly in future and answer the question on notice which was the exact question asked of him.

**The Hon. C.J. Sumner:** The next proposed expenditure—

**The CHAIRPERSON:** I would appreciate some cooperation from the Attorney-General.

Works and Services—Attorney-General's Department,  
\$6 663 000—Examination declared completed.

Attorney-General, Miscellaneous, \$894 000

**Chairman:**

Ms D.L. Gayler

**Members:**

The Hon. H. Allison

Mr D.S. Baker

Mr S.J. Baker

Mr M.G. Duigan

Mr T.R. Groom

Ms S.M. Lenehan

**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.L. Kelly, Acting Crown Solicitor.

Mr M. N. Abbott, Chief Administrative Officer.



**The CHAIRPERSON:** I declare the vote open for examination. I call upon the member for Mawson.

**Ms LENEHAN:** I would seek the guidance of the Attorney-General before asking my first question, because I can find nowhere in the yellow estimates book a section which relates to that whole question of Miscellaneous, particularly community legal centres, and I wondered whether the Attorney-General or either of his advisers could direct me to the correct page in the yellow book. There was a dotted line around Legal Services Commission with an explanation that a full program is not provided.

Am I correct in assuming, therefore, that this Miscellaneous section was to be included in that section and that, therefore, there is no explanation in the yellow booklet? I think that other members of the Committee may have had the same problem as I had, Madam Chair. Is my interpretation correct?

**Mr Abbott:** That is correct. The Miscellaneous lines do not appear as detailed programs within the yellow book, and those items listed there have not appeared in previous program estimates.

**Ms LENEHAN:** Thank you. May I proceed with my questions?

**The CHAIRPERSON:** You may.

**Ms LENEHAN:** Last year the community legal centres were voted \$100 000 and \$100 000 was actually paid. This year there is a vote of \$104 000. My question relates to the fact that, as I understand it, there are four centres funded from that particular vote. However, a fifth centre has come into operation, the Marion Community Legal Centre. I understand that that was funded by Federal money initially and there was no State money allocated.

With respect to the \$104 000, is that a very small increase to allow for inflation and will it be targeted to the four existing legal centres (of which I have one in my area, the Noarlunga Community Legal Centre) or is that money now proposed to be divided between the five centres?

**The Hon. C.J. Sumner:** That was the total allocation for community legal centres with an allowance for inflation. It will be a matter for the Legal Services Commission to determine the allocation of that lump sum.

**Ms LENEHAN:** But my question is—is it for the four existing legal centres or does it now include the fifth, the Marion Community Legal Centre?

**The Hon. C.J. Sumner:** That is a matter for the Legal Services Commission to work out. It is responsible for the allocation of funds.

**Ms LENEHAN:** To get an answer to my question should I write to the Legal Services Commission? I would have thought that this information should be available through this Committee.

**The Hon. C.J. Sumner:** It is. That is the total amount which is available, and the responsibility as to how it is allocated has been given to the Legal Services Commission, and those people who wish to lay claim to those funds will have to make their applications to the Legal Services Commission.

**Mr DUGAN:** Can the Minister advise whether there has been any change in policy on the part of the Federal Government which would affect the availability of legal aid in South Australia?

**The Hon. C.J. Sumner:** There are no changes of which I am aware at this stage.

**Ms LENEHAN:** With respect to the allocation for the Norwood Mediation Service—last year \$30 000 and this year \$42 000—I have in the past made representation to the Minister regarding the establishment of a similar mediation service for the southern areas of Adelaide and have

suggested to the Minister that, in fact, an appropriate place for that service to be conducted would be through the Noarlunga Community Legal Service facility, which exists in the southern area.

Has the Government any proposals to examine the further opening of mediation services, given the undoubted success of the Norwood mediation service and the fact that such services can save the State enormous sums in respect of litigation?

**The Hon. C.J. Sumner:** I am not sure that the honourable member's latter assumption is correct. Time may be saved because it is not necessary to go to court. The cost benefit analysis of community mediation is not absolutely clear cut. The State Cabinet established a committee to examine community disputes. That committee comprised representatives of the Legal Services Commission, the Attorney-General's Department, the Courts Services Department, the Community Welfare Department, the Local Government Department and community legal centres. It included the Coordinator of the Community Mediation Service and representatives of the Law Society. The committee's report can be made available to the honourable member.

The committee came to certain conclusions, namely, that mediation could in some circumstances be useful, and it recommended the funding of a pilot mediation service. However, that was not possible in the current budgetary context, so the Government decided to continue funding the Norwood mediation service for a further 12 months. I suppose that the Government will have to consider what further can be done with this report during the current financial year. There are financial problems and all that we can do is to continue to fund the Norwood mediation service, which is used by people throughout the metropolitan area, and to continue to assess its worth.

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

**The Hon. C.J. Sumner:** Before introducing the officers of the Court Services Department, I wish to table a schedule showing the number of provisional (17-year-old) electors on the State electoral roll as at 11 September 1986; a schedule showing the number of electors on the State roll with suppressed addresses as at 11 September 1986; and a schedule showing the number of electors on the State roll by electorates as at 11 September 1986, with calculation of the percentage of deviation from the quota. As I indicated previously, the major difficulties appear to be in Elizabeth where the number is 17 per cent under and in Fisher where the number is 17 per cent over. The other districts do not seem to present a major problem. I also indicate that the Electoral Commission's estimate of savings to the Electoral Department, if Assembly members were to process their own electorate information by having online access to electorate rolls would be as follows: adhesive labels \$1 000; printing of roll changes \$150; postage \$440; and labour \$1 200, making a total of \$2 790.

Court Services, \$24 219 000

**Chairperson:**  
Ms D.L. Gayler

**Members:**  
The Hon. H. Allison  
Mr D.S. Baker

Mr S.J. Baker  
Mr M.G. Duigan  
Mr T.R. Groom  
Ms S.M. Lenehan

**Witness:**

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

**Departmental Advisers:**

Mr G. Byron, Director, Court Services Department.  
Mr J.H. Witham, Manager, Support Services Division.  
Mr G.A. Lemmey, Senior Finance Officer.

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

**Mr S.J. BAKER:** My first question relates to those lines that show an excess of expenditure over the sum budgeted, and I especially refer to page 72 of the Estimates of Payments. Under Program 1, there is an overrun of \$120 000 on administration expenses, minor equipment and sundries and an overrun of about \$200 000 on accommodation and service costs. There are also overruns in other lines in the program. What led to these cost escalations above and beyond the sums voted?

**Mr Lemmey:** The problem that we have, as a department, is that most of our officers work in at least two jurisdictions and in most cases more than two so, when there is a change in the mix as regards the workloads in the civil and criminal areas, the allocation of costs automatically changes. That occurred in 1985-86. We did not expect it to happen when we framed the budget, and that accounts for some variations in salaries and wages.

Concerning administration expenses, accommodation and service costs, one example concerns the movement in accommodation costs. The rental for the Sir Samuel Way building is over \$3 million, and we split that sum according to the use of the floor space. We decided to change the allocations during the year because we believed that past practice was incorrect. So, we changed the allocations and the payment figures are different. When considering \$3 million, the mix does not have to change too much to produce a big change in costs.

Concerning the line for administration expenses, the Treasury allows a 5 per cent inflation factor, whereas the inflation rate was over 10 per cent on most items. Once again, when dealing with such big figures, little variation is required to exceed the budget.

**Mr S.J. BAKER:** I cannot reconcile my addition with the explanation just given because, if one adds up the civil and the criminal jurisdictions, one finds that the totality of the votes has been exceeded quite considerably. It is not simply a division between the two jurisdictions on the basis that the original dissection was incorrect. Given that some of the amounts are considerable, is there some other explanation as to why there were cost overruns?

**The Hon. C.J. Sumner:** Broadly, it is for these reasons: increase in payments to jurors and witnesses, \$34 000; increase in payments to bailiffs, \$66 000; new departmental name, \$6 000; mechanical reporting contractors, \$62 000; new general ledger system operating costs, \$44 000; civilian compensation payouts, \$65 000; Supreme Court library funding including tatlletape security system, \$35 000; computer aided transcription equipment, \$6 000; purchase of equipment, Glass typewriters, computer equipment, ergonomic furniture, \$110 000; circuit expenses, additional criminal court, \$17 000; accommodation costs, \$32 000; total \$477 000. As a result of the national wage case, there were

also salary increases of \$314 000 and that is budgeted for in any event under the round sum allowance. Also, there were excess superannuation payments on special Acts, \$27 000; additional District Criminal Court, two additional Magistrates Courts and an increase in sitting times in the Magistrates Courts as a result of greater supervision of listings, \$155 000; and other, \$24 000. There was some compensation in savings, so those figures do not precisely add up to the figure of about \$800 000 which appears at page 75.

**Mr S.J. BAKER:** There were cost overruns in budget areas and perhaps there should not have been. There may well have been some mitigating circumstances.

**The Hon. C.J. Sumner:** If you want to identify them, we will try to provide an explanation. To some extent, in this department we are governed by factors beyond our control because of witness fees and bailiff fees. If we can get an extra court operating to assist in our lists, then we do it, even though there may be some added cost.

**Mr S.J. BAKER:** What are the current waiting times for trials in all jurisdictions, and how have they altered over the past 12 months?

**The Hon. C.J. Sumner:** We have a schedule which makes various comparisons. There is also a document which I seek leave to have inserted in *Hansard*.

Leave granted.

**COURT DELAYS**

**SUPREME COURT**

*(a) Criminal*

There were 50 trials awaiting disposal at the end of August, 1986. This compares with 36 at the same time last year and 75 in 1984. 12 Appeals were awaiting a hearing. A higher number of disposals was achieved in the 12 months just past, being 187 trials compared with 167 in 1985 and 94 in 1984.

The waiting time is 2-3 months, this being regarded as normal processing time.

*(b) Civil*

Cases awaiting trial have decreased from 1081 last year to 883 this year, a decrease of 18 per cent. The average monthly disposal has increased to 101 over the past 12 months compared with 85.7 last year and 75.4 in 1984.

The waiting time is 8.7 months which is an improvement of about 25 per cent.

Trends in the Supreme Court are satisfactory.

**DISTRICT COURT**

*(a) Criminal*

Waiting time in the District Criminal Court was 20 weeks at the end of August, 1986 compared with 16 weeks at August of 1985. This position, while not ideal, is not a cause for great concern, as notwithstanding the difficulties in the Court the waiting time in the criminal jurisdiction, has been held to this level.

*(b) Civil*

Waiting time in the civil jurisdiction has blown out from 32 weeks last year to 60 weeks at the end of August, 1986. There are a number of reasons for this.

The first is the increase in jurisdiction (from 1.8.85), from an upper limit of \$40 000 to \$100 000 and from \$100 000 to \$150 000 for damages arising out of motor vehicle accidents. I indicated last year that it was then too early to assess the impact of the increase. It is now clear that benefits have been felt in the Supreme Court, however the work of the District Court has increased by 36 per cent, the increase in jurisdiction being the main contributing factor.

Second, attempts are being made to encourage the taking of sabbatical leave on a basis which will minimise the impact upon the work of the Court. Nevertheless entitlements are such that two Judges will proceed upon this leave for each of the next two years.

*(c) Remedial Action*

Arrangements have been made to address the difficulties in the District Court.

Temporary judicial assistance equivalent to one additional Judge for a period of 16 months will be provided as from February 1987 until November 1987.

A pre-trial conference system is to commence shortly in the District Court. The system is based upon procedures adopted successfully in Victoria and Western Australia where reasonably high levels of settlement have been achieved. Not only will savings be made by litigants, and in particular by the SGIC, but

more effective use of judicial time will be achieved by the introduction of more efficient listings which will accompany the system. The pre-trial conference system should make a significant impact in reducing delays in the civil lists.

