

HOUSE OF ASSEMBLY

Tuesday 15 September 1987

ESTIMATES COMMITTEE B

Chairperson:
Ms D.L. Gayler

Members:
Mr S.J. Baker
Mr H. Becker
Mr M.G. Duigan
Mr T.R. Groom
The Hon. T.M. McRae
Mr E.J. Meier

The Committee met at 11 a.m.

The CHAIRPERSON: The procedure to be adopted will be relatively informal. There is no need to stand to ask or answer questions. The Committee will determine the approximate timetable for consideration of proposed payments, to facilitate the changeover of departmental advisers. Changes to the composition of the Committee will be notified to the Clerk as they occur. If the Minister undertakes to supply information at a later date, it must be in a form that is suitable for insertion in *Hansard* and it must be submitted, at the latest, by 2 October. I propose to allow the lead speaker for the Opposition and the Minister to make an opening statement of about 10 minutes, and no longer than 15 minutes, if they so wish.

The Committee will take a flexible approach to giving the call for the asking of questions, based on about three questions per member and alternating sides. Members will also be allowed to ask a brief supplementary question to conclude a line of questioning, before the next member is called. Subject to the convenience of the Committee, a member outside the Committee who wishes to ask a question will be permitted to do so once Committee members have exhausted a line of questioning. An indication in advance by members outside the Committee who wish to ask questions is necessary.

Questions should be based on lines of expenditure as revealed in the Estimates of Payments. However, reference may also be made to other documents such as the Program Estimates and the Auditor General's Report. Ministers will be asked to introduce advisers prior to commencement and at any changeover. Questions are to be directed to the Minister and not to the advisers, but of course the Minister may refer questions to advisers for a response. I understand that the committee proposes to proceed in the order of payments listed on the timetable as circulated.

Attorney-General's, \$14 680 000

Witness:

The Hon. C. J. Sumner, Attorney-General.

Departmental Advisers:

Ms C. Branson, Crown Solicitor.
Mr M. Abbott, Manager, Support Services, Attorney-General's Department.
Mr M. Hill, Project Director, Justice Information System.

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

Mr S.J. BAKER: Just as a brief opening comment, I would like to congratulate the Government on the form in which the Estimates of Payments and the yellow booklet have come to us this year. I am pleased to see the items in the Estimates of Payments and the yellow book, the Program Estimates, linking up this year. It is an improvement on last year. It is our intention to go straight into the questions related to the budget lines, and we will do them in chronological order.

The CHAIRPERSON: I call on the Minister to make any opening statement that he desires.

The Hon. C.J. Sumner: I do not wish to make an opening statement.

Mr S.J. BAKER: I refer to page 152 of the yellow book. My question relates to the hearing of involved complaints by the Ombudsman. How many formal hearings were conducted in the 1986-87 financial year; what areas of complaint were covered; were any of the parties represented; and what are the ultimate resource implications for the conduct of formal hearings?

The Hon. C.J. Sumner: I will obtain that information for the honourable member.

Mr S.J. BAKER: I refer now to page 153 of the yellow book and to the issue raised there relating to growth in computerised accounting packages for legal practitioners resulting in an increased workload for the Legal Practitioners Complaints Committee and its officers. What is the composition of the committee and who is its lay observer? How frequently does the committee meet? What are the remuneration details of members and the costs of running the committee? How many complaints were received last year and into what categories do complaints fall? Has the Minister any data on the number of complaints and the resolution thereof? My last question on that item concerns the comment that the work of the committee has increased but that the budget has decreased from \$7 766 to \$5 000 in this financial year.

The Hon. C.J. Sumner: The details the honourable member requested can be obtained and will be provided to the Committee. Mr Abbott can answer the question relating to the budget.

Mr Abbott: The budget has been reduced, as the honourable member said, largely because of an error in payment in the last financial year. There was a payment of some \$2 800, which represented a cost borne by the Legal Practitioners Complaints Committee funds and not by the Attorney-General's Department. That money represented the cost associated with the transcripts of court proceedings or proceedings of the tribunal. That account is normally sent directly to the Law Society to pay. It was paid by the department and the money has subsequently been recovered; so that is the reason. Once that money is taken out, the appropriation which is there meets the cost of the lay observer.

Mr S.J. BAKER: I move on to page 154 of the Program Estimates and page 64 of the Estimates of Payments on the proscription of publications and public performances. There has been some concern about the material that has come into South Australia, as members would appreciate, and there certainly has been growing community debate on the quality of publications, whether they be in the form of videos or written material. The questions that I would like answered are: who is on the State Classifications Board? What are the details of remuneration? What check is undertaken within the State sphere on the material that is classified by the Commonwealth to ensure that the standards

are in keeping with those that we would wish to see adhered to in South Australia? Has the Commonwealth laid down any standards or guidelines for the classification of films, videos and printed publications? On how many occasions has the State board met and how often has it varied Commonwealth classifications?

What action is being taken by the Attorney-General to put pressure on the Commonwealth to ban X-rated videos in the Australian Capital Territory? As members would appreciate, a number of people in this State are availing themselves of mail orders, getting through material that we in this State believe is not suitable yet, because of the loophole that exists, material can be ordered from the ACT.

The Hon. C.J. Sumner: The honourable member can obtain details of the board membership from reference to the Classification of Publications Board Annual Report for the year ended 30 June 1986. Obviously a new report will be issued soon. With respect to classification, depending on what the honourable member is talking about, there are three separate areas: classification of publications, videos and films.

With respect to classification of films, it is a matter of legislation that the South Australian classification system picks up that which is given to it by the Commonwealth. My recollection is that there have hardly ever been any alterations to Commonwealth classifications in the area of films, although under a previous Government one film that was classified by the Commonwealth was subsequently banned in South Australia and I think, that under yet another previous Government, one classification was altered to some extent, but in general the classification on films that is made by the Commonwealth is accepted by the State.

With respect to publications and videos, generally we accept the classifications that are laid down by the Commonwealth. Some three years ago I think it was, I was concerned about the levels of violence, in particular in videos, and made strong representations to a ministerial meeting on censorship for those guidelines to be tightened up and to some extent they were tightened up. I am not aware of how many videos the South Australian Film Classification Board has checked to see whether they would agree with the Commonwealth classification but, if a complaint is made about a video, then it is referred to our State classification board for its opinion. If the relevant information is not contained in its annual report, then I can certainly attempt to obtain it for the honourable member. Generally, the Commonwealth classifications are accepted.

The committee should realise that for some considerable time a select committee of the Federal Parliament has examined the question of video classification, and I understand that it is due to report later this year. The report was delayed by the intervening Federal election. That committee has now sat, I think, for some two or three years and, once that report is released, there will be a meeting of Commonwealth and State Ministers responsible for censorship to decide what further steps should be taken in this area, depending of course on what recommendations the committee makes. As the honourable member knows, X-rated videos are banned in South Australia and, in fact, if there is evidence that people are advertising in South Australia for mail order videos, that also is probably in breach of the law and, if there are complaints of that, then they will be investigated by the appropriate authorities.

Mr DUIGAN: I give the Minister notice that I would like to follow up the questions raised about classification of videos and, in particular, when the opportunity arises later, I would like to raise some questions about the classification of pornographic games through the Viatel and

Viates systems, which seem to be able to get by the existing classification system. I will seek information on the action being taken by the Attorney to bring those within the ambit of the Classification of Publications Act. However, I have only three questions, so at this stage I cannot go into that. Can the Attorney reconcile the yellow book expenditure summaries for the Attorney-General's Department with the summary of expenditure in the Estimates of Payments?

The Attorney-General's proposed estimate of payments for 1987-88 is \$14.6 million, whereas the total expenditure, both recurrent and capital, in the resources summary (page 147 of the yellow book) is \$18.4 million. Could you reconcile those two figures?

Mr Abbott: Two items which are included in the yellow book in the program format are items of capital. On page 147 there is an amount of \$3 110 000. The other items which are included in the yellow book but not under the Attorney-General's appropriation are special Acts payments. In the Attorney-General's Department they represent the salaries paid to the Ombudsman and to the Solicitor-General. I can take the honourable member's question on notice and check that that is the accurate position. In summary form, that is where the main differences lie.

Mr DUIGAN: I doubt whether the Ombudsman and the Solicitor-General would receive \$500 000 each. There is in the yellow book a sum of \$18.4 million proposed recurrent capital expenditure and, adding the \$14.6 million to \$2.8 million which is in the capital works program for the Attorney-General's Department, the total is \$17.4 million. So, there is about a \$1 million difference between those estimates. I am happy for the extra information to be provided.

The second question also relates to the resources summary. I note that the proposed total expenditure for the Attorney-General's Department for this financial year is to be \$500 000 more than the actual expenditure for last year, and that there will, at the same time, be an increase in the full-time equivalent staff within that area of 20 persons. My calculations indicate that the difference is some \$300 000, which would indicate an increase of about 20 staff on a clerical officer range. Can you give me any information as to the allocation of those extra 20 staff within the system?

Mr Abbott: There has been an increase in staff resources in the Legal Services to the State program of approximately 10 persons. That increase is on account of additional legal officers being approved by the Government about last April. In addition, two clerical officer positions were approved to supply services for those legal officers, and they are shown in inter-agency support services. In addition, two positions were established within the commercial section of the Crown-Solicitor's office and funded by SAFA. Whilst that money is recouped from SAFA and shown in the revenue receipts, the initial cost is shown in staffing numbers in our budget. An additional half a position was created in the Crown Solicitor's office, and funded by the Department for Community Welfare, to assist in need of care applications. In addition, during the course of the year there was some growth in staffing levels for the Justice Information System.

Mr DUIGAN: So, it is an excellent result seeing that you are seeking \$1.5 million this year but will operate at a higher employment level. Obviously there is greater productivity in the department somewhere along the line. The third question relates to the policy of the Crown Solicitor's office charging out to other Government departments the equivalent cost of legal advice tendered to them. Would the Minister indicate where I might find that in the statements of receipts and say how substantial has been the payment by other Government departments to the office for that legal advice?

The Hon. C.J. Sumner: We do not operate a system of cross charging for Attorney-General's legal advice.

* **Mr BECKER:** A report in the *Advertiser* dated 2 December 1985 headed, 'Sumner outlines \$250 million anti-crime policies' states:

Tougher parole laws, more community police stations, a \$2.25 million anti-drug campaign and more police are key elements of a \$250 million crime and justice policy outlined yesterday by the South Australian Government.

The Attorney-General, Mr Sumner, who launched the policy, also called for the issues of law and order to be free from Party politics.

He said a key part of the Government's policy was for a joint parliamentary Party committee which would seek wide community participation and discussion of the ways in which the society could be made safer.

Could the Minister advise the Committee what action has been taken and when, or if, this joint parliamentary committee will be formed?

The Hon. C.J. Sumner: To date no action has been taken on that aspect of the policy. I believe that it is desirable, but it is like everything at the moment: the initiatives must be justified in terms of the resources that we currently have. The reality is that there has been very little money available for new initiatives in this financial year, as the honourable member would be aware.

Mr BECKER: Is this another key election promise that will be broken, or will we blame the Federal Government or somebody else for not arranging the priorities and providing the finance? We are advised in a document provided by the Police Commissioner that crime has now gone through the roof. The community is concerned at the number of armed holdups, break and enters, rape and sexual abuse. I think that just about every section of horrendous crimes has increased. The community wants to know what you are going to do about it and when.

The Hon. C.J. Sumner: The fact is that this Government has done more than its predecessors in the area of law and order, and certainly more than most other States in Australia with respect to police numbers. Since 1982 there has been an increase in police numbers and resources in that area. South Australia has the highest per capita number of policemen of any State in Australia excluding the Northern Territory. We have more resources put into police per capita than any other State in Australia excluding the Northern Territory. A number of law reform initiatives have been taken in the past five years, including increasing penalties, clarifying police powers under the Summary Offences Act, abolition of the unsworn statement, and changes to the laws of evidence with respect to sexual cases.

A package of legislation is being prepared which will be introduced shortly on the question of child sexual abuse. There has been an upgrading of communications systems in the Police Force. So, the honourable member must realise that the resources put into this area, including the correctional services area, have been very substantial. With respect to consideration to victims of crime, South Australia has led Australia in those initiatives.

We have established rights for victims of crime in the criminal justice system. We have promoted legislation which has amended the law to ensure that compensation is given a priority over the payment of fines—that is, direct compensation from the offender to the victim. We have provided for victim impact statements to be put before the court to ensure that the effect of a crime on a victim is before the sentencing judge. We have introduced legislation to impose a levy on all offenders to increase the amount of money available for the victims of crime through the criminal injuries compensation fund. Money from illegally obtained assets or profits will also be put into the criminal

injuries compensation fund. This has enabled the maximum amount of compensation to be increased to \$20 000, and it has also allowed for a component of pain and suffering in any criminal injuries compensation payment.

So, there is little doubt that the Government has given the law and order and criminal justice area a priority. Any fair analysis of what the Government has done since 1982 can only conclude that in the areas of law reform, resources, and of concern for victims, this Government has certainly done more than any other State Government in Australia.

The increase in the crime rate, to which the honourable member has referred, is not something peculiar to South Australia, and it is not peculiar to Australia; it is a phenomenon of virtually all western industrialised countries—I think Switzerland is the only exception. Certainly, in the United States the crime rates are much greater—certainly in respect of physical violence—than is the case in Australia. Western Europe, the United Kingdom and Canada have all been subject to the same sort of phenomenon that we have seen in Australia. I do not think that the honourable member would want the matter to become a narrow Party political issue; it is a community issue, and the Government has done significant things in attempting to come to terms with it.

The committee to which the honourable member has referred is one that I would certainly like to see established in the Parliament, because I think it could perform a valuable role and, obviously, that proposition will be considered again as part of next year's budget considerations. But as the honourable member would know, having been in Parliament since, I think, 1970, commitments that are made are implemented over the period of a Government's term. I hope that, if resource problems ease that commitment can be addressed.

In respect of individual crime rates, it is difficult to make cross-national and, indeed, cross-State comparisons, but there is no suggestion that in respect to individual crimes South Australia is any worse off than any other State in Australia. On some, we have a higher rate of reported crime, while in others we have a lower rate. With respect to such things as rape, it is estimated that rape and sexual offences are under reported by some 60 per cent, that in rough terms, only 30 per cent or 40 per cent of such offences are reported. So, if we provide facilities for reporting offences, as we have done in South Australia for a long time now, one would expect, and indeed one would hope, that the reported rate of rape will increase. That does not mean that in fact the actual victimisation rate has increased. So, one has to be careful about cross-State comparisons. But, even taking into account those qualifications, it certainly does not show that South Australia is in any worse position overall than the other States in Australia; indeed, in some areas it is in a better position.

Mr BECKER: That sounds very nice, Minister, and one can point to all sorts of statistics and comparisons with other States and other countries around the world. However, the crime rate level in South Australia is unacceptably high to South Australians. We have a lifestyle of our own which is unique to South Australia and which does not include any increase in the level of crime. That is why I want to come back to a question asked previously by my colleague, referring to videos and video censorship laws. Is there any pattern that the types of video, books and publications that are coming into South Australia have contributed to any of these crimes that we are experiencing?

The Hon. C.J. Sumner: That is not the type of question one can answer positively. First of all, I am not sure what the honourable member is referring to. X-rated videos have

been banned in South Australia now for some three or four years.

Mr BECKER: A tremendous amount of violence still exists, though.

The Hon. C.J. Sumner: Perhaps the honourable member ought to direct his attention to the media, to the television stations, or to the commercial producers of films, such as *Rambo*—but, of course, the honourable member has not done that. He decides to direct his questions to me and suggests that somehow or other a lot of pornographic and excessively violent videos are being permitted to come into South Australia. I can tell the honourable member that, in Australian terms, some three or four years ago I took the lead in getting—not just attempting to, but getting—through the Commonwealth and State Ministers meetings a tightening up of guidelines for video and films. The honourable member may have decided that those guidelines are not tight enough—and I am not really sure whether he is referring to films that are classified for public exhibition or whether he is referring to the black market in videos. If the honourable member will specify the details of his question a little more clearly, I will give him an answer to it. Is the honourable member referring to films that are classified?

Mr BECKER: Films, videos—

The Hon. C.J. Sumner: Are you referring to films that are classified?

The CHAIRPERSON: Order! I would like the members of the Committee and the Minister to direct their questions and statements through the Chair. I will not tolerate conversations going on. I invite the member for Hanson to elaborate on his question by means of a supplementary question.

Mr BECKER: What I am really getting at is the current classification standards on films, videos and publications.

The Hon. C.J. Sumner: I take it then that the honourable member is suggesting that the current classification system for films and videos, which is in existence in South Australia and the rest of Australia and, what is more, is generally accepted in the rest of Australia, with some exceptions, is responsible for the crime rate. Is that what you are suggesting?

Mr BECKER: I am asking the Attorney a question. I want the—

The CHAIRPERSON: Order! I call the Attorney General and the member for Hanson to order. I will not permit the dialogue to continue. The member for Hartley.

The Hon. C.J. Sumner: I am sorry, Madam Chair, but, with respect, surely I am entitled to speak.

The CHAIRPERSON: I will not have members of the Committee in a continuous dialogue with the Attorney. Questions will be directed to the Attorney and he will have every opportunity to answer them. The member for Hartley.

The Hon. C.J. Sumner: Surely I was entitled to raise a point of order. Don't I have any rights in this Committee?

The CHAIRPERSON: I am sure the Attorney will have other opportunities to pursue that line of answer. The member for Hartley.

Mr GROOM: I want to ask the Attorney—

Mr BECKER: It's unreal.

Mr GROOM: This question is not unreal.

Mr MEIER: On a point of order, I felt that the Attorney was halfway through his answer to the question from the member for Hanson and I would like to hear the remainder of the Attorney's answer.

The CHAIRPERSON: There is no point of order. The Chair and *Hansard* have difficulty when the Attorney persistently asks questions in reply to questions. The Chair will not tolerate that. The member for Hartley.

Mr GROOM: I refer to law reform. The Attorney might recall that last year I wrote to him regarding a State administrative appeals tribunal, similar to the Federal Administrative Appeals Tribunal. I have received a number of complaints from people who are aggrieved by decisions of State Government and semi-government functionaries and feel that they do not have an adequate means of redress. The Attorney replied that some consideration was being given to a State administrative appeals tribunal. What consideration has been given to date and what are the implications of establishing a State administrative appeals tribunal, similar to the Federal Administrative Appeals Tribunal?

The Hon. C.J. Sumner: The matter is being considered and a report done on it. In addition, we are looking at establishing the district court by a separate District Courts Act. As part of the package of measures involving the courts, we are considering an administrative appeals tribunal. We have a *de facto* arrangement in the district court where certain judges do the administrative appeals work. Judge Bowering, recently appointed, does most of the planning appeal work and other of the administrative appeals work. The formal establishment of an administrative appeals tribunal beyond what we already have is being considered as part of the overall package of court reform measures.

It is important, in establishing an administrative appeals tribunal, to ensure that we are not handing over policy issues to the judiciary for determination. The Federal Administrative Appeals Tribunal and the Victorian Administrative Appeals Tribunal have gone to the extent of allowing courts to, in effect, make policy decisions. Whatever structure we establish, it must be absolutely clear that the administrative appeals are within a fairly defined area and that policy decisions which, after all, ought to be made by Governments, or at least people elected to office, should not be to be overruled by courts involving themselves in policy decisions.

With that rider, the notion of bringing together these matters in an administrative appeals unit or section of the district court appeals to me. I do not think we would establish a separate administrative appeals tribunal, but probably make it a division of the district court. It is being considered as part of the process of separating the local and district courts and establishing a separate District Courts Act.

Mr S.J. BAKER: I refer to the statement in the yellow book relating to the deferment of that reconstitution of the Law Reform Committee. The Attorney is probably well aware that some concern has been expressed. The Law Reform Committee was seen as an independent body and no longer will be seen as such if it becomes an in-house operation. The terminology goes along the line of Caesar to Caesar in terms of the ability of the administrative wing of the Government to look at its own performance in the area of law reform. Will the Attorney say what form this reconstitution will take? Does he believe it will diminish South Australia's standing in Australia and in other countries if it no longer has a separate body which stands above and separate from the administrative arm of Government?

The Hon. C.J. Sumner: In answer to the second question, 'No'. In answer to the first question, I do not know at this time. The reconstitution of the committee has been deferred for consideration in the next budget. An ample workload in terms of law reform and legislation, exists in the Attorney-General's office presently. In addition, we have the Australian Law Reform Commission. Every other State has a law reform committee of some kind or another. There are various *ad hoc* committees of inquiry into the law, all

of whose reports are available to the South Australian Government for consideration.

In that context it was decided not to reconstitute the Law Reform Committee for the time being. As members of the committee would probably know, Justice Zelling, as he then was, chaired the South Australian Law Reform Committee from 1969, when it was created, through until his retirement last year. Justice Zelling put an enormous amount of energy and his own time into ensuring that the Law Reform Committee functioned well. South Australians owe a considerable debt of gratitude to Justice Zelling for that work—a debt which I have certainly acknowledged publicly on a number of occasions. However, with his retirement the Government had to consider how it would handle law reform matters and for the moment it was decided that the reconstitution of the committee should be considered in the next budget, as a result of resource problems that currently exist. That does not mean that nothing will be done in the law reform area. Reports still have to be considered for implementation and there is an ample legislative program for the Parliament over the next 12 months.

With respect to the honourable member's point about having an independent committee, I point out that before anything is passed and becomes law it has to pass the Parliament. No matter what the proposal, whether it comes from an independent law reform committee, the Mitchell committee, the Australian Law Reform Committee or the Standing Committee of Attorneys-General, in the ultimate analysis it is the Parliament that decides whether or not a proposal is to be enacted into law.

Mr S.J. BAKER: Before I ask my next question, I make the comment that we are talking about a group that is taking an overview of how well the law operates. Therefore we say that independence does have its benefits because it is not subject to the administrative constraints of the Government, although we do not deny that, ultimately, Parliament must look at the outcomes of those committees.

My next question relates to the Criminal Injuries Compensation Fund for the victims of crime. There are some very strange things in the estimates about this little number. I point out to the Attorney-General that, strangely, on page 65 the Estimates of Payments puts the proposed budget for compensation at \$1.3 million, which is exactly the same as it was in 1986-87. The Program Estimates shows that the nominated amount is \$1.5 million, so there is a difference between the two booklets in that regard. It is also noted that the amount of payments coming in on the revenue side is little different from 1986-87. That means that there is no special accounting for all the money that is being taken from those motorists who pay a \$30 fee for transgressing.

The Hon. C.J. Sumner: On a point of order, I suggest that the honourable member is not accurate in his assertion.

Mr S.J. BAKER: The Attorney-General has a chance to answer the question.

The Hon. C.J. Sumner: I make the point that it is quite inaccurate.

The CHAIRPERSON: It is not a point of order. Has the member for Mitcham concluded his question?

Mr S.J. BAKER: Can the Attorney-General inform the Committee why there is an anomaly between the two reported levels of compensation for victims of crime? Where is provision made for all the money that is being taken from criminals?

The Hon. C.J. Sumner: The budget papers show the contribution from general revenue. They do not show details of the Criminal Injuries Compensation Fund, which was established as a result of legislation passed earlier this year. First, I correct the honourable member: the sum that comes

from motorists is certainly not \$30. It is \$5 if motorists choose to expiate the offence by payment of a traffic infringement notice; \$20 if they appear in a court of summary jurisdiction; and \$30 if they appear and are found guilty in the Supreme Court. In the Children's Court it is \$10 for a parent.

I know that the honourable member is fully in support of the proposition because I recall that he voted for it when the Bill was introduced in the House of Assembly. I thank the honourable member for his support of the system of levies to supplement the Criminal Injuries Compensation Fund. It was very much appreciated by the Government and victims of crime, who will benefit as a result of this initiative.

It is estimated (and it must be an estimate) that the levy will produce \$467 000 from traffic infringement notices; \$1.1 million from courts of summary jurisdiction; and \$27 000 from the higher courts. In addition to that is the amount from recoveries. Last year recoveries were \$71 429. Next year it is estimated that recoveries will be \$120 000. In addition, there will be appropriated to the Criminal Injuries Compensation Fund from general revenue an amount at least equal to that of last year. Further, the amount will be supplemented by the levy that I have just outlined. In addition to that there will be the recoveries and, hopefully, whatever is recovered from illegally obtained assets or profits of criminal behaviour will be added to the fund.

Mr S.J. BAKER: I thank the Attorney-General for his response to that question because something is obviously very deficient in the way in which the Government runs its accounts. I point out to the Attorney that when the Criminal Injuries Compensation Bill and the use of surcharges in the courts and on fines were debated the Attorney-General was not too sure which categories of offences would be covered. Later it was found that the coverage was to spread far and wide.

The Hon. C.J. Sumner: I take a point of order.

The CHAIRPERSON: No, I call—

The Hon. C.J. Sumner: With respect, are members of this Committee allowed to misrepresent positions? Is that what happens in the House of Assembly?

The CHAIRPERSON: No. The Attorney-General will have every opportunity, when the member for Mitcham has finished his question, to disabuse members of any inaccuracies.

Mr S.J. BAKER: Thank you, Madam Chair, for your protection. I point out to the Attorney-General that if he looks at *Hansard* when the Bill was handled in the Lower House, he will see that the question was raised about what the coverage of those surcharges would be, and there was a distinct lack of answers as to which offences would fall within its ambit. Whether that was because information was passed on poorly or whether the Attorney-General did not have the information available at the time, I am not too sure.

