HOUSE OF ASSEMBLY

Tuesday 22 September 1992

ESTIMATES COMMITTEE B

Chairman:
The Hon. T.H. Hemmings

Members:
The Hon. H. Allison
Mr M.J. Atkinson
Mr S.J. Baker
The Hon. B.C. Eastick
Mr C.D.T. McKee
Mr J.A. Quirke

The Committee met at 11 a.m.

The CHAIRMAN: If the Minister undertakes to supply any information to the Committee, it must be in a form that is suitable for insertion in *Hansard*, with two copies to be submitted to the Clerk of the House of Assembly no later than Friday 9 October. I propose to allow the lead speaker for the Opposition and the Minister to make opening statements, if they so desire, of about 10 minutes.

We have a very flexible approach in relation to the asking of questions, which is based on three questions per member, alternating sides. I, as Chairman, will decide what is and what is not a supplementary question, and we will adhere to that. Subject to the convenience of the Committee, if a member is outside a committee and desires to ask a question, that will be permitted once a particular line of question has been pursued.

I remind members of the suspension of Standing Orders which allows for members of Estimates Committees to ask for explanations on matters relating to the Estimates of Payments and Receipts and on the administration of statutory authorities.

All questions must be based on lines of expenditure and revenue as revealed in the Estimates of Payments and Receipts, etc. Reference may be made to other documents, such as the Program Estimates and the Auditor-General's Report, but members must identify a page number and the relevant financial papers from which their question is derived. Questions are to be directed to the Minister, not to the advisers, although the Minister may refer questions to the advisers for a response. If there is any disagreement with the Chairman's ruling, Standing Order 273 is quite clear on how we proceed.

Attorney-General's, $23 615 000

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

Departmental Advisers:
Mr K. Kelly, Chief Executive Officer.
Ms M. Heylen, Assistant Commissioner, Policy and Planning.
Mr J. Roberts, Manager, Administration and Financial Services.

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

Mr S.J. BAKER: Is this the last time that the Attorney-General will be appearing before the Estimates Committee, and is it true that he is in difficulty with his portfolio with the Premier?

The Hon. C.J. Sumner: There is no doubt about that. The Premier, I think, is definitely going to sack me next week. I would expect not to have been here had these Estimates Committees been on next week. The Premier is very angry with me because I have not been able to fix up the deal with the Independents which, as we all know, has received considerable publicity. So, I would expect that my chances of surviving in the Arnold ministry are very slight, and this is almost certainly the last occasion on which I will be appearing before this Estimates Committee.

The CHAIRMAN: On behalf of the Committee, please accept our condolences.

The Hon. C.J. Sumner: If I have to put up with any more stupid questions like that, I am damned glad that I am not going to have to come back.

Mr S.J. BAKER: We appreciate the Minister's candour: we will certainly miss him next year.

The Hon. C.J. Sumner: I should say, in case the honourable member did not get the tenor of my remarks, that I had my tongue firmly in my cheek. Of course, the problem is getting these messages through to the media, which sometimes take far too literally the things you say. But, just in case, I must say that I did have my tongue in cheek. If the honourable member wishes to get on with some sensible questions, that will be fine.

Mr S.J. BAKER: I refer to page 59 of the Program Estimates. It should be noted that receipts have increased from $16.809 million to $24.691 million. Recurrent expenditure has increased from $36.115 million to $46.92 million. What are the reasons for these increases?

Mr Roberts: That results largely from the restructuring of the accounting arrangements for Government departments, with the Attorney-General's Department going on a special deposit account during 1991-92. Specifically with regard to revenue, the Justice Information System is now cross charging other agencies for some services. That is having an impact of $3.8 million. The Justice Information System is now providing a computing service to the Motor Registration Division, and that is impacting with an increase of $1.7 million.

With regard to expenditure, the most significant variations result from the fact that a number of lines that were formerly miscellaneous are now incorporated within the Special Deposit Account. The larger reasons that impact here include the Crime Prevention Strategy, and the grants to community legal centres, mediation services and various organisations.