Flexibility exists for the Supreme Court to provide assistance in resolving the problem of backlogs in the District Court. I am to have discussions with the Honourable the Chief Justice in the near future, concerning this matter.

Finally, work is proceeding towards the drafting of a new District Court Act to provide for a separate District Court. Many procedures will be refined and replaced so as to provide for greater efficiency.

(d) *Criminal Injuries*

Criminal Injuries Compensation applications increased to 434 during the last financial year, compared to 321 for 1984-85. From 1.10.86 all such applications will be dealt with by the District Court alone, thus some additional work is expected.

(e) *Conclusion*

The emphasis being given is towards the introduction of greater efficiency in the use of judicial and other resources, as opposed to continuing to increase the level of resources. The State just cannot afford to meet the spiralling costs and must look to better ways of getting the job done.

LICENSING COURT

Temporary judicial assistance has been rendered to the Licensing Court (8.9.86 to 31.10.86) to assist in overtaking some delays which have emerged.

*Appeal tribunals*

(a) *Total lodgments—*

1982 calendar year	1 128
1983 calendar year	1 621
1984 calendar year	2 114
1985 calendar year	1 828
1986 (to 31 August 1986)	1 176

Lodgments are running just slightly ahead of the rate for last year.

(b) *Waiting Times*

(i) Country Appeals—206 days from lodgment to last day of substantive hearing.

(ii) Third Party Appeals—127 days from lodgment to last day of substantive hearing.

(iii) Applicant Appeals—194 days from lodgment to last day of substantive hearing.

These figures are not satisfactory and have occurred largely as a result of the problems in the District Court, which in turn have had an adverse impact on the availability of Judges to sit in the Planning Jurisdiction. Amendments to the Planning Legislation which took effect from 18.9.86 enable commissioners to sit alone in dealing with the work. This, together with the introduction of internal efficiencies, will bring the waiting time back to normal in due course.

*Magistrates courts*

(1) *Adelaide Local Court*

Waiting time has been reduced from 32 weeks to 24 weeks while Small Claims waiting time remains constant at 8 weeks. This continued improvement is most satisfactory.

(2) *Adelaide Magistrates Court*

Some increases in waiting time have occurred, i.e. 7 weeks to 11-14 weeks for 1 day trials and 19 weeks to 23-24 weeks for 2 day trials. This situation is not satisfactory and the best use of resources is being made by the chief Magistrate to contain delays. The situation has shown signs of improvement over the past month.

Improvements have occurred in a number of centres, e.g. Holden Hill, 18 weeks in August 1985 to 6-10 weeks in August 1986; Millicent, 8 weeks in August 1985 to 2-4 weeks in August 1986 (civil); Mount Barker, 20 weeks (summary and civil) in 1985 to 10 weeks (civil) and 8 weeks (summary) in 1986; Port Adelaide, 29 weeks (civil and summary) in 1985 to 9 weeks (civil) and 7-8 weeks (summary) in 1986; Port Lincoln, 23 weeks (civil and summary) in 1985 to 14 weeks (civil and summary) in 1986; Tanunda, 18 weeks (civil and summary) in 1985 to 9 weeks (civil and summary) in 1986, and Whyalla, 12 weeks (civil and summary) in 1985 to 8 weeks (civil and summary) in 1986.

However, some centres experienced difficulties with the result that some delays are occurring, e.g. Ceduna, 4 weeks (civil and summary) in 1985 to 8 weeks (civil and summary) in 1986; Glenelg, 3 weeks in 1985 to 8-12 weeks in 1986 (mainly due to temporary absence of the Magistrate); Kadina, 13 weeks (civil and summary) in 1985 to 20 weeks (civil and summary) in 1986; Mount Gambier, 6 weeks (civil and summary) to 16 weeks (civil and summary) in 1986; Naracoorte 12 weeks (civil and summary) in 1985 to 20 weeks (civil and summary) in 1986.

Overall a better position has been achieved this year than last. Much of the credit for this must go to the Chief Magistrate and his Supervisors, and of course the other Magistrates concerned. Ongoing attempts are being made to address the balance of the problems by making the best use of available resources.

It should be noted that plans are in hand to review the whole of the operations of the Magistrates Courts and I would expect that new and better legislation and procedures will result, in due course.

*Adelaide Children's Court*

Waiting time has increased from 6 weeks to 18 weeks because of the sickness of the Senior Judge of the Children's Court and a lack of resources to provide a replacement. Attempts are being made to overcome the situation and I expect to receive a report shortly on the operations and resource requirements of this Court.

WAITING PERIODS

The waiting period for trials expressed in weeks as at the end of August 1986 with last months figures in brackets are listed hereunder. Figures shown relate to E.S.D.A. Those figures followed by the letter M are 'mean' figures.'

1. MAGISTRATES COURTS

	CIVIL	SUMMARY
Adelaide Local Court—Limited	24 (24)	
—Small Claims	8 (8)	
Adelaide Magistrates' Court—1 day trials		11-14M (12-14M)
2 days +		23-24M (23-24M)
Berri	11* (4)	13 (13)
Ceduna	8 (8)	8 (8)
Christies Beach	13-14M (14-15M)	14 (14)
Glenelg		8-12* (7)
Holden Hill		6-10M (5-11M)
Kadina	20* (25)	20* (25)
Millicent	2-4 (7)	8-10 (15)
Mt. Barker	10 (13)	8* (12)
Mt. Gambier	16 (16)	16 (16)
Murray Bridge	10 (10)	15 (13)
Naracoorte	20 (17)	20 (17)
Para Districts	19 (17)	19 (17)
Port Adelaide	9 (10)	7-8M (6-8M)
Port Augusta	8 (6)	8 (6)
Port Lincoln	14* (23)	14* (23)
Port Pirie	10 (10)	10 (10)
Tanunda	9 (11)	9 (11)
Whyalla	8 (9)	8 (9)

2. CHILDREN'S COURTS

Adelaide	18* (13)
Para Districts	11 (11)
Port Adelaide	7 (8)

3. DISTRICT COURT

Criminal	20* (24)
Civil	60* (56)

\*See attached for variations.

REASONS FOR VARIATIONS	
Glennelg	— The Magistrate from Glennelg heard a committal at Port Augusta recently and the effect is now being felt.
Kadina	— The reduction is due to a special week which has been set aside in December to hear trials only.
Mouat Barker	— A further Magistrate has been allocated for the months of October and November to hear matters.
Port Lincoln	— A special week has been added in December to hear trials only.
Adelaide Children's Court	— Judge Newman was on sick leave and annual leave which has had the effect of lengthening the waiting period.
District Court	— The Criminal list is subject to small variations because of problems affecting the Crown witnesses etc. The Civil list has seen an increase of business last month.
Berri	— The Civil list is serviced quarterly by a Magistrate for a week. The next circuit is in November. As a result the waiting periods will fluctuate between 4-12 weeks, depending on the Magistrate's last visit.

**Mr S.J. BAKER:** The Minister will have a wealth of information about computer aided transcription. Can we have some information about how the pilot program is going and how much will be saved this year as a result of the innovation?

**Mr Witham:** The pilot scheme commenced on 3 July. There was a three week intensive training program when there was no productivity from the CAT reporters. During the next two weeks, they worked to about 50 per cent of their normal output. During the following two weeks they achieved nearly normal output and, from then, they have gradually increased productivity to the extent that they are now producing between 60 per cent and 70 per cent per day more than previously. The scheme has also had the desired effect of reducing keyboard activity by about 60 per cent, so most reporters in the scheme find it easier.

**Mr DUIGAN:** I note that the Minister is here with a department which has a new name, a new director and a new organisation chart. Is the difference in the organisational structure compared with last year due to reorganisation? How does the change affect its efficiency. There is now increased responsibility in the Sheriff's Office to cover court orderly services and criminal court services. There are also increased items under support services, including computers, personnel management, operation reviews, projects and research. Do I take it that those extra items are the result of a reorganisation?

**Mr Byron:** The department is even now undergoing a reorganisation. The idea is to make it better reflect the jurisdiction of the courts it serves and to rationalise some of the services in the department to make it more economic, efficient and, we hope, effective. It is also designed to cope with the additional work which computerisation, in particular, will bring us. Our feasibility study has thrown out a whole host of tasks which must be undertaken, so we have to gear up to meet the demands that will be placed on us.

**Mr DUIGAN:** Is the placement of court orderly services under the Sheriff a result of their being allocated to the Courts Services Department, whereas they were previously under the jurisdiction of the police?

**Mr Byron:** The police did provide the court orderly service, as is done in most States. The Government has introduced a system in which civilian court orderlies attend to the courts. That scheme is gradually being expanded as funds and staff become available. It is under the control of the Sheriff to give it a central management focus.

**Mr DUIGAN:** I note in the agency overview on page 202 of the program performance papers, and again on page 217, mention of the generally inadequate and poor condition of court buildings and the need for considerable resources for a capital works strategic program. Some \$1.839 million has been allocated for 1986-87 to that end. How does that fit

into the longer term program for the redevelopment, improvement and renovation of courts managed by the Court Services Department?

**Mr Byron:** Earlier this year the department sought the assistance of the Department of Housing and Construction to develop a strategic plan to build courts throughout South Australia. Most court buildings are inadequate, do not provide much security and are in poor condition. There are, of course, some exceptions. The department considered that, with the expert assistance of the officers of the Department of Housing and Construction, it would develop a strategic plan to establish proper standards for court buildings and present a comprehensive program to the Government to redress a fairly well entrenched problem.

**The Hon. C.J. Sumner:** When we came into Government, there was not a comprehensive plan for a capital program in the Court Services Department. Substantial resources have been allocated to the Sir Samuel Way building. That was useful and important and enabled us to consolidate the district court in that building. It meant that we could shift people from their disparate accommodation in the Grenfell Centre, Sturt Street and a whole host of other areas, which was an inefficient way in which to run the courts.

There is no doubt, however, that court accommodation in Elizabeth, Port Adelaide and Holden Hill is inadequate. Holden Hill will go ahead as soon as money can be found for it. We hope that we can develop a comprehensive program for capital works. Which can be activated as funds become available. This is the first time that there has been such a comprehensive plan. I felt that that was needed, having done an inspection of court facilities shortly after taking up my present position.

**Mr D.S. BAKER:** On program 5, I notice that, whereas \$18 000 was budgeted in 1971 for the prevention of discrimination on grounds of sex or marital status, it is proposed that \$6 000 should be allocated next year. Do I gather that the problem has been cured? Where should it have gone?

**The CHAIRPERSON:** Could the Minister give us an explanation, please.

**The Hon. C.J. Sumner:** The variation in program expenditure of \$65 000 results from an incorrect allocation of salaries in 1985-86. This adjustment is now reflected in the program for administration of justice in the criminal jurisdiction for 1986-87.

**Ms LENEHAN:** Mr first question relates to page 72, program 2, and page 209 of the program estimates under 'Issues and trends', where it states that in local courts an acceptable delay period is still to be reached. However, the situation in the Adelaide Local Court has significantly improved as delays have been reduced by one-third. Can the Minister tell the Committee what is the average delay period generally throughout local courts in South Australia and, specifically, can he tell me what is the delay period for the Christies Beach court?

**The Hon. C.J. Sumner:** The document which I have just tabled, and which the Committee agreed should be incorporated in *Hansard*, contains that information.

**Ms LENEHAN:** I am asking about local courts specifically.

**The Hon. C.J. Sumner:** At Christies Beach the delay is 13 to 14 weeks in civil matters and 14 weeks in summary matters.

**Ms LENEHAN:** I asked the next question some years ago on this Committee and there was a remarkable improvement following the allocation of resources to reduce the waiting time. I am reminded of the adage that justice delayed is justice denied. Will the Minister tell the Committee

whether he thinks that that period of 14 weeks is an appropriate one, or is that causing concern to the Courts Department—the fact that people have to wait for 14 weeks before they can appear?