By my calculations, the Government said that it would put in \$1.3 million, as it did last year, that there will be recoveries of between \$100 000 and \$200 000 and that some marijuana growers' assets will be confiscated, but we will leave them outside the system. On the basis of the surcharges, there is in excess of \$1.6 million that will be added to the \$1.3 million from last year, which will leave revenue of \$3 million available for distribution. Where, in the budget papers, is that \$3 million of expenditure accounted for?

The Hon. C.J. Sumner: I suggest that the member read the *Hansard* report of the debate in the Legislative Council. While there were some areas where we were still—

Mr S.J. BAKER: That's right.

The Hon. C.J. Sumner: Just a minute.

The CHAIRPERSON: Order!

The Hon. C.J. Sumner: I was reasonably specific and certainly indicated that the levy would be as broad as possible. That was indicated at the time, and the member knew that when the legislation was passed. Certainly the shadow Attorney-General knew it at the time the legislation was passed and supported it, as did the Liberal Party.

I thank them for their support, because it was a very good initiative. At that time it was indicated that there would be some exclusions basically around local government parking fines and the like. Where other legislation imposes penalties for illegal parking, they also have been excluded. However, we have tried not to exclude many offences, because the basis of the scheme was to make it as all encompassing as possible. The philosophy behind it was that, rather than have the general taxpayer pay criminal injuries compensation, there ought to be a category of people—offenders—who make a contribution for compensation to a category of people—victims—where those victims are not able to get the money directly from the offender. The package specifically provided that, where possible, as a priority over fines, the direct reparations from the offender to the victim would be available.

When the matter was debated in the Parliament, we were reasonably specific about what it would cover. It was made clear that it would cover as many offences as possible. Some exclusions were indicated. There was some doubt about a few at the edges, but certainly we did not give an impression that this would be a narrowly based levy. I suggest that, before the honourable member continues to make assertions of that kind, he should check with the records, and in particular, the records—

Mr S.J. BAKER interjecting:

The CHAIRPERSON: Order! I call the member for Mitcham to order.

The Hon. C.J. Sumner:—in the Legislative Council when the matter was debated. As I recall it, the amounts that we hoped to obtain from the levy scheme were also given in the Legislative Council at the time that the matter was debated. In addition to that, I said that the commitment from general revenue would be maintained. An amount of \$1.6 million is expected to be obtained from the levy (and again we do not know precisely, because it is an estimate, given that it is a new levy that has been introduced) and the \$1.3 million commitment to the fund will be maintained. Because of that expected increase in the fund, we were able to increase the maximum amount of compensation from \$10 000 to \$20 000 and to allow for a payment of up to \$5 000 for pain and suffering.

The reason for that latter provision was to overcome the injustice that was seen in those cases of police officers, for instance, where they were injured at work but had no residual disability, but because of the injury at work had used up all of the \$10 000 criminal injuries compensation in weekly payments of compensation and in medical expenses. So, under the scheme which has operated since 1969, those police officers were not entitled to any additional payment, and that was seen to be unfair.

The Government accepted that and specifically provided in the legislation which has been passed for a pain and suffering component of up to \$5 000. With the increase in the amounts that are being paid to victims of crime, obviously there will have to be an assessment at the end of this financial year as to exactly what sort of drain there will be on the fund as a result of those increases. We will then be in a position to assess whether or not the amounts of

payment should be increased in the future. That will depend on the state of the fund, but the significant initiative (and I am not sure whether the honourable member realises how significant it is, but it is a very important initiative) is to establish a separate fund from which payments can be made to the victims of crime.

In addition to the general compensation that will be paid to victims of crime, the fund can be used (and that was in the legislation) to assist victims of crime generally. I think in the debates at the time it was indicated that there would probably be an application for funding from the Victims of Crime Service. It is expected that some of the fund will be used to assist the Crown Prosecutors in carrying out their role under the principles that have been outlined—the rights of victims of crime. Those matters are still being examined as to precisely how much will be taken from the fund for those purposes, that is, for assistance to voluntary organisations assisting victims, such as the Victims of Crime Service (and there may be others), and for assistance in relation to the victim impact system, which is contained in the principles which have been outlined by the Government as rights for the victims of crime and which have been promulgated throughout all Government departments.

I think there was also a suggestion that some of the money could be used for a training course at the South Australian Institute of Technology on victimology, so the money will come into the Criminal Injuries Compensation Fund. A particular fund will be set aside from general revenue, from the levy, from recoveries from offenders and from any money that is obtained as a result of the confiscation of assets or profits from criminal activity, excluding drug offences, where any moneys confiscated as a result of drug offences are to be paid for drug rehabilitation. Anything else would go into the Criminal Injuries Compensation Fund. So, there are four sources of revenue for the fund. From the fund will be paid the criminal injuries compensation (that is, the State compensation) to victims at the increased rate, plus certain amounts that can be ordered by the Attorney-General to assist victims generally. I have indicated the sort of area where those payments will be made.

Mr DUGAN: In relation to program 3 and dealing with the prescription of publications and public performances which is dealt with on page 154 of the yellow book, the Attorney would be aware of an article in the *Advertiser* of 17 June 1987 which dealt with the issue of computer games, which issue was aired also on the *State Affair* program on the following day. The concern that was expressed both in the *Advertiser* and on the *State Affair* program was whether or not the existing classification powers extended to a classification of violent or pornographic computer games. I understand that in response to those articles the Attorney indicated that he would raise the issue at the next meeting of censorship Ministers to see whether or not there were sufficient powers to be able to control access both by adults and by children to these types of games. Can the Attorney tell us when that meeting is to be held and what further examination has been undertaken by either the Attorney or the Classification of Publications Board in terms of the powers that exist and whether or not they are adequate to cover these matters?

The Hon. C.J. Sumner: I will leave that question aside for a moment and come back to the question asked by Mr Becker, who raised certain questions. I tried to clarify exactly what he had in mind. I am not sure that I obtained full answers to my questions to him. If he was talking about the general film classification system, then that is something for which guidelines are set at the national level as a result

of discussions by the Commonwealth and State Ministers responsible for censorship, and taking into account the views of the Commonwealth Film Censor and the Commonwealth Film Board of Review. Those classifications are virtually accepted throughout Australia. They are accepted in Queensland to a substantial extent, although it is true to say that that State Government is more likely to intervene to alter some of those classifications.

I think it is drawing a long bow to suggest that the crime rate in South Australia is related to the film classification system which has operated in this country for the past 15 or 20 years and which has been accepted by virtually every State in the Commonwealth. If the honourable member is concerned about the matter—and indeed I have been concerned about the categories of classification of films—then that concern can be taken up at the appropriate forum to see if the classifications should be tightened. As a result of initiatives that I took three or four years ago at the Minister's meeting, classifications were tightened up in the area of violence. If the honourable member wishes to pursue the matter, he will need to not only discuss the matter with me, with the Government or with other Governments in Australia, but will need also to direct his attention to the film and television industries in order to decide whether or not he wants to advocate greater censorship in those areas. If he wants to do that, I think he will need a bit more hard evidence to connect that classification system and the levels of violence with the crime rate. There may be some connection with violence and that is why there is a classification system.

This issue cannot be dealt with simply; it is incredibly complex, and the fact that the Federal select committee has been deliberating for three years on the question of the standards of video censorship reflects the complexity of the issue. I suggest to the honourable member that he await the Federal select committee report, which should provide a basis for further debate in the community about the appropriate guidelines with respect to violence in films and videos.

If the honourable member was referring to another category of video, that is, illegal X-rated videos and films, which, of course, are banned in South Australia, complaints of that material being shown in South Australia or coming into South Australia as a result of advertisements in this State can be investigated by the police. I hope that has explained the matter for the benefit of the honourable member. If he wants to take the matter further I suggest that he consult the Federal select committee report which I understand is due for release soon. When that report is produced there will be a meeting of Commonwealth and State Ministers on censorship and, in the context of that report, we will be discussing the video and publications guidelines which currently exist in this area to see whether or not any further changes ought to be made.

Mr Duigan has raised the question of classification of video games. Section 33 of the Summary Offences Act deals with the publication of offensive or indecent material. The word 'material' is broadly defined to include written or printed materials, pictures, carvings, video tapes and films. It also includes 'any other material or object on which an image or representation is recorded or from which an image or representation may be reproduced'. The Crown Solicitor has advised that a person could commit an offence under section 33 if that person produced or sold a computer program stored on a disc or tape and if that computer program resulted in the display of offensive matter. Whilst this matter has not been tested in the courts, if a complaint was made that a computer game was indecent or obscene

within the definition of section 33 the matter could be investigated and a prosecution launched.

This is an area of some concern. It is not as simple as it might seem because with some computer games the results you get depend on how well you operate the computer. It may be that the operator will play with the game for hours and will not get any image displayed that is obscene or indecent, but in the end he may. Our advice is that if there is an image or representation reproduced as a result of playing a computer game then that is probably covered by the existing law. We have asked that this matter be placed on the agenda of the next Minister's meeting on censorship and I should be able to advise Parliament and the community further after the matter has been considered and the experience of other States has been taken into account. As presently advised these computer games are picked up under the existing law.

Mr DUIGAN: My second question relates to the operations of the Crimes Statistics Office. Does the Crimes Statistics Office have, or intend to have, a research program which would determine whether or not the neighbourhood watch programs currently operating in the suburbs have a substantial effect on the reduction of crime in the areas where they are operating?

The Hon. C.J. Sumner: We do not have a research project on that topic. I will consider what the honourable member has said, but I think the assessment of the neighbourhood watch program is being carried out within the Police Department.

Mr DUIGAN: My third question relates to the summary of the receipts for the Attorney-General's office on page 17, wherein it indicates, as a result of the requirement of the Audit Act, the amounts received from the Commonwealth, in particular under community legal centres and legal aid, amount to \$8.5 million estimated for 1987-88. I cannot find in the Estimates of Payments a program allocated to legal aid services. Can I be given some assistance as to how to read the budget papers in this area?

Mr Abbott: The Legal Services Commission allocation is not included as a separate program within the yellow book budget papers. It is included in the budget papers in the white book under 'Attorney-General, Miscellaneous' on page 72. I think there is a reconciliation that picks it up, but it is not included as a specific program and, during the life of the yellow book, never has been.

Mr DUIGAN: I will ask a supplementary question now that I know where to find it. Do I take it in respect of community legal centres that the difference between the allocations in the miscellaneous line of \$355 000 and \$200 000 received from the Commonwealth is the State Government's contribution to community legal centres?

Mr Abbott: That is correct. However, in putting those figures into the budget, a guesstimate has been made as to the Commonwealth allocation to be announced tonight. The figures that you stated are correct, but they depend to a degree on the outcome of the Commonwealth budget tonight.

The CHAIRPERSON: Strictly speaking, we should have left that matter until we come to the miscellaneous payments.

Mr MEIER: My first question comes from program 7 of the Estimates of Payments, but in particular I pick up the point on page 158 of the yellow book, where it states:

The Parliamentary Counsel, as Commissioner of Statute Revision, also has the responsibility for preparing consolidated Acts and regulations for reprinting in pamphlet form.

What statutes and regulations have been consolidated so far, and what ones are envisaged for consolidation in the current financial year?

The Hon. C.J. Sumner: Shall I read them out or do you want them in a schedule?

Mr MEIER: If there is a long list, it could be a schedule, but we would like to hear the ones envisaged for the current financial year.

The Hon. C.J. Sumner: I will include a list of those that have been consolidated so far.

TABLE OF ACTS REPRINTED IN PAMPHLET FORM

Title of Act	Date of Reprint
Acts Interpretation Act, 1915	8 May 1987
Adoption of Children Act, 1967	31 July 1986
Building Act, 1971	31 July 1986
Classification of Films for Public Exhibition Act, 1971—see Film Classification Act	
Classification of Publications Act, 1974	1 March 1984
Commercial Tribunal Act, 1982	1 April 1987
Correctional Services Act, 1982	19 August 1985
Criminal Injuries Compensation Act, 1978	14 August 1987
Criminal Law Consolidation Act, 1935	1 January 1985
Education Act, 1972	1 November 1984
Film Classification Act, 1971	1 March 1984
Government Financing Authority Act, 1982	1 April 1987
Juries Act, 1927	1 March 1985
Land Tax Act, 1936	18 May 1987
Local Government Finance Authority Act, 1983	1 April 1987
Mental Health Act, 1977	1 March 1984
Mental Health (Supplementary Provisions) Act, 1935	1 March 1984
Mining Act, 1971	31 July 1986
Motor Vehicles Act, 1959	1 January 1985
Offenders Probation Act, 1913	19 August 1985
Ombudsman Act, 1972	10 March 1987
Parliamentary Superannuation Act, 1974	1 September 1984
Police Offences Act, 1953—see Summary Offences Act	
Road Traffic Act, 1961	1 January 1985
South Australian Health Commission Act, 1976	1 August 1985
Stamp Duties Act, 1923	1 November 1984
Summary Offences Act, 1953	8 July 1985
Workers Compensation Act, 1971	1 November 1983

The Acts that Parliamentary Counsel are currently working on are as follows: Administration and Probate; Children's Protection and Young Offenders; Community Welfare; Credit Union; Equal Opportunity; Industrial Conciliation and Arbitration; Industries Development; Land Agents, Brokers and Valuers; Local Government; Lottery and Gaming; National Parks and Wildlife; Payroll Tax; Planning; Prices; Racing; Second-hand Motor Vehicles; and State Transport Authority. They are A or top priority and are currently being worked on. There are then categories B, C and D. In category B, the next lot to be looked at, are included the City of Adelaide Development Control; Consumer Credit; Consumer Transactions; Dog Control; Evidence; Mental Health; Motor Vehicles; Police Regulation; Residential Tenancies; Road Traffic; Shop Trading Hours; Summary Offences; and the Trustee Act. That is the program.

If members have any suggestions or any Acts that they think should be given higher priority in the consolidation, we are quite happy to examine them and get them looked at at least to see whether they ought to be given higher priority. The instruction given to Parliamentary Counsel is to work on those Acts that have not been consolidated for some time and, therefore, where there may be a number of amendments that make the Act difficult to read. In addition, they concentrate on those used by the public or the legal profession. In other words, there is not much point in

consolidating, say, the Parliamentary Superannuation Act which has a fairly select audience, or the Judges Pension Act that has another fairly select audience. It does not seem to me that there ought to be any priority given to that, but the priority ought to be given to those Acts which have been often amended, and, which are therefore, in a bit of a mess in terms of trying to find the material and, in particular, those Acts that are used by the public, by a wider audience, or by the legal profession.

Mr S.J. BAKER interjecting:

The CHAIRPERSON: The member for Mitcham will come to order. The Chair protected the member for Mitcham on an earlier occasion.

The Hon. C.J. Sumner: Can I answer the interjection?

The CHAIRPERSON: No, interjections are not answered under our Standing Orders.

The Hon. C.J. Sumner: They are in the Legislative Council, Madam Chairperson.

The CHAIRPERSON: The Committee operates under the sessional orders of the House of Assembly.

Mr MEIER: I will perhaps assist the Attorney by asking a supplementary question to the first one. Regarding the priority to the first 17 mentioned in category A, he certainly hopes that they will be completed this year?

The Hon. C.J. Sumner: Yes. As they are reprinted, they are on a word processor and computerised, so it should be much easier. We were constrained by the lack of resources put into this area by the previous Liberal Government.

Mr MEIER: My second question comes from program 8 and I refer to page 159 of the yellow book. On the left hand column under 'Issues/Trends', it states:

There has been an increase in the number of claims and matters being litigated by the Civil Section, mainly as a result of the substantial increase in civil claims over the past two years.

What is the increase over the preceding year and what is the nature of the civil claims being litigated? In other words, can they perhaps be put into categories and, in that respect, can they be compared with the preceding years?

Ms Branson: The category is fairly easily identified. There is now a very common trend for all workers compensation cases to be accompanied by a common law claim, and that is the greatest single area of increased civil claims relating to injuries in the workplace. I am not able to give the precise numbers in comparison with other years.

I can say, however, that the Attorney-General's Department will this year for the first time produce an annual report and, hopefully, in all subsequent years comparable figures will be available to be given to members.

Mr MEIER: I take it, therefore, as a supplementary question, that figures are not actually available for a comparison, or is it possible to obtain those figures and have them inserted in *Hansard*?

Ms Branson: The figures for the past financial year are available. A figure of the number of claims is available but I do not have available figures for the preceding years. Presumably, a very exhaustive study of the files of the Attorney-General's Department could produce them, but it would be a very major exercise.

Mr MEIER: I would not want to see money wasted unnecessarily, but I wonder whether it is possible to compare the figures for previous years with the figure for this year?

Ms Branson: I can advise that, during the 1986-87 financial year, the civil section of the Crown Solicitor's Office, which is the section that handles these claims, was instructed in 1 789 matters, of which 930 were workers compensation and related common law matters, and 239 matters were common law matters not related to workers compensation. Of course, other work was handled in the department, but

I have given the statistics that I think the honourable member has asked for.

* **The CHAIRPERSON:** The member for Adelaide.

Mr MEIER: That actually was my second question, Madam Chair. I think the last one was a supplementary question.

The CHAIRPERSON: Not on my count: the honourable member has had three questions plus three supplementaries. We will come back to the honourable member later. There is plenty of time. The member for Adelaide.

Mr DUIGAN: I refer to program 10 'Systems Development (Justice)' and, in particular, I refer to the Justice Information System. I note that the major, and in fact only, item on the capital works program for the Attorney-General's line provides for \$2.8 million for a continuation of the justice information program. Can the Attorney advise me how much has now been spent on the Justice Information System, how much more remains to be spent, and over what years will that extra capital expenditure be incurred?

Mr Hill: That information needs to be laid out as a proper table of expenditure, showing all the capital and recurrent expenditure and contributions from the agencies. Can I take that question on notice?

Mr DUIGAN: I do not wish to put the Attorney's officers to a great deal of expense, time and effort in providing this information. I just want some idea of how much more capital expenditure is involved in bringing into service the computer operations associated with the program. I take it that the \$1.8 million in this budget will not be the end of it.

Mr Hill: Certainly not. The exact figure that remains to be spent depends on the way that the project evolves. The figures provided were based on calculations done in 1982-83 and the environment is changing around us all the time. However, one would naturally expect, for the level of work identified to be done in 1982-83, that the capital expenditure should decline rapidly.

Mr DUIGAN: I turn now to the issue of staff training for people in the various associated justice agencies, who will be using the system. Can the Attorney indicate what training programs are under way in the user departments for the JIS system?

Mr Hill: We have a quite formalised training program under way, which operates at about three levels. A training committee is planning and organising the complete regime of training for all the users and, as systems move from being prototypes and implementable systems, users who are expected to use the system are put through a very structured training program, beginning with keyboard familiarity and skills and then into the specifics of a particular application.

Mr DUIGAN: From the 1987-88 targets and objectives that are set out on page 161 of the yellow book, I take it that the program is not yet in operation and that it is unlikely that the 10 targets specified there will be operational in 1987-88? If that is correct, can I have some indication of when it will be operational?

Mr Hill: A lot of systems are coming close to the point where they can be moved over to users and be implemented. Some have already gone into that phase but, certainly by June 1988, we will have quite a number of systems in every agency being implemented.

Mr S.J. BAKER: I refer to a question that I asked earlier about why the Estimates of Payments book shows only a total expenditure of \$1.3 million for payment to victims of crime. I note that the Attorney spent 10 minutes describing (and I think he repeated himself three times) where the money was going to come from and where it was going to

be spent. Although that explanation was repetitive, it was appreciated. However, the book shows a figure of \$1.3 million, and as these are the official budget estimates, there is no commitment in this budget to spend \$3 million. So, once again I ask the Attorney to clarify this anomaly. Secondly, how will the moneys be handled? Will the Government pay this \$1.3 million, its own contribution, into a trust fund, and will the levies, fines, etc. coming from the criminal jurisdictions and the motoring jurisdictions also be added to that fund? How will all this money be invested?

How will the money be managed, or does the Government intend to operate on a deficit funding basis?

The Hon. C.J. Sumner: All the moneys to which I have referred will go into the criminal injuries compensation fund. It is money specifically set aside. No proposal exists at this stage to manage that fund as a separate fund in terms of how it should be invested because the Act specifically provides that any deficit (if there is a deficit) will be made up by contribution from general revenue. The budget papers show the contribution from general revenue. There could have been an analysis of the fund, but this is the first year of its operation. The estimates of moneys going into the fund from the levy were given to the Parliament early this year when the Bill was before the Parliament. All the information that the honourable member wants is already on the public record. I suppose the papers could have included an estimate of payments into the criminal injuries compensation fund from the levy and for other purposes.

Mr S.J. BAKER interjecting:

The Hon. C.J. Sumner: I am sorry if the honourable member's expectation is not being met, but what I have explained would have been in the papers anyway. If the honourable member has any other questions, I will be happy to answer them, but in the budget papers we are showing the contribution from general revenue. In addition, there will be the contribution from various sources set out in the legislation, as I have explained. Out of that will come the payments for compensation in accordance with the Criminal Injuries Compensation Act as amended and the payments that the Attorney-General will authorise, which will probably be for victims of crime service, education and contribution to the Crown Prosecutors Office to ensure that the victim's impact system can operate through that office. I am happy to get supplementary questions as I do not want the honourable member to be under any misapprehension.

Mr S.J. BAKER: The Attorney has satisfied me that the Government intends to have about \$3 million available. A question mark exists over the way it will be handled and the Attorney has informed the Committee that there are a number of other areas to be considered in conjunction with payouts to victims and we will watch with interest how it develops.

The Hon. C.J. Sumner: A victims research project has been set up on the needs of victims of crime. It also will be funded from the criminal injuries compensation fund.

Mr S.J. BAKER: I now refer to the Children's Court. The comment was made on page 159 of the yellow book about the legal services of the State. There has been an increase in the need for care cases considered by the Children's Court. Has the Attorney been able to ascertain what these numbers involve and why the increase is occurring? Is there an element of disputed cases arising, perhaps due to an over-zealous attitude of the Department of Community Welfare?

The Hon. C.J. Sumner: I would not think that the latter would be true. The Crown Solicitor may be able to provide information.

Ms Branson: The Crown Solicitor's Office received instructions in 87 in need of care matters during the last financial year and instructions in 14 affiliation cases. I do not, regrettably, have the comparable figures for the year before, but it is an appreciable increase. The other aspect is that the hearing time for the cases has also appreciably increased and that reflects a greater level of contested applications.

Mr S.J. BAKER: I presume that some analysis will be undertaken of these changed circumstances in conjunction with other studies going on to ascertain whether there is a way of short circuiting the process. I now refer to the workload in the criminal prosecution section which has grown significantly. Can the increase in workload in criminal matters, circuits and bail reviews be quantified and related to increases over the preceding year? Has the Crown Prosecutor taken over more cases that would normally belong to the police prosecutors?

Ms Branson: There has been no increase in the past financial year in the number of cases handled in the Crown Solicitor's Office that would earlier have been handled within the Police Department. Some years earlier there was an increase, but not over the last financial year.

The Hon. C.J. Sumner: We say 'belong' to the police prosecutors, but it is probably not a completely accurate reflection of what happens. Because the police will refer cases of particular seriousness to the Crown Prosecutor if they want a professional prosecutor to appear for the police. It is not a matter of there being a hard and fast demarcation rule. The police prosecutors handle most cases, but where they require specific assistance they ask the Crown Prosecutor, who will provide advice and assistance in a particular matter.

Ms Branson: I advise that in the Supreme Court 132 trials were conducted in the last year with 330 sentences separate from trial. In the District Criminal Court there were 292 trials with 608 sentencing matters separate from trial. In the court of criminal appeal there were 60 defended appeals and 12 Crown appeals. Those statistics do not reflect the increase in workload handled by the Crown prosecution section of the Crown Solicitor's Office. Those numbers are not significantly increased over other years. The significant increase in the work of the Crown Prosecutor's section relates largely to new areas of work and bail review is a substantially new area of work. The confiscation of assets area is also a relatively new one. There is an increased emphasis on supporting victims of crime. The other significant increase in the workload relates to assisting the police in an advisory way and not by providing additional or unprecedented counsel services to the police. There is a changed emphasis.

Mr DUIGAN: The Auditor-General's Report contains an amount of \$691 000 that was payable by the Attorney-General's Department to the Department of Housing and Construction for rental of private office accommodation. Is there any intention on the part of the department to try to amalgamate all of the various functions of the department so that the liability in respect of private rental cost is reduced?

The Hon. C.J. Sumner: All the activities of the department except for JIS, which it would be impracticable to accommodate there, are accommodated in the SGIC building. The Ombudsman's Office, which is a parliamentary office, is also separate.

Mr DUIGAN: Those two, in combination, amount to rent of \$691 000?

The Hon. C.J. Sumner: The sum of \$691 000 is for the whole department. The lessee from the SGIC is the Depart-

ment of Housing and Construction. The Attorney-General's Department pays a cross charge to the Department of Housing and Construction for accommodation and service costs in the SGIC building.

Mr BECKER: Page 159 of the yellow book concerns legal services to the State. It is stated that the Crimes (Confiscation of Profits) Act and changes to the Criminal Law Consolidation Act continue to increase the workload of the section. What successes or failures have here been with the confiscation of assets legislation?

The Hon. C.J. Sumner: A question is on notice on this topic in the Legislative Council, so the member can consult that when it is answered in the near future.

Mr BECKER: Is it along the same lines?

The Hon. C.J. Sumner: Yes. I cannot remember the precise figures but there have not been a lot of cases in which we have been able to confiscate.

Mr S.J. BAKER: Have there been any?

The Hon. C.J. Sumner: Yes. There are two aspects to it. First, there was the Controlled Substances Act confiscation which was merged into the Crimes (Confiscation of Profits) Act. There have been some confiscations but not very many. Those figures are in the pipeline in response to a question that was asked.