In addition, in relation specifically to expenditure, the Justice Information System, which is reported under program 7 (Systems Development—Justice), has changed the basis on which it reports capital and recurrent expen-

diture. Its expenditure has increased within the recurrent expenditure by approximately $7 million.

Mr S.J. BAKER: Is the increase of $7 million a capital item or a recurrent item? It is down as a recurrent item but, with the development of JIS, I wonder whether it should be treated as capital. What is the reason for the change?

The Hon. C.J. Sumner: It would be a help to answer that question if Mr Taylor from the JIS were here. My program lists equal opportunity matters from 11 a.m. and Justice Information System questions from 11.30 a.m.

Mr S.J. BAKER: By way of supplementary question, I was merely following up information about changes to the expenditure lines that was supplied to the Committee. I will leave that question at this stage. With respect to equal opportunities, I refer to page 47 of the Estimates of Payments and Receipts and page 64 of the Program Estimates. What is the reason for the 60 per cent increase in formal complaints and has there been a change of emphasis in the office of the Commissioner for Equal Opportunity to focus on formal resolution rather than informal resolution?

Ms Heylen: The 60 per cent increase in complaints reported relates primarily to the introduction of the ground of age as an unlawful discrimination under the Equal Opportunity Act as from 1 June 1991.

Mr S.J. BAKER: Given that there seems to be a heavy loading in the age area among people approaching the commission, will the Minister provide a breakdown of the number of complaints that were received in each of the categories within the major issues, which are listed as age discrimination, the abolition of compulsory retirement, superannuation, workers with family responsibilities and sexual harassment in employment?

The Hon. C.J. Sumner: I will table that information.

Mr ATKINSON: I refer the Attorney to page 64 of the Program Estimates and to the 1991-92 specific targets. In this Committee last year I asked the Attorney if he could explain a 1991-92 specific target, which read 'Institute an inquiry to further the objects of the Act'. If the Attorney recalls the question or refreshes his memory by resort to *Hansard*, I think he will concede that he and the Commissioner were unable to explain how an inquiry by itself could further the objects of the Act, nor were they able to tell the Committee anything about the proposed inquiry. Why is that 1991-92 specific target missing from this year's retrospect of those 1991-92 specific targets, at page 64 of the Program Estimates.

The Hon. C.J. Sumner: I think, Mr Chairman, because we took the advice of the honourable member, that it did not really make much sense.

Mr ATKINSON: Supplementary to that, is the 1992-93 specific target 'Institute a pilot program for undertaking research on issues relating to the equal opportunity laws' a rewrite of the 1991 specific target that I questioned last year?

The Hon. C.J. Sumner: No, it is not the same. That, in fact, refers to a PhD student in sociology at Flinders University, who is currently undertaking a pilot research program into conciliation procedures of complaints of sexual harassment, and conducting a comparative study between South Australia and California. The commission will review the outcome of this program to determine future supported research activities or whether there are other options for research. It is a research project. There is no cost to the commission.

Mr ATKINSON: Can the Attorney say whether the commission supported the amendment to the Act that allowed employers to advertise for junior employees where the relevant award made provision for junior rates of pay? What advice did the Commissioner tender to the Attorney on that matter?

The Hon. C.J. Sumner: I do not know whether they tendered any advice or not. It was a policy decision taken by Government.

Mr ATKINSON: One of the broad objectives is to make recommendations to the Minister for reforms to further the objects of equal opportunity laws. Can the Attorney say whether the Commissioner or her staff have discussed reforms to the Act that would require churches to admit women to all orders, including the apostolic priesthood?

The Hon. C.J. Sumner: My office is not down with the Commissioner. I have not heard any discussions to that effect, and I am advised that that area, as the honourable member knows, is outside the jurisdiction of the Commissioner for Equal Opportunity.

Mr ATKINSON: And will it remain so?

The Hon. C.J. Sumner: As far as I am concerned it does. Usually the Government makes the policy in this area.

The Hon. B.C. EASTICK: I notice in the broad objectives on page 64: 'To make recommendations to the Minister for reforms to further the objects of the equal opportunity laws'. Is the Minister able to indicate what are the priorities that are flowing through that particular aspect of the objectives?