**The Hon. C.J. Sumner:** Everything is relative, but I would not consider, in present circumstances, a delay of 14 weeks to be unreasonable, particularly in civil cases. It is desirable that criminal cases be done more quickly than 14 weeks. Anything under three months is a little bit difficult to cope with, particularly in the higher courts. If one takes personal injury claims and those sorts of things one finds that doctors are not available, or lawyers are not available. One must have a reasonable time. For summary matters, obviously, one can deal with things on a quicker basis. Given the problems with court lists indicated in the document that I have tabled, I think that the honourable member should be reasonably satisfied with a waiting time of 14 weeks at Christies Beach.

**Ms LENEHAN:** The program description on page 212 talks about issues and trends and states that the number of complaints heard has remained constant. Will the Minister say what is the number of complaints made regarding the prevention of discrimination on the grounds of sex, marital status or disability? I presume that this is the number of cases heard by the tribunal. Can the Minister tell me the number of complaints, and what is the latest statistical period covered for those complaints? I note further on in the explanation that it says that it is anticipated that there will be an increase following the implementation of the legislation from 1 March this year. Can the Minister say what was the previous complaints level?

**The Hon. C.J. Sumner:** I do not have that information at the moment, but it can be supplied for the honourable member.

**The Hon. H. ALLISON:** Program 8 at page 215 states an intention in relation to 1986-87 specific targets to request the Department of Housing and Construction to investigate the working environment in the city mortuary and to address perceived occupation health issues and problems. Will the Minister say what is the nature of the complaints received from the staff there?

**Mr Byron:** There have been a couple of problems in the mortuary. Some rather unpleasant odours which have been permeating through the air conditioning comprise one problem. The other problem is that the equipment which has been used in the mortuary for many years is inadequate and we have been endeavouring to replace it to create a safer and better environment.

**The Hon. H. ALLISON:** In program 1 at page 208 of the program estimates the Minister has a 1986-87 target which includes a review of the operations and staffing of the Children's Court and the introduction of a self-enforcing infringement notice scheme. Will the Minister enlighten the Committee on those two points?

**Mr Byron:** The self-enforcing infringement notice scheme is simply a modification of the traffic infringement scheme. It does not really change the system, but provides for a person to elect to go to court, if they wish. It is a refinement that has been introduced by the New South Wales and Victorian Governments in recent years. At this stage we are simply going to look at it. If it is acceptable to the Government it will be introduced, but at the moment the department is simply to look at it in the next 12 months and make recommendations to the Government on its findings.

**Ms LENEHAN:** There has been discussion in the Lower House about the closure of the Glenelg court. I am aware that my colleague the member for Hayward is concerned about this proposal, as is the member for Morphett. There

is also a degree of concern in the community about the proposal. Will the Minister outline to the Committee the reasons why it is proposed to close the Glenelg court?

**The Hon. C.J. Sumner:** The decision to close the courthouse at Glenelg was made following consultations with police and after close examination and consideration of court requirements. It is proposed to close the Glenelg court of summary jurisdiction at some time in the future. Arrangements have not yet been finalised; therefore, no specific date has been fixed. The decision to close the court is based upon a number of considerations. Accommodation at Glenelg for both police and courts is quite inadequate and unsatisfactory.

Closure of the court will enable suitable accommodation to be made available for police purposes and will result in significant cost savings to the Government in addressing the problems at this location. It should be understood that the requirements of both police and courts cannot be met on this site. One service must give way in order to provide even the minimal, acceptable accommodation needs of the other. It is inappropriate, of course, to withdraw the police service.

Glenelg and Holden Hill are the two magistrates courts which deal only with summary matters. All other courts are dual jurisdiction courts, dealing with both summary and civil cases. There is no room for expansion of the work at the Glenelg Courthouse to accommodate the civil jurisdiction. Furthermore, having regard to the close proximity of Glenelg to the city, the civil work may continue to be done in the Adelaide Local Court, without causing undue inconvenience. Similarly, the summary court work may be undertaken in the Adelaide Magistrates Court, where facilities are now available for this purpose. Holden Hill will become a dual jurisdiction court upon construction of the new building which will proceed in due course, subject to the availability of funds.

It is expected that the bulk of the traffic work would have disappeared from Glenelg in the reasonably near future in any case, having regard to new and improved procedures which are likely to be introduced following completion of a review now being conducted within the Court Services Department. Moreover, the department is preparing a capital works strategic plan which will provide a logical basis for the location of court facilities. It is aimed at ensuring that court services are accessible and available to the community in the metropolitan and country areas. Glenelg does not fall within the principles established, even at this stage of the review. A full range of court services is conveniently available in the city, which is accessible to the area presently serviced by the Glenelg court of summary jurisdiction.

Having regard to the cost to the community in establishing and/or maintaining courts, it is essential that duplication or overlapping of services should be minimised as far as possible, while still retaining proper access to court services. The closure of the court will provide greater flexibility to the Government in the provision of such services without requiring an input of further, costly resources. Some areas of the State are not properly serviced at this point. I have therefore requested the Court Services Department to give consideration to the further improvements which might be achieved by reason of the apparent flexibility which this action will produce. The most important point to be made is that there will be no real loss of service to the community following the implementation of this decision.

I should say that the rationalisation of the courts in the metropolitan area of South Australia commenced under the previous Government. The Tonkin Liberal Government was responsible for closing the courthouses at Unley, Pros-

pect, Darlington and Henley Beach. All of those premises are being used for police and other Government purposes. The need for this accommodation for police purposes has been reaffirmed in a recent comprehensive report on police accommodation requirements and that report has been submitted to the Government recently. I cannot put a precise cost on the savings, but the arrangement that has been agreed to concerning the transfer of court accommodation at Glenelg to the Police Department for use by the Glenelg subdivision provides the ability for the Police Department to defer further significant costs in providing necessary and adequate accommodation for the police functions located at Glenelg.

In summary, that is the situation. The reality is that there is just not the capacity to accommodate both the courts and the police at the Glenelg site, and a decision has been taken to close the court to enable the police to use the court site. The inconvenience to the residents in the area is not likely to be great, as the court will sit in Adelaide.

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

**Mr S.J. BAKER:** We know that there is some concern as to the waiting time in the civil jurisdiction. It was 62 weeks last year to the end of August 1986. The Minister has outlined that the major reason is the change in jurisdiction. Can the Minister inform the Committee why this was not taken into account when staffing arrangements were made? The Opposition raised this as a matter of concern at the time when the jurisdiction was to change and the minimum amounts were to be lifted to \$100 000 and \$150 000 respectively.

**The Hon. C.J. Sumner:** I have outlined in the document that I have made available that a number of initiatives have been taken in the courts areas to try to improve the efficiency of the courts system as a whole, and I am having discussions with the officers with a view to improving efficiency and effectiveness of the operation of the courts. It was anticipated that there would be some shift in work from the Supreme Court, and that has occurred. Action is being taken in the District Court by way of temporary judicial assistance equivalent to one additional judge for a period of the equivalent of 16 months until November 1987. In addition, legislation has been passed to try to assist with the planning jurisdiction to provide that some of the more minor planning matters can be dealt with by commissioners or judges sitting alone rather than the full tribunal.

The most recent appointee to the District Court, Judge Bowering, has been placed in the planning jurisdiction, and I believe that that, with the measures taken there, will assist in overcoming those problems. Furthermore, we have provided an allocation for pre-trial conferences in the District Court which it is hoped will also assist with listing arrangements. In addition, I have approached the Chief Justice to see whether judicial resources from the Supreme Court could be made available to assist the District Court, but I have taken the view that these problems cannot be resolved by simply adding judges to the number we already have in South Australia, and that alternative methods must be found to ensure that the workloads are coped with. So, temporary assistance has been made available and I hope that will assist in overcoming the problems, but the problems were anticipated.

The list in the District Court, particularly in the civil area, is not acceptable, clearly. The lists in the Supreme Court, however, have been brought under control quite significantly, and additional temporary resources are being provided to try to overcome this.

**Mr S.J. BAKER:** Relating to CAT, the computer assisted transcription: in the original estimates on the progress of

CAT it was estimated that the first stage cost \$150 000 and the subsequent stages \$300 000, and that the costs would start to balance themselves out after three years so that the amortised cost of the capital equipment would be offset by the savings on staff as a result. Do these estimates on that three-year time frame still hold, and how will the costs be allocated to other agencies who use the service?

**Mr Witham:** The first stage, which was regarded as a pilot, cost a total of \$156 000 to introduce in the current financial year. That was \$133 000 for hardware, \$8 000 for hardware and software maintenance and \$15 000 for training. The estimated benefits for the current financial year in hard dollar savings are \$135 000. For subsequent years the cost should be \$11 000 per annum with a saving of \$165 000 per annum for that pilot installation. Looking at CAT in general, if the proposed implementation program is followed through we are looking at savings of about \$2.6 million over the next five years.

**Mr S.J. BAKER:** What recommendations have been proposed to the Attorney-General in respect of the review of small claims? As the Attorney-General would be well aware, this has been an area of contention over a period of time—whether to lift the jurisdiction more than it has been lifted today so that claims can be disposed of more speedily than in other jurisdictions. The alternative argument is that the people who preside over these smaller claims sometimes do not get it right, and the appeal system then gets activated, at considerable cost. Has the Attorney-General formed a point of view on this?

**The Hon. C.J. Sumner:** A review of the small claims jurisdiction was carried out. It has been considered as part of this overall package I mentioned of the courts' efficiency, which will involve a separate District Courts Act so that, ultimately, we will end up with three courts: the Supreme Court with its criminal, civil and appellate jurisdiction; a District Court with civil, criminal and administrative appeals and planning-type jurisdiction; and a Magistrates Court which will have both the civil and criminal jurisdiction. As part of that overall package we will be examining the small claims review with a view to implementing its recommendations.

Precisely what figure we will end up with as the jurisdictional maximum for small claims is not yet determined. In general, opposition to increasing that limit has come from members of the honourable member's Party; maybe not from the honourable member, but I can assure him that, in general, opposition to it has come from his Party.

Indeed, when a proposal was considered last time, it was proposed to increase it by more than what happened in the end result. So, when the legislation has been prepared, it will be brought to Parliament. I have not formed a fixed view on the limit.

**Mr S.J. BAKER:** When will the pre-trial conference procedures be implemented?

**The Hon. C.J. Sumner:** They are already operating in the Supreme Court and it is planned that they will operate in the District Court by the end of January.

**Mr S.J. BAKER:** It is considered worthwhile to have them operating in the Magistrates Court?

**The Hon. C.J. Sumner:** Not at this stage.

**The Hon. H. ALLISON:** At page 211 of the yellow book, the fourth issue or trend is stated as follows:

Efficient administration of growing number of jurisdictions (currently 30) without a standard set of procedures is becoming increasingly difficult.

Is an attempt being made to achieve a standard set of procedures? Can it be accomplished?

**The Hon. C.J. Sumner:** That is again part of the proposals for increasing efficiency in the courts. This matter could be

brought up under the heading of 'Administrative Appeals Division' because this area deals with appeals against administrative actions and decisions. As there are different types of appeal, it depends on the appeal that is being considered. Rationalisation of appeal procedures is part of the process that I have outlined.

**The Hon. H. ALLISON:** Program 9, which is shown on page 216 of the yellow book, concerns reporting services to other Government agencies. Is the private sector guaranteed a base contract or used only in emergencies?

**Mr Witham:** At present, the private court reporting contractor is guaranteed the provision of services in the Industrial Court only. He also provides a service in other jurisdictions when internal sources cannot meet those needs.

**The Hon. H. ALLISON:** How many court reporters are there in the court reporting service and what is the strength of the Government tape recording service?