Mr BECKER: There has been an increasing tendency for middle level solicitors to transfer to the private legal profession where higher levels of remuneration are available. What steps, if any, can be or are being taken to minimise this drift of members of the legal profession?

The Hon. C.J. Sumner: They have the same problem as parliamentarians; we are all underpaid.

Ms Branson: Some steps are being taken on salaries *simpliciter*. There is a difficulty with the wage guidelines, but the matter has been drawn to the attention of the Commissioner of Public Employment, who has undertaken to do what he can to assess this management problem within the Attorney-General's Department. The other step that has been taken that will be significantly helpful is that the classifications structure itself has been reconsidered and is currently being reviewed, not to alter the total level of salaries available but to increase promotional or, at least, salary prospects for middle range solicitors.

Mr BECKER: I turn to an article in the *Advertiser* of 2 December 1985 in which the Attorney-General was reported as saying that immediately Parliament resumed measures would be introduced to toughen parole laws. These would give courts wider powers to extend non-parole periods and ensure remissions were lost if prisoners were guilty of other offences or misbehaviour while in prison. It took a long time before the legislation came before the House of Assembly, but it has now been enacted. Is the Attorney-General in a position to advise the Committee whether these steps have been successful?

The Hon. C.J. Sumner: I am not sure that it took a long time to introduce the legislation. As I recall, it was introduced early in the last budget session, having been a commitment at the election, and the honourable member is aware of the changes that were made to the law at that time. It ensured that the courts took into account the remissions that would be granted to a prisoner provided that the prisoner behaved. Statistics indicate that there has been an increase in sentencing as a result of this. There has been an increase, in any event, in sentences imposed when we changed from the discretionary Parole Board system to the determinative system in 1983. There was an increase in the sentences that were handed down. The courts have now specifically recognised that sentences will be increased as a result of the most recent changes to the parole law. The

Crown took a test case in an armed robbery case in which the question of the change in the parole laws was specifically addressed, and the Chief Justice noted it and said that it would lead to an increase in sentences.

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

Mr S.J. BAKER: Can the Attorney-General outline to what stage the Justice Information System has developed? Noting the expenditure line in the budget, I ask how much further expense will be required in the next two years? What are the major areas of achievement to date and when will the system be put in place so that there is an output from it?

Mr Hill: I am not able to provide figures here and now as to anticipated further expenditure, but I will have a look at that. As I alluded to before, part of the difficulty is that the environment around us is changing all the time and we need to get a handle on that before we do any further budget estimates of that nature. To date, progress has not been as fast as we would have liked or anticipated; nevertheless, it has been considerable, and I could run through a list of all the achievements to date. Probably 30 significant activities have been accomplished. In general terms, we have commissioned all the hardware and the site. As you know, we were refurbishing the old GCC site, and then we installed all the main frame processes with all the disc drives and associated peripherals.

We completed some very complex contract negotiations with the CSIRO in regard to the network which interfaces with those file processing facilities. That took us nearly a year. It was complicated very much by the fact that the CSIRO itself or CsiroNet changed from being a Government instrumentality and moved towards being more commercial. The product that we bought from them then became the subject of a joint venture with a Sydney based company. It took about a year to settle that contract and, also, it consumed a huge amount of our time and energy in ensuring that we had all the i's dotted and the t's crossed.

In terms of the application development, a large amount of work has been completed because we are moving on a very broad front with some 30 application projects in hand. Some of those are almost to fruition. One has been through the training program, as I mentioned before, with our own training centre to deal with award text inquiries for which the Department of Labour had a primary responsibility. As part of the network, many people have already begun to use an electronic mail facility. Apart from being a very worthwhile and productive tool for people, it is also part of the plan to get people familiar with using some of this technology. You might class it as a low level and simple application for the people to make use of some of these facilities.

The next major initiative will be the police warrants project, which should be implemented in January and February next year along with, I believe, four or five other lesser significant applications, and from there it is a question of the project being implemented as time and resources permit.

Mr S.J. BAKER: I think that last year the Attorney was still in a dilemma as to the integrity of the information collected by the courts, particularly the higher courts, and whether indeed it would play a part in the Justice Information System as such. At that stage it seemed to be quite indefinite. What is the situation regarding that matter?

The Hon. C.J. Sumner: The news is as I announced last year, namely, that the courts are not part of the Justice Information System. However, funds have been allocated in this financial year for the court to develop its own

computer system which will link in with the Justice Information System where it is necessary to transmit information from one to the other.

Mr S.J. BAKER: I note on page 160 of the Program Estimates that the Attorney seems to have done a survey on the JIS statistical requirements on crime and justice statistics. Can the Minister provide the committee, either today or at a later date, with information as to exactly what Government demands for the criminal and justice statistics will be met from the JIS system?

Mr Hill: The crime statistics people and, indeed, the Australian Bureau of Statistics have been involved in a lot of preliminary design work that established the data models and function models for the JIS. Last week the Australian Bureau of Statistics volunteered to put an outposted officer back with the Office of Crime Statistics to check again that all the data based structures and functions, etc, will provide as open-ended an environment as possible for the Office of Crime Statistics and managers in the agencies to enable them to use in a productive way the data base that has been accumulated.

Mr S.J. BAKER: Today or sometime within the next week or so, can the Committee be provided with the Attorney-General's summary of what information should flow from the JIS system?

Mr Hill: That can be done, but I think that you might find some of the data rather complex to follow, primarily because a lot of it is represented in the data model. However, I can speak to Dr Sutton and work something out.

Mr MEIER: In relation to program 9 on page 160 of the Program Estimates, under the heading 'Major resource variations 1986/87—1987/88' it states:

The reduction in cost of staffing occasioned by the funding of the victims of crime study from the Criminal Injuries Compensation Fund to offset by the new Courts Services Department cross charging for statistics.

How much is the cost of the victims of crime study expected to be?

The Hon. C.J. Sumner: In this financial year, \$80 000.

Mr MEIER: Under the heading '1986-87 specific targets/objectives (significant initiatives/improvements/achievements)' on page 161 of the Program Estimates, it is stated: Privacy and security programs established.

What privacy and security programs have been established?

Mr Hill: In terms of the privacy rules, the system is being built in accordance with those rules and principles on which the Attorney elaborated in the House some months ago. They, in turn, are built around the privacy principles established by the Australian Law Reform Commission. They are the guiding parameters for the development of the JIS. A large range of security activities have been prescribed to make sure that the system is secure in a manner consistent with those privacy principles. We are about to demonstrate a particular software package that will show that data sets are secure to some level of unauthorised inquirer.

Mr MEIER: Reference is made at page 162 of the Program Estimates to a computerised justice of the peace inquiry system. What is envisaged in this system?

The Hon. C.J. Sumner: Basically to keep the roll of justices of the peace up-to-date, and the JIS will be used for that purpose.

Mr MEIER: Are you able to give any details on the type of system and how it will improve the situation?

Mr Abbott: The inquiry system is one of a series of systems in respect of the computerisation of the roll of the justices of the peace. This first system will enable an on-line inquiry in respect of all justices of the peace. In addition, it will enable the provision of information to inquirers seeking the services of justices of the peace where this

information is available, that is, the multi-linguistic skills of justices of the peace, and whether they are male or female. It will also enable us to provide information to other Government agencies of justices of the peace in those agencies. It will also extend to proclaimed bank managers to provide that sort of service. It is basically designed to provide an improved service to the public.

Mr BECKER: With reference to the earlier question in relation to the \$250 million anti-crime policies. I know the Minister has not seen this evening's paper, but the Minister of Emergency Services is quoted as saying that the rise in the crime rate is not unexpected. This concerns me greatly and no doubt it will concern many South Australians. I want to know what else the Government will do this financial year to assist in reducing the large increase in the crime rate in South Australia.

The Hon. C.J. Sumner: The policies that I have already enumerated at some length will be continued. The Government supports the police community policing initiatives and supports such crime prevention initiatives as the Neighbourhood Watch program. The Attorney-General who is responsible for criminal prosecutions in this State, will continue to keep an active eye on the sentencing policy of the courts. As the honourable member would know, as Attorney-General I have taken a reasonably active approach in appealing against lenient sentences and that will continue—the number of appeals that I have launched far exceeds those that were launched by my predecessor—to try to ensure that where there are particular problems that might be identified in the crime rate action is taken to have the courts set more realistic levels of sentences.

That has been done in the area of armed robbery this year. There are test cases in the pipeline in the area of rape. A Crown appeal was launched in the von Einem case which resulted in an increase in the non-parole period of penalties from 24 years to 36 years. That policy in general terms will continue, especially where particular areas of concern are identified. However, a sentencing policy cannot be seen as a panacea to increases in the crime rate. It is one of the tools which exists. It has been actively used in the past and will continue to be used. There will also be a policy of support for the police in the areas that I have mentioned and for law reform in the area of, for instance, child sexual abuse, which will be coming before Parliament shortly and part of which has already been enacted. There will also be a detailed policy on domestic violence that will be made available and from which certain legislation will flow.

The policies that we have implemented since 1982 have contained an emphasis on resources in law and order and the criminal justice area. We have seen a significant commitment to correctional services and the police in that time. We have seen a commitment to the courts in an attempt to reduce some of the delays. Attention has been given to a wide range of law reform initiatives including clarification of powers to the police and increased penalties in the Summary Offences Act. I have mentioned the significant initiative in support of victims of crime. Basically that thrust will continue. The honourable member may have some suggestions of his own. If he would like to outline them to the Committee I would be very happy to consider any proposals and suggestions that he might have in this area.

Mr BECKER: My proposals may not be accepted by a lot of people because I see ourselves locked into a situation in which the judiciary is appointed for a certain period of time and you cannot change the judiciary. That may be one way of looking at it. I understand the judiciary retirement age is 70. I tend to think that is too long in some cases or

is too inflexible, but I do not think anyone will be prepared to pursue that issue.

I would like to know how many appeals have been lodged against lenient court sentences since the end of 1985. I understand over 80 appeals were lodged from 1982 up until December 1985. What has been the result of the appeals that have been lodged?

The Hon. C.J. Sumner: I will have to get those figures. I am happy to provide them to the committee.

Mr BECKER: The strategy was also announced in these anti-crime policies of \$250 million, and I would like to know how the \$250 million was made up and when that amount was promised in December 1985. The Minister was also reported as saying:

A Labor Government would 'pursue and penalise the vultures engaged in the drug trade' through the police and the courts. This would be part of a \$2.25 million anti-drug strategy.

Could the Minister elucidate on that statement and advise the committee how the \$250 million was made up?

The Hon. C.J. Sumner: I will have to get the details of the \$250 million because that, obviously, is something that goes across a number of agencies. It is not just a matter for the Attorney-General's Department. I will ascertain that information for the honourable member. With respect to the anti-drug strategy, the honourable member is no doubt aware of the initiatives taken in that area. Considerable attention was given to the anti-drugs strategy at the Commonwealth level by State and Federal Ministers concerned. The Minister of Health in fact has overall responsibility for the drugs strategy. I get involved in the law enforcement and criminal justice area, so the honourable member might care to direct his questions to the Minister of Health in so far as they relate to the areas of his portfolio.

However, the honourable member will recall that about two years ago there was a major summit of Commonwealth and State Ministers addressed by the Prime Minister at which the Federal Government drug initiatives were outlined. A significant education program was undertaken of which the honourable member would be aware. In addition, the Controlled Substances Act, which contained significantly increased penalties for drug use, was introduced. The confiscation of assets legislation was introduced. Again, one of the areas of concern obviously is money obtained from illegal activities in the drugs area. So, they were the legislative initiatives.

In addition, the Government has, prior to and since its inception, given support to the National Crime Authority. Again, in the context of organised crime, one area which would be of concern would be the drugs area, and the activities of the National Crime Authority are continuing. I would be happy to get the details of the non-law-enforcement aspects of the drugs strategy if the honourable member would like it, but those are the significant initiatives which have occurred from a law enforcement point of view.

Mr BECKER: I would appreciate it if the Minister could obtain that, because it is something that I have been pursuing, as it relates to the shadow portfolio of correctional services. I would find that information handy.

Mr S.J. BAKER: What has been the all-up cost to date of the Justice Information System development? How much is it running over the original estimated cost at this point? What is the new estimate for the total development? What estimated cost savings, given that the system is now getting to the stage of being functional, will be accruing to the Government as a result of the introduction of the JIS?

Mr Hill: I note in the Auditor-General's Report on page 29 that the expenditure to date is listed at \$8.9 million. I believe that that includes a lot of the expenses incurred before a decision to go ahead was made. Nevertheless, that

is the figure—\$8.9 million. In terms of our expenditure to date, we finished last year some 20 per cent under budget, probably an indicator also of the fact that things are moving much more slowly than we would like or had anticipated. In terms of whether or not it will come in on budget, we have had to seek expansion items in some areas, but it will depend on whether we are comparing like with like, and that is too difficult to determine at this stage.

In terms of benefits, some of the major benefits will begin to flow in the first quarter of next year, with one major system coming on stream. Exactly how much that would be is not known, but the tangible benefits are in excess of \$1 million to start with. Notwithstanding that, there has been considerable intangible benefit flowing from the project thus far.

Mr S.J. BAKER: Can the Minister now confirm that the original integration of criminal justice statistics is no longer possible within the next 10 years, given the fragmentation of the system which exists and the fact that the courts have let themselves out through the back door and refused to be involved in what I class as an integrated system? By way of brief explanation, I add that some of the real benefits to a Justice Information System in the terminology as I see it in other countries around the world is the fact that you can have a linkage through the police, the courts and the correctional system, but that will not be feasible under the development that we have before us. From my point of view, that seems to be a tragic shame, but perhaps there are developments already in the systems which will overcome some of the deficiencies that have been created through the courts opting out.

The Hon. C.J. Sumner: I do not think there are any deficiencies, provided that the systems are developed in cooperation with each other. A committee of JIS and the courts computing group has been established to ensure there is compatibility between the two systems and that they can talk to each other on every relevant matter. That will also include the area of crime statistics. I am not quite sure what the honourable member meant by talking about 10 years, but one of the uses of the JIS will be to facilitate the production of timely statistics from the police and the courts, and that should be an advantage to everyone. Of course, those statistics are currently collected manually.

One of the major problems we have in Australia is getting a uniform system of crime statistics throughout the country. Often one sees publicity given to particular crime rates and comparisons made with other States, and sometimes they can look more dramatic than in fact they are. When one goes into them and examines them, one finds that statistics prepared in different States are prepared on different bases, and therefore are not properly comparable. Whatever we can do to upgrade the statistics that we get out of the criminal justice system generally should be of advantage within South Australia and, hopefully, throughout Australia, if we can get some more common criteria to use by way of enhancing comparison between States, but the criminal statistics application for the JIS will continue.

On the question of the courts, I should say that, as the honourable member may or may not realise, it was a decision of the Chief Justice to say that the courts would not participate in an integrated Justice Information System with Executive Government. In the light of that, the Government felt that, basically, it had to accede to the Chief Justice's request, based on the principle of the independence of the courts and the judiciary from Executive Government. I think any alternative would have involved us in a major constitutional difficulty and may well have resulted in the Chief Justice instructing those over whom he had the con-

trol, anyway, not to participate in the system. We now have a JIS which will do the bulk of the work, and a separate court system that will be developed in conjunction with the JIS and which will be compatible with one another in terms of the transfer of the information.

Mr S.J. BAKER: I can only comment that my original observations stand about producing useful and operational data, which relates to what is within the system and how it is dispensed, and that this system does not allow it, whereas other systems around the world do. I would have thought that the Chief Justice in his wisdom could have considered a lowest common denominator acceptable level of information—which may only be name, rank and serial number being in part of the system—with the system to be developed later from there if there was a subsequent dissipation of some of the reservations held. However, can the Attorney inform the Committee when he will be introducing his complementary telephone tapping legislation?

The Hon. C.J. Sumner: Shortly. It is in the process of being drafted, so I anticipate that it will be introduced very shortly.

Mr S.J. BAKER: Does that mean within the next month?

The Hon. C.J. Sumner: I will have to consult Parliamentary Counsel and see how they are going with the drafting of the Bill.

Mr S.J. BAKER: Will it be before Christmas?

The Hon. C.J. Sumner: I expect that it will be before Christmas.

Mr S.J. BAKER: I note that the number of support staff for the Attorney-General's Department has increased (page 150 of the Program Estimates). I note a significant increase in the executive and professional areas of the department, at a time when restraint is being actively discussed. Overall, there has been a significant increase in the Attorney's budget. Also, there has been a substantial increase in the administrative and executive support, again as shown at page 150 of the yellow book. Will the Attorney provide information about why these support areas have increased, at a time when the Premier is using a lot of rhetoric about reducing the overall level of staff in the public sector? I think he said that some 4 500 jobs will be lost from the public sector, yet there are these increases as shown in this document.

The Hon. C.J. Sumner: I will ask Mr Abbott to comment on this matter but, first, I point out that the honourable member must realise that the Attorney-General's Department has a limited function. Basically, it provides legal advice to Government. In addition, there is the small Office of Crime Statistics, and the Ombudsman's Office staff are now in the Attorney-General's staff numbers, but that is not of any great relevance. There is also a policy section of four legal officers attached to the Minister and, in addition, there is the JIS, which is run through the Attorney-General's Department, but it is really a cross-agency organisation; as a matter of convenience it is run through the Attorney-General's Department because the Attorney-General is the responsible Minister. However, much of what has been done for the JIS is of benefit to the police; in fact, it is probably of more benefit to the police than to the Attorney-General's Office.

Basically, the major work of the Attorney-General's Department is to provide legal advice to the Government; advice or appearance in court, prosecutions, and the like. Obviously, demand for legal advice from Government departments either must be met by in-house solicitors or has to be briefed out, and it is cheaper to employ in-house solicitors and barristers than it is to brief out. So, to some extent, we have no control over the amount of work that we do. It is generated from within Government by requests

for legal advice. That has meant that there has been an increase in the professional legal staff in the Attorney-General's Office. Our policy staff are actually doing legal work on the ground, that is, advising Government departments, appearing in court and prosecuting. Doing that work in-house on the whole is much cheaper than briefing it out. However, we still have to resort to briefing out, because sometimes there are a certain number of criminal cases before the courts and pressure in the Crown Prosecutors Office, and in those circumstances due to demand in the court we have to brief out. So, essentially, that is the reason for the increase in professional staff, namely, to increase the legal services available to Government.

With respect to the administrative difference that the honourable member has referred to, relating to the administrative and clerical support area, the explanation for that is not quite as sinister as that which the honourable member sought to put on it. Mr Abbott will explain.

Mr Abbott: The increase in those resources is the result of reallocation of officers between the support services program, who were previously included under the program of legal services to the State. That accounts for about three of the variants. There are also two additional clerical positions established by the Treasurer in about April to assist with the increase in legal officers, and an additional secretarial position was created and funded by SAFA, to assist in the commercial section of the Crown Solicitors Office. They are the main reasons for the variants.

Mr S.J. BAKER: As the Minister would be aware, the Opposition suffers from a severe lack of resources. We note that the Minister has nine staff in his office, the expenditure for which is nearly \$500 000: can the Minister provide a job description associated with those nine staff? Further, how many are employed under the Public Service Act and how many are employed under other provisions? Also, what facilities is the Minister indeed lucky enough to have—and I refer to fax facilities, telex, automatic feed and collator photocopiers, and all those lovely little things that we have some difficulty in obtaining for all members of the Opposition?

The Hon. C.J. Sumner: I am not sure to what the honourable member is referring when he says 'nine' staff.

Mr S.J. BAKER: It is set out on page 150 and shows nine staff proposed for 1986-87 and nine staff actual for 1986-87. According to these records the Attorney has nine personal staff.

The Hon. C.J. Sumner: It is the same number as was there in 1982.

Mr S.J. BAKER: I was asking for a breakdown.

The Hon. C.J. Sumner: Mr Bitter will be proud to know that he has been mentioned in *Hansard* and to note that his important position as secretary to successive Attorneys-General has finally been recognised by being raised in the public forum of the Estimates Committees. Mr Bitter is an AO3 officer with a title of Secretary to the Attorney-General. He had the privilege to serve my predecessor. There is Mr Handke, the Assistant Secretary to the Attorney-General, and he also had the privilege of serving my predecessor. In fact, I think he is about the longest serving member in the Attorney-General's ministerial office, except for the next person, Mrs Olive Harvey, who has served Attorneys-General as their personal stenographer for many years. She commenced as stenographer or personal secretary to the Hon. Colin Rowe as long ago as 1962. Those three officers at least were working for the Attorney-General five or six years ago. Mrs Harvey indeed has been there much longer than that. Mrs Young also has a long history in the Attorney-General's office. I am not sure for how long she

has been working there, but it has been for many years and certainly predates my assumption of office in 1982 and, indeed, in 1979. That is four full time equivalents.

There are then two part-time secretaries/stenographers at CO2 level—they are .5 each. They provide secretarial support for the two ministerial officers. They are not the same, surprisingly, as were working in the Attorney-General's office prior to 1982, but the numbers are the same and their classifications and what they do is the same.

I also have a Mr Allan Joy, who is a ministerial officer grade 2. He is my executive assistant and had a very distinguished predecessor. I also have a press secretary, Mr Tony Nagy. He has a similar position to that occupied previously. There are two CO1 typists who provide typing assistance to me to some extent but principally for the four legal and policy officers who work in that part of the Attorney-General's Department. As far as I know those nine full time equivalents are the same in number as those who existed in the Attorney-General's ministerial office for many years. Some of the individuals have been there for a very long time.

Mr MEIER: Earlier the member for Hanson asked the Attorney-General a question on the classification of publications and on videotapes. He directed his question on tapes and films and went on to imply that there might be some relationship between unsavoury films and videotapes and the high crime rate in this State. The Attorney-General later answered the question in great detail, indicating that he felt that there was no evidence to indicate a correlation. I refer to a story in tonight's *News* headed 'South Australian crime rate soars'. The article on page 4 states:

Rape and attempted rape on males leapt by 110.5 per cent from 38 offences in 1985-86 to 80 offences in 1986-87. Rape and attempted rape on females rose by 37.2 per cent from 371 offences in 1985-86 to 509 offences in 1986-87.

It would seem that perhaps the Attorney's answer was not necessarily correct and that the film and video classifications or non-adherence to such classifications could well be a major factor, together with other pornographic literature in this State, contributing to increases in the crime rate. Does the Attorney-General hold to his answer or does he believe that his Government is not achieving the desired results in trying to bring down the crime rate? Will he have to consider other options?

The Hon. C.J. Sumner: First, I have not seen the details of figures and I will certainly need to analyse them before assessing those figures as correct. The first point that needs to be made with respect to rape and attempted rape is that they are reported rapes and reported attempted rapes, as I understand it. I have already indicated that rape and sexual offences are under-reported by some 60-65 per cent. We only have to see an increase in the reporting of rape to see an increase in the statistics. That does not necessarily mean that there has been an increase in rape. If one asks criminologists about it, many will say that in the area of rape there has been a decrease overall in the incidence of rape. I am not just referring to reported rapes. That is part of the problem with such statistics and with the problem I indicated previously in comparing statistics in South Australia with other States. It is a very difficult area.

I am not able to say whether there has been an increase in reported rapes or an increase in the underlying level of rape. Many criminologists would say that in Australia the level of rape has not increased significantly. It is a very difficult area to analyse. Certainly there are areas of criminal activity which have increased and that is acknowledged by me and by Governments throughout Australia. There is no great difference in South Australia compared to other States of Australia in this area.

The phenomenon is one that we have in common with the other States of Australia. In some we show a higher rate of reported crime but in others we show a lower rate. Certainly the phenomenon exists in the whole of the Western world except, I believe, for Switzerland. It is an incredibly complex area. When I answered the question previously I did not exclude the possibility that violent videos and films might have an effect on behavioural patterns. What I did say is that it is a very difficult area in which to establish a correlation, and it is one of considerable controversy. I am not sure whether the honourable member was referring to depictions of violence or sexual activity. The two get treated somewhat differently in the literature. One may be able to say, if one accepts the honourable member's assumption that the rape rate has gone up 110 per cent—although it has not—

Mr MEIER interjecting:

The Hon. C.J. Sumner: The reported rapes have gone up. If the honourable member knows anything about it, I invite—

Mr MEIER: You were insinuating that I said it was the reported rapes.

The Hon. C.J. Sumner: The statistics relate to reported rapes. Assuming that it has meant an increase in those particular crimes (that is very problematical; I do not say one way or the other because it is difficult to analyse), one might well say that it has occurred since X-rated videos were banned. In other words, one could argue that the banning of X-rated videos has led to an increase in rape, if that is the sort of logic that one wants to get into. Turning the argument that way probably indicates the sort of deep water that one finds oneself in if one makes those simple sorts of assertions.

The accusation made three or four years ago was that, by changing the system of film classification and by abolishing X-rated videos, the crime rate would be lowered. We abolished X-rated videos three or four years ago and, according to the honourable member's figures and argument, there is a 110 per cent increase in rape and attempted rape. Where is the logic in that? All I am saying is that the issue is incredibly difficult. The honourable member might want to do it for political purposes, and I guess he will, and we will have to answer it politically. However, I advise him not to do it with any intellectual integrity because he will not have any if they are the sort of assertions that he wants to make.

The question of violence in videos and other forms and the question of pornography, particularly in videos, is being addressed by a select committee of the Federal Parliament. I hope that it does not split on Party lines, as it runs the risk of doing, but that it comes down with some decent hard analysis. All I can suggest to members is that they look at the reports that have been done and confine themselves to those on pornography. In the early 1970s the United States commission on pornography found that there was no connection between the crime rate and the availability of pornography.