The Hon. C.J. Sumner: Page 12 of the 1990-91 report of the Commissioner for Equal Opportunity is headed 'Recommendations for Legislative Reform', and they are the matters that are referred to. If the honourable member would like me to read them out, I can, but it would probably save time if he referred to that report.

The Hon. B.C. EASTICK: I believe that having identified them would be sufficient, Mr Chairman. Supplementary to that, as a result of changes to the Equal Opportunity Act, is it a high priority of the Minister or the department to make sure that all aspects concerning age 65 are suitably accommodated.

I draw attention to the back of an application of a justice of the peace which says that no person who is 65 years of age or older may apply to become a justice of the peace. That, it appears, would be outside the changes which have been effected to the Equal Opportunities Act?

The Hon. C.J. Sumner: Yes, as the honourable member would recollect, when the provisions relating to age discrimination were inserted it was provided there would be a two year moratorium on age criteria in State legislation, and during that two years the Commissioner for Equal Opportunity would prepare a report on all age criteria in State legislation and would recommend whether or not the age should be removed or retained. Obviously some age qualifications will be retained.

The Hon. B.C. EASTICK: Age of 70 for judges?

The Hon. C.J. Sumner: That is one I would wish to see retained. I am also referring to age for certain activities of young people. The age of majority obviously will be retained for the purposes of electoral laws. Some age

qualifications will remain for obtaining a driver's licence. So, there are a number of age qualifications that will remain in legislation. The question is to identify those that can go. That is the process the Commissioner is going through at the present time and a report will be prepared which will be made public and tabled in Parliament, and the Government will decide what specific changes are to be introduced to Parliament to remove age requirements.

Justices of the peace are not actually in legislation, as I recollect; it is an administrative decision that has been taken that generally justices will not be appointed under the age of 25 nor over the age of 65. Obviously that is one matter that has to be looked at.

The Hon. B.C. EASTICK: Is the Minister able to indicate whether any recommendations for reform of legislation have been denied by the Government, and if so in what particular direction? He may link that response to the degree to which Federal Government legislation has impacted upon our own equal opportunity legislation, say over the last two years, or is envisaged to impact as a result of recent changes to Federal law?

The Hon. C.J. Sumner: There is obviously overlap with Federal legislation and State legislation. There are a number of things that the Government has not moved on expeditiously because they are under consideration at the Federal level. Legislation on racial harassment is in that category. There have been announcements from the Federal Attorney-General that the Federal Government intends to introduce legislation dealing with that. Obviously, if it is legislated for nationally it applies to the whole of Australia including South Australia and there is no point in our duplicating that measure. So the Government has not made a decision on that issue except to monitor, at this stage, what is happening federally. If Federal legislation is introduced, then that has resolved it for South Australia as well. The same situation applies with respect to HIV status in AIDS which is another recommendation for legislative reform in the report of the Commissioner that I referred to. The Federal Government is also dealing with this issue as part of the broader inquiry into the problems of AIDS or HIV status, and again, although we took an in-principle decision to deal with that issue, we have not moved on it because of the indication from the Federal Government that it will do something about it. I am not aware specifically of any actual rejection of recommendations from the Commissioner although it is true that some of them to date have not yet been acted on.

The Hon. B.C. EASTICK: Will the Minister indicate the nature of the agencies within the community that are taking a high profile in making recommendations or putting forward submissions to the Equal Opportunities Office?

The Hon. C.J. Sumner: In relation to what topic?

The Hon. B.C. EASTICK: In relation to variations to the Equal Opportunity Act as it impacts upon the community at large and specific organisations in particular?

The Hon. C.J. Sumner: A number of agencies obviously interact with the Commissioner for Equal Opportunity's Office: the AIDS Council on the issue of HIV status in AIDS; bodies concerned with disability; and women's groups concerned about sexual harassment and sex discrimination. It is a bit hard to answer the question. If the honourable member is seeking something specific we will try to identify it, but if he just wants a list of voluntary agencies that relate to the office for the Commissioner for Equal Opportunity we can provide it.