**Mr Witham:** The number of court reporters varies from time to time. The establishment is 46.8 court reporters in full-time equivalents, and that of the Government transcription section is 28 full-time equivalents.

**Mr S.J. BAKER:** Over the years there has been discussions on the enforcement of judgments. At page 209 of the yellow book there is the following comment:

Although legislation is being reviewed and the Attorney-General accepts the majority of the department's recommendations . . .

So, in this case there is a clear indication that the Attorney-General has accepted the department's recommendations. What are the principal recommendations that he has accepted?

**The Hon. C.J. Sumner:** They relate to the Enforcement of Judgments Act, not the Debts Repayment Act. It was considered that, as we were not yet ready to proceed with the latter legislation, it was necessary to consider the 1978 amendments to the former, to see whether they should be updated, and to proceed with them separately from the Debts Repayment Act. That review has been carried out and the matter has been referred back to the department for the development of a plan to implement the recommendations of that review.

**Mr S.J. BAKER:** Can the Minister be more specific about the things that he wants to see changed?

**The Hon. C.J. Sumner:** They are mainly procedural matters: they are not of any great policy significance in the Enforcement of Judgments Act. They are procedural matters which it was considered should be dealt with as the whole package of legislation in 1978 had not been proclaimed.

**Mr S.J. BAKER:** So, those changes in procedures will not affect the right of people wishing to enforce a judgment?

**The Hon. C.J. Sumner:** They should make it more efficient.

**Mr S.J. BAKER:** Program 5, on page 73 of the Estimates of Payments, deals with the prevention of discrimination, but this matter could be better dealt with under another line. Is the \$6 000 that has been allocated to be used for writing rules and publication type activities?

**The Hon. C.J. Sumner:** That concerns the operation of the Equal Opportunities Tribunal.

**The CHAIRPERSON:** Are there any further questions? There being no further questions, I declare the examination completed.

**The CHAIRPERSON:** While the departmental officers change over, has the Attorney-General any documents to table relating to questions asked on corporate affairs?

**The Hon. C.J. Sumner:** The member for Mitcham asked for details of the composition of \$7.24 m revenue shown against program 2. The position is as follows:

An amount of \$7.24 m is shown in the yellow book as revenue attributable to the program 'Regulation of Companies' in 1985-86. The department's revenue accounting system is not required to further dissect company fees; however, all amounts are collected pursuant to the fees schedules under the Companies (South Australia) Code and the Companies (Acquisition of Shares) (South Australia) Code. In addition the total also includes receipts from the other corporate affairs offices pursuant to the fee sharing agreement where by fees for transactions relating to more than one jurisdiction (e.g., the incorporation of a company in New South Wales which will also carry on business in South Australia) are collected by the home jurisdiction and a share of that fee is remitted to the other jurisdictions affected.

This arrangement gives effect to the 'one stop shopping' concept that underpins the scheme and allows a person to transact corporate affairs business for the whole of Australia from the home jurisdiction, that is, the place where the company is incorporated.

Based on lodgement statistics and the scheduled fees applicable and estimated breakdown of \$7.24 m total is as follows: new company registration \$1.5 m; company annual returns \$4.4 m; fees for late lodgement of company documents \$0.1 m; other company documents such as changes of name prospectuses, charges, applications \$0.4 m and receipts from other jurisdictions under the fee sharing agreement \$0.84 m.

In relation to the question asked by the member for Mitcham regarding the processing of applications under the Securities Industry (South Australia) Code, it has come to the notice of the commission that the figure of 212 applications for the 1985-86 financial year should read 249. It would be appreciated if this could be noted and the commission apologises to the Committee for this error in the number not being identified earlier.

In relation to applications for a licence under the Securities Industry (South Australia) Code, during the financial year to 30 June 1986 47 per cent of the applications received and processed by the commission were withdrawn whilst 53 per cent were approved. It was not necessary to hold a hearing in relation to an application for a licence during the period. The number of applications on hand at 1 July 1985 was 191, whilst the applications on hand at 30 June 1986 total 135.

The processing time for applications is determined by the nature of the checks required, the type of licence being sought and particularly the staff effort required to determine whether the applicant is 'a fit and proper person'. Procedures are adopted to ensure that applicants or officers of applicants (where the applicant is a corporation), first, are not insolvent under administration; secondly, have not been convicted of certain offences; thirdly, have satisfactory educational qualifications and experience; fourthly, are of good fame and character; and fifthly are fit and proper persons to hold such a licence.

The sources of information relevant to the procedures are, first, the applicant (via the application form or interview); secondly, police checks; thirdly, the Registrar in Bankruptcy; fourthly, former employer references; and fifthly, records of the commission.

Applications are divided into the following categories: first, dealer; secondly, dealers representative; thirdly, investment adviser; and, fourthly, investment representative.

Processing time may take between three to 12 weeks depending on the type of application and the difficulty in

completing the above procedures. This time may be drastically influenced where applicant response times are excessive. An application which takes longer than the above period is a result of difficulty in ascertaining necessary particulars to satisfy checking procedures. The commission is required to afford a person the opportunity of a hearing to put a case before the commission can formally refuse to grant a licence. In the 1985-86 period the commission was not placed in a position of having to conduct a hearing. However, one applicant from the 1985-86 period has requested a hearing and this will be heard in the 1986-87 financial year. A further applicant who was refused a licence did not proceed to request a hearing.

The second question related to the revocation of licences under the Securities Industry (South Australia) Code. In the 1985-86 period the commission revoked a dealer's licence following a hearing before the commission. During the same period two licensees were requested to show cause why their licences should not be revoked and a hearing was held by the commission. As a result of the hearing the commission indicated the need for the parties concerned to modify their conduct, and on appropriate undertakings being given the commission has taken no further action.

The other question from the member for Mitcham related to processing of liquidators' reports, and the position is as follows:

The commission set an objective in 1985-86 of commencing insolvency investigations within six months of receipt of liquidators' reports submitted pursuant to section 418 of the Companies (South Australia) Code. It is necessary to review achievement of that objective in the light of staff resources, the volume of liquidators' reports and the nature of items reported on by the liquidator. The investigation division suffered the loss of some experienced staff resources in 1985-86 and due to recruitment difficulties two positions remained vacant at 30 June 1986. In addition, the volume of liquidators reports received increased from 143 in 1984-85 to 180 in 1985-86.

The processing time of six months can only be considered as a general aim. In fact liquidators' reports advising of potential serious breaches may be actioned soon after receipt by diverting resources from other matters. The department applies other criteria, including the amount of deficiency and public interest considerations in determining priorities for allocation of liquidators' reports for investigation. During 1985-86 a significant proportion of reports received were of a less serious nature but still involving alleged breaches of due care and diligence. Those matters were being attended to within a period of nine to 12 months after receipt.

Public and Consumer Affairs, \$21 150 000

**Chairperson:**

Ms D.L. Gayler

**Members:**

The Hon. H. Allison

Mr D.S. Baker

Mr S.J. Baker

Mr M.G. Duigan

Mr T.R. Groom

Ms S.M. Lenehan

**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-General.

Mr D. Hassam, Chief Management Services Officer.

Mr A. Martin, Executive Officer.

Mr S. Trenowden, Director, Commercial Division.

Ms J. Tiddy, Commissioner for Equal Opportunity.

Mr M. Schulz, Chairman, Ethnic Affairs Commission.

Mr J. Servin, Director, Consumer Affairs.

**The CHAIRPERSON:** I point out that the Department of Public and Consumer Affairs proposed expenditures also include Ethnic Affairs and Equal Opportunity. I declare the proposed expenditure open for examination.

**Mr S.J. BAKER:** It is noted that there has been a substantial increase in the vote for the Department of Public and Consumer Affairs during the 1985-86 year. That involves an increase of some 25 per cent in the amount of moneys available for recurrent expenditure and an increase in staff from 448 to 530 people. I note that there is a change of responsibility, including the taking up of the equal opportunities area. The Auditor-General's Report states that 97 000 new inquiries were received, with 110 000 in 1984-85. Also, 5 400 complaints arising from unfair trade or commercial practices were investigated. Given the sort of very large number of inquiries and the relatively small number (but quite a mammoth number) in the total number of complaints that were actually investigated, what were the major areas which, due to staff resources, could not be investigated?

**The Hon. C.J. Sumner:** All the complaints are investigated.

**Mr S.J. BAKER:** So, of the 97 000 inquiries, all complaints were fully investigated?

**The Hon. C.J. Sumner:** They are not all formal complaints. Some of them are inquiries or contacts with the department.

**Mr S.J. BAKER:** In the equal opportunities area, it is noted that not only has the Attorney-General now assumed the responsibility for that area, but also \$300 000 has been voted from the Commonwealth from the Human Rights Commission. Can the Minister say how that money will be spent?

**The Hon. C.J. Sumner:** The Commission for Equal Opportunity in South Australia acts as a delegate in the State for the Commonwealth Human Rights Commission. As a result of an agreement entered into by the State and the Commonwealth, funds are made available by the Commonwealth to the State to enable the Commissioner to deal with complaints under the Federal legislation—the Racial Discrimination Act and the Sex Discrimination Act.

If there was a Bill of Rights, which it appears that there is not now to be, the Commissioner for Equal Opportunity would probably also have acted as a delegate to receive complaints under those heads. The payment is made pursuant to an agreement between the Commonwealth and the State to enable the State Commissioner to receive and deal with complaints under Federal legislation.

It might assist the Committee if members are able to divide their questioning into what I shall call public and consumer affairs simpliciter and then equal opportunities and ethnic affairs. I say that only because they are attached to the Department of Public and Consumer Affairs for reasons of convenience and because I am the Minister responsible as somebody has to provide the salaries and administrative back-up for them. They are however distinct policy areas. That is only a suggestion.

**The CHAIRPERSON:** There is a difficulty in that all of the proposed expenditure falls within one vote and I have



questioners who have indicated that they wish shortly to ask questions on, for example, equal opportunities. Will you be able to accommodate the Committee if it prefers to cross between the two subjects?

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

**Mr S.J. BAKER:** I shall try to do what the Attorney-General would prefer. He will be well aware that there has been some dissatisfaction with the operation of the Residential Tenancies Tribunal for some time. I have been dissatisfied with some answers but quite pleased in respect of some other matters. One might ask whether it is possible to please everybody. A colleague has brought my attention to a case which is a superb example. His letter says:

My constituent owns a house at Holden Hill which he leases. A couple applied to both the owner and the agent to rent the property but they were considered by both agent and owner to be unsuitable on the basis of their appearance and manner and were not accepted.

Unbeknown to the agent and the owner—

**Mr GROOM:** This is becoming a request for legal advice.

**The CHAIRPERSON:** It is important that, at this hour, all members direct their questions to the proposed expenditure lines rather than introduce extraneous material which deprives others of the opportunity to ask questions. Can the member for Mitcham encapsulate the problems into a question which relates to the expenditure lines?

**Mr S.J. BAKER:** I am taking just one example. I have a folder full.

**The CHAIRPERSON:** Order! I am sure that the honourable member will be able to encapsulate the problem in a question and relate it to the expenditure line.

**Mr S.J. BAKER:** The tenant transferred the lease to the person who was deemed unsuitable to take it up. The owner found that he had a new tenant and tried to have the people evicted. The Residential Tenancies Tribunal refused to evict them—

**Mr GROOM:** On a point of order, Madam Chairperson.

**Mr S.J. BAKER:** I have nearly finished my question.

**The CHAIRPERSON:** Order! I have a point of order.

**Mr GROOM:** The member for Mitcham should ask a question of the Minister and not give a long example which contains 20 or 30 questions and is effectively a request for legal advice.

**The CHAIRPERSON:** That is a legitimate point. The member for Mitcham has had considerable scope for asking his questions. Will he please direct a question to the Minister?