The Williams committee in the United Kingdom, which reported in 1979-80 or in the early 1980s, also found that there was no connection between the availability of pornography and the crime rate. It may be that there is a distinction between soft or straight pornography and violence and violent pornography. It is incredibly difficult from a research point of view to determine whether there is a relationship between violence on videos and the crime rate. Some people draw a distinction and say that there is no real effect on the crime rate from straight pornography/explicit sex but that there is more likely to be a change in behavioural patterns from violence in films and videos. One must be able to separate the two.

Sexual violence is an area of great concern. That was the one particular area in which I made a very strong plea for the law and guidelines to be tightened up three years ago, and that occurred. X-rated videos were then banned completely. The Federal select committee will be addressing these issues, presuming that it will review the research and the previous reports that have been done, and come down with some kind of conclusion. It might split violence from pornography or from explicit sex. I do not know. At the moment, all Governments in Australia are awaiting the results of that report. When the report comes down, a meeting of censorship Ministers will be held. It is an easy political statement to make that there is a connection. As I said in the earlier answer that I gave, it is much more difficult to establish a direct connection between crime rates and the availability of videos. I repeat: there has been a toughening up of the guidelines regarding violence, and that this took place principally at my initiative at meetings of censorship Ministers. X-rated videos have also been banned for three years.

Mr MEIER: The answer could well be referred to as a typical politician's answer. The Attorney-General covered all angles and certainly all members would be aware of the three areas of lies: lies, damned lies and statistics. Perhaps I will be fair to the Attorney-General and say that he certainly enlightened the Committee in his answer on the statistics. I am a little disappointed that the Attorney did not go so far as to acknowledge that there is every indication that there has been a significant increase in the two areas that I highlighted before. However, he said that he wanted to look at the figures, and I suppose that that is his right. I question that the Minister has taken a key role in seeing that there is less violence on videos because my memory goes back two or three years ago when a conference of managers of both Houses was held with respect to the ER category. If my memory serves me correctly, the Minister conceded to what the Liberal Party Opposition was seeking to put into action and he came round to our view after a while.

The Hon. C.J. Sumner: That was in relation to pornography. I am talking about guidelines for violence, and I am telling the Committee what I did.

Mr MEIER: If the Attorney-General finds out that these statistics are indicative of what is occurring, is he prepared to push for tighter controls at the Commonwealth level with respect to classifications of publications, including video, film and written material?

The Hon. C.J. Sumner: I thought that the answer to the previous question explained that. The honourable member makes an assumption that there is a relationship between the crime rate and the availability of pornography and violent videos.

Mr MEIER: If the Attorney-General ascertains that there is an increase, would he be prepared to push for tighter controls?

The Hon. C.J. Sumner: That contains an assumption that tighter controls in this area will result in a reduction in the crime rate. I would have thought that what I just said, namely, that although x-rated videos were banned three years ago there has been an increase in rape, if the member's figures are correct, was a sufficient answer. I am not trying to be smart. What I am trying to do is to put to the Committee that the issue is very difficult and to automatically assume a causal relationship between violence on video or film and sex on video or film and an increase in the crime rate is not necessarily valid. It may be that there is some relationship.

Perhaps commonsense tells one that if people continually view violence on television or Rambo-type films they will become desensitised to violence or that, if people are not particularly mentally stable, they will get into copycat type crimes. I do not exclude that as a possibility. However, to automatically assume that the increase in the crime rate is related to video violence or video sex seems to me to be something that is far too superficial, taken on its own. The reasons for the crime rate are many and varied.

Mr MEIER interjecting:

The Hon. C.J. SUMNER: I have not said 'No'; that is the problem. You are trying to look at a complex issue in a simplistic way. If I say that, because the crime rate has gone up, I will clamp down automatically on violence in videos and films, there is an assumption in that which is not necessarily correct. I have said that we will await the publication of the Federal select committee report on video censorship. I am sure that that will address all these issues, and it will be very interesting to see the results of that. That will be a public document which can then be made available for debate in the community.

I am not saying that video violence should not be tightened up and, as I have said, in the past I have pressed for it with some success. However, if the honourable member is saying that video violence ought to be tightened up, I repeat what I said to Mr Becker: he will have to look also at the film industry and at television. There is a lot more violence in the news services at 6 o'clock, which can be viewed by any kid, than one sees in most movies. I am not sure whether or not the honourable member will suggest that there ought to be restrictions in what the news media are allowed to show by way of television news: all I am saying to the honourable member is that it is an incredibly complex area. I have been concerned about it and I have taken action on it. At this point X-rated videos are banned throughout Australia, except in the Northern Territory and the ACT. The really sexually violent videos were banned even before that, and I think that basically all we can do at this stage is await the findings of the Federal select committee, and that may then lead to further proposals for law reform.

The CHAIRPERSON: If there are no further questions, I declare the examination completed.

Works and Services—Attorney-General's Department,
\$2 810 000—Examination declared completed.

Attorney-General, Miscellaneous, \$9 721 000

Chairperson:

Ms D.L. Gayler

Members:

Mr S.J. Baker
Mr H. Becker
Mr M.G. Duigan
Mr T.R. Groom
The Hon. T.M. McRae
Mr E.J. Meier

Witness:

The Hon. C.J. Sumner, Attorney-General.

Departmental Advisers:

Ms C. Branson, Crown Solicitor.

Mr M. Abbott, Manager, Support Services, Attorney-General's Department.

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

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

Mr DUIGAN: In relation to the allocation for community legal centres, \$311 000 is allocated for 1987-88, of which we are advised \$200 000 comes from the Commonwealth; so, \$111 000 is allocated from the State to community legal centres. How many community legal centres is that allocated to?

The Hon. C.J. Sumner: It is allocated to Norwood, Noarlunga, Bowden-Brompton and Parks—four.

Mr DUIGAN: Is the allocation to the Norwood Mediation Service now a formal line that will remain in the budget estimates, or is that still proving itself as an option to people between the community legal centres and the Legal Services Commission?

The Hon. C.J. Sumner: This year there is a line for a Norwood Mediation Service. I suppose that one can make a prediction about next year. Hopefully, if resources permit, that will continue.

Mr DUIGAN: It is no longer allocated as a pilot project?

The Hon. C.J. Sumner: It depends on what you mean by 'pilot project', I suppose. It certainly received funding again, but whether it will continue to receive it will have to depend on next year's budget deliberations.

Mr DUIGAN: The amount of \$9.41 million to the Legal Services Commission includes \$8.3 million from the Commonwealth. The difference between the two is \$840 000. Is that the State contribution, or is there some element in that \$840 000 of contributions by clients?

The Hon. C.J. Sumner: No, it is the allocation from the State Government.

Mr S.J. BAKER: I query whether the State pays anything in net terms for the legal aid that is dispensed in this State. I note that about \$8.4 million is to be provided by the Commonwealth, but I gained the impression that \$840 000 was an offset line. Can the Minister clarify whether \$840 000 is to come out of the general revenue budget to top up the legal aid?

The Hon. C.J. Sumner: It is to be offset against the reserves that exist within the Legal Services Commission for State funds.

Mr S.J. BAKER: What do those reserves add up to?

The Hon. C.J. Sumner: The total surplus on State funds as at 30 June 1987 was \$1 626 000.

Mr S.J. BAKER: Is it intended to dispense this surplus in forthcoming years in much the same way so that the net cost to the State will be zero?

The Hon. C.J. Sumner: Obviously, one cannot continue to do that forever. I am not sure what the approach will be in next year's budget. I point out that the Commonwealth-State cost sharing arrangement on legal aid is under examination by the Commonwealth Government at present and it is possible that by next year the whole scene will have changed.

Mr S.J. BAKER: The question mark about the remission of State Government fees and charges—is this purely for accounting purposes? The Minister said earlier that his department did not charge Government departments for services.

The Hon. C.J. Sumner: That is a proposed allocation to the Legal Services Commission to enable it to pay the Court Services Department for the cost of transcript. That has

nothing to do with the Attorney-General's Department. We do not cross-charge for legal advice. The Court Services Department cross-charges for transcripts it produces and that allocation represents the Legal Services Commission payment to the Court Services Department for transcript.

Mr S.J. BAKER: How much is the Commonwealth providing towards community legal centres? Does it represent any increase in State funding for those legal centres, and how is it intended that the money should be spent?

The Hon. C.J. Sumner: The State figure for this year is \$111 000, but the proposed allocation in 1987-88 of \$311 000 includes the payment received from the Commonwealth under the new method of showing payments.

Mr S.J. BAKER: That is already in the system; it is not a new initiative payment.

The Hon. C.J. Sumner: That is what we assume will be provided by the Commonwealth Government in the budget tonight for community legal services and is a continuation of payments that are already being made.

Mr BECKER: The \$800 000 for legal aid comes from reserves and is offset by the money coming out of the Legal Services Commission reserve fund. How was that reserve fund built up? Was that a contingent liability against work already being undertaken by various solicitors and accounts not being presented?

The Hon. C.J. Sumner: No.

Mr BECKER: How was it possible to build up a reserve in that fund? I have a lot of constituents who seek legal aid and some find it difficult to obtain. It appears that legal aid is given to people only if they look like going to gaol. There is a tremendous demand for the service and yet a small amount of funding has been allocated.

Mr Abbott: The means by which that money has accumulated is significantly tied up with the funding arrangements entered into by the State and Commonwealth Governments in establishing the Legal Services Commission in 1979. The major problem is that a uniform means test for qualifying for legal aid was set and historically the Legal Services Commission has in most years used up its Commonwealth allocation in providing assistance to Commonwealth persons, but in applying that uniform means test it has built up funds on the State persons whom it has assisted. It is merely a matter of servicing all people under a common means test, but as a result of that the State Government funding has increased. There is not a separate means test for State persons and Commonwealth persons.

Mr BECKER: I wonder whether the Legal Services Commission is getting to deficit funding by using up all the reserves.

The Hon. C.J. Sumner: I do not think we will ever get to that position. As I have said, the whole basis for funding of the Legal Services Commission is being reviewed and may be changed during this financial year. The client that goes to the Legal Services Commission is treated in the same way, no matter who he is, in terms of the means test and the criteria that have to be met to obtain assistance. A significant number of people are entitled to Commonwealth funding—for example, people receiving social services benefits, etc. The means test which applies to those people is the same as that which applies to people who may not come within criteria entitling them to Commonwealth assistance—they are the so-called State people. The means test is the same and everyone is treated on the same basis. We do not split up Commonwealth and State clients; we do not treat them differently. Because they are not treated differently most of them get picked up under Commonwealth funding. Fewer of them are picked up under State funding and therefore a reserve has been built up in the commission

from the State funding over a period of time. We are using some of that surplus this year to finance legal aid.

Mr BECKER: Are you being forced into that position because of not knowing what will be contained in the Federal budget tonight, and is there not a danger in bringing a budget in before the Federal budget has been introduced to the Commonwealth Parliament?

The Hon. C.J. Sumner: I do not know what the Commonwealth budget will say about legal aid. That is one of the minor problems that may occur, but I do not think the whole of the State budget should be delayed because there might be some small areas of Commonwealth funding which have not been clarified. It would be preferable for the Commonwealth budget to be handed down before the State budget, but that would mean that we could not introduce our budget until later in the week, so that this exercise of the Estimates Committees would be three weeks later and we would be 4½ or five months into the year before allocations were known.

It is a matter of weighing in the balance whether the State budget is introduced early, knowing that there might be some difficulties that will have to be sorted out, but at least then knowing that we will have a firm budget within four months, or waiting for the Commonwealth budget to be delivered, which would mean that the budget process would be drawn out and the Government departments and Parliament would not know for another three or four weeks what the actual budget allocations would be.

Mr BECKER: Following the Minister's explanation, does this mean that we could have a supplementary budget in February next year if there is a significant cutback?

The Hon. C.J. Sumner: We are working on the assumption that the May economic statement said most of what there is to say about payments to the States. We understand that to be the case. There could be some areas of specific purpose payments where there might be some adjustment that we will have to cope with. We do not anticipate they will be great areas of concern.

Mr MEIER: On the miscellaneous line, next to victims of crime, no amount is indicated for this year. I am surprised that there is no note to indicate why that is the case. I believe the Minister perhaps gave the answer previously.

The Hon. C.J. Sumner: I did give that answer. The amount to victims of crime is still to be allocated, and it will come from the criminal injuries compensation fund. I understand that my officers are currently having discussions with the victims of crime service to determine just what will be its application for this financial year. Next year we will have to ensure that there is a line which analyses payments into and out of the criminal injuries compensation fund. That did not occur this time and obviously it should. In so far as the information was not available to members, I apologise, but I hope I have fixed that omission by the explanations I have given.

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

Court Services, \$27 332 000

Chairperson:
Ms D.L. Gayler

Members:
Mr S.J. Baker
Mr H. Becker
Mr M.G. Duigan
Mr T.R. Groom

The Hon. T.M. McCrae
Mr E.J. Meier

Witness

The Hon. C.J. Sumner, Attorney-General.

Departmental Advisers:

Mr G. Byron, Director, Court Services Department.
Mr J.H. Witham, Assistant Director.
Mr G.A. Lemmey, Manager, Resources.

Mr S.J. BAKER: The Minister knows we will ask the perennial question on court delays that we ask every year. Perhaps the Minister can provide us with a summary of the waiting times in each of the jurisdictions for insertion in *Hansard* but inform the Committee as to where the greatest delays are occurring.

The **CHAIRPERSON:** If the Minister has that information in statistical form, he can table it for insertion.

The **Hon. C.J. Sumner:** I will do that and I will have a copy delivered to all members of the committee.

WAITING PERIODS FOR TRIAL AS AT 31.8.87

The following are the waiting periods for trial in each jurisdiction.

	Criminal 2-3 months	Civil 9-10 months
Supreme Court		
District Court	25 weeks	50 weeks
Adelaide Magistrates Court		
1 day trials	3 "	
2 days or more	12 "	
Adelaide Local Court		18 weeks
Adelaide Local Court (small claims)		8 "
Port Adelaide	9 "	8 "
Ceduna	24 "	24 "
Christies Beach	16 "	16 "
Kadina	13 "	13 "
Millicent	6 "	16 "
Mount Barker	11 "	11 "
Mount Gambier	16 "	16 "
Murray Bridge	13 "	15 "
Naracoorte	11 "	15 "
Para Districts	20 "	20 "
Port Augusta	8 "	8 "
Port Lincoln	16 "	16 "
Port Pirie	13 "	13 "
Riverland	11 "	16 "
Tanunda	13 "	13 "
Whyalla	7 "	7 "
Adelaide Children's	9 "	—
Holden Hill	8 "	—

Supreme Court—

(a) Criminal

The position in the criminal jurisdiction has improved from four months last year to 2-3 months this year. This is regarded as being normal processing time.

(c) Civil

The waiting time is the same as last year. The number of matters coming into the list and awaiting trial is similar. The waiting time varies between about eight and 10 months. While this waiting time could be improved to some extent it is not regarded as unsatisfactory.

District Court—

(a) Criminal

The waiting time is 25 weeks which is marginally better than this time last year. Further improvements are desirable and will be pursued. All of the listing arrangements are being tightened at present.

(b) Civil

The waiting time is still quite unsatisfactory. However, the delay in this jurisdiction peaked at 62 weeks and is now being brought back. Some temporary judicial assistance and the introduction of new listing procedures and pre-trial conferences have greatly assisted the work of the court and lifted productivity very significantly. The improvements are much slower than originally hoped for because of a very large increase in work volumes

coming into the court. There has been a 40 per cent increase over the past two years and the trend is not abating. For example, the average number of cases coming into the court is now about 600 per month. However, about 800 cases were commenced in June. Without the improvements which have been introduced the position would have been much worse. The position is being monitored constantly and further improvements in procedures are planned. Other action will be taken as appropriate, for example, the injection of further temporary assistance.

Appeal Tribunals—

The 'single' bench matters proceed to hearing within 4-6 weeks of setting down and the 'full' bench matters within eight weeks. This is a highly satisfactory position and virtually represents little or no delay in this jurisdiction. All difficulties which were being experienced last year have been overcome.

Local and Summary Courts—

Reduction in waiting times has been achieved in a number of courts, and in particular, in the Adelaide Magistrates Court where the waiting period for one day trials is now only three weeks and for two day or more trials, only 12 weeks. Para Districts is now a problem but the Chief Magistrate plans to reallocate a magistrate to this centre in October. This will assist the Riverland Circuit, also.

Adelaide Children's Court—

The waiting time is being contained at the moment and is being kept under review.

Conclusion—

While there is no room for complacency, improvements have been achieved over the past 12 months. The bulk of the improvements have been effected by reason of greater efficiency, close cooperation between the judiciary, Court Services Department staff and the legal profession, and the introduction of better systems and procedures. It is notable that injection of more resources has been minimal while productivity has been lifted quite significantly, in the face of greater work volumes.

South Australia compares quite favourably with the other States of Australia and has few of the problems being experienced elsewhere. Nevertheless, it is conceded that we can do even better, and every effort will be made to continue the current, favourable trends.

Mr S.J. BAKER: I thank the Minister for providing the Committee with this information and note that some of the waiting times are still quite extraordinarily long. The civil jurisdiction in the District Court, for example, is 50 weeks. A comment was placed in the Program of Estimates that the waiting period in some courts had not reached a satisfactory level. Can the Minister indicate to the Committee what he thinks is an acceptable level of waiting for justice before the courts?

The **Hon. C.J. Sumner:** It is a very difficult question to answer because there are differing opinions about it. It depends on what court one is talking about. I would think the situation in the Supreme Court now is reasonable. I think a two-month delay in the criminal jurisdiction is not bad, given the complexity of the cases being dealt with. In civil, if we could get the Supreme Court back to about six months, I think that would be quite good, but nine to 10 months is not too bad and, if it is looked at historically, year by year over the past 20 years that I have been in practice, a list of about nine months for the Supreme Court is probably the most common. Maybe it has a self-adjusting mechanism in it at about nine months. I think it would be better if that were, say, three or four months less, but it is certainly not a situation that is unacceptable. It could be improved slightly.

I would say that the District Court criminal waiting list time of 25 weeks is unacceptable and needs attention. The civil list waiting time in the District Court is a little bit long and this matter needs to be addressed. However, I would point out that in the civil area significant attention has been given to the District Court in the past 12 months, and the

situation is an improvement on what it was last year. It also should be realised that there has been an increase of 40 per cent over the past two years in the workload in the District Court, so the real achievement has been to contain the lists with that increase in workload. That has been a quite significant achievement and has been done without additional judicial resources, except for an extra magistrate, now called District Court Master, to handle the pre-trial conferences.

I shall try to update the figures contained in the material that the honourable member has. First, the delay in the civil area of the District Court peaked at 62 weeks; it has now been brought back to 50 weeks, which is quite an achievement, considering that there has been a 40 per cent increase in workload at least. The Director, Court Services Department, has just indicated that as at 31 December 1987 the increase in workload for the previous two years will be in the order of 66 per cent. So, we have had a 66 per cent increase in workload and the courts have managed to bring back the waiting time from 62 weeks to 50 weeks in the District Court and, in fact, the Supreme Court lists have been reduced to manageable levels.

So, in answer to the honourable member's question, I would think that, for the Supreme Court and the District Court, reasonably good waiting times will be two to three months for criminal and six to nine months for civil. We have more or less got that with the Supreme Court; we have a bit more work to do in the District Court. In respect to the Adelaide Magistrates Court, again, it is a bit hard to tell, just on the nature of the case, but having a three-week wait for a one-day trial is highly satisfactory—in fact, almost over-satisfactory.

Mr BECKER: Why is that?

The Hon. C.J. Sumner: I suspect that the legal profession cannot cope completely with trial lists which are that short. Further, there is a 12-week waiting list for trials of two days or more. A three-month waiting list for those trials is not bad, although perhaps it would be better if it were brought back to eight weeks.

Mr S.J. BAKER: Some criticism has been made of the magistrates courts lists and the fact that some 100 names actually appear on a daily list. What will the Attorney do about this situation involving these long lists? This is commented on in the Program Estimates (page 168) as follows:

There has been increased criticism of the number of matters on magistrates' lists (frequently in excess of 100 general cases per magistrate per day).

I have received some representations on this matter myself, from people who have had to appear before the Magistrates Court, who have been placed a long way down the list and who have not known whether they would be heard or how the matter would be looked after. Sometimes this sort of thing can hold a person up all day with no guarantee of having to make an appearance.

The Hon. C.J. Sumner: That would not occur in general terms. In relation to the honourable member's reference to criticism, I think there is criticism from the legal profession and criticism from the honourable member. However, the Chief Magistrate lists the cases that he thinks the magistrates can handle in a day. If there were 100 general cases in a day they would be cases for mention or for a plea of guilty; obviously, they would not be cases to be contested. It is a matter of making an assessment, in all this very difficult area, in terms of listing.

Enough cases have to be listed to keep the magistrates as busy as possible. With contested cases, enough cases have to be listed to ensure that there will be a case to go on if all other cases are settled. This obviously involves a degree of judgment, which one has to make virtually on a statistical

basis. If, for instance, one lists in the District Court 30 cases, on the assumption that, if 30 are listed five will go on, there being five judges, and all of them go on, obviously in those circumstances one is in trouble and has to adjourn cases. However, if those 30 are not listed then one would never get through the lists.

So, it is not easy. The pre-trial conference system that has now been introduced in the District Court and the Supreme Court should help us to identify earlier the cases that are definitely going on, and this will therefore make our listing procedures more efficient. A similar situation applies with magistrates. Presumably, the Chief Magistrate determines what is reasonable in terms of cases that a single magistrate can get through in a day. Sometimes something may go wrong; there might be particularly long submissions on penalty or particularly difficult cases, and if that occurs then it is possible that the court will be unable to get through all the cases in one day.

Mr MEIER: It is stated in the Program Estimates book that:

It is intended to further reduce delays in the criminal courts where necessary by revising court procedures.

I know that the Attorney has just detailed his views on the waiting periods and to what extent they can be reduced or kept stationary, but I would like details of the revised procedures proposed and of how this will help to further reduce the lists.

The Hon. C.J. Sumner: The honourable member is talking about the criminal courts, and the first area in relation to this that the Chief Magistrate is reviewing concerns the court procedures in the summary courts, and he will also look at the procedures in the Local Court on the civil side. He has finished the first part of his examination. Part of his objective is to streamline procedures and reduce the processing time, where possible, to improve efficiency without causing injustice. A pilot scheme for night courts is to be introduced, if funds for that are approved. Case management studies are to be undertaken in the department and in consultation with the judiciary and, of course, we have our courts computing proposal, which has brought with it a necessity to look closely at all procedures, practices, forms and records, and this of course includes the matter of the simplification of forms. Some of those comments apply to both criminal and civil areas but, in relation specifically to the Magistrates Court area, the Chief Magistrate is conducting what one could call a nuts and bolts examination of procedures in those courts, with a view to improving efficiencies and throughput.

Mr MEIER: The Attorney referred to a pilot scheme for night courts to be introduced if funds are approved. It seems a little strange to me that, in dealing with a budget that has been handed down, the statement can be made that it is not known whether the funds will be available or not. I would assume that either the funds were made available for this financial year or they were not.

The Hon. C.J. Sumner: It is to be approved finally by Government, but I anticipate that it is a pilot scheme and will proceed.

Mr MEIER: Following on from that, when does the Attorney anticipate that it could start?

The Hon. C.J. Sumner: Early this year will be a possibility, when all the necessary approvals are obtained. At this stage I cannot see any problem with the pilot scheme proceeding.

Mr MEIER: I refer to 'Review method of recording evidence in country courts' on page 168. What is proposed with respect to the review on country courts? I am very interested also to see that the waiting time for the Kadina

court is 13 weeks. It is long enough, but not too bad compared with some other areas. What is proposed in the review?

Mr Witham: The difficulty of recording evidence in country courts is getting suitable staff. Each magistrate is assigned a magistrates clerk to perform secretarial, clerical and court reporting functions. In the city it is not too difficult to get people and train them, but in country areas it is quite difficult. It has got to the stage where the Chief Magistrate has asked us to ascertain whether we can look at alternative ways of meeting the court reporting requirement. It may be by the use of tape recording equipment or whatever, but the review has commenced with a wide range of alternatives. That study is under way.

Mr MEIER: Further down it states, 'Introduction of alternatives hours for magistrates' court sittings'. What is proposed and in what courts? What would be the costs?

The Hon. C.J. Sumner: It is basically the night courts proposal, which is a pilot study that could commence early in the new year.

Mr S.J. BAKER: On the subject of reimbursing jurors and witnesses, we note that the budget allocation is decreased from that spent in 1986-87. Will the Attorney explain why there is likely to be a decrease in reimbursements? I also refer to page 68 of the Estimates of Payments.

The Hon. C.J. Sumner: In the last financial year and for the whole of 1987 additional resources were put into sitting times, which has increased the amount of reimbursement for jurors and witnesses over last financial year, which this year should be reduced to some extent.

Mr S.J. BAKER: My understanding is that crime is on the increase as is the number of court cases, and the Attorney is now talking of night sittings in courts. An extraordinary amount of effort must have been put in last year for you to suggest that costs this year will be reduced on last year's effort when you have already explained to the Committee that the pressures on the system are far greater.

The Hon. C.J. Sumner: We are looking at a \$7 000 difference.

Mr S.J. BAKER: In 1986-87 it was \$40 000 above the estimate.