The Hon. B.C. EASTICK: Are any financial organisations or major business organisations concerned about various aspects of the application of the Equal Opportunity Act, either through their associations or as a matter of some import to financial affairs, making such recommendations and representations?

The Hon. C.J. Sumner: Obviously the Employers Federation and the Chamber of Commerce make representations to the Commissioner on various aspects of the legislation and the Commissioner is consulting them about the age requirements. On the question of the junior rates of pay issue (which the member for Spence raised), they were representations which were made by those organisations and which were responded to by the Government. Discrimination legislation and how it impacts on employers' activities is always an area of concern to employers. As I understand it, the relationship between those employer groups and the Commissioner is good. Certainly as far as the Government is concerned, our door is always open to receive representations from them on any aspects of the legislation.

The Hon. H. ALLISON: I refer to page 64 of the Program Estimates which, under '1992-93 Specific Targets/Objectives', states:

> Develop guidelines for employers on the abolition of compulsory retirement . . .

I noted the Attorney-General's jocular reply when it was suggested that he may be compulsorily retired, but on a more serious note have any specific or special problems been identified in relation to the abolition of the compulsory retirement age? Are there any unusual problems?

The Hon. C.J. Sumner: The only people who can compulsorily retire me, if we want to return to that topic, are the electors of South Australia. Luckily, I do not have to face them for another six years so that gives me a pretty good run. I suspect that I myself would want to be compulsorily retired by then so it does not matter.

Ms Heylen: At present the Commission is currently preparing guidelines to assist employers to have an alternative to retirement for people ending their working life, and this relates to performance management systems. So we are helping employers by developing guidelines in alternative means of performance appraisals.

The Hon. H. ALLISON: It did occur to me that there could be political implications, for example, for any Party which compulsorily expects retirement at age 65 for future candidates?

The Hon. C.J. Sumner: Absolutely; quite right.

The Hon. H. ALLISON: Is that part of the issue that is being addressed?

The Hon. C.J. Sumner: It has been addressed by the Labor Party. We removed the age rule from our rules at the last convention. Very progressive we are.

The Hon. H. ALLISON: We removed ours in 1901.

The Hon. C.J. Sumner: And you didn't put it back, which is pretty obvious, with some of the people you have hanging around.

The Hon. H. ALLISON: Under the commentary on major resource variation, we note that there is no

significant variation. Has the Commissioner undertaken any special research in the past year?

The Hon. C.J. Sumner: The last annual report, page 13 onwards, involves legislative research initiatives; the matters are dealt with there in some detail.

Mr S.J. BAKER: I note that a substantial number of complaints, both informal and formal, have been made in relation to age discrimination. According to statistics that we have been given, age complaints on an informal basis were 2 735 in 1991-92 and on a formal basis they represented 14 per cent of the 1 449 formal complaints that were made. Are they all at the top end of the age scale, or does a percentage occur at the lower end of the age scale?

The Hon. C.J. Sumner: We can provide a copy of the breakdown of the complaints.

Mr S.J. BAKER: Over a period, my colleagues, I suppose members opposite and I have received representations from employers about the way in which they advertise for jobs when they clearly have in mind a young person—and this is for a range of reasons which we will not discuss here. There has been considerable difficulty in providing applicants with some idea of whom they wish to fill that job without precluding anyone from applying. Examples have been given to us of one job involving 300 or 400 applications, 60 per cent of which are sometimes outside the desired age range. Has the Attorney turned his mind to this problem? I have been in contact with the Commissioner on a number of occasions without satisfaction. Has the Attorney provided any advice as to how we can somehow meet in the middle on this issue?

The Hon. C.J. Sumner: We have dealt with it as far as junior rates of pay are concerned. That legislation is in the honourable member's House. If he studies his Notice Paper he will see it is there, and we urge him to get on with it and pass it as quickly possible, not to stall, delay and debate the thing at great length. I take it that the point the honourable member is raising is a different one.