**Mr S.J. BAKER:** With all due deference, Madam Chairperson, I am trying to cover a whole section with a simple example. If everybody had been quiet, I should have finished by now. I shall try to finish as quickly as possible. Because the tribunal refused to act, there was an illegal transfer of tenancy. The people took some \$9 000-worth—

**The CHAIRPERSON:** So the question to the Minister is?

**Mr S.J. BAKER:** Has the Minister had an investigation of the operation of the tribunal and taken a sample of the people who seem to have been disaffected by its decisions to see whether it is breaching the law some of the time?

**The Hon. C.J. Sumner:** I am grateful for being given an opportunity to participate in the Committee's affairs. I have not carried out an inquiry into the Residential Tenancies Tribunal's decision-making. The honourable member will note that the tribunal exercises at least quasi-judicial functions, so it would be improper for me to intervene in its decision-making processes. The honourable member mentioned \$9 000. If people are aggrieved, there will have been an appeal. It is obvious that some people will be dissatisfied

with the tribunal's decisions. That is the nature of the body—it is dealing with disputes.

I suspect that a survey of people dealt with by the courts would show that 50 per cent are satisfied because they won and that 50 per cent are dissatisfied because they lost. That is not a case for carrying out a review of decision taking, however. The tribunal comprises a Chairperson and members appointed to adjudicate on disputes between landlord and tenants. They exercise a quasi-judicial function and obviously ought not to be subject to my direction. They are not.

If the member for Mitcham wants to bring his briefcase along with complaints about the tribunal, we will be happy to have them examined. We can examine the case that he has raised but he has been given information by an aggrieved person. The decision is not necessarily wrong. I cannot answer without reference to the specifics.

On the whole, I think that it is considered that the Residential Tribunal works reasonably satisfactorily. I know that there are some people who are disgruntled with its operations, but I think that they are by far the minority. In fact, the South Australian residential tenancies legislation is being examined interstate and overseas. Indeed, I think New Zealand is establishing legislation based on the South Australian legislation. What honourable members may have forgotten is that before this legislation was introduced—if I can put the advantages from the landlord's point of view—it was virtually impossible (incredibly difficult) to get out of premises a tenant who had not paid their rent. One had to go through lengthy court proceedings; delays were incredibly long—eight months. At least with this system—although I accept that not everyone can be happy with it—there is a capacity for landlords to get much speedier remedies than those they could get prior to the introduction of this legislation.

**Ms LENEHAN:** Program 6 relating to consumer services at page 242 of the program estimates says that the Second-hand Motor Vehicles Act of 1983 was proclaimed during the year. My question relates to second-hand motorcycle purchases. I am concerned that there is no mandatory provision in the Act regarding after sales warranties to be provided to purchasers of second-hand motorcycles. Earlier this year I wrote to the Minister expressing my concern about this matter.

In his reply the Minister suggested that the current level of inquiries does not suggest that there is a serious problem in this area. What are the criteria that the department uses to ascertain whether or not a problem is serious? In asking this question I suggest that many people—because a warranty is not given—do not complain because they have no framework within which to complain. How does the department work out whether or not a problem is serious?

**The Hon. C.J. Sumner:** The basis of the answer is the number of complaints lodged with respect to motorcycles. In the period 1 July to 31 December 1985 eight complaints were received concerning motorcycles compared with 294 complaints concerning second-hand motor vehicles. Generally, the point is made that matters can be resolved by conciliation and negotiation and through the provisions of the existing Consumer Transactions Act.

**Ms LENEHAN:** In the reply, I received advice that it would require 'significant resources' with respect to bringing motorcycles under the administrative control of the Second-hand Motor Vehicles Act. What is meant by 'significant resources'? Has there been a costing done to establish just what would be required? The other matter is that the special warranty offered in some cases, it suggests, gives enforceable legal rights once the consumer is offered that warranty. In

other words, what is being talked about is a method of self regulation. It seems to me that the people who are prepared to offer the warranty are those who should not necessarily be compelled to do so. It has been the experience of my constituents who have had problems that the people who are not prepared to offer a warranty are the very ones selling second-hand motorcycles to young, naive people who are put to great financial expense and loss as a result of their purchase. In conclusion, will the Minister reconsider his decision expressed to me in that correspondence and look at bringing the sale of second-hand motorcycles under the provisions of the Second-hand Motor Vehicles Act because of the problems experienced by my constituents?

**The Hon. C.J. Sumner:** If the honourable member wishes to pursue this matter, it would be useful for her to provide me with the sorts and numbers of complaints that she has received in relation to this topic. That may add some weight to the case for action in this area. All we know at present is that there do not appear to be many formal complaints about this area, although there have been a number of inquiries. In any event, under the Consumer Transactions Act a person has to sell goods of merchantable quality fit for the purpose for which they are sold, so it is not as if a purchaser is completely devoid of any legal rights in relation to this matter.

The department receives complaints and takes them up using the Consumer Transactions Act and the fact that goods must be of a merchantable quality and fit for the purposes for which they are ordinarily used. If the honourable member has any specific examples of complaints I am happy to have them examined to ascertain what are the problems. As I have already said, for every one of these matters added to the department's workload we have to find extra money, and in order to do that a justification needs to exist. Perhaps the honourable member might like to consult with her colleagues to find out whether they have received many complaints in this area. If she can quote individual cases I will be happy to examine them.

**Ms LENEHAN:** My point is that, if second-hand motor-vehicles are brought within the Act, it may well be that that forces dealers 'who choose to sell second-hand motorcycles that they know are faulty and therefore are not prepared to give a warranty on' to cease doing that, thereby lessening the number of complaints. The Minister talked of 200 complaints relating to motor vehicles and only eight relating to motorcycles. I guess that that figure becomes relevant if we know what is the percentage of sales of second-hand motor cars in relation to the sale of second-hand motorcycles. It might well be that that is a significant percentage if we knew the total number of sales of both of these types of vehicles. The third point in respect to the Minister's answer is that, even though this involves a small number of vehicles, such action can be very damaging to those people who purchase a second-hand motorcycle for the purpose of getting to and from work only to find that they have purchased something that will cost an enormous amount of money, thereby defeating the purpose of the purchase.

**The Hon. C.J. Sumner:** I note the honourable member's comments.

**The Hon. H. ALLISON:** At page 242 of the program estimates in relation to program 6 there is mention in the left-hand column of a Uniform Fair Trading Bill which has been developed in conjunction with other States and Territories. When does the Minister anticipate the introduction of that Bill into the Parliament? Immediately below that reference is another reference to the Travel Agents Act 1986. When does the Minister envisage that that legislation will become effective?

**The Hon. C.J. Sumner:** The fair trading legislation should be introduced into the Parliament during the next few weeks: it is being drafted at the present time. I signed a participation agreement in relation to the travel agents legislation at a recent meeting of Consumer Affairs Ministers. However, the trust deed still needs to be finalised.

There have been some legal difficulties with the trust deed for the compensation scheme. New South Wales, Victoria, South Australia and Western Australia have agreed to participate in a uniform system for licensing of travel agents and a compensation scheme. We anticipate the commencement date to be later this year or early in 1987.

**The Hon. H. ALLISON:** I refer to Program 7 and to page 243 of the Program Estimates and to specific targets/objectives for 1985-86. There is no reference to Secondhand Goods Act. Will there be a review of the Secondhand Goods Act?

**The Hon. C.J. Sumner:** An amended Secondhand Goods Act was passed by Parliament not so long ago. I know that some complaint has been made about it by antique dealers. I take the view that it is really not so much a matter of consumer protection. The major impetus for this legislation comes from the police, because they believe that it may be useful in tracing stolen goods. But, yes, the Secondhand Goods Act will be reviewed. The question is whether it is appropriate for it to be dealt with by the Department of Public and Consumer Affairs or whether, if there is going to be any sort of legislation, it should be dealt with by the police. Furthermore, basically, we are looking at the matter to see whether or not the legislation is justified or whether we can in fact do away with the current system of registration and have some alternative system that will satisfy the police concerned, but not be as regulatory as the present system is.

In respect of the complaints that the industry has had relating to the regulations, we are amending those to take into account the industry concerns and, in particular, deleting the requirement that the name of a purchaser of a secondhand good must in all circumstances be noted by the dealer. Therefore, that part of the regulations will be adjusted. Furthermore, we are examining the whole area to see whether or not this is a case for deregulation, noting, however, that the police have some concerns as to whether there is a need for some system of licensing or regulation in order to assist them in pursuing stolen goods.

**The Hon. H. ALLISON:** Under the 1985-86 specific targets and objectives, reference is made to the Secondhand Motor Vehicles Act, the Secondhand Goods Act and the new commercial tenancies laws. Can the Minister give us some idea of the capital and recurrent costs involved in these recent licensing decisions, perhaps on notice?

**The Hon. C.J. Sumner:** Those details can be provided.

**Mr GROOM:** I refer to page 244 of the yellow book dealing with the price control program. Under the 1985-86 specific targets/objectives, mention is made of the regulations prohibiting credits or returns on unsold bread having been gazetted in July 1985. It states there that monitoring indicates that the regulations are being observed and that the bread waste factor has been reduced. Under the 1986-87 specific targets and objectives reference is made to monitoring the effect of the regulations on bread returns and maintaining a close watch on the level of wholesale discounting. From memory, when these regulations were passed we also tried to control the wholesale price discounting, whereby supermarkets demand from the bread manufacturers discounting of up to 40 per cent on the price of bread. In monitoring the effect of the regulations on the bread waste factor, the obvious way of getting around the regu-

lations was to demand greater wholesale discounting on the price of bread. In monitoring the effect of these regulations, is it possible to detect whether or not the regulations are being undermined by an increase in demand for wholesale discounting?

**The Hon. C.J. Sumner:** We have had no evidence or complaints that that is occurring. The wastage factor has come down from about 12 per cent to about 5 per cent.

**Mr GROOM:** On a completely different topic: the Auditor-General's Report, dealing with the commercial tenancies fund, indicates that since the fund commenced on 1 January 1986 there have been 62 770 security bonds lodged and that as at 30 June the balance of the fund was \$62 810. As a consequence of the receipt of security bonds, is it possible to give an assessment of the extent to which businesses are complying with the requirements to lodge security bonds when entering commercial tenancies?

**The Hon. C.J. Sumner:** It is not really possible to make an assessment of that at this stage because the legislation has operated only from 1 January this year. It applies only to new leases.

**Mr GROOM:** Is it possible to determine from the receipts of the security bonds what types of groups are actually complying with it? Is it the larger businesses or the smaller businesses, or particular groupings in the business community? Is it possible to detect a trend?

**Mr Trenowden:** The only evidence that we have to date is that, in respect of major tenancies (that is, tenancies of shopping centres) industry practice appears to be that bonds are simply not taken. Those bonds that have been received largely have been received from tenancies between parties of roughly equal bargaining power in smaller centres.

**Mr D.S. BAKER:** Referring to the whole area of programs 1 to 13, it seems that overall there is an increase in excess of 25 per cent in expenditure, and I guess it is probably one of the fastest growing areas in expenditure that we have in this State. Does the Minister intend to consult with small business people and business generally in relation to the increased cost of regulation to them; also, I might add, the cost of employment in the equal opportunity area, because I know that small business especially is now becoming very wary of program 2, and I contend that it is having an effect on employment generally in this State.

**The Hon. C.J. Sumner:** I am not quite sure what the honourable member wishes me to do. There is continual consultation with industry on legislation which is put into place in the consumer area. Nothing is done without consultation with the people who are affected by the legislation. It gives an incorrect assessment of the situation if the honourable member just takes the last year's figure and compares it with this year's figure.

First of all, there have been increases in relation to the casino—which is obviously something the honourable member would not wish to criticise—of 3.3 additional FTEs. As to the Commissioner for Equal Opportunity, that is not an increase: it has just transferred from the Premier's Department to Consumer Affairs. The figures have come from another department. That is why there is a significant increase. That is the fact of the matter. The next area is assistance to ethnic groups, which has not altered to any significant extent.