The Hon. C.J. Sumner: It was obviously an estimate. We have no real control over it in the sense that if the courts sit and there are jurors and witnesses to be paid, they are paid. We have put in what we consider to be a reasonable estimate. It is only \$7 000 less than actual payments last year. It was put at that level because we had extra courts sitting in the last financial year. We made arrangements to provide additional judicial resources to the District Court by continuing the appointment of Acting Master Boehm in the Supreme Court. That released Masters Kelly, Bowen-Pain and Lunn to be appointed acting judges of the District Court, thereby adding to the resources of that court. Furthermore, acting Judge Hutton has been kept on in the District Court. We have attempted to address the hopefully temporary problems in the District Court by additional resources. It was felt that for the last financial year it meant an increase in these payments. It has been slightly reduced this year, but it is only an estimate.

Mr S.J. BAKER: One and one makes two in my book. If the system is increasing, the costs are increasing. I would have thought that the estimate would have been higher, but I take the Attorney's explanation. An item in the Program Estimates that intrigued the Opposition was the 1987-88 targets, where it refers to a self-enforcing infringement notice scheme. Will the Minister explain what it is and to what areas it will apply? I thought that infringement notices were self enforcing.

Mr Witham: The self-enforcing infringement notice scheme is an extension of the traffic infringement notice scheme or the on-the-spot fine. Under the system the offender or alleged offender has two choices: to pay the fine and expiate the offence or to do nothing, upon which a summons is issued and the matter goes to court. Under the proposed scheme, yet to be considered by Cabinet, the offender has three choices: to pay the fine, to elect to go to court, or to do nothing. If one does nothing the matter is referred to the court which then issues a reminder notice. If there is no response to the notice a warrant is issued. It removes a number of unnecessary hearings, as about 33 000 would not have to be heard. The system has been introduced in New South Wales. It also has been introduced in Victoria, and both Western Australia and Queensland are currently considering the adoption of the same scheme.

Mr S.J. BAKER: It is noted on page 169 that the bushfire cases now coming to trial will complicate the overall situation concerning the likely intervals between trials. Can the Minister give the Committee an overview of what will happen with the bushfire cases? Obviously he would appreciate the high level of concern that exists through the community about the Ash Wednesday bushfires and the earlier cases that are still pending. Is it his intention that resources be made available to have these cases dispensed with as speedily and effectively as possible and, in that respect, will one judge be allocated to hear the bushfire claims?

The Hon. C.J. Sumner: I understand that Justice Olsson has been allocated to hear the bushfire cases in the South-East.

Mr S.J. BAKER: What about the other bushfire cases?

The Hon. C.J. Sumner: The others will be dealt with by the same judge straight after the South-East cases.

Mr S.J. BAKER: Is it expected that there will be a great deal of expediency with such cases and that they will be resolved in a matter of months rather than years?

The Hon. C.J. Sumner: They will be dealt with as quickly as the court system can handle them. Part of the problem is that counsel—the lawyers—are the same in the various cases, so it is not possible to deal with them all at once, although similar issues are involved. Some accommodation must be made for the lawyers.

Mr S.J. BAKER: The Attorney-General would be aware that there has been some concern about the regulations relating to the disclosure of assets, and I note that the introduction of the disclosure of assets procedure in the Probate Registry is expected to increase significantly the workload in that registry. Has the Government any plans to increase the flat fee charged on estates, or is it intended that it be changed to a progressive fee depending on the size and value of estates?

The Hon. C.J. Sumner: The principle of the application of the fees will remain the same. Smaller estates pay a lesser fee than bigger estates now. There will be an increase in the amount paid for the larger estates but it is not done on an *ad valorem* basis.

Mr S.J. BAKER: Can the Minister clarify that statement? Will there be a scheduling of fees by value blocks or will it be a progressive fee that increases as the size of the estate increases?

The Hon. C.J. Sumner: The Government has not seen this proposal. There are two categories now, and they will continue. However, the level of fee will increase.

Mr S.J. BAKER: By what amount?

The Hon. C.J. Sumner: That has not been to Cabinet yet so there is no specific decision on it, but the fee will increase.

Mr S.J. BAKER: What sort of time delays are being experienced in the processing of probate applications at the moment?

The Hon. C.J. Sumner: I am advised that it is not a major problem, but I will get some information on that for the honourable member.

Mr S.J. BAKER: In the 1987-88 specific targets and objectives it is noted that regulations arising from the 1978 legislation relating to the enforcement of judgments and debtor assistance will be implemented following Cabinet approval. I am not fully conversant with this, but I understand that this is the notorious debts repayment legislation. What parts of the 1978 legislation will be brought into effect and what are the cost implications?

Mr Byron: That part of the 1978 legislation that has the greatest to do with the courts is not the Debts Repayment Act but the Enforcement of Judgments Act, and there are quite a number of recommendations with regard to details of changes in legislation. The part that will have the greatest impact on the courts will be fixing up the problems with the unsatisfied judgment summons process. We hope to introduce or recommend to the Government a new procedure that will provide a much greater and efficient system for dealing with UJS applications.

Mr S.J. BAKER: Does that mean that if people do not have money, the only other alternative is a community service order type provision? How are we to make it easier for these unsatisfied judgment summonses to be dispensed with?

Mr Byron: Community service orders do not apply to the civil process. The member is talking about people being sued. We aim to introduce a system whereby people who conduct examinations will receive proper training in assessing, in consultation with the debtor and the creditor, what should be paid if there is to be an order for payment by instalments or something of that nature. We are trying to take the conflict out of that part of the process and arrive at a situation that is satisfactory to all parties.

Again, we appreciate that this will not be a panacea, because the issue of indebtedness in the community is a social one, and I do not think it is appropriate that the courts should be called upon to solve the problem. We are trying to introduce a system that is much more effective and acceptable to both sides of the coin.

Mr MEIER: What is the estimated cost of the pilot scheme for night court sittings?

Mr Byron: The pilot scheme will be funded from within existing funds. In order to undertake the pilot scheme, we resolved not to go to the Government for additional funding. The committee will be aware that, throughout the Adelaide metropolitan area, courts staffed by justices sit on Saturday mornings. In consultation with the police, we will refine that system, and we are now having those discussions. The savings from not having to pay overtime, etc, will be used to conduct the pilot study, so the net effect will be that there will be no additional cost to the Government throughout the course of that pilot study.

Mr MEIER: Correct me if I am wrong, but you are doing a pilot study by using an actual court sitting day?

Mr Byron: Perhaps 'study' is not the right word. We are conducting a pilot scheme.

Mr MEIER: Will the pilot scheme be undertaken with the criminal or civil courts?

Mr Byron: We looked at what was happening in New South Wales in particular, and to some extent in Victoria. It will be mainly summary matters where people are not available, or where it is not so convenient for people to come during the day. We hope to extend it slightly to

incorporate some civil matters before the court, which is a little further than the other States have gone. Having done some testing of the market, we find that there is some demand for that.

Mr MEIER: How many magistrates did you see being involved in this pilot scheme?

Mr Byron: If the pilot scheme is accepted by the Government (and, as yet we have not formally proposed it), it will be at one centre only—the Para District Court at Elizabeth. We undertook a survey at all courts to see where the greatest demand was and that was the area that by far had the greatest demand. Once the pilot scheme is finished, we will then be in a position to make some intelligent assessments as to how it should work and whether it should be extended to other areas.

Mr MEIER: Has consideration been given to the actual hours or length of time that it will sit at night?

Mr Byron: Yes. At this stage, we estimate that the court will sit for about three hours, but again it is a pilot study. One must therefore be very flexible within that to try to get the optimum success from the exercise.

Mr MEIER: Would a normal pilot scheme be undertaken for two or three months before you could ascertain its feasibility?

Mr Byron: Again, that depends. If it is an outstanding success in that time, we would go to the Government to try perhaps to extend it much sooner than that, but it could take up to six months. It is virgin territory, as it were. It has never been done on this basis before and we need to see how it all works.

Mr S.J. BAKER: Over a number of years we have discussed how small claims should be handled. What is the Government's intention in this area? What new initiatives will be introduced in relation to making the small claims court a little more efficient and effective than it is today?

The Hon. C.J. Sumner: A report on small claims procedures was produced and made public some months ago, and that will form the basis of the proposals. Again, it is part of an overall and continuing review of procedures in the courts. I have mentioned already separation of the District Court legislation from the Local Court legislation. Ultimately, we hope to get a Supreme Court Act, a District Court Act and then a Summary Courts Act which would deal both with civil and criminal jurisdictions, each being governed by their own separate legislation which will be adapted to the needs of those courts. The small claims part would fit into the lower courts, and the basis for the reforms would be the report which has already been produced and made public and which is probably available to the honourable member.

Mr S.J. BAKER: Does it involve a lifting of the limit and, if so, what is the proposed limit?

The Hon. C.J. Sumner: The proposal in the report was \$2 000. The Government has not specifically addressed that in legislative form as yet, but clearly I think the time has come for some lifting of the limit. The limit was last set, as I recall, in 1979.

Mr S.J. BAKER: As far as the jurisdictional and monetary limits between the higher and lower courts are concerned, what other changes will take place?

The Hon. C.J. Sumner: The proposal being considered is to increase the limited jurisdiction of the Local Court from \$7 000 to \$20 000, but once again that has not been approved by Government as yet. There is no immediate proposal to change the limits between the District Court and the Supreme Court.

Mr S.J. BAKER: They have recently been changed?

The Hon. C.J. Sumner: That is right. At the moment, the only one under consideration (and no decision has been taken) is in relation to small claims, to increase the amount in the limited jurisdiction from \$7 000 to \$20 000.

Mr S.J. BAKER: Can the Minister provide a list of all the waiting times in the appellate jurisdictions as he has done in relation to the District Criminal, the Magistrates and the Local Courts? It mentions that there are, for example, planning appeals, and I am not sure whether or not they have been specifically addressed.

The Hon. C.J. Sumner: They have, at the bottom of page 2, where it mentions appeal tribunals.

Mr S.J. BAKER: Does that include planning?

The Hon. C.J. Sumner: Yes. Single bench matters proceed to hearing within four to six weeks and full bench matters within eight weeks.

Mr S.J. BAKER: On page 172 of the Program Estimates it states that the anticipated increase in complaints has not eventuated. Can the Minister provide the number of complaints actually received and the major areas of complaint involved?

The Hon. C.J. Sumner: Is that before the tribunal, or to the Commissioner for Equal Opportunity?

Mr S.J. BAKER: That would be before the Commissioner for Equal Opportunity.

The Hon. C.J. Sumner: That information is almost certainly contained in the Commissioner's report.

Mr S.J. BAKER: In relation to the hearing of complaints before the courts, one of the targets is to maintain the expeditious hearing of matters in 1986-87. What sort of delays have been experienced?

The Hon. C.J. Sumner: I do not believe that there are any significant delays in that area. Obviously there is a delay of a period of weeks, but there is not a long list of cases pending hearing.

Mr S.J. BAKER: In relation to the amount of money made available, in 1986-87, under program 5, \$12 173 was spent as against a budget of \$6 000. The proposed expenditure for this year is \$7 600. Why was there a large increase in 1986-87 and why will a drop occur in 1987-88?

The Hon. C.J. Sumner: The reason is that last year the Deputy Chairperson of the Equal Opportunity Tribunal was Ms Margaret Nyland, who was a practitioner in private practice and had to be paid a retainer. It is anticipated that there will not be the need for a retainer this year.

Mr S.J. BAKER: How many complaints actually went before the courts? I assumed that all complaints went before the Equal Opportunity Tribunal, but on reflection that is not correct. Does this description cover the taking of these cases beyond the Commissioner into the courtroom, and how many complaints actually went that far?

The Hon. C.J. Sumner: That information can be obtained. To clarify the question, is it: how many cases have there been before the Equal Opportunity Tribunal and their category?

Mr S.J. BAKER: Yes.

Mr MEIER: At page 173, the Program Estimates refer to introducing a levy on the practising certificate fee to assist with maintenance of the Supreme Court library facilities. How much will that levy be and what amount is expected to be raised from administering that levy?

The Hon. C.J. Sumner: The proposed fee is \$35 per practising solicitor in order to raise \$56 000. It has not yet been approved and amendments to legislation will have to be drafted and introduced into Parliament.

Mr MEIER: Will a fee be charged to non-legal practitioners who use the library?

The Hon. C.J. Sumner: That was not envisaged.

Mr MEIER: Is it proposed to increase the practising certificate fee?

The Hon. C.J. Sumner: In this financial year I do not think that there is a proposal to increase the practising certificate fee.

Mr MEIER: Can it be assumed that in future financial years it will be progressively increased?

The Hon. C.J. Sumner: It is possible that the fee for the practising certificate will be increased, as it has been increased over time.

Mr S.J. BAKER: Are any delays of note being experienced in the investigation by the Coroner of deaths by accident or bushfires, etc.?

The Hon. C.J. Sumner: I do not think there are any delays at the present time. The Coroner, Mr Ahern, is employed full time and he is assisted by the Deputy Coroner, former Crown Solicitor, Mr L.K. Gordon.

Mr S.J. BAKER: In relation to reporting services it has historically been debated whether Governments should maintain in-house reporters or should use contract services, or whether they should use contract services as a top-up and a variety of associated issues. How many reporters (shorthand, stenotype and tape) are currently within the service and how many were there at the same time last year? Related to that question, how much CAT (computer assisted transcription) is used, in which courts, and to what effect and how will CAT be developed, if at all, across the service? I would like an idea of the cost per page of CAT evidence, how that compares to the cost per page by normal recording services, such as stenotype and shorthand, and when, if ever, the various transcription services are assessed, one against the other.

Mr Witham: In terms of the establishment of court reporting staff, for the current financial year, the total number is 72.2 permanent staff plus 17.9 casual transcription typists, 1.5 casual dictation typists and three casual reporters. That number of staff is about 10 in total higher than last year. The reason for the increase is that basically in-house court reporting resources are now more economical than external resources. I do not have the precise cost per page in front of me but it certainly can be provided. As a rule of thumb, court reporters using manual methods cost about \$10 a page; tape from external sources is about \$8 a page; tape using internal resources is about \$6 a page; and using CAT is around the same figure. One thing I would clarify is that in comparing the transcript of court reporters of any form, whether Pitman, Stenotype or CAT, and a tape transcript, there is typically a longer transcript with tape because the person typing it is not there and of necessity will take down some unnecessary material. When comparing pages, it is not quite comparing apples with apples.

With the use of CAT, we commenced a pilot study in July last year with six CAT units. That was very successful. We got a very good increase in productivity. The second stage commenced in January this year and we have just started stage 3 in July, so we now have 23 CAT units supporting about 28 court reporters. Our intentions are that we will increase our complement of stenotype trained court reporters through the training of new reporters to replace people who leave by natural attrition. We have approval to increase the reporting staff by 24 over a number of years, and we also hope to attract some stenotype writers from outside. A number of external institutions are now training people in the use of stenotype, so basically, as quickly as people become available who can use CAT, we would like to introduce them in lieu of tape based systems.

Mr S.J. BAKER: Is in-house training more effective than external training? Is a certain level of competence required

before skills are enhanced from within, rather than taking somebody with basically limited shorthand skills to the point at which they are competent shorthand writers or competent in the use of these other devices? A previous comment was that numbers increased by 10, quite a significant increase over the previous year and certainly not reflected in the caseloads of the courts. What was the reason for this overall increase of 10 staff, given that we are now supposed to be getting more efficient at reproducing information provided in a verbal form?

Mr Witham: Dealing with the latter part of the question first, we have increased the internal resources, namely by 10, basically because they are more economical and, by using more internal staff and switching to CAT, we were able to save \$126 000 net last year. We have had \$360 000 taken out of our court reporting budget this year, and for the first two months of this financial year, in addition to that \$360 000 saving, we have to date saved a further \$63 000 by the use of internal resources.

Regarding training, until this year there was no alternative to internal training. No institution in South Australia provided stenotype training, so we simply had no choice. We are now assisting some institutions in providing training by loan equipment, and so on, and, if they can produce the results, we would dearly love to use those external resources to help train court reporters. We really do have to evaluate them at the end of this year. In December, we intend to advertise for trainee court reporters externally, and we will be looking for people graduating from these courses. If they are suitable, we would like to recruit them.

Mr S.J. BAKER: The comment has already been made about asking legal practitioners to contribute to the libraries. The report of 31 December 1986 tabled recently alludes to the fact that adequate funds are necessary to maintain and develop a library. I noted that the Minister was talking about \$56 000 as being the legal practitioners' contribution. The cost of maintaining the Supreme Court library, however, is very close to \$400 000. The judge pointed to the on-going problems of very expensive overseas books and the costs of generally upgrading the library and maintaining a comprehensive library. I think he said that the Government was being a little short with its money in this area, although I think \$400 000 is a very high price to pay to maintain a library.

The Hon. C.J. Sumner: I will tell the Chief Justice that that is your view.

Mr S.J. BAKER: Can the Minister explain, even with this \$56 000 contribution, how the demands that obviously have been placed on the Government by the justices will be met given the restraints placed on the moneys available?

The Hon. C.J. Sumner: It should assist the situation. Whether or not they will be completely happy, I am not aware. The Chief Justice is aware of this proposal. The problem has occurred because of the devaluation of the Australian dollar and the consequent increase in prices of overseas texts and subscriptions which the judiciary consider are essential for a law library. The request has been made from the judges to ensure that there is adequate money available to maintain the library. Treasury policy has been not to permit any allowance for devaluation, and this is the proposal put forward to overcome the difficulties. Whether or not it will overcome them completely, I cannot say, but it will certainly assist.

Mr S.J. BAKER: My final question relates to the comment contained on page 176 of the Program Estimates. One of the targets for 1987-88 is to review the effectiveness of litigation support during the bushfire hearings. What exactly does that mean?

Mr Witham: The introduction of computer aided transcription (CAT) raised the possibility of providing litigation support. Basically what it means is, having captured the evidence electronically as well as in hard copy, that data is able to be transmitted to a centralised computer from which the evidence can be made available in the electronic form to the judge and the parties so that they can do their key word searches or research the evidence as they would on, say, a sophisticated word processor. It can greatly reduce research time.

Mr S.J. BAKER: Was the bushfires litigation used as an experiment in this situation?

Mr Witham: Yes.

Mr S.J. BAKER: If it proved to be successful, we could see that it would probably increase costs overall, but there would be some commercial applications available in this area?

Mr Witham: Yes. It was used on a trial basis for the Clare bushfire trial. That went for only six weeks, so we were not able to get a complete analysis of its success or otherwise, but Justice Olsson, who was the presiding judge, indicated that he was very pleased with it, and counsel also indicated support, and it is anticipated that it will now be used in the bushfire cases in the South-East and onwards. Rather than increase overall costs, we believe that in fact it will reduce costs because, by reducing research time it will reduce costs to litigants, and it may even reduce hearing times.

Mr S.J. BAKER: The direct cost of going through that process is offset against the savings made due to less resources being allocated for research.

Mr BECKER: I refer to accommodation and service costs given in the Estimates of Payments from page 68 onwards, as follows: program 1—Administration of Justice in the Criminal Jurisdiction, \$2 391 000; program 2—Administration of Justice in the Civil Jurisdiction, \$1 216 600; program 3—Administration of Justice in the Appellate Jurisdiction, \$120 000; program 4—Appeals Against Administrative Actions and Decisions, \$520 000. The other programs comprise smaller amounts, except that accommodation and service costs under the heading 'Intra-agency support service items not allocated to programs' are proposed as \$360 100. All up, this represents about \$4.6 million. What makes up this figure for accommodation and service costs?

The Hon. C.J. Sumner: It is basically for the rent on the Sir Samuel Way Building.

Mr BECKER: At page 48 of his report, the Auditor-General states:

The department paid the South Australian Superannuation Fund Investment Trust \$2 508 000 and reimbursed the Department of Housing and Construction \$246 000 for leased accommodation.

How much of this is paid in relation to the Sir Samuel Way Building or is it all for the Sir Samuel Way Building?

Mr Lemmey: It is comprised of a lot of accommodation aspects. It comprises approximately \$2.8 million rent for the Sir Samuel Way Building, which is paid to the superannuation fund. The rest of it relates to cross-charging to the Department of Housing and Construction and to things such as light, power, water and council rates. I do not have the breakdown here, but that is mainly what it is for.

Mr BECKER: Is it possible to have a breakdown of costs for each one of those programs that I referred to? I have raised this issue because, I understand, cleaning costs account for about \$630 000, but on a recent visit to Sir Samuel Way Building I was amazed that the windows on the northern side had not been cleaned—I believe that they have not been cleaned for months or years. Certainly, I could not see anything out of the windows on the northern side when sitting in a chair alongside those windows. It is disappoint-

ing to see the windows of such a beautifully restored building in such a poor state. I believe that there are special hooks for window cleaners but that the site has been declared unsafe.

The Hon. C.J. Sumner: The honourable member is right—design problems I understand, the fault of the previous Government! Basically, the honourable member is correct, in that a safety issue has been raised in respect of cleaning those windows, and we are attempting to work through the problem at the moment.

Mr S.J. BAKER: Following a question that I asked earlier a comment was made about the relative costs of providing court reporting services of various types. A comparison between in-house and external sources was made. Can we please have those figures provided to us on a separate sheet of paper, with the components that make up that cost? For example, in a contract situation a contract house would just quote the bland cost; we want to know whether the assessments of the in-house staff cover add-on costs and overheads as such.

Mr Witham: Yes, certainly we can provide those figures to the honourable member, but I can assure the honourable member that in the in-house costings all the appropriate on-costs are included.

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

Works and Services—Court Services Department,
\$2 600 000

Chairman:
Ms D.L. Gayler

Members:
Mr S.J. Baker
Mr H. Becker
Mr M.G. Duigan
Mr T.R. Groom
The Hon. T.M. McRae
Mr E.J. Meier

Witness:
The Hon. C.J. Sumner, Attorney-General.

Departmental Advisers:
Mr G. Byron, Director, Court Services Department.
Mr J.H. Witham, Assistant Director.
Mr G.A. Lemmey, Manager, Resources.

The CHAIRPERSON: I declare the vote open for examination.

Mr DUIGAN: I notice that at page 187 of the Program Estimates an amount of \$2.6 million is provided for what is called 'the development of computer facilities'. Can the Minister advise what computer facilities are to be developed and what relationship the development of those computer facilities will have with the integration of court records, and the Justice Information System that was referred to earlier?

Mr Witham: The computer facilities for the courts are being acquired by the same process as the JIS. One of the objectives is to achieve compatibility between the two systems. The facilities that will be acquired are, basically, Fujitsu hardware, Cullinet software, and the same network as the JIS, the CSIRONET network, as well as the same printers and terminals, and so on. So, that should maximise compatibility between the two systems. As far as the relationship between the two systems is concerned, it is proposed that, whilst the two systems are separate and

independent, relevant and approved data will be transferred between the two systems, so that, for example, information that the JIS needs, such as the case outcomes, would be transmitted to JIS and its system would be updated and, similarly, as they create new cases, say, when a summons is raised, that information would be sent to us electronically and we would update our systems. So, a great deal of compatibility is involved and they would be very complementary systems.

Mr DUIGAN: There will be some gateways through which the participating agencies in the JIS would not be able to proceed?

Mr Witham: That is right. The extent of the interaction would be that we would send data to them and they would send data to us. In neither case would one system be able to make an inquiry of another. It is simply sending data to upgrade the computers.

The Hon. C.J. Sumner: It would have been the same with the JIS.

Mr DUIGAN: An amount of \$2.6 million is indicated in the Estimates of Payments whereas in the resources summary provided on page 163 of the yellow book for the Court Services Department a figure of \$6.091 million appears for capital expenditure. It is explained on page 167 as being the \$2.6 million for the computer program plus an amount of \$3.491 million for interagency support services not paid for. What does it mean?

Mr Lemmey: The difference of \$3 491, is basically \$2 050 000 for the Holden Hill courts development. There is a carry-over of the completion of stage 1 of the Supreme Court to the value of \$479 000 and \$200 000 for the Coober Pedy courthouse, which is a part cost for this financial year. We also have minor works of \$380 000.

Mr DUIGAN: So, they are carried over from previous years?

Mr Lemmey: None of the courthouses is starting this financial year.

Mr DUIGAN: I refer to page 198 of the Estimates of Payments under the section for the Minister of Housing and Constuction where it shows that \$2 729 000 has been allocated for the courts department. What is that for?

The CHAIRPERSON: Perhaps that question could be raised with the Minister of Housing and Construction who will appear before the Committee next week.

Mr DUIGAN: In the explanation just provided on capital works amounts referred to on page 167, was reference made to the completion of the Supreme Court?

Mr Lemmey: Yes.

Mr DUIGAN: Last year Mr Byron said, in answer to a question, that most court buildings are inadequate, do not provide much security and are in poor condition. The Minister went on to indicate that when he came to Government there was no comprehensive plan for a capital program in the Courts Department and he went on to describe the process by which the courts were being progressively brought together in order to reduce the costs of accommodation and to get a plan for the upgrading of courts throughout the State. My question relates to the Supreme Court as it is obviously nearing completion.

The Hon. C.J. Sumner: Stage 1 is.

Mr DUIGAN: How far down the track has the department gone in getting a forward public works program for ensuring that these buildings, which are inadequate, have no security and are in poor condition, are able to be brought up to a suitable standard?

The Hon. C.J. Sumner: I have a copy of a volume entitled 'Court Services Department, Buildings and Accommodation, Strategic Plan, November 1986—produced with assist-

ance of the South Australian Department of Housing and Construction'. It is available in the Parliamentary library. There are obviously areas of concern—Para Districts is one; Port Adelaide is another; as is Whyalla; and Port Augusta and Christies Beach need upgrading. Work also needs to be done at the Adelaide Magistrates Court and in the Supreme Court in the city. The plans and the needs are detailed in the report and it is a matter of ensuring that we feed them into the budget process, the capital works line program, through the Department of Housing and Construction each year, and they will have to take their chances with other capital works bids.

Mr DUIGAN: There are two parts to the program: the development of new court facilities and the refurbishing of court facilities built last century.