There is an increase in the area of consumer affairs which is designed to cover, in particular, the provision for increase in salaries with respect to the Builders Licensing Act which was passed this year with the support of the Parliament. I think that the honourable member voted for it. This being the case, once we pass legislation we have to find some resources with which to administer it. I remember members

from the same Party as the honourable member who is now asking the questions complaining long and loudly about the lack, as they saw it, of protection for home builders.

The Government acted and, having passed the legislation with the support of the Parliament, it is now necessary to find the resources to implement that legislation. Rather than being critical about the increase, members may care to pass a motion complimenting the Government on its action in moving to implement this Act for which, on my recollection, they called during last year and supported in Parliament.

There are a number of other areas where some provision has been made: travel agents, for instance, has also provided for some increase, and there is some increase in the expenditure necessary with land and business agents. So, the increases in the department—and I have not gone through them all—fall into categories such as the casino, where one would not expect there to be any argument from the honourable member. If one wants to have a casino, one has to have the staff to supervise it, which is obviously very important, and that is a net revenue generator for the State.

Some of the figure is made up by a transfer of functions in the equal opportunities area from the Premier's Department to Public and Consumer Affairs. Some of it is an increased allocation to enable the proclamation and administration of legislation which has been passed by the Parliament. I am further advised that \$1 500 000 is in Public Trustee, which is again a self-funding area. There is no addition to general revenue with respect to Public Trustee, but it appears in the budget as an increase because it is an increase in staff to the department.

**Mr D.S. BAKER:** In reiterating the first question, the increase is in excess of 25 per cent overall in budget. When I look back to program 2 it is quite correct that that has been brought in from the Premier's Department—the equal opportunities one, discrimination. That budget has gone up on expenditure last year 100 per cent. That accounts for 3 per cent. I completely agree with the casino financing, which is \$500 000 or 2 per cent, but the fact is that in this overall area there has been an actual lift in expenditure of some 20 per cent. That is quite staggering.

**The Hon. C.J. Sumner:** I suggest that the honourable member votes against the legislation next time it is brought into the Parliament, because it is administering legislation which was passed by the Parliament with the support of the honourable member—at least some of it; he has not been there that long. I have no doubt that next time some consumer legislation is introduced into the Parliament he will use his persuasive powers in the Party room to ensure that it is thrown out, then he will not be able to complain here about an increase in funds which are necessary to administer legislation passed by the Parliament.

I think that the honourable member also ought to be clear that it is not just the implementation of consumer legislation causing an increase in this area. In particular, as I have mentioned, there is the casino, equal opportunities, Public Trustee. Equal opportunities is there, in effect, by accident, as I have explained before; the casino is necessary; Public Trustee is, in order to increase the services of Public Trustee. There are additional resources required to implement legislation, in particular the Builders Licensing Act, which the honourable member may or may not have been aware was subject last year to some controversy in the community.

I understand that members of his Party agitated over a period of years for its introduction. They were certainly prepared to use it before the election (unsuccessfully as it turned out) to embarrass the Government. But they cannot have it both ways: before the election, advocating greater

protection for consumers in the home building area and supporting the legislation, then later complaining because resources are made available to implement the legislation.

**Mr D.S. BAKER:** The legislation is having an adverse effect in the small business area.

**The Hon. C.J. Sumner:** The honourable member has produced no evidence to that effect, apart from a bold assertion. There is always consultation with small business in this area. In fact, much of the legislation is supported by small business.

**Mr DUIGAN:** I refer to page 232 of the yellow book, where details are given of recurrent expenditure and income under Program 1. It is stated there that the expenditure required for the casino regulation is \$0.515 million and that the income for 1986-87 will be about \$12 million. The supporting documents concerning that program state that a senior inspector and 10 casino inspectors were appointed for training. Will the total number of inspectors for the current year be 11 plus the three that are proposed?

**Mr Young:** Yes, 14 for the current year.

**Mr DUIGAN:** Is the casino revenue of about \$12 million a year above or below the average of other Australian casinos?

**Mr Young:** It compares favourably with like casinos in Australia: about \$1 million a month.

**Mr DUIGAN:** Is the per capita patronage of the Adelaide Casino higher or lower than the patronage of other Australian casinos?

**Mr Young:** I do not know what is the *per capita* comparison, but the Adelaide Casino averages about 8 000 patrons a day, which is better than all but one of the other Australian casinos.

**Mr DUIGAN:** Have any offences been detected by the casino inspectors permanently on duty and what action has been taken as a result of such detection?

**Mr Young:** No offences have been detected by Government inspectors. Those inspectors' main role, in exercising a constant scrutiny of casino operations, is to watch people who are watching people, and offences have been detected by police officers and the casino operators, as well as by inspectors who are employed by virtue of the systems and programs which have been installed and which are scrutinised by the Government inspectors. Charges have been laid and some offences have received publicity.

**Mr S.J. BAKER:** The Attorney-General received a report on petrol trading, which was taken up in great haste by the Minister of Labour. When is it intended that the remaining recommendations in the report, particularly those concerning the protection of people already operating in the market, will be implemented? When is it intended to look after those people or will those recommendations not be proceeded with?

**The Hon. C.J. Sumner:** The Government is still examining the other matters in the report, although it accepts in principle the recommendations of Mr Virgo. However, those matters are within the authority of the Minister of Labour. I was brought into the matter because price aspects were involved, especially price discounting. The trading hours issue, however, was the responsibility of the Minister of Labour and his department. Any effects of such a decision must be examined, but I suggest that the honourable member, as shadow Minister of Labour, ask the Minister of Labour a question when the Minister appears before the Estimates Committee. I have indicated in Parliament that the Government has accepted, in principle at least, the recommendations of the Virgo committee.

**Mr S.J. BAKER:** A petrol station in my district is already displaying the sign indicating that it is experiencing deep

financial problems, but I will leave that issue. The Minister waxed long and hard about the need to enforce legislation in the building area and we have seen a remarkable increase in the number of staff working in that area. In the builders licensing area, the number has risen from 11 to 24 and in the enforcement area, which includes other areas besides the Builders Licensing Act, the number has risen from seven to 22.

When building was at its absolute peak, the Minister prevaricated on the problems that were being caused by the fly-by-nighters coming into the market and did nothing until the peak had passed. How can he justify an enforcement group of the size referred to here? Does he admit that the previous procedures were so hopelessly inadequate that suddenly we must have a three-fold increase in the enforcement area and a two-and-a-half fold increase in the building construction licensing area to cater for an industry which has suffered an enormous downturn and which, in another six months, will be down to a halfway level because of the major problems that are being caused in the industry.

As the Minister is well aware, the fly-by-nighters and the people who cause the problems cause them during the periods of greatest difficulty and upturn when they can get into the market and provide what is seen as a relatively cheap service. In periods of downturn they cannot survive.

**The Hon. C.J. Sumner:** First, these figures are not yet firmed up; they are in the budget as indicative figures and they are still subject to assessment by Treasury, so they will probably not be the final figures. Secondly, the enforcement of the building legislation comes about not only, but to some extent, by the requirement for annual returns to be lodged rather than triennial returns and that has been done to try to ensure that greater surveillance is kept on the financial situation of builders in order to ensure that they have the financial means to conduct the business that they are conducting, that having been one of the complaints that was raised in the past, namely, that it was easy for builders to go into liquidation and therefore not to complete the homes and to not pay their creditors. The new Act requires much more detailed supervision of licensees. That means at times significantly more work for the tribunal compared with the board, and in particular in the area of the supervision of the annual returns that are required of builders.

With respect to the complaints and enforcement area, the wider scope of the Act means that more complaints are likely to be received by the Consumer Affairs Division, and we therefore have to ensure that the staff is available to carry out the requirements of the Act. The honourable member supported the Act. We will use the minimum number of staff necessary for the effective enforcement of the Act. The figures in the budget papers are indicative, and subject to further scrutiny and assessment by Treasury.

**Mr S.J. BAKER:** Given that legislation should have been in place very soon after the Government came into power, I am amazed that we now see this extraordinary turnaround, but I will leave that issue.

**The Hon. C.J. Sumner:** As the honourable member knows, the reality is that, when we came to Government in 1982, the Consumer Affairs Division of this department had been significantly reduced in effectiveness and it really does not behove the honourable member to talk about 'should have had building legislation in place' shortly after we came to Government. The fact is that members of his Party had not done anything about it while they were in Government. On previous occasions, I have given figures to this Committee as to reductions in staff that occurred in the period 1979 to 1982 and in that period no work was done on the Building Act.

The honourable member seems to think that one can click one's fingers and pass legislation on the spot. As I have indicated, the fact is that in all these areas there is consultation with the interested parties, just as there was with the development of the building legislation. Obviously, that takes some time, but the Act that has now been passed has resulted from consultation with industry and consumer complaints. It was supported in Parliament by the honourable member. I repeat that he cannot have it both ways. If the honourable member did not want the legislation, he should have voted against it, but now, having got it, there has to be some capacity to administer it.

**Mr S.J. BAKER:** How many builders or traders have lost their licences in the past six months?

**The Hon. C.J. Sumner:** We can provide that information for the honourable member later.

**Ms LENEHAN:** I refer to program 2 on page 79 and on page 238 of the Estimates book. I think that the increase in the budgetary allocation for the office of the Commissioner for Equal Opportunity is very clearly explained at the bottom of page 238 where it says that the increase of \$309 000 is mainly due to funds received from the Commonwealth to meet the cost of the Human Rights Commission operations. I am not quite sure what the member for Victoria was trying to establish. My first question relates to the legislative provisions of the Act which is administered by the Commissioner for Equal Opportunity. Would the Minister outline the resource implications of including, under unlawful discrimination, the grounds of chronological age with certain exceptions?

**The Hon. C.J. Sumner:** It is not possible to answer that question unless legislation is in place, but I would think that, to take on that area, would have massive resource implications.

**Ms LENEHAN:** I wonder why the Minister says that it would have massive resource implications. I understand that during the past financial year ended 84 complaints were made to the Commissioner's office. It seems to me that, if all the other mechanisms are in place for policing the discrimination on the basis of one's sex, marital status, pregnancy, sexuality, race and physical impairment, to enforce legislation which prevented people from openly and blatantly being discriminated against purely and simply on the basis of their chronological age would not have massive resource implications. I am thinking of things like advertising and saying 'nobody over 30' and, when one looks at the advertisement, there is absolutely nothing in the criteria that requires somebody to be under 30, and in fact somebody over 30 may well be able to perform those tasks just as competently, or more so.

There is a great groundswell of opinion in the community, and many people have come to me or have rung radio stations requesting that there should be some provision to prevent discrimination simply on the basis of chronological age. Would it be possible (and I have asked a similar question in Parliament) to examine the possibility of amending the law to provide for the outlawing of discrimination on the basis of chronological age?

**The Hon. C.J. Sumner:** That matter is not before the Government at the moment. There would have to be resources but there are none and there is no prospect of any for that or anything else in the immediate future. It is pointless raising expectations in that respect.

**Mr S.J. BAKER:** Does the Minister intend to review the Second-hand Motor Vehicles Act in view of its effect on small country dealers who pay the \$500 statutory fee which is put into a special trust fund to help people who are caught out by bad practices? A constituent of the member

for Eyre paid his \$500, sold his business shortly afterwards to retire but received no refund. The fee is an impost on country dealers who move one or two cars a year and might sell machinery and fuel. Does the Minister intend to consider the applicability of the fee and a refund when a business is sold shortly after making the payment?

**The Hon. C.J. Sumner:** There seems to be some confusion here. The \$500 is a one off fee, not an annual one. It was established to create a compensation fund to enable payment to be made to aggrieved consumers when a second-hand motor dealer went into liquidation or disappeared, leaving the consumer in difficulty. I am not sure that the question is applicable.

**Mr S.J. BAKER:** The constituent retired soon after paying the \$500 fee.

**The Hon. C.J. Sumner:** He should have accounted for that in the transaction.

**Mr S.J. BAKER:** The new owner had to pay the \$500 as well.

**The Hon. C.J. Sumner:** He did not have to do that unless he was a new licensee.

**Mr S.J. BAKER:** How many applications were made under the Statutes Amendment (Commercial Tenancies) Act in the past financial year and how were they resolved?

**The Hon. C.J. Sumner:** The legislation came into effect on 1 January 1986, and there are about 200 inquiries per month. Between 1 January and 30 June 1986, the tribunal received seven applications for an order.

**Mr S.J. BAKER:** How will it resolve those seven applications?

**The Hon. C.J. Sumner:** We do not know at this stage. I will try to get that information.

**Mr S.J. BAKER:** I have here a question from a colleague which I hate to ask because the subject has been canvassed heavily recently. It concerns scientology. In June 1985, the former Director gave evidence to the select committee and acknowledged that what in ordinary language were complaints were not classified by the department as complaints unless some action could be taken about them. That concerned complaints to the Department of Consumer Affairs, which I presume related to consumer items, and the Director said that he was not competent to note such complaints. He said, at page 178 of the evidence:

The system under which we operate at present is not very satisfactory when it comes to matters of this kind and that is being reviewed and we are hoping to introduce some changes from 1 July 1985.

Has the ambit of the department been broadened in that respect in response to the perceived deficiency?

**The Hon. C.J. Sumner:** We have established an officer in the department who is responsible for handling Church of Scientology matters. I am not sure precisely what the former director was referring to. Since 1 May, this year, there have been 53 inquiries relating to scientology.

**Mr S.J. BAKER:** Inquiries rather than complaints?

**The Hon. C.J. Sumner:** Yes, not all are complaints. Some people ask why we cannot stop them soliciting in the street. There have been 12 complaints in the past five years and money sought has been recovered. The Director was referring to establishing a mechanism in the department to deal with complaints. That has happened—we have an officer who maintains contact with the church.

**Mr S.J. BAKER:** Under the courts section, repetitive strain injury, which is called many different things, is mentioned. It is relevant here because typing services are involved. What increase in time off has there been because of injury or disability caused by lack of information on how one should organise one's time and equipment so that one is not at risk of such injury?

**Mr Hassam:** In the past two years there have been only two cases of repetition strain injury reported. Incidents of this and other industrial problems of the like are monitored by the department's Occupational, Health and Safety Committee. We tend not to have too much of this kind of injury because of the decentralised nature of the department and the lack of large pools of people engaged in keyboard operations: they tend to have jobs designed to include a bit of clerical work.

**Mr S.J. BAKER:** They get on and off the job to do other work?

**Mr Hassam:** Yes.

**Mr DUIGAN:** Programs 7 and 10 deal with licensed premises, issues of safety related to those premises and the regulation of licensed premises. My first question deals with the relationship, if any, between the Commissioner of Licensed Premises and the noise monitoring or abatement unit in the Department of Environment and Planning and with whether the Commissioner of Licensed Premises (in respect both of hotels and halls used for public entertainment), discusses the noise levels permissible at different times of the day and whether those permissible noise limits are written into licence conditions.

**Mr Young:** There is a close relationship with this common complaint of noise between the Liquor Licensing Commissioner and the Noise Abatement Unit of the Department of Environment and Planning. In fact, under new legislation applicable from 1 July 1985 the Commissioner has the right—which did not exist in previous legislation—to conciliate on complaints between, for instance, residents and a nearby hotelier who operates premises and discos in those premises. That has proved very successful.

In the course of these conciliation meetings, the Commissioner has, on quite a few occasions, sought the advice of the Noise Abatement Branch and officers from that branch have attended at meetings and recorded their findings. They have also recorded findings during the course of the day and night when different ambient noise levels apply. This has, to my knowledge, resulted in three or four cases (where there has been a long-term problem) being conciliated. In answer to the first part of the question, there is a close relationship between officers of the Noise Abatement Branch and the Commissioner for Liquor Licensing. He is not so intimately involved with halls because they are unlicensed premises, but the Inspector of Places of Public Entertainment, who receives complaints for the same sorts of reasons, also liaises with the Noise Abatement Branch.

**Mr DUIGAN:** Would conditions included in a licence relate to individual breaches of noise levels by licensed premises, to a consistent breaking of a noise limit over a period of time, or are such things not written into licence conditions at all?

**Mr Young:** The Commissioner has the power through this new conciliatory process to endorse a licence with a condition by agreement between the parties involved. I imagine (although I suppose I do not really know) that it would not relate to one specific instance but to a series of instances and to the type of condition that the Commissioner would impose, which would be by agreement but which could require premises to close at midnight on a Friday night. It involves that style of thing rather than stating that the noise cannot exceed so many decibels.

**Mr DUIGAN:** As a result of the new Licensing Act has there been an increasing incidence of action being taken by groups of residents against licensed premises to try to get the matter brought before the Commissioner in cases where there is a hotel situated in a predominantly residential area?

**Mr Young:** I am only aware of three or four meetings resulting in a successful conciliation. I undertake to research this information and let the honourable member have it, if he wishes.

**The CHAIRPERSON:** If possible, such information should be in a form suitable for insertion in *Hansard* and should be provided by Friday 31 October at the latest.

**The Hon. H. ALLISON:** I seek advice relating to program 2 concerning equal opportunities. At page 238 of the program estimates in the right hand column it says:

The Community Education Program achieved its objective and increased the awareness of the general public of their rights and responsibilities under equal opportunity legislation. The increased demand for consultancy services from employers, clubs and associations demonstrates a shift towards compliance with equal opportunity laws.

Does the word 'consultancy' imply that the office itself acts as a consultant to these organisations, or is that an outside consultancy?

**The Hon. C.J. Sumner:** That is a service that the office provides: it is part of its education role.

**The Hon. H. ALLISON:** Over the past several months, both through the media and in correspondence addressed to my office, I have noticed that there has been surprisingly strong opposition to the work of the Commissioner expressed by the Primary School Principals Association. Can the Commissioner say whether opposition is necessarily coming from parents, and is it having an adverse effect on students, or is she finding ways and means of combating that almost hostile approach?

**Ms Tiddy:** It seems to me that the opposition has come primarily from the South Australian Primary School Principals Association. I am informed by a number of other primary school principals, including members of the executive of the Primary School Principals Association, that it does not represent the majority view of primary school principals. I have not done any research to check with every primary school principal in South Australia but the guidelines on children's support were endorsed by the Education Department, the Catholic Education Office and the Independent Schools Board. All primary school principals were canvassed and asked for their views on the guidelines. We received far more support for the guidelines than opposition.

**The Hon. H. ALLISON:** At what age does that insistence upon integration cease? Is it the transition from primary to secondary school or through to senior secondary level and beyond?

**Ms Tiddy:** What the law says in terms of the State legislation is that there is not a definitive age. In terms of the Commonwealth Sex Discrimination Act the age is 12. The law says that in competitive sporting activity there is an exemption in terms of strength, stamina, and physique. So, there can be separate competitions where strength, stamina and physique are relevant. Clearly, a number of recreational programs that are being offered through the schools are not competitions and so, in fact, the exemption therefore does not apply, because it would then fall within the education provisions of the Equal Opportunity Act and for other schools the Commonwealth sex discrimination legislation.

**The Hon. H. ALLISON:** I refer to the Public Trustee services program, referred to at page 247 of the yellow book. Can the Minister advise how many persons the Public Trustee is currently acting for as manager under the Mental Health Act or aged and infirm persons under similar legislation? In considering that, can the Minister also advise what consultation with relatives occurs before orders are made in administering affairs? I ask this question partly from a personal point of view because I have had one or

two complaints from relatives of elderly and infirm people, and so on, who have maintained that insufficient or no consultation was entered into before orders have been made. I assume that there may have been exceptional reasons for that. I have always found that the Public Trustee has been reasonable when approached.

**Mr Young:** Without being in possession of the facts relating to specific cases, I cannot really answer the honourable member's question. If the honourable member has some specific examples we will follow up each particular case. By and large, the Public Trustee has a set of rules and guidelines for all his staff to apply in different areas of the office, particularly in this very sensitive area of protected persons, attorneyships, court awards and the like, where often we are dealing with elderly people. Great care is taken with the selection of staff and the instructions are that they are to consult with relatives, those nearest and dearest to the person whose estate is being administered. With those few general remarks, there is very little that I can usefully add other than to say that, once again, I will undertake to supply details of the accurate numbers pertaining to the estates, awards and the like that are currently being administered by the Public Trustee. I repeat: if the honourable member would like to cite some examples to us, then each case will be looked at.

**The Hon. H. ALLISON:** My colleague the member for Mitcham pointed out that both of us have experienced problems not with the Public Trustee but with the intermediary, the Mental Health Tribunal. That is really where the lack of consultation occurs. I realise that is a different jurisdiction.

**Mr Young:** I see. Of course, that is not under our jurisdiction but is under the Guardianship Board, and that is a different area altogether.

**Ms LENEHAN:** I refer to program 2, the 'Prevention of Discrimination and the Promotion of Equality of Opportunity' program at page 238 of the yellow book. There does not seem to be a breakdown in terms of resource allocation. What resource allocation is given by the Equal Opportunity Commission to the community education program in the form of educating, promoting and explaining the policies to the general community? I am aware of specific programs which, apparently, have been very successful, and I refer specifically to a program entitled 'Managers Managing Equally' and a range of programs that are designed for clubs, sporting groups and various Government instrumentalities. My question relates primarily to the community in general. What resource allocation is presently being put into general community education pertaining to the provisions of the Equal Opportunity Act, the Commonwealth race and sex discrimination legislation and the Human Rights Commission Act?

**Ms Tiddy:** In terms of the general community framework, we have a program for community awareness, involving radio announcements, for example, of people's rights. We have a country awareness program recently begun and piloted in the Iron Triangle. It has been quite interesting to see quite a marked increase of inquiries from the Iron Triangle area, since, first, we have had a toll free number and, secondly, we have actually been in that area twice now. There are other speeches and general requests for speeches to be made and a consultative framework is in place. Also, a general publication called 'The Equal Opportunity Act and You' is being distributed. They are some of the programs that are currently being undertaken in a general sense.

**Ms LENEHAN:** Does the Commissioner feel that the promotional and educational role is being adequately covered by the Commission at this stage?

**The Hon. C.J. Sumner:** The answer is 'No', but it probably never will be.

**Ms LENEHAN:** Is it appropriate to ask a question in relation to ethnic affairs? I am mindful of the time and I want to ask a question about that.

**The CHAIRPERSON:** I believe so, yes.

**Ms LENEHAN:** My question relates to program 3. Once again, there is no breakdown of the figures and therefore I ask the Minister how successful does he believe that the commission's policies and programs that have been directed towards migrant women have been? I am aware that there are two separate programs currently being offered: one is the promotion of participation in the social, economic and cultural life of the community and the second program concerns public sector access and equity.

I am also aware that the feedback from both those programs enables the commission to hear what migrant women's organisations are saying and, in fact, is able to be a feed-in of information to Government. I wonder whether the Minister would like to indicate how successfully the commission itself believes these programs are at reaching migrant women and, in fact, ensuring that migrant women's voices are heard and responded to by the commission and then by the Government.

**Mr Schulz:** In the first place, the stark profile of the commission very much reflects the spirit of commission's policy of believing that men and women are full participants in our community, and more than half of our staff are women. The commission always has been very actively involved in facilitating and presenting the migrant women's issues as best they could with the limited resources at their disposal.