The Hon. C.J. Sumner: None are new facilities. A new facility will be built at Para Districts, but it already has a facility. The construction of a completely new facility is involved.

Mr Lemmey: On page 198 of the current Estimates of Payments, the \$2 729 000 consists of those items mentioned before, with some exceptions. The stage 1 completion of the Supreme Court involves \$479 000, the commencement of the courts at Holden Hill entails \$2 050,000 and the commencement of the Coober Pedy courthouse involves \$200 000, adding up to \$2 729 000, forming part of the \$3 491 000 million.

The CHAIRPERSON: There being no further questions, I declare the examination of the vote completed and thank the officers for their assistance.

Electoral, \$1 297 000

Chairperson:
Ms D.L. Gayler

Members:

Mr S.J. Baker
Mr H. Becker
Mr M.G. Duigan
Mr T.R. Groom
The Hon. T.M. McRae
Mr E.J. Meier

Witness:

The Hon. C.J. Sumner, Attorney-General.

Departmental Advisers:

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

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

Mr MEIER: My first question relates to page 71 of the Estimates of Payments and page 181 of the Program Estimates, where it is stated that during 1986-87 departmental staff conducted or assisted in the conduct of ballots on behalf of 20 organisations but that no new organisations approached the department for assistance in that year. I also note that, on page 71, \$18 200 is proposed for 1987-88 expenditure against a figure of \$31 369 in actual payments last year. It should also be noted that the number of elections is expected to increase. If that is so, why will not costs increase accordingly?

Mr Duff: This year staffing resources in that program have been reduced from 1.3 full-time equivalents to 0.7, the reason being that with industrial and miscellaneous

ballots there is usually an hiatus and during a count we need to bring in staff from other areas of the department to assist. In lieu of doing that in the future, we intend to bring in casual people for a day or two simply to help in the despatch of ballot papers and the count. That will save us 0.6 of a full-time equivalent employee.

Mr MEIER: My next question concerns the following statement on page 182 of the Program Estimates:

Develop appropriate programs of publicity and education to ensure that the public is adequately informed of its democratic rights and obligations.

What are the programs and subjects and to whom are they to be directed?

Mr Becker: There are a number of directions in which we wish to travel. We have already achieved one goal, and that was to run a stand in conjunction with the Australian Electoral Commission at the Royal Show, which was completed last Saturday. Before the end of the current school term, brochures will be sent out to all years 11 and 12 students at colleges and high schools. Those brochures have only just been produced and the Minister has not yet had a chance to see them. Similar information is being provided for an ongoing 12-month program at Old Parliament House, and I understand that that will be a mobile display that will travel around country centres, etc. They are the basic programs at this stage. In conjunction with the Commonwealth, we are looking at the possibility of getting into the school curriculum through politics courses to try to get at students at a much earlier age than we do now.

Mr MEIER: What sort of cost will be involved in that?

Mr Becker: This financial year, it is of the order of \$20 000.

Mr Duff: The total cost, including salaries and wages in the education program, is \$118 000, which comprises \$64 000 in salaries. The balance is for promotional material, as the Commissioner just mentioned.

Mr MEIER: Is the balance for educational materials similar to the figure that was spent last year?

Mr Becker: It was substantially less last year, and it is mentioned in the Program Estimates booklet. Members will notice on page 178 under the program operation of the State Electoral Commission that our expenditure last year was \$52 800. Our programmed expenditure for the current financial year is \$118 100.

Mr MEIER: On page 182 it states:

Provide a facility for *bona fide* organisations to determine the whereabouts of individuals.

Which organisations are being considered here and what are the criteria for determining their *bona fides*?

Mr Becker: The major users of this facility are trustee companies which try to track down beneficiaries. The only criterion adopted for these exercises is that it must be in the public interest. That means that we have allowed the Major Crime Squad to have access to information and, as we have declared major crime, that is considered to be in the community interest. Apart from that we look at individuals in terms of beneficiaries. When trustee companies approach us to try to locate a beneficiary we write to that person before we give that information to the trustee companies. In some circumstances beneficiaries do not wish to be harassed by companies of that nature.

Mr S.J. BAKER: I note that the Australian Electoral Commission has requested a review of the joint rolls agreement, which has been in force since the 1920s. Can the Minister inform the Committee under what terms of reference it is seeking such a review? Why should it seek such a review unless it wishes to displace the responsibility for roll funding?

Mr Becker: The original joint rolls agreement was made in 1920, and the last amendment to it was in 1925. The last time that it was in operation we had a separate roll for the Upper House, but that has not been the case since 1973. In effect, we do not have a joint rolls agreement; it is just an administrative arrangement at present. I suppose one can understand that our Commonwealth counterparts are a little concerned about the agreement, in so far as it does not really operate, because we pay our part of the money on 1925 rates: that is, \$1 300 a year, or £650.

As a consequence of opening up negotiations with Queensland and Western Australia, where joint rolls agreements do not exist, a consideration of the amount of money that the Australian Electoral Commission will require those States to pay in the event that those agreements can be reached also raised the question about the States in which such agreements do exist. South Australia is one of those States, and it is getting off the lightest. The Australian Electoral Commission has made the approach. We have been negotiating with it on the terms and conditions that we wish to see from an administrative viewpoint. We will then try to draft that into legalese and hand it to the Government for further negotiation with the Commonwealth. The cost will increase significantly from \$1 300 to a total of \$267 000, but we are already paying a significant proportion of that in joint roll sharing costs, production of rolls, joint claim cards, joint advices to electors, etc.

Mr S.J. BAKER: In relation to the production of electoral rolls—and in part your last answer may have answered this question—obviously the Federal Government conducted an election, and a fair amount of that cost would have run into the 1986-87 year for production of electoral rolls. I presume that that would include also the cost of updates on your existing rolls and the total computer cost for maintaining them. I note that during 1986-87 \$321 000 was provided and you actually spent \$260 000. It is very refreshing to see that you finished below rather than above budget. However, I note that the 1987-88 proposal is for an expenditure of \$568 000, which is almost double. I turn to page 182 of the Program Estimates where it is stated that an increased cost is associated with the on-line electoral roll maintenance system. Can the Minister provide a detailed breakdown as to why this very significant cost increase has occurred?

Mr Duff: We came under budget last year for one main reason, and that was that we failed to get our new IBM on-line system up and running in September 1986, which was the scheduled date. It did not come on line until December, so there was some saving there. The new on-line system is more expensive than the aborted CYBER system. The detailed expenditure this year takes into account not only the computing costs but also the costs of the new joint rolls agreement. As the Commissioner has indicated already, subject to the ratification of that agreement, the joint roll will cost us about \$267 000 and our on-line system will cost \$246 000 in a full year. That is why there is a large variation between last year's expenditure and the 1987-88 proposal. If you like, I can break down the on-line costs even further.

The three Telecom Datel lines are \$25 000 and maintenance agreements on the terminals are \$5 000. There is system maintenance involving \$180 000, and that is just the daily updating of the data base, with roll maintenance and the port rentals. In addition to that, there is a one-off allocation of \$40 000 for a redistribution subsystem that is yet to be developed, and that redistribution subsystem will be able to encode all electors in their past subdivision, their present subdivision and their future subdivision. That will cater for both Parties in the Commonwealth and the State.

Mr S.J. BAKER: Given that we do not have an updated copy of the electoral roll relating to each of the House of Assembly districts, I was rather interested in the increase in costs. There have been some cost savings. We received a print-out of our alpha listing for our electorates and earlier we received a street print-out, but we do not have a cardboard copy, if you like, which has always been very useful, particularly in lending it to anybody who comes through the door. Given that we are spending a very large amount this year on the electoral rolls, I find that very disappointing. The last hard copy I have is that of 1985, and most people would understand that in that time in some areas there has probably been a 20 or 30 per cent change in the composition of the electorate; indeed, in other areas such as Adelaide, the figure could be as high as a 50 or 60 per cent change. It is very disappointing to note that we are not receiving the service that we previously were used to receiving, despite the higher levels of expenditure.

Mr Duff: The decision not to produce subdivisional rolls for the roll closure at the Federal election was taken by the Commonwealth. Since time immemorial it has been the practice that, whenever a State election was held, we produced the subdivision rolls, which were then distributed to members and were available thereafter for purchase by the public. Whenever there is a Federal election, it pays the cost. At the moment, the cost of producing those subdivisional rolls is about \$110 000. At the next State election we propose to produce not subdivisional rolls but, rather, district rolls. That may not be of much benefit to country members, but those city members who have a district comprising two or three subdivisions will get a consolidation for the whole district. Those rolls will go on sale to the public and the State will receive the revenue from the sale of them. Previously, we split the sale proceeds of the subdivisional rolls. It is my understanding that in the future the Commonwealth will not produce subdivisional rolls for public sale or for members.

Mr S.J. BAKER: All members would be aware that there is a question mark about whether there should be a redistribution or a change in the practice of having three elections between redistributions. Has the Electoral Department carried out some in-depth research to ascertain the impact of demographic changes on the composition of the seats, whether or not there is a growing bias in the voting patterns as a result of the changes, or whether a bias is likely to occur and, if so, will the department make that material available?

The Hon. C.J. Sumner: The first point relates to general demographic changes and, really, that is a matter for the Electoral Boundaries Commission. With respect to the particular changes in individual seats, that information could be made available. In fact, it has been made available to the Premier and to the Leader of the Opposition by the Electoral Boundaries Commissioner.

Mr S.J. BAKER: I was looking at the forecast situation rather than the present situation.

The Hon. C.J. Sumner: That is a matter for the Electoral Boundaries Commission, and it is something for it to do if it feels that it is justified. However, that would not, of course, permit the commission to make a redistribution, because the circumstances in which a redistribution can be carried out are set out in the Constitution Act, which cannot be altered without a referendum. The Electoral Boundaries Commission wrote to the President, the Speaker, the Premier and the Leader of the Opposition indicating the facts about the situation rather than expressing any particular point of view. I think it is probably fair that the Electoral Boundaries Commission does not express a point of view;

it is a policy matter for Parliament to determine. However, it drew attention to the current law and the fact that there would not be an electoral redistribution under the current law until after the election following the next. Whether Parliament wants to change the Constitution Act in that respect is something for it to consider, taking into account the matters that have been drawn to its attention by the Electoral Boundaries Commission. The Government has not made any determination on that issue, but it is giving consideration to the issues raised by the Commission.

Mr S.J. BAKER: I am aware of the background provided by the Attorney-General, and I realise also the non political nature of the letter provided by the Electoral Department. There is no doubt that the deliberations of Parliament would be affected, I suggest, by the ultimate distribution impact of population change together with electoral changes that take place over a period. The question was raised because the time period between redistributions was effectively lengthened by some three years as a result of the provisions. The question that the Parliament has to address is whether this extra three years significantly contributes ultimately to a maldistribution as far as electorates are concerned. At some stage somebody has to give Parliament an analysis of the situation.

The Hon. C.J. Sumner: I think the increase in time is closer to two years than three as a result of the changes to the length of the terms of the House of Assembly. I think the best approach is to adopt a wait and see attitude. Up-to-date changes in numbers of electors in each electorate do not indicate a disastrous change from the predictions of the Electoral Boundaries Commission. Before any alteration to the existing system is suggested we should see what occurs.

Mr S.J. BAKER: Given that the time frame is three years since the redistribution and that some of those seats are outside quota and some growing daily outside quota, I would suggest that the time frame will produce some interesting results. I am pleased that the Government has clarified its position of 'wait and see', which suggests that nothing will change and nothing will be done about the Constitution Act. At page 182, the yellow book refers to research and planning records and studies completed. There has been an investigation of a number of items. I assume a study has been undertaken by the Electoral Department to test whether year 11 and 12 students, first year tertiary students and the Vietnamese community understand the system under which they are operating. Can the Minister provide a summary of the results of that research? When will these reports be made available and to whom?

The Hon. C.J. Sumner: The investigation of first year tertiary politics students has been published and the other reports will be made public soon.

Mr DUIGAN: Previously on notice, when I asked how many electors were transferring within each electorate, I was told that information in relation to this question was not available as statistics maintained on electors transferring within districts contained housekeeping amendments resulting from local government redistributions and correction to elected details. What does that mean? Why do housekeeping details prevent information about transferees within an electorate from being identified?

Mr Duff: Those statistics can be made available, but they would be misleading. Local government redistributions are occurring all the time and, when a ward boundary is shifted, an elector is effectively re-encoded. He shows as a movement on the statistics, but the elector has stayed in one spot and the boundary has been moved. That is one housekeeping amendment. In another case, if a woman marries and changes her surname, a new elector has not entered the

district, but a change in file details has taken place. That is another housekeeping amendment. Another such amendment is when an elector receives an acknowledgment card which contains an incorrect initial. That initial is then changed.

Mr DUIGAN: The chart attached to that answer contained the enrolments as at 12 June 1987 and 30 August 1987 and identified new enrollees and transferees from other districts. If the figures from two electorates are added together the total is not the number of labels that is issued by the Electoral Department every two months. This would indicate that the average is approximately 400 to 500 for that period, yet I know, from my own electorate of Adelaide and from information received from other members, that for the two months up to the period when the Federal election was conducted as many as 2 500 labels were received. That must have included more people than new enrollees and transferees. Is there any explanation for that?

Mr Becker: If 2 500 labels are received, the division is on average 3½ times the size of the State district.

Mr DUIGAN: The last roll of alterations for the district of Adelaide contained 1 500 names for a two-month period, yet there appear to be 250 to 300 per month received if new enrollees and transferees are totalled. I accept the explanation that some electors have not moved although local government boundaries have moved. However, a large number of people do not fall into either category yet we are receiving labels as being alterations to the roll.

The Hon. C.J. Sumner: I will take the matter on notice.

Mr DUIGAN: At the estimates hearings last year the Electoral Commissioner spoke of an electronic roll scanner which was being developed in association with Technology Park. Was that roll scanner available for use by the Commonwealth at the Federal election and, if so, was it used?

The Hon. C.J. Sumner: No, ours was not used.

Mr DUIGAN: It was available for use?

Mr Becker: They did not ask.

Mr DUIGAN: Does that mean they have developed one of their own?

The Hon. C.J. Sumner: They purchased one of their own.

Mr MEIER: I notice that the prosecutions of electors who failed to vote at the 1985 election have been completed. Do you have the statistics of how many were prosecuted and with what sort of success they were prosecuted?

The Hon. C.J. Sumner: We do not have the figures in front of us but we will provide them.

Mr MEIER: Was anybody threatened with imprisonment and did that actually occur to anyone who did not vote?

The Hon. C.J. Sumner: We do not have those figures.

Mr MEIER: How much money was collected in fines from people who did not vote. If the Minister does not have that information, will he provide it?

The Hon. C.J. Sumner: Yes.

Mr S.J. BAKER: Harking back to the Federal election, the new disposable booths were used. I received a number of complaints that the booths themselves were not deep enough, from front to back. I cannot remember the dimensions of the more permanent fixtures, but people said they could not hide themselves away in the booth as they could with the fixtures that they had in the past. Can the Minister tell us whether these disposable booths, these cardboard contraptions, will be used in the next State election and, if so, can the design of the booths be adapted to allow more privacy? How will the booths accommodate the State electoral demand for the posting of State how-to-vote cards?

Mr Becker: The intention is that we will use those disposable screens next time. In fact, they are disposing them from the Commonwealth to the State at the present time—

all the leftovers—so we are saving ourselves \$13 a pop for those. The reason why people probably feel less secure in terms of privacy is that the flap that you lean on is part of the front of the box, whereas in the normal voting screen compartment you only have a small table on which to write, so you can get inside the thing. I had not heard any complaints along those lines but it does not surprise me to hear that somebody has complained. We intended to use them next time. The cost of storage of the wooden screens is prohibitive. It cost us \$10 000 last time to take the screens in and out of storage.

Mr S.J. BAKER: Obviously you will not look at their redesign this time because you have the Federal boxes, but I talked to a number of people last time after the booths closed, and several mentioned that they were not very happy with the new arrangements. It may well be something that people get used to, or it may be a common complaint that recurs where people feel their vote should be private and the new screens do not allow the same sort of privacy as the old screens did. My second question related to how the cards will be accommodated. Previously it was very easy to affix the voting cards in booths. Placed on cardboard, it may well be not quite as secure as previously.

Mr Becker: The past practice was to sticktape the form on which the cards were stuck into the booth. I do not really see that that will be a problem this time. In fact, it will disguise the Commonwealth logo which we do not really enjoy too much. We have been using desk top screens along the same lines as the standard screens that the Commonwealth has produced. They have suffered the same disadvantage, since you cannot get inside if there is a line of them, especially in country areas, to which we have been able to transport them more easily than the wooden screens, and we have had no complaints with those. That has been going on for 10 years now.

Mr DUIGAN: In terms of the cooperation between the State and the Commonwealth, it is obviously of great benefit to electors when the method and conduct of elections at both Commonwealth and State levels are identical. When they are not identical, it causes some confusion on the part of electors. At the last Federal election, three aspects differed from the conduct of a State election about which concern was expressed to me and others, and I wonder whether the Minister could perhaps take up those matters with the Federal Minister responsible for the Federal Electoral Act. The first of those was the electoral visitor at nursing homes. The State system obviously provides not just for the electoral visitor but for that visitor to have how-to-vote cards for each of the districts. That did not happen in the Federal election and obviously both administrators and patients have come to expect it, and it would be useful to have that operate similarly at State and Federal elections because it causes some difficulty with the organisation of electorates.

Secondly (and the point has been partly alluded to by the member for Mitcham), the Commonwealth does not provide for the provision of how-to-vote cards within the polling compartment, and that was a cause for concern and, at the beginning of polling day, some animosity between political volunteers and official staff. If the Commonwealth followed the same practice adopted by South Australia, it would be beneficial. The third area is to ensure that both the Commonwealth and the State have a similar definition of a polling place, particularly where a school is being used. A school has many entrances and many buildings within it, yet the Act defines a polling place in that instance as 'the school' and it is unclear as from where the 10 metre rule applies. Would the Minister be prepared to take up with his Federal counterpart the issue of trying to ensure the

operations of the Commonwealth and State Electoral Commissions are pretty well identical on any given election day?

The Hon. C.J. Sumner: Yes.

Mr DUIGAN: Can the Minister indicate whether there would be any impediments to Commonwealth electoral officers being able to act as officers for and on behalf of the State to accept postal voting applications out of Commonwealth electoral offices when a State election is being conducted, rather than State electoral officers doing that exercise out of their private home?

The Hon. C.J. Sumner: Commonwealth officers are the biggest point of issue already, but that question has been raised with me and I will give it some further attention. Apparently, it is already done. Whether or not it can be improved, I am not sure, but we will have a look at it.

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

Corporate Affairs Commission, \$4 993 000

Chairperson:

Ms D.L. Gayler

Members:

Mr S.J. Baker

Mr H. Becker

Mr M.G. Duigan

Mr T.R. Groom

The Hon. T.M. McRae

Mr E.J. Meier

Witness:

The Hon. C.J. Sumner, Minister of Corporate 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: I must congratulate the Minister on what a great money spinner he has in the corporate affairs area. The Opposition notes that the receipts totalled \$10.3 million last financial year and that payments came to \$4.65 million, so the Minister is indeed more than balancing his budget in this area—of course, we know who is paying for it. The following statement is made at page 212 of the Program Estimates:

The Commonwealth has indicated that it will legislate to assume responsibility for corporate and securities matters.

As the Minister would appreciate, there has been some considerable discussion on this matter. There has been a feeling that, on the one hand, we should have national codes while, on the other hand, various parties have said that they would hate the affairs of corporations to be centred in Canberra, having regard to the quality of decisions that come from there. Can the Minister tell the Committee when it is expected that the Commonwealth will introduce legislation? What time frame is being considered at the moment for the operation of such legislation? When is it expected to be in place? Further, can the Minister explain to the Committee exactly whether he supports this type of legislation and will he outline what he sees as the advantages and disadvantages of it?

The Hon. C.J. Sumner: In respect of the first question, like me, the honourable member will have to wait until the Commonwealth Attorney outlines the specifics of the Commonwealth Government's proposal. I have certainly had

some informal indications, but I am not at liberty now to announce what the Federal Government intends to do. I anticipate that on Thursday or Friday of this week the Federal Attorney will announce to the Standing Committee of Attorneys-General what the Commonwealth proposal is and what his timetable for its implementation will be. I should say, however, that I do not think that the revamped NCSC, or whatever takes its place, will be established in Canberra. I believe that the head office of whatever regulatory body is established will probably remain in Melbourne. But the honourable member will have to wait until Thursday or Friday before being given the full details of the Commonwealth's proposals.

The State Government has supported the existing cooperative scheme and continues to do so. The proponents of the national scheme, both in legislation and administration, argue that Australia is one entity, essentially, in terms of the commercial and financial sector, that that entity has to deal quickly with developments overseas and that the existing system is too cumbersome. They further argue that there are discrepancies in the administration of the scheme as between the various States. If the honourable member wants an assessment of the arguments, I can only refer him to the report of the Senate Committee on Legal and Constitutional Affairs, where his Party was ably represented by the President of the Liberal Party in South Australia, Senator Robert Hill. In that report, the Labor, Liberal and National Parties recommended unanimously that the area be dealt with by national legislation and national administration.

The arguments against the national scheme basically are that it would deprive the States, and in particular the smaller States, of any direct participation in policy making in this area. What the smaller States see as an advantage, and what the business community in particular sees as an advantage, is the capacity to relate directly to a Minister who has a direct input into policy making decisions, that the area of companies regulation and, in particular, the securities industry, can impact quite significantly on the individual regional economies of Australia and that on that basis there should be some direct policy input from those regional economies through a responsible Minister. The disadvantage of a national scheme is that that influence would be diluted and indeed taken away completely. There may be general philosophical arguments about the advantages of unitary systems of government *versus* federation, but I do not intend to embark on those; I am sure that the honourable member is as familiar with those as I am.

Mr S.J. BAKER: Without trying to be too speculative about the outcome, does the Government intend to test the validity of the legislation in the High Court, should it feel that the lack of discretion and direct impact on policy directions would severely restrict or in some way impede the growth of South Australian enterprises?

It has been suggested for some time that the national viewpoint should set aside boundaries such as State boundaries and they should be encouraging development where it has its marginal advantage. In this regard it could be, given the State's performance over the last number of years, that the Federal Government could use this device to disadvantage smaller States such as ourselves. Has the Minister any feeling about the subject of testing the legislation, should it not be to the advantage of this State?

The Hon. C.J. Sumner: I do not think any national scheme could be used by any national Government to disadvantage South Australia in any direct sense. I do not believe that would be possible. It is basically an argument which says that, under the existing scheme, we have some say in policy initiatives and some say in the way the scheme is admin-

istered in our State. That can have some advantage in terms of the attraction of businesses, companies and the like. I would not see the Commonwealth scheme as impeding South Australian enterprises—that is putting it at far too high a level. No decision has been taken on whether the legislation will be challenged before the High Court. First, we do not know the content of the legislation. Secondly, we do not know whether it will pass the Federal Parliament. Thirdly, we do not know what arrangements the Commonwealth has to take over the existing employees in the State Corporate Affairs Commission and whether those arrangements are satisfactory. Fourthly, we do not know what proposals the Commonwealth has with respect to the shortfall that would exist in State funds if the Commonwealth took over this area of regulation.

As the honourable member pointed out, there would be an impact on State revenue by the Commonwealth taking over this area. South Australia would lose some \$5.5 million. That sum would be proportionately higher in the bigger States. We need to know a lot more about the system to decide whether we would challenge it in the High Court. I point out and again emphasise that the Senate Committee on Legal and Constitutional Affairs did recommend unanimously that this should now become an exclusive responsibility of the Commonwealth.

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

Mr MEIER: My question arises from page 212 of the Program Estimates where it states:

The Retirement Villages Bill and regulations were constructed and subsequently approved to commence operation on 30 June 1987.

My question is: are any exemptions proposed to ensure reductions in regulatory burdens on smaller retirement homes?

Mr MacPherson: The short answer is that the commission has been prepared to entertain any request that has been made by any retirement village that is suffering any difficulty with respect to the regulatory regime and it has granted exemptions that have materially assisted a number of retirement villages to reduce the cost of compliance without removing any of the protection that is sought to be provided in the legislation.

Mr MEIER: On that same page it states that aims to commence investigations of insolvency matters within six months were not achieved. I would be interested to know what are the numbers of insolvencies in which liquidators have drawn attention to possible offences and, following that, how many have been prosecuted.

Mr MacPherson: During the year, 138 reports were received from liquidators indicating that matters should be further investigated or inquired into. Of course, in a number of those no substantive offence would be disclosed as a result of the investigation. Prior to the commencement of the last financial year, there were 116 such reports on hand. During the financial year, 173 of those matters were completed, and currently 81 matters are on hand or awaiting investigation. If the honourable member seeks any further specific details I could provide those independently of this inquiry. At this point that is basically the position.

Mr MEIER: What is the turnaround time from the date of complaint to the resolution? Do you have any figures on that?

Mr MacPherson: No. That would vary enormously depending on the complexity of the particular issue concerned. Some matters concern only minor aberrations of compliance, which could be corrected quickly. At the other extreme, however, is major fraud that would take several years to investigate or prosecute.

Mr GROOM: I turn to page 213 of the yellow book dealing with regulation of business names, as follows:

The department has been unable to establish any significant reasons for making substantial changes to the Business Names Act 1963.

One situation that I will relate to the Attorney-General occurs where there may be a need to consider some form of mechanism to control what is a potential situation for substantial loss of revenue on the part of the Government.

The Hon. C.J. Sumner: On behalf of the taxpayer who loses it, not the Government. It represents the taxpayer.