One of its most active advisory committees is the migrant women's advisory committee. In fact, women generally seem to be far more active in seeking social justice and recognition of their standing in the community from a migrant point of view than men. The commission provides culture awareness programs throughout the public sector as required.

In relation to, for example, the health sector there has been a series of culture awareness programs furnished which involved issues affecting migrant women in relation to services provided by the health sector. So, in summary, I believe that we are discharging our responsibility as best we can.

**Mr S.J. BAKER:** My first question relates to the operations of the Public Trustee, and I note that there are some fairly substantial lifts in resources in that area. Has the Minister undertaken a study of the operations of the Public Trustee and compared it to other executor companies in relation to their investment policies in determining whether the estates are getting the full value of the moneys that are placed in trust with them, and also in relation to the performance of the trustee office in terms of its time turnarounds.

I have had some people ask me about some very long delays with the Public Trustee Office, although there may well be some good reasons for that, and in the general efficiency of the office, given that it is now handling some considerable amounts of money and, obviously, we want it to work to the benefit of the many people who have placed their trust in the Public Trustee. Has the Minister undertaken a review to check it against its private sector counterparts?

**Mr Young:** Recently the Public Trustee has had cause to carry out a comprehensive review of its investment activities and its common fund, which has in it at the present time approximate \$91 million. The Public Trustee has only had one common fund since 1881, whereas other trustee companies have several common funds. Quite clearly, it is

not practicable nor is it in the best interests of beneficiaries to invest beneficiaries' moneys in one fund for a set term.

If an estate is held for a short while that money can be better invested short, medium or long term, according to the length of time the trust is being administered, so for the benefit of the beneficiaries the Administration and Probate Act and a small consequential amendment to the Trustee Act have recently been made to allow the Public Trustee to have a number of common funds so that if a particular estate warrants an investment in a particular range of securities, equities or the like, that must be to the benefit of the beneficiaries of that estate, and the Public Trustee now has the legislative ability to do just that.

That is consistent with the practices in most private trustee companies throughout Australia. The performance of the Public Trustee, in terms of estate turnaround, can be improved, because most of the systems of the Public Trustee Office are manual. The honourable member can see from the expenditure lines that there is a considerable amount set aside for data processing equipment, hardware and software: something to the tune of \$600 000, without looking at my records.

The Public Trustee's officers have visited a number of private trustee companies and other Public Trustees in other States, and has the advantage of the work that they have done in computerising trustee activities. The Public Trustee has the benefit of learning from their mistakes, you might say, and recently the Data Processing Board accepted a proposition for a fully integrated computerised system for the Public Trustee Office, and within the next 12 months or so it is hoped that this will improve the efficiency of the whole office.

**Mr S.J. BAKER:** Going to the equal opportunity area, it has been noted a number of times that \$300 000 has come from the Commonwealth department, and I notice that it is the first time it has been provided. As far as I am aware, there has not been a \$300 000 grant, and it is coming from the Human Rights Commission. On what basis has this money been provided?

**Ms Tiddy:** The answer is seven staff and an operating budget. Further there is a sum of \$9 000, which has been matched by the State Government for the purchase of a computer. This will be a one off expenditure because we have rented a computer previously. These funds were not previously shown in this form. State funds only were shown before. In the 1985-86 financial year the Commonwealth Government provided \$235 000.

**Mr S.J. BAKER:** I have not picked up the \$235 000 provided in the previous year. In view of the \$215 300 provided for salaries and wages and the \$499 600 provided under program 2, has there been a doubling in the total allocation provided in the equal opportunity area and to which area is this amount going?

**Ms Tiddy:** The Commonwealth Government has delegated powers in relation to the Commonwealth sex discrimination legislation, the Commonwealth racial discrimination legislation and the Human Rights Commission Act. The major work comes under the Commonwealth sex discrimination legislation and the Commonwealth racial discrimination legislation, so that is where the funds are directed.

**Mr S.J. BAKER:** I am having difficulty in reconciling the two lines, but I may have missed a line that has been transferred and it may come out in the wash. Unfortunately, ethnic affairs is usually at the end of the stream and therefore gets little recognition. On this occasion I have about 40 questions, but I will cut them down to half a dozen. The Act that establishes the Ethnic Affairs Commission provides for the appointment of a Deputy Chairman. Has a Deputy

Chairman been appointed and, if not, when is such an appointment contemplated?

**The Hon. C.J. Sumner:** A Deputy Chairman has not been appointed. In this financial year, the savings from the non-appointment of the Deputy Chairman have been used to help other operations of the commission, especially in the area of interpreting where two Vietnamese interpreters have been engaged. This matter will be reviewed at the end of the financial year. There has not been a doubling of the equal opportunity budget. In previous years the Commonwealth allocation was not shown. The Commonwealth funds have increased from \$230 000 to \$290 000. There have been some increases in Commonwealth funding and to also assist the administration of the new Equal Opportunities Act.

**Mr DUIGAN:** Could the Minister provide an explanation for the statement in the program description for program 7, namely, on page 243 of the yellow book, under 'Issues and Trends' that the incidence of liquor licence fee avoidance is a cause for concern? Could he explain that sentence in terms of who is avoiding licences and what the reason for it might be?

**Mr Young:** Within the Licensed Premises Division of the Department of Public and Consumer Affairs there is a unit of officers who are skilled in accounting and commercial procedures. They spend their time investigating accounts and books for the purpose of detecting licence fee avoidance and evasion. Their activities have been continuing for some two years and this has resulted in more accurate returns being submitted by the liquor industry but, at the same time, it is difficult to prevent all licence fee avoidance schemes because of the constitutional difficulties that exist in Australia. A typical scheme would involve some sort of liaison between a supplier in, say, Queensland and New South Wales and a retailer in South Australia. Recently, some publicity has been given to two such cases which have been detected by the fraud squad of the police, by these officers about whom I am speaking and also Commonwealth customs inspectors. That has resulted in charges of fraud, conspiracy to defraud and the like, and those cases are proceeding. That is the type of thing that causes us considerable concern. It is the question of sales between States.

**Mr DUIGAN:** It is the nature of it and not the volume of it?

**Mr Young:** When someone enters into a scheme such as the one I have just outlined, the volume is quite considerable. In fact, the amount in question, including the avoidance of Commonwealth sales tax, is about \$12.5 million in the case that I have in mind.

**Mr DUIGAN:** In regard to program 7 and the Second-hand Goods Act, regulations concerning the requirements on licensed second-hand goods dealers are currently before Parliament. Dealers are required to take the name and address—

**The Hon. C.J. Sumner:** I have already been asked this.

**Mr DUIGAN:** I am sorry. I was not here.

**The CHAIRPERSON:** In this Committee?

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

**The CHAIRPERSON:** I am not sure that it was precisely the same question.

**The Hon. C.J. Sumner:** The question is whether second-hand dealers have to take the names of purchasers. I have already said that we will amend the regulations to delete that requirement. Is that the question?

**Mr DUIGAN:** That was the preamble. What is the explanation for the pamphlet that has been sent to dealers telling them that that is what they have to do?



**The Hon. C.J. Sumner:** The pamphlet was prepared when the legislation was in place, and before the matter was reviewed, because of the problems that have been outlined.

**Mr DUGAN:** I should like to return to program 7 and the deregulation thrust. I noticed in the conclusion of the report of the Commissioner for Consumer Affairs, which was tabled in Parliament last month, that there is thought to be a need to develop a consensus about the desirability of a deregulatory environment and the importance of focusing attention on occupational licensing legislation. Would the Minister comment on the rate at which the Government's deregulation program is being implemented?

**The Hon. C.J. Sumner:** The Government has done a number of things in several areas concerning deregulation. The corporate area is one. There is the production, through the cooperative scheme, of short form annual returns which lessen the burden on industry. The Government has appointed a Deregulation Adviser who is responsible to the Attorney-General but located in the Department of Public and Consumer Affairs. He will be responsible for examining issues that may be referred to him for investigation. The Second-hand Goods Act is one. In other areas of occupational licensing, I can only say that the Government is anxious to ensure that there are only such licensing regulations as are necessary in the public interest. If the public interest can be protected in some deregulatory framework, that is obviously desirable.

I am not sure how long the member for Adelaide wants me to talk on this topic. I refer him to *Hansard* of last week when I replied to the Hon. Mr Gilfillan on the matter. A whole range of issues are involved in deregulation. There is deregulation of legislation relating to industry and deregulation concerning the marketing boards such as the Egg Board and the Potato Board. There is occupational licensing.

It should be noted, however, that many industries want occupational licensing because they feel that it provides them with some protection. There is deregulation in statutes and regulations. That also will come under the Government's attention now that there is a Deregulation Adviser. The question is whether there should be sunset clauses in all regulations which provide that they must be reviewed periodically.

The area is active, but I think that it is also worthwhile pointing out that a lot of people use the word 'deregulation'. It is an easy catchcry, but in terms of its implementation it is not always that easy. It is certainly something that the Government wants to pursue where that can be done without detriment to the public interest.

**The Hon. H. ALLISON:** Program 3 at page 239 refers to assistance and services to ethnic groups. It mentions that one of the intentions is to establish an overseas qualifications service to assist immigrants and refugees in having their overseas qualifications accredited. I recall that the National Australian Accreditation Committee at university level was one where these problems were not simply addressed. That committee was in existence for many years and seemed to go from one difficulty to another without coming to any resolution because the universities were jealously guarding their individual rights to accredit courses. Has the Commissioner found that it is now increasingly simple to gain accreditation for overseas trades and/or tertiary qualifications, or whether the same biases are still just as strong?

**Mr Schulz:** With regard to changes which may have occurred in accepting both trade and tertiary overseas qualifications, I think that there has been a major improvement in the acceptance of the trade skills of the various overseas workers. However, in some specific areas of tertiary qualifications such as medicine and dentistry the situation has not changed. The commission is in the process of appointing an officer who will have the responsibility for advising immigrants on how to go about getting their qualifications accepted by the various authorities. This is likely to take place within three months, so we hope to help with this problem and to ensure that people coming to South Australia are given an opportunity to contribute in the most meaningful way.

**Mr S.J. BAKER:** On page 240 of the program estimates it mentions that two CEP projects were being developed but failed because the commission could not fund the employer's contribution. Can the Minister provide details of the two projects that failed and of how much money had been spent on their development before they were abandoned?

**Mr Schulz:** I do not have an answer to that question, but will provide that information for the honourable member.

**The CHAIRPERSON:** Such information should be provided by 31 October so that it can be incorporated in *Hansard*.

**Mr S.J. BAKER:** My next question relates to the division of the commission's resources between metropolitan and non-metropolitan areas. Has the Minister any information which demonstrates the way in which the department is spreading its resources throughout the State in terms of money being spent within the metropolitan area and beyond the metropolitan area?

**Mr Schulz:** There is no such split in resource terms. In the last financial year the commission conducted a number of public meetings in various major country areas in South Australia, and devoted with its efforts some resources. So, there has been some commitment of resources in this way, but not in a normal manner of allocating resources to set areas.

**Mr S.J. BAKER:** On page 241 of the Program Estimates reference is made to a joint migrant unemployment project with the Australian Institute of Multicultural Affairs. Now that the Federal Government has abandoned the Australian Institute of Multicultural Affairs, what impact will the change of heart by the Federal Minister have on that project?

**Mr Schultz:** We have consulted with the officers of the institute. Of course, this project is in limbo at this stage, but we understand that the Commonwealth, through its Office of Ethnic Affairs and Multiculturalism, will continue with this exercise. This matter will be resolved at a meeting on 10 October when we will meet with Commonwealth officers, at which time we will clarify steps that need to be taken in order to continue with this project.

**The Hon. C.J. Sumner:** If the honourable member has any questions that he wants to raise, I will be quite happy to provide a briefing for him at a later stage.

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

#### ADJOURNMENT

At 9.58 p.m. the Committee adjourned until Wednesday 1 October at 11 a.m.