Mr GROOM: That is right. I see the Attorney-General's point and the distinction and I am referring to a potential loss of revenue. The situation to which I refer is unlike that relating to the Lands Titles Office, where a transfer must be supported by a contract for the sale of land. Of course, the transfer cannot be registered without the stamp duty imprint on it, and in that way the mechanism ensures the proper collection of revenues that are properly due. The situation is not quite the same with regard to the sale of businesses and it has been drawn to my attention that it is quite clear in some circumstances that stamp duty is not being paid on the sale of a business simply because the control of the situation is in the hands of the parties.

I do not know how widespread that is, but I do know that the practice of land brokers is simply to obtain an indemnity from the parties with regard to the situation. I do not know what loss of revenue is involved, if indeed very much is involved, but it appears to me that the Business Names Act should be used as a mechanism so that, when people wish to transfer the name of the business, it could be used as a means of ensuring that the contract related to the sale had been stamped properly. I know that people practise in this jurisdiction and, if there is scope for this type of practice, it puts a lot of pressure on the people who try to ensure that their clients act honestly and regularly.

The Hon. C.J. Sumner: The honourable member has raised a very good question for the benefit of the Committee. I am not aware of the extent to which the practice that the honourable member has referred to is going on, but it is certainly a matter which I think warrants further inquiry. I undertake to refer that matter to the Corporate Affairs Commissioner and the Under Treasurer for investigation to establish whether or not the practice is widespread and, if it is, whether or not anything can be done to attempt to overcome the tax avoidance that would be involved.

Mr MacPherson: There are two possible approaches in addressing that type of problem. One would be for the mechanism of declaration or some other statement to be made by a person seeking to transfer a business name. That would certainly be within the auspices of our responsibility. The other possible approach would be for the Commissioner of Stamp Duties to conduct some sort of random check to ascertain whether or not there had been compliance with the legislation that he administered with respect to those businesses that had transferred proprietorship.

Mr GROOM: In relation to business names, the new application form allows up to four names, in order of preference, to be listed for people seeking to make an appropriate application. The situation is not the same with Corporate Affairs, where the application for reservation of a name only enables a person to make one application per name at a time and, if that is not available, say, for use in South Australia, another application has to be lodged. While I have not had any difficulty in relation to this, I have received some complaints about what people perceive to be the red tape involved in not having a similar procedure to the business names.

The Hon. C.J. Sumner: The honourable member has raised another good point. No doubt he has been of great service to his constituents this evening by the questions that he has raised before the Committee. The discrepancy comes about because the registration of business names is covered by State legislation and is administered as such, whereas the registration of company names is conducted under the cooperative scheme. However, I understand the point made by the honourable member, and I am prepared to raise it with my colleagues on the ministerial council to ascertain whether the procedure can be changed nationally. Perhaps it will become academic if the Commonwealth takes over the area in the near future, but as I say I am prepared to raise the matter in the ministerial council.

Mr S.J. BAKER: Page 212 of the Program Estimates, under the heading '1987-88 Specific Targets' states that court proceedings relating to the disbarring of directors of failed companies have been completed. Does this reference mean that the Corporate Affairs Commission has taken an active role in preventing defaulting directors from participating in companies in the future? Further, how effective is this mechanism, given that there are numerous examples of people who have formed new partnerships, particularly in the building industry, as the Minister would appreciate, where they have left one company and gone to another, when, strictly speaking, they have been bankrupt and quite often have done the same thing to the new company?

Mr MacPherson: This reference is to section 562A of the Companies Code, which is a relatively new provision. The comment relating to the fact that court proceedings have been completed referred to the Nicholas case in Victoria, where the Victorian Corporate Affairs Commission made an order against Mr Nicholas that he show cause why he should not be disbarred from further taking part in the management of companies. Section 562A provides that, if a person has been involved in the management of two companies, where the liquidator has made a report that the company has not paid 50c in the dollar he is liable to be the recipient of a show cause notice.

When we prepared this, we understood that Mr Nicholas said that he had completed his appeal processes when he was rejected by the full court in Victoria, but in fact he further appealed to the High Court, which only handed down its decision in the matter on 14 August. The result of that is that the law has now been clarified and that directors who have been involved in failed companies over a period of whatever time preceding the introduction of 562A (which was 30 March 1986) are now liable to be asked to show cause why they should not be prohibited.

The difference between this section and other provisions of the Companies Code is that the power is vested in the Commissioner to make the order that the person who has been involved in two failed companies be prohibited from further participating in any company management for a period of five years. This commission has issued five notices to directors asking them to show cause why they should not be prohibited. Those notices were only recently issued and the matter is yet to be determined, but that is the basis of that reference.

The Hon. C.J. Sumner: With respect to the honourable member's question relating to building companies, that matter also has been addressed in the new Builders Licensing Act.

Mr S.J. BAKER: As a supplementary question, can we expect that there will be some research on and investigation of those people who have featured more than once on the record books, or will we wait until they again are involved in a failed company?

Mr MacPherson: The Commissioner's policy is that all directors who have been involved with two or more failed companies and who have not paid creditors the 50c in the dollar will be the recipients of a notice under section 562A, and that shifts the onus onto the Director to indicate why he should not be further prohibited. However, the question of how quickly that process can be undertaken depends on the available resources.

Mr S.J. BAKER: In relation to the major resource variation, a comment was made that part of the increased expenditure related to the full year effects of employing additional corporate finance and investigation staff. Can the Minister say whether there was an overload situation when those new staff were employed and, if so, whether that overload situation still exists? Does the Minister have to take any further action in that area?

Mr MacPherson: The short answer to the honourable member's question is that there certainly was a very heavy load in that area, and the commission had approval to recruit a series of additional corporate analysts in the previous financial year. However, it was very difficult to recruit people with the requisite experience. Only in the past 12 months have we been able to recruit people with adequate

Mr MacPherson: The short answer to the honourable member's question is that there certainly was a very heavy load in that area, and the commission had approval to recruit a series of additional corporate analysts in the previous financial year. However, it was very difficult to recruit people with the requisite experience. Only in the past 12 months have we been able to recruit people with adequate experience. There is a heavy work load in that area but, with the introduction of the retirement villages legislation, we anticipate that the current resources will be adequate to meet the demand.

Mr S.J. BAKER: I note the comments made in respect of the Business Names Act. The Minister is obviously satisfied with the current legislation. Will there be any modification of that legislation or will it lie on the books for some time to come?

The Hon. C.J. Sumner: The principal issue is whether the whole of the business names area should be deregulated and just rely on people taking individual action. At present we have decided not to go down that track, so the existing structure will remain. I understand the New South Wales Department is examining a completely deregulated system. We could examine the matter in the light of its experience.

Mr BECKER: Have the activities of the department increased significantly over the past two or three years because of the stock exchange activity, not only in this State but throughout Australia? Has the commission been involved in investigations of activities of companies listed on the stock exchange and, if so, which companies? Has the commission expressed any concern at the accounting practices of some of these companies, particularly in relation to equity accounting, and what has been its findings?

Mr MacPherson: The first question relates to the matter of the commission's investigation of publicly listed companies. During the financial year one particular inquiry received a considerable amount of media attention—the investigation into the company called Armtech Limited. Charges have been laid against the directors of that company and the matter is currently before the court. I do not know of any other specific investigations or inquiries conducted in relation to listed companies.

With respect to the matter of equity accounting, the National Companies and Securities Commission has issued a statement indicating that equity accounting is not acceptable and the commission has, to date, issued requisitions

to a number of companies in this State advising that the accounts as submitted are unacceptable because they adopt the equity accounting method.

Mr BECKER: I refer to the case of Adelaide Steam and Bell Resources where there was a contract in relation to BHP shares. It is alleged that Adelaide Steam reneged on delivering the number of shares required by that contract. Has this matter been brought to the attention of the commission and, if so, what action has been taken?

Mr MacPherson: The commission is aware of that matter through media reports. At this stage it is a matter for the parties concerned to resolve. I am unaware of any implications that may arise under the Companies Code that would involve the commission at this stage. If that does arise we will investigate and take the appropriate action.

Mr BECKER: Will the commission look at the balance sheets of those two companies, because the balance sheet of the Bell group, in particular, claims a holding of 29 per cent BHP shares, which was covered by options that were never delivered? I think there is a question in this instance, because I believe the companies use equity accounting and a false impression may have been created in relation to that holding.

Page 214 of the yellow book states that the commission is looking at the Building Societies Act, which is to be reviewed. What problems have occurred, what are likely to be the areas for amendment and will the amendments cover insurance of deposits?

Mr MacPherson: The review of the Building Societies Act follows a statement by the Government in December of last year that the Act would be reviewed to ensure that the competitive position of building societies in this State was not prejudiced vis-a-vis other financial intermediaries. That review is being conducted in consultation with the industry and the Australian Association of Permanent Building Societies has listed a series of issues to be addressed by the Government. Among those issues are the questions relating to the focus of investment by building societies should it be able to be liberalised in the sense that the opportunity is created to deploy funds in the direction of shelter finance and not in the more restrictive way of owner occupied finance as is currently the case. Societies also seek to be permitted to invest in other areas than shelter finance—some of the more entrepreneurial areas—and the commission is keen to ensure that should this happen there is no lessening of the prudential standards that apply in relation to the investment of moneys in building societies.

It will be necessary to explore the societies, the question of their capital adequacy, etc. and a series of weightings that should apply with respect to particular types of investment. For instance, if an investment is of a speculative nature the society would be required to invest a substantial degree of capital. The current policy applied by the commission is that any activity not directly based on a mortgage type security has to be undertaken by a subsidiary company, and there can be no cross guarantees from the society to the subsidiary. In essence, the commission is exploring with the industry a means of ensuring that it can remain competitive and relevant in the deregulated environment, but balancing that would the need for adequate prudential operations to always be in place.

Mr BECKER: Will the commission look at the balance sheets of the Bell group, Bell Resources, and Adelaide Steam?

Mr MacPherson: The accounts of the Bell group are at this stage within the responsibilities of the Western Australian Corporate Affairs Commission and I will convey to that commission the honourable member's comments.

Mr MEIER: On page 213, the Program Estimates state:

The Names Approval Section aims to maintain processing accuracy to the extent that issue of cancellation notices is eliminated. The commission will implement a new phase in the sub program of regulation and monitoring, involving direct liaison of publishers of advertisements by businesses.

What does that mean?

Mr Bray: That represents a further phase of the program of regulation and monitoring of business names introduced in 1984. At that time the department sought the resources for one additional position to undertake the new function of inspection of business names and that new position, as well as having a revenue effect, was also intended to have an education role particularly for country customers. The proposal for that new position stated to the Treasury in 1984 was that, for the first, say, two years, the person would undertake inspections of business names to determine the extent of compliance with the new registration provisions and that, having established the degree of compliance, the next likely phase was to seek cooperation from publishers, the daily press, magazines such as the RAA magazine and other regular publications in regard to the registration of only registered business names. That phase is about to be entered.

There has been a shift away from on-site inspections throughout the city and the country to more of an in-house based monitoring approach. After this phase, which may go on for approximately the next 12 months, the ultimate phase would be, if that was unsuccessful in obtaining a reasonable degree of compliance with the registration provisions, that the commission may consider amendments to legislation that may provide, for example, a system along the lines of the licensed motor vehicle dealer's requirements for stating of registered numbers, etc., in advertisements. So, the reference on page 213 is to the middle phase of the Commissioner's inspection of business names program.

Mr MEIER: The member for Hanson asked what problems were seen with respect to the Building Societies Act review. Is the situation in relation to the Friendly Societies Act review the same?

Mr MacPherson: What we have undertaken to do is relate with the industry association in that area and seek to take steps to modernise that legislation, which is really quite out of date, having regard to current corporate and commercial arrangements. The association has indicated to us that it would be prepared to examine proposals which would be somewhat similar to those recently undertaken in Victoria. We have indicated that we will participate in that.

Mr MEIER: What are the principal differences between friendly societies and building societies as you see them?

Mr MacPherson: There is a totally different philosophical base with respect to the two types of entity. The building societies operate on broad brushed financial arrangements of money deposited and money lent out. Friendly societies operate under a series of trust funds which provide specific benefits for specific purposes. In recent years, friendly societies have become very attractive repositories because of the taxation benefits that flow from the investment funds in the various bonds that they provide. The legislation is really not up to date in the sense of the same prudential or accountability arrangements that ought to apply in relation to entities that are harvesting such large amounts of public funds.

Mr MEIER: Do you think any changes to the regulations will have an adverse effect on the friendly societies?

Mr MacPherson: The advice we have from the industry is that it would welcome a review of the nature that I have indicated.

Mr S.J. BAKER: Has the Minister or the commission had any contact with Dominguez Barry Samuel Montagu and, if so, what has been the nature of such contact?

The Hon. C.J. Sumner: Not as far as the Commissioner is aware. The Government has had contact with them as a result of the SAOG/SAGASCO merger, but I assume that is not what the honourable member is referring to.

Mr S.J. BAKER: No, not directly. Has the Minister, either in his corporate affairs capacity or his capacity as Attorney-General, been asked to provide advice as to what information can be provided from Government resources to DBSM? Under the regulation of companies, has the Minister in either capacity been asked by one or more of his colleagues, or principally the Premier, to investigate or comment upon information that can be provided to Dominguez Barry Samuel Montagu, and has he undertaken any investigation of the charges that have been made in relation to the information which has been provided to DBSM and, according to newspaper reports, been very poorly received out in the market place, in that there has been the suggestion that the Government has guided DBSM in its mock corporate raids?

The Hon. C.J. Sumner: The honourable member seems to talk in riddles as far as I am concerned. If he has a particular article that he would like to refer to us, I am happy to examine it. Perhaps the Commissioner can answer the matter as far as the commission is concerned, at any rate.

Mr MacPherson: As I understand it, Dominguez is a merchant bank operating from Sydney and, as far as I am aware, the commission has had no dealings with them. I cannot recall any dealings having been had with them.

Mr S.J. BAKER: So, the Attorney can satisfy the Committee that he has not given any opinions on the operations of Dominguez Barry Samuel Montagu Limited and that no information has been supplied through his resources to DBSM?

The Hon. C.J. Sumner: I ask Mr MacPherson to respond.

Mr MacPherson: So far as the State Corporate Affairs Commission is concerned, I am not aware of any matters that we have dealt with which relate to this merchant bank.

The Hon. C.J. Sumner: Although the Attorney-General's lines have been dealt with, as far as the Attorney-General is concerned, the Crown Solicitor has been advising the Government in relation to the SAOG/Sagasco merger, which Dominguez Barry were involved in to some extent with advice, but that is as far as I am aware of its involvement.

Mr S.J. BAKER: At page 215 of the Program Estimates, reference is made to marketability of corporate affairs information: what are we going to sell? What areas of information will be available for sale on the open market?

Mr MacPherson: The type of activity addressed in this regard concerns the possibility of marketing corporate affairs information through a retail network and receiving a royalty, or the like. I refer to CLIRS, or what have you. Such a system is currently being evaluated in Victoria and we will draw on that experience.

Mr S.J. BAKER: What items of information does the Corporate Affairs Commission believe that it can sell on the open market? From which items of information can the commission make a profit?

The Hon. C.J. Sumner: Lists of companies and business names—that sort of thing.

Mr S.J. BAKER: So, it would be a dial-up access type of provision, like the LOTS scheme.

The Hon. C.J. Sumner: What we can do in this area is related largely to computerisation of records. It might be possible to sell information. Obviously there will be a com-

prehensive list of companies. One presumably could interrelate the directorships between companies—that sort of information, which is available on the public record now; it is just that one has to search perhaps several files to find it. But that is the nature of the information. The lists of companies could be sold to CLIRS (Computerised Legal Information Retrieval System) or to the Credit Reference Association, for example.

Mr S.J. BAKER: I presume it could be sold to all those people involved in direct mail—the mind boggles.

The Hon. C.J. Sumner: Yes, it could be I suppose; whether the Government would want to do that is another matter.

Mr DUIGAN: My question relates to Program 2—Regulation of Companies (page 81 of the Estimates of Payments) and I refer to the reference on page 212 of the Program Estimates booklet to the Retirement Villages Bill and the regulations. The Minister would be aware of the interest that has been expressed in this area over a considerable period of time by the member for Hayward, on whose behalf I ask the following question: has the commission established the criteria by which retirement villages will be determined and, if so, can those criteria be outlined to the Committee?

The Hon. C.J. Sumner: Is the honourable member referring to exemptions?

Mr DUIGAN: Yes.

The Hon. C.J. Sumner: Well, legislation prescribes what is in; the question of what is out depends on the exemptions that are granted. I do not know whether there are any broad guidelines.

Mr MacPherson: The answer in relation to those villages that are caught, as the Minister has explained, is prescribed by the legislation itself and within the legislation there is exempting power. The criterion for the exercise of that exempting power is such as to ensure that the villages are not prejudiced in the sense of incurring unnecessary imposts, while at the same time power is not exercised so as to allow a village to avoid the protections which are sought to be introduced by this legislative measure. As I explained earlier, we have entertained all comers, and provided that we are able to be satisfied that the residents of a village will not be disadvantaged there has been no hesitancy in assisting a village with appropriate exemptions.

Mr DUIGAN: What discussions, if any, have been held between the Corporate Affairs Commission and the Treasury Department in determining whether the list that has been drawn up by the Corporate Affairs Commission would be used, in terms of its definition of what constitutes a retirement village, by Treasury in determining land tax exemption status?

The Hon. C.J. Sumner: Presumably, the exemption from land tax will be dealt with in the legislation.

Mr DUIGAN: I accept that, but in terms of determining which residents in retirement villages will be exempt from land tax will the Treasury Department consult with the Corporate Affairs Commission in determining what constitutes a retirement village for the purposes of the Bill, or will the commission be involved in a separate exercise of drawing up a list of which retirement villages will have their residents exempt from land tax liability?

The Hon. C.J. Sumner: The honourable member should be able to ascertain that from a perusal of the Bill.

Mr S.J. BAKER: I refer to page 81 of the Estimates of Payments where it shows two items that interest me: first, the excess expenditure for 1986-87 on the administrative expenses side with a sharp decrease in 1987-88 and a special line shown for legal costs, which is the first time a figure is shown for that line. Will the Minister clarify those two

variations? The figures show \$100 000 over-expenditure and a total drop for this year of \$200 000.

Mr Bray: The 1986-87 payments figure for administrative expenses of \$404 562 includes legal costs incurred of approximately \$140 000 in relation to Australian Growth Resources Corporation Pty Ltd. That is an ongoing matter and, at Treasury's suggestion and with the department's agreement, rather than that figure being included amongst a range of general expenses, it was decided to create a separate Treasury line for legal costs. The \$100 000 represents a further allocation in 1987-88 for the Australian Growth Resources matter.

Mr S.J. BAKER: I now refer to page 215 of the yellow book concerning information search and inquiry services. I refer particularly to the comment under '1986-87 specific targets/objectives' where it states:

1987-88 staff resource levels necessitate critical review of service level provision—the aim will be to achieve some resource usage rationalisations in this program while maintaining responses satisfactory to customers.

What exactly does that mean?

The Hon. C.J. Sumner: Basically it means that the staff we have will look critically at the services we are providing. The aim will be to ensure that the best use is made of resources to ensure that satisfactory responses to customers are provided.

Mr S.J. BAKER: I can read too. Does it mean that the department is not performing at the moment and has to cut out some services that it is providing? Does it mean that because the workload has become so large it needs more resources? Does it mean it will interchange man and machine to operate more efficiently?

The Hon. C.J. Sumner: It means that we will continue to do more with the same or a similar level of resources than we have had in previous years which would give employees their 4 per cent.

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

Public and Consumer Affairs, \$21 037 000

Chairperson:
Ms D.L. Gayler

Members:
Mr S.J. Baker
Mr H. Becker
Mr M.G. Duigan
Mr T.R. Groom
The Hon. T.M. McRae
Mr E.J. Meier

Witness:

The Hon. C.J. Sumner, Minister of Consumer Affairs.

Departmental Advisers:

Mr C. Neave, Director-General, Department of Public and Consumer Affairs.
Mr P. Young, Deputy Director-General.
Ms J. Tiddy, Commissioner for Equal Opportunity.
Mr C. Carter, Manager, Resources.
Mr D. Hassam, Senior Management Services Officer.
Mr A. Martin, Executive Officer.

The CHAIRPERSON: I declare the proposed expenditure open for examination and refer members to pages 74 to 79 of the Estimates of Payments and pages 184 onwards of the yellow book.

Mr S.J. BAKER: I refer to page 190 of the yellow book and my first question relates to equal opportunity. It is noted that there was an increase of 70 per cent in inquiries received in 1986-87 and a 27 per cent increase in complaints recorded. That governs both State and Commonwealth legislation. Will the Minister detail how many complaints were taken by the tribunal and, on the basis of last year's experience, what is expected to come before the tribunal in the coming year, given that according to my calculations at least there is a slight decrease in the number of people employed in the program, as indicated on page 185 of the yellow book? What are the numbers and what are the types? Is it expected to continue to increase in view of the lower levels of resources?

The Hon. C.J. Sumner: The grounds for complaints (combined Commonwealth and State) are as follows: sex discrimination, 41 per cent; race, 16.5 per cent; physical impairment, 14.5 per cent; sexual harassment, 12.5 per cent; and, sexuality, 3 per cent.

The areas of complaint are: employment 56 per cent; goods and services 22.5 per cent; and clubs and associations 9 per cent. They are complaints to the Office of Commissioner for Equal Opportunity, not matters taken to the tribunal.

Mr S.J. BAKER: What was the total number?

The Hon. C.J. Sumner: The total number of complaints in 1986-87 was 4 265.

Mr S.J. BAKER: How many of those were taken to the tribunal?

The Hon. C.J. Sumner: No complaints have been taken to the tribunal but other matters have been put to the tribunal for exemptions and other complainants have taken matters directly to the Equal Opportunity Tribunal or the Sex Discrimination Board, as it was previously.

Mr S.J. BAKER: My second question relates to the Minister's attitude in respect of equal opportunity to the draft policy paper on safe handling, which has been spread the length and breadth of Australia. Did the commission actually review that document and did it support its thrust in terms of load limits and placing them in legislation?

The Hon. C.J. Sumner: The State Government has not taken a view on the matter.

Mr S.J. BAKER: My third question relates to another item that is contained on page 190 of the yellow book, as follows:

In consultation with the AIDS Council and the South Australian Health Commission, a coordinated approach to legal and social aspects of AIDS in relation to the Equal Opportunity Act 1984 was being developed.

Can the Minister explain under what guidelines this consultation has taken place if, indeed, there has been any resolution on how to handle the sometimes and somewhat conflicting priorities of health and, perhaps, sexual preference which may be at risk in this situation?

Ms Tiddy: We established a consultation process with the AIDS Council without an interpretation from the Equal Opportunity Tribunal. It has been my advice that AIDS falls within the terms of the physical impairment sections of the legislation, and clearly there is an exemption in terms of capacity. If a person who has AIDS is denied employment or dismissed from employment, it would depend on his capacity to perform the job. Those were the sorts of issues that we looked at. We also had some input into insurance in relation to people who might be at risk of contracting AIDS or who were antibody positive. That is our involvement in that area.

Mr DUIGAN: My questions relate to program 1. From my reading of the Estimates of Payments, \$781 000 is proposed to be allocated to program 1 in 1987-88 of which it

would appear that about \$300 000 is a specific purpose payment from the Commonwealth under its heading of human rights. Am I correct in that assumption? I refer to page 74 of program 1 and page 10 of the Estimates of Receipts under the Minister of Consumer Affairs and the Minister of Ethnic Affairs.

The Hon. C.J. Sumner: Yes.

Mr DUIGAN: I also note that there appears to have been a slight reduction in the Commonwealth allocation to that area. Has there been any review by the Commonwealth of its funding to the States for the human rights program, or is any alteration likely to the amount of the Commonwealth's allocation to the States under its legislation for administration by the Commissioner's office?

The Hon. C.J. Sumner: Yes.

Mr DUIGAN: Which programs in the Commissioner's office would be affected should there be an alteration to Commonwealth funding arrangements?

The Hon. C.J. Sumner: All those matters that are dealt with under Commonwealth legislation.

Mr DUIGAN: What resources were allocated within the Commissioner's office for community education programs and how effective were those programs?

The Hon. C.J. Sumner: An amount of \$80 000 was allocated for community education excluding salaries and \$10 000 from the Commonwealth budget—a total of \$90 000. In addition there were the officers who were involved.

Membership:

Mr P.B. Tyler substituted for Mr T.R. Groom.

Mr DUIGAN: How effective have those programs been as community education programs?

The Hon. C.J. Sumner: Very effective, I would say.

Mr DUIGAN: Does the Equal Opportunity Office plan to allocate any resources to redress the imbalance of young women entering apprenticeships as part of its community education programs for 1987-88?

Ms Tiddy: Two areas in which the office works with young people are, first, in terms of managing complaints particularly in relation to sexual harassment and that seems to arise consistently in the non-traditional areas of work and often relates to young women. Secondly, the office provides information to young people generally and we are doing that via a publication called 'The Equal Opportunity Act and You' and through a series of what we call the 'Fair Go' series which talks about people's rights in relation to sexual harassment in particular. These are available through the CES. They are the actual activities in which we are involved with young people at the moment.

Mr DUIGAN: Earlier today, in answer to a question in respect of an examination of the Courts Department, it was noted that there had not been an increase in the number of formal complaints that were going before the Equal Opportunity Tribunal. Is that as a result of a policy decision on the part of the Commissioner's office to attempt to arbitrate all complaints rather than allowing them to go to the tribunal?

The Hon. C.J. Sumner: The Commissioner has a responsibility to conciliate. I think the fact that no complaints have gone to the tribunal is a tribute to the success of the Commissioner in conciliating the complaints that have come before her.

Mr BECKER: In relation to prevention of discrimination, reference is made to the fact that over the past year the Office of the Commissioner for Equal Opportunity placed a strong emphasis on campaigns to educate communities as to their rights and responsibilities relating to human rights

and to issues, particularly in the Iron Triangle area. Will the Minister outline the community education programs undertaken last year and is the Government committed to maintaining this emphasis, notwithstanding the fact that the Federal Government in the budget this evening suggested that it may cut its share of the funding?

The Hon. C.J. Sumner: We cannot comment on what may happen, as far as the future is concerned, if there are Federal Government cuts in this area. Obviously, we would like to maintain the full range of services but, if the Commonwealth cuts its budgetary allocation to the States in the equal opportunity area, we cannot give any guarantee that the existing level of services can be maintained.

Mr BECKER: Are you able to outline the community education programs undertaken last year?

Ms Tiddy: Six major programs were undertaken last year in terms of the initiating work of the office. It is important to note that there is both responsive work where people seek our advice and, also, there is initiating work, so the programs that I have outlined were in the initiating area. We had a clubs and associations education program in conjunction with the proclamation of the clubs and associations section of 1 March 1987. We had a campaign, a hotline service and a seminar, which was attended by about 500 people, primarily bowls people.

We have commenced a campaign in Port Adelaide and, also, we ran a campaign in the Iron Triangle. We have not been involved in any kind of campaign in the country where we have given people information about their rights as well as their responsibilities. Primarily our focus in community education has been on responsibilities. Given the resources in the office, if we focus on rights, of course, we can expect an increase in complaints but, if we focus on responsibilities, we hope to educate the community and better inform people of what they need to be doing.

Also, we launched and distributed guidelines on children's sport. We were actively involved in a range of in-service programming throughout primary schools. We developed an easy guide to the Equal Opportunity Act called 'The Equal Opportunity Act and You'. We have begun a 'Fair Go' series, which is a series of brief explanations about rights and responsibilities, and that will be distributed through all services that provide information together with all CES offices in this State. It will be distributed also to libraries, again to provide people with information, and we have noted from this an increase in people ringing up and asking, 'How do I comply with the legislation?'

The Hon. C.J. Sumner: The Commonwealth funding to the States in this area is a matter that is being discussed between officers at the Commonwealth and State level, that is, officers of the Commissioner for Equal Opportunity in South Australia and of the Treasurer, together with the Human Rights Equal Opportunities Commission in Canberra. It would appear that there will be some reduction in Commonwealth funding to the States in this area. The State has to make quite clear that it will not be able to pick up the shortfall that occurs as a result of a reduction in Commonwealth funding. There is just no way that the South Australian Government will be able to pick up cases which would be left off as a result of a drop in Commonwealth funding, so that has to be made clear.

What may have to happen is reallocation of resources within the State office, depending on the funding that we receive, such that we are able at least to deal with the complaints and that may need a reorientation of resources towards dealing with complaints and away from some of the education initiatives that have been taken in the past but, if funding from the Commonwealth Government is

reduced, we will have no alternative but to deal with the complaints within our existing resources and ultimately that may involve a complete rupture of the cooperative arrangements that we have at the present time of one-stop shopping. In the ultimate analysis it may well involve withdrawing completely from dealing with any complaints in the sex discrimination area and the race discrimination area, and leaving it to the Commonwealth to pick that up. We will deal with those other areas that are exclusively State jurisdiction. That would involve sexuality and physical impairment, but we may well have to leave the rest to the Commonwealth if our resources cannot cope with it.

I hope we do not get to that point because I think having one stop shopping in this area is to be preferred, but there is no way that the State Government will be able to continue to service this area thoroughly if Commonwealth funds are reduced. It may be necessary to reallocate resources away from present areas of interest and concern, whether it be education or otherwise, towards the nitty gritty of dealing with day to day complaints.

Mr BECKER: It seems unfair to bring in a budget now when we do not know what we are agreeing to. Until we know what is in the Federal budget it is difficult for us to accept this budget. I think this budget lacks credibility.

The Hon. C.J. Sumner: It is likely that the Federal budget will not deal with the sort of detail that we are dealing with in this particular issue. The Federal authority will have to take into account global sums in determining allocations for individual States. There may have to be some adjustment, but I do not see it as a major problem. We will not know the funding that will be available to our State agencies for probably another month under this arrangement.

Mr TYLER: I represent the youngest electorate in South Australia with almost 40 per cent of my constituents being under the age of 18. Could the Minister outline in greater detail some of the initiatives to be taken in informing young people of their rights?

Ms Tiddy: We have worked to a considerable extent in the area of education looking at a range of subjects that were in the past considered to be traditionally subjects for boys and girls. Sport has also been a major issue and in the past year there has been a shift from 'it is not proper to do it that way' to accepting the principle that both boys and girls should have access to the same range of sports. Competitive areas will take a lot of organisation so that girls are not disadvantaged, but there has been a pleasing shift in community attitudes.

Mr TYLER: In relation to the possible declining revenue to the State, particularly as it affects equal opportunities, could you outline the areas that the commission has targeted for this financial year?

The Hon. C.J. Sumner: That will depend to some extent on the final arrangements that will be made with the Commonwealth. There are a number of things that the Commissioner would like to do. Whether or not they can be achieved will depend on the available resources, particularly from the Commonwealth as a result of its attempt to renegotiate the cost sharing agreement.

Ms Tiddy: A continuation of the community awareness program in Port Adelaide, which is a metropolitan program, has been targeted for this year. We intend to publish guidelines for employers in terms of sexual harassment, so again, the focus is on responsibility. Guidelines for clubs and associations and a series of programs in relation to youth are being printed. In the sporting arena we are working with the Department of Recreation and Sport in terms of its associations and looking at using the guidelines of child's play, sport and equality. We have distributed 20 000 copies

through the Department of Recreation and Sport and the associations. We are also looking at further fair go editions which are small publications relating to physical disability and Aborigines. We plan to revamp guidelines for complainants and respondents. In the past those guidelines have tended to reduce tension when complaints are lodged against people because they at least know what the process is.

Mr S.J. BAKER: Going back to the previous question I asked about the approach as far as the AIDS question was concerned, can the Minister clarify the response that was given that AIDS would be treated as a disability and that the prime criterion was whether the person could perform his or her job? What part does health risk play in that guideline?

The Hon. C.J. Sumner: If the honourable member has tuberculosis or the plague or something and applies for a job and is rejected, and an employer can show that the reason for his being rejected is that he has the plague and is likely to infect other people, he would not have a basis for complaining about being rejected on the grounds of his sex or physical impairment or anything else.

Mr S.J. BAKER: As a supplementary question, that same principle would also be the case where a person is already employed?

The Hon. C.J. Sumner: As far as dismissal is concerned, yes, but it depends on the facts of each individual case. If you have an infectious disease and you are dismissed from employment on that basis, you cannot take a case on the grounds of discrimination, if you are going to have the disease forever, I mean.

Mr S.J. BAKER: I noted the remarks made in response to the member for Fisher's question, because I was interested in the item on page 190 concerning guidelines for children's sport and training programs. There is no doubt there is support from all members of the community to increase the range of sports available to women—indeed, to other areas including the disabled. Would I presume from the response given that whilst you are very much in favour of increasing participation levels, you would be opposed to the proposition that competition should be removed from the higher levels of primary and junior levels of high school sport?

The Hon. C.J. Sumner: No, that is not the policy.

The CHAIRPERSON: Does the Minister mean that the policy is not to eliminate competition?

The Hon. C.J. Sumner: Yes.

Mr S.J. BAKER: Can I please get some clarification? As the Minister would be aware, the school sports policy has certainly had an impact amongst the various schools in my electorate, and I presume in many other electorates, because I have received a number of representations not only from school councils but also from parents who have actually looked at the policy itself. One of the criticisms of the policy, and the gravest criticism, has been that the bottom line, if you like, of the policy is that there shall not be rewards for competitive effort within the primary school system, and there is some suggestion that that will flow into the secondary school system. I want a clarification from the Minister as to exactly where he stands.

The Hon. C.J. Sumner: It is not the policy.

Mr S.J. BAKER: It is the draft policy which has been circulated.

The Hon. C.J. Sumner: I am telling you what the policy is. That is not the policy.

Mr S.J. BAKER: You tell me what is the policy.

The Hon. C.J. Sumner: The policy is to ensure equal opportunity of participation of both sexes in sporting activity, full stop.

Mr S.J. BAKER: So you would encourage competition?

The Hon. C.J. Sumner: If it is appropriate, yes, and it encourages the participation of people in sporting activity. But that is the point. There may be some competitive situations where it does not encourage participation of both sexes in the sport, and that is where each situation has to be looked at. However, to suggest that the draft policy, as I understand it, is to remove competition from sport, I am telling you that that is not the policy.

Mr S.J. BAKER: That is the general tenor of the draft policy?

The Hon. C.J. Sumner: Well, you had better read it to me.

Mr S.J. BAKER: I assure the Minister that I have read the draft policy.

The Hon. C.J. Sumner: You tell me where it says that.

Mr S.J. BAKER: I do not happen to have the draft policy with me.

The Hon. C.J. Sumner: That is your problem, not mine.

Mr S.J. BAKER: I am sure that the Minister will understand and that, from the representations that are taking place and the reaction to the draft policy, will note that what I have said is indeed the way that people perceive that policy. If, indeed, the Minister believes that competition shall be encouraged—and I have not seen it in the document in those words—I will be pleased to report to all my constituents that the draft schools policy is promoting participation and competition within schools.

The Hon. C.J. Sumner: Correct, where appropriate.

Mr TYLER: In part my question has been answered, but I would like some clarification on this matter: can the Minister provide details of what percentage of complaints have been made in relation to sexual harassment and in relation to race? Further, what is the commission or the Government doing to solve this type of problem?

The Hon. C.J. Sumner: There were 338 sexual harassment complaints; 90 per cent were in the area of employment; with some, advice was given regarding sexual harassment grievance procedures. There were some monetary settlements, from \$100 to \$10 000, and there were apologies. Some 75 per cent of these complaints were from single, Anglo-Celtic women in the 15 to 24 years age group. Some 326 race discrimination complaints were made; half were in relation to employment, racist remarks, recognition of qualifications and reprimands for speaking in a native tongue, and one-quarter were in relation to goods and services or refusal of entry to hotels, and the like. A broad section of racial identity of complainants was represented. Some 37 per cent were Aboriginal Australians.

Mr TYLER: Does this show an increase or a decrease in the number of complaints?

The Hon. C.J. Sumner: Neither of those areas of complaint existed under anti-discrimination legislation until the passage and proclamation of the Equal Opportunity Act. Prior to the passage of that Act in South Australia, there was a procedure for dealing with racial discrimination, and that was under the Racial Discrimination Act, which had been in place since 1966, but that relied on criminal penalties. This procedure is the traditional equal opportunity procedure of conciliation; so it is not possible to make any direct comparison between those complaints and any previous complaints. Likewise, sexual harassment is a new area of complaint under the equal opportunity legislation. So, at this stage it is not possible to compare these statistics with any previous figures.

Additional Departmental Advisers:

Mr A. Gardini, Acting Chairman, South Australian Ethnic Affairs Commission.

Mr D. Ayling, Chief Administrative Officer.

Mr S.J. BAKER: I have a series of questions about the Ethnic Affairs Commission, noting that there have been some drastic changes to the programs this year which make comparison a little more difficult in terms of looking at resource impacts. I refer to page 195 of the Program Estimates and specifically to equal opportunity. Is there any evidence to suggest that people with a migrant background, particularly non Anglo Saxon persons, are disadvantaged when seeking promotion in the South Australian Public Service, and is any information available on the percentage of top jobs in the Public Service held by non Anglo Saxon migrants?

The Hon. C.J. Sumner: A report was done on this topic a few years ago which showed that people of a non-English speaking background (as far as their native language was concerned) were under-represented in the upper levels of the South Australian Public Service. I am not sure what up-to-date figures exist on that, but one of the areas of commitment of the Ethnic Affairs Commission has been to promote equal opportunity employment within the public sector. Obviously that will not occur overnight in terms of the number of people who are from non Anglo Saxon background and employed in the Public Service, but it is a long-term on-going project to ensure real equal opportunity at all levels of the public sector.

Mr S.J. BAKER: What progress has been made with the 1986-87 Program Estimates objective of cooperating with the Tertiary Education Authority of South Australia in tertiary funding proposals for the 1988-90 triennium with respect to multicultural programs?

Mr Gardini: We have had quite extensive talks with all tertiary institutions in order to try to get them to develop more people employment opportunity perspectives and program perspectives. It is a very slow process, particularly in the light of tight budgets. One area will be, hopefully within the next year or possibly 1988-89, the collation of ethnicity data which at least will give us an indication of staffing and intake in terms of students and will enable us to see whether the tertiary institutions are discriminating in that area or not.

The other areas are simply those of trying to promote the teaching of languages within tertiary institutions. It is a slow process. We have been well received in this area, but unfortunately universities tend to change slowly over trienniums. We have put much effort into this triennium, so hopefully we will see some changes now. Then we will have to put in more effort in the next triennium. It is slower than Government departments when it comes to getting changes. Attitudinal changes will, I hope, come through slowly. Certainly the Institute of Technology and the South Australian College of Advanced Education have put a fair amount of effort into educating staff on equal opportunities. The college has put a considerable effort into modifying curricula to adapt a multicultural perspective. One does not see radical changes in the classroom, because it is a difficult dimension.

Mr S.J. BAKER: Why was there a delay in the approval and release of the important Immigrant Workers Task Force report to the Minister of Labour, which impacted on the establishment of the working party on unemployment and the training of migrants?

The Hon. C.J. Sumner: The report has not yet been released; but I hope that it will be released shortly. Its

recommendations are being costed prior to the report being released.

Mr S.J. BAKER: When can we expect the report?

The Hon. C.J. Sumner: I hope that the report will be finalised very soon.

Mr MEIER: On page 193, the Program Estimates indicate that a lack of funds prevented the extension of the interpreting services to the Legal Services Commission and the Department of Correctional Services. What adverse consequences have flowed from this and will it be rectified in the current year?

The Hon. C.J. Sumner: The Legal Services Commission basically bills its clients for interpreters. It must do what any other client does in the legal system for interpreting services out of court—it must make its own arrangements.

Mr MEIER: Why would a lack of funds have prevented an extension of the interpreting service if the Legal Services Commission pays for it, anyway?

The Hon. C.J. Sumner: The South Australian Ethnic Affairs Interpreting Service could have assisted both those agencies with interpreting but it was not possible to expand the service into those areas.

Mr MEIER: Can the Minister indicate whether any proposed ethnic schools have been delayed or cancelled as a result of funding cuts?

The Hon. C.J. Sumner: Not that I am aware of. The funding formula for ethnic schools is fixed. Those ethnic schools that qualify are entitled to be funded under the existing arrangements.

Mr MEIER: Are no new schools envisaged or have there been no new applications?

Mr Gardini: It is outside our budget; it comes from the Education Department budget. The cuts occurred in the Commonwealth budget, or at least a plateau was established in the Commonwealth budget, but the State continues to fund any ethnic school and the formula is such that funding increases each year according to inflation.

The Hon. C.J. Sumner: Funding flows automatically provided the school establishes itself in accordance with the guidelines.

Mr MEIER: I turn to the provision of pamphlets in various languages for different departments. Is that handled by the Ethnic Affairs Commission or by each individual department?

The Hon. C.J. Sumner: That is the responsibility of each individual department. The assistance of the Ethnic Affairs Commission can be sought to advise on what might be appropriate.

Mr MEIER: Is the production of literature in various languages increasing or is our education system getting to all people to teach them English, resulting in a decrease in the publication of such pamphlets?

The Hon. C.J. Sumner: We do not have any comprehensive figures on that, but the number of translating assignments the commission has carried out increased from 131 in 1983-84 to 659 in 1986-87, so that would tend to indicate that there has been an increase in demand from State Government departments for translations of various documents, some of which undoubtedly would have been information pamphlets.

Mr S.J. BAKER: Can the Minister provide details of the attendance record of members of the South Australian Ethnic Affairs Commission over the past two years? I am happy for the Minister to provide that at some later date.

The Hon. C.J. Sumner: Yes, I do not think that there is a problem with that.

The CHAIRPERSON: For the benefit of the Minister's advisers, if material in reply to questions is to be inserted in *Hansard*, it must be submitted by no later than 2 October.

Mr S.J. BAKER: Is there a vacancy on the South Australian Ethnic Affairs Commission?

The Hon. C.J. Sumner: The only vacancy is the full-time Deputy Chairman's position, which has not been filled.

Mr S.J. BAKER: I asked a question earlier about the composition of the upper echelon in the Public Service and I did not receive any answer. I do not know whether or not anybody has done an analysis, or whether such an analysis can be done properly, but to what extent does the composition of the South Australian Public Service reflect the general population; namely, that 24 per cent of the population of this State was born overseas and about half come from non Anglo Saxon countries? Of course, if we then take the second generation, the figures relating to people with a non English speaking background can then rise to possibly over 20 per cent of the population being affected by this criterion. Is there any information to suggest that the Public Service reflects that fact?

The Hon. C.J. Sumner: I have already answered that question. I indicated to the honourable member that some years ago a report was published on the 'ethnic', for want of a better word, composition of the upper echelons of the Public Service. That report was completed in 1983 and it goes under a number of names; the Rimmington report is one of the names that it has collected on the way. The report was certainly made public and I assume that it is available in the Parliamentary Library. That would give the honourable member some indication.

Mr S.J. BAKER: I thought that the Minister or one of his advisers would know the answer.

The Hon. C.J. Sumner: I have already answered the question by saying that people of non Anglo Saxon backgrounds are under-represented in the upper echelons of the Public Service. One cannot be precise about these things. Even the Rimmington report had limitations in terms of the information that could be collected, but it indicated that people of non Anglo Saxon backgrounds were under-represented in the upper echelons of the Public Service. If one takes the Public Service as a whole, that may not be the case because a number of people are employed in manual jobs in the public sector who are of a non Anglo Saxon background.

In the Engineering & Water Supply Department, the Highways Department and some aspects of the Health Commission a large number of people of non Anglo-Saxon background are employed, but they tend to be paid at the lower paid end of the scale. That would be expected, at least initially. Many people who came to Australia from both Anglo-Saxon and non Anglo-Saxon backgrounds were employed in the unskilled or semi-skilled areas of employment. The children of those groups are now assuming a more prominent role in the employment profile of the State Government and the private sector. For instance, the second generation of Italian origin is becoming highly visible in the professions, but to say that equal opportunity exists within the State public sector would be an over-statement.

A considerable amount of work needs to be done to ensure that people of non Anglo-Saxon background are not discriminated against and are given equal opportunity in the State public sector. One area that was traditionally ignored was that of language. The fact that a person was able to speak a second language, in particular a community language, should have been seen as an advantage in terms of employment in the State public sector. In some areas, such as interpreting and translating, a second language is

now a necessity, and a second language is highly desirable in a number of other positions in the State Public Service. The thrust of the commission's activities has been to develop mechanisms similar to those developed in the area of equal opportunity for women in the public sector to ensure that any barriers to appointment or promotion that may exist for people of non Anglo-Saxon background are removed. There is no doubt that the profile of the work force is changing and will continue to change, but that does not mean that as a community we can be complacent. It is something that we need to continue to work at to ensure that any vestiges of prejudice against people of non Anglo-Saxon background are removed.

The CHAIRPERSON: We will now move on to the other proposed payments under Public and Consumer Affairs.

Mr S.J. BAKER: How many cases by consumers have been taken over by the Commissioner and handled through the courts; how many court cases have been initiated by the department on behalf of the consumers; how does this compare with the previous year; what has been the success rate; and what has been the cost to the department?

The Hon. C.J. Sumner: There have been no cases in the past 12 months that the Commissioner has taken over on behalf of consumers.

Mr S.J. BAKER: Is that true? My goodness, we must have a wonderful set of citizens out there. If we had more time, we would develop that argument. When will the whole of the Travel Agents Act be proclaimed or when will it come into effect, given that we have had sections 7 and 11 operative from 1 July 1987? I presume we are waiting on some Commonwealth initiatives.

The Hon. C.J. Sumner: I am not sure to which sections the honourable member is referring. Certainly, for all practical purposes, the Act is now fully operational.

Mr S.J. BAKER: By way of clarification, the comment in the program description on page 197 is that the Travel Agents Act 1986 has been proclaimed with sections 7 and 11 operative from 1 July 1987. From that comment, I presumed that not all of the Act was operational.

The Hon. C.J. Sumner: I am advised that only one section has not been proclaimed and that is the section dealing with the Act binding the Crown.

Mr S.J. BAKER: So, you will advise me if there is any alteration to that?

The Hon. C.J. Sumner: Yes.

Mr S.J. BAKER: When will the regulations to the Fair Trading Act be promulgated, and what education program is proposed to draw attention to the major changes in the law?

Mr Neave: It is presently anticipated that the regulations which have already been circulated to industry for comment will be passed during October of this year and the Act will be proclaimed during October. At the same time, there will be a full education program advising consumers and traders as to the position under the new Act.

Mr S.J. BAKER: In those circumstances, I presume it will be a very long grace period until that education program has begun to offset the fact that the regulations are coming in almost immediately the Act becomes operational. Circulating to industry does not mean that 20 000 businesses in this State will actually know what is going on with the fair trading legislation, which involves considerable changes, as we knew when we debated the Act through this Parliament.

The Hon. C.J. Sumner: I do not know that there will be a necessity for any great period of grace. Obviously, if representations are made to the Commissioner on any aspect of the legislation where it is felt that adequate explanation

has not been given, those representations will be examined by the Commissioner. However, in so far as the Fair Trading Act mirrors the Trade Practices Act, that law has existed for many years. It has been amended to some extent, but the basic principle of that law has existed for many years in respect of corporations, and now the Fair Trading Act picks up those principles in respect of individual traders. The rest of the Fair Trading Act consolidates a lot of legislation which was previously covered in disparate Acts, such as the Door to Door Sales Act and the Mock Auctions Act. In that respect, the substantive law has not been changed greatly. It certainly has been changed, but I do not believe that the business community that has been operating with the existing legislation, either as corporations or as individuals, should have any major difficulties with the new fair trading legislation.

Mr BECKER: When did discussions commence, and what has been the outcome of the proposal, in relation to taking \$1.4 million from the Residential Tenancies Fund for use during the International Year of Shelter for the Homeless? I understand that questions were asked last week in State Parliament, and there is a conflict between the Minister for Consumer Affairs and the Minister of Housing and Construction over this issue. However, can money be taken from this fund, and how? Can it be used for any purpose other than that originally specified in the Act under which the fund was established?

The Hon. C.J. Sumner: Certainly no funds can be used from the Residential Tenancies Fund for a purpose not in accordance with the Act, but the Act specifies that funds can be used for projects which are for the benefit of landlords or tenants. A number of proposals have been developed through the Office of the Minister for Housing and Construction for projects under the International Year of Shelter. Those proposals have been put to the Residential Tenancies Tribunal for consideration. If, after examination, the Residential Tenancies Tribunal considers that the proposals fall within the terms of the Act and that it is appropriate that an allocation be made from the Residential Tenancies Fund for the purpose specified, then the tribunal will make a recommendation to the Minister for Consumer Affairs, who can then approve the recommendations. At this time, a number of proposals have been put up and they are in the process of being considered by the Residential Tenancies Tribunal.

Mr TYLER: During the past year, the jurisdiction of a number of boards was transferred to the Commercial Tribunal. Among these was the Builders Licensing Board, following the proclamation of the new Builders Licensing Act. This has become a rather vexed issue in my electorate and, indeed, I think the member for Mitcham and I attended a public meeting back in about 1983 or 1984 concerning

complaints lodged against builders. The Minister would appreciate that substantial growth has occurred in my electorate and that a number of timber frames are popping up virtually daily, as more people are moving into the area. How has the new Act been operating and has there been a decrease or increase in the number of complaints lodged in the past 12 months?

The Hon. C.J. Sumner: It is too early to give any comprehensive report on the effect of the new Act, which came into operation in two stages early this year. I can only suggest that the honourable member reserve his question until the Estimate Committee next year, by when we should be able to give him a better idea of comparison of complaints under the old system, how they were dealt with under that system and how they are being dealt under the new system.

Mr TYLER: It is a valid answer. There seems to be a decrease in the number of complaints lodged in my office about builders. Maybe that is because the expectation is that the Commercial Tribunal will resolve the dispute with the builder, so there is less need to go to the local member.

The Hon. C.J. Sumner: The honourable member would know that to some extent the level of complaints is governed by the level of activity, and I am sure that when the honourable member was first elected he probably had a large number of complaints in his area as there was a boom in house building. I hope that the new legislation will help overcome the problems of poor work in building and provide greater protection for consumers. I can only suggest that the honourable member pursue this matter when we are in a position to have more valid comparisons.

Mr S.J. BAKER: At page 197 the yellow book refers to expiation fees under the Fair Trading Act. What areas of the Act does the Minister envisage will be subject to fines in the form of expiation fees?

The Hon. C.J. Sumner: Minor offences under the legislation such as used car dealers not putting the appropriate sticker on a motor vehicle, failure to file annual returns and the like, will be involved. A general expiation Bill was introduced into Parliament last year to provide for expiation of offences and it is in that context that each individual department will be looking at what offences would be appropriate but this will obviously have to come back to Parliament before it is approved.

The CHAIRPERSON: There being no further questions, I declare the examination concluded.

ADJOURNMENT

At 10 p.m. the Committee adjourned until Wednesday 16 September at 11 a.m.