Ms Heylen: We have had a few complaints of that nature and, when we do receive calls from employers in relation to that issue, we consult with them and assist them to implement merit-based selection, that is, assist them to advertise for the actual skills and abilities for which they are looking, and this actually provides them with a better opportunity of getting the best person for the job, as opposed to making an assumption about what people may or may not be able to do at a particular age. So, a large part of our work is actually assisting employers with that aspect as well.

The Hon. C.J. Sumner: If the honourable member has any suggestions as to how this matter could be addressed apart from the usual consultative processes, the Government would be perfectly happy to look at and consider them. It is an area in which there is bipartisan approach to the legislation. Members opposite, at least in our House, supported the age discrimination legislation, and I am sure if there is any small bugs it in anywhere it would be in all our interests to have them removed. We are happy to hear anything the honourable member has to say about the topic.

Additional Departmental Adviser:

Mr S. Taylor, Director, Justice Information System.

Mr S.J. BAKER: There has been a major increase in expenditure on the systems developed within the justice information area. The record shows $7 480 000 to $15 172 000. Can the Committee be provided with some information on what is being spent this year? Why is not part or all of this cost being put to capital rather than to recurrent?

Mr Taylor: The budget allocation for JIS in 1992-93 is $9.68 million. The bulk of that is in recurrent rather than capital expenditure because the capital was to provide for the development of JIS applications, and they are being capitalised. The bulk of that development is now completed and only $1.45 million will be capitalised this financial year.

Mr S.J. BAKER: In relation to the Program Estimates (page 72), what final applications are expected to be in production early this year, and what other work is scheduled for next year and thereafter?

Mr Taylor: The applications remaining in JIS are as follows: for the Police, offender history; for Correctional Services, prisoner and client sentence; and for Family and Community Services, young offenders courts, young offenders mandates and substitute co-payments. Those are all now in the final stages of development, and the last one of those will be installed in December this year.

The major activities for JIS this financial year are finalising those applications and carrying out post-implementation reviews of all the JIS applications so that we can put to the Government a comprehensive report on the benefits and costs of JIS.

Mr S.J. BAKER: What works were scheduled beyond those applications this year?

Mr Taylor: No further major applications are to be developed this financial year. We have some maintenance enhancement activity on quite a few applications, but as I said our major activity will now be centred on post-implementation reviews.

Mr S.J. BAKER: You have noted on page 72 of the Program Estimates that a strategic business plan for the next three years for JIS was approved by Cabinet in 1992-93. Can the Committee be provided with a copy of that plan?

The Hon. C.J. Sumner: Yes.

The Hon. B.C. EASTICK: Again referring to the program discussed at page 72, what are the policies, what is the program for implementation and at what cost?

Mr Taylor: We intend that by 1 July next year the JIS will recover all its costs from its agencies. There are five elements to cost recovery within the JIS, three of which are already being cross charged this financial year, hence the revenue stream that is coming in from the other agencies being developed at the moment. Those policies are quite detailed but, basically, calculations are based on the agencies' usage of JIS in terms of how much of the computer they use, how many terminals they use, and we cross charge them certain amounts each year in order to recover our costs.

The Hon. B.C. EASTICK: Supplementary to that, in relation to the system's coming on stream, has it yet been agreed as to which parties have access to the information that is contained, particularly where the agencies have a direct, interrelated involvement? If we take juvenile crime as a case in point, the courts, in particular, have indicated areas of dispute and areas of non-cooperation with the

police, FACS and other similar agencies, which eventually is to the detriment of juvenile assessment, the court system and rehabilitation.

Mr Taylor: As we develop each computer application, and you have mentioned the juvenile justice system, which we call our young offenders application, the representatives from each of the agencies, both through the JIS Privacy Committee and through the JIS Security Committee make bids, as it were, to access certain information. They need to produce a case that is substantiated in order to gain access to the information. This access is then recommended to be agreed or to be denied by those Committees to the JIS board of management. The JIS board of management makes the final decision on the access arrangements to those data.

The Hon. B.C. EASTICK: Is there any appeal?

Mr Taylor: Certainly, yes. Again using this example, it would be reviewed by the JIS Privacy Committee and the recommendation would come from that. We also have provision to go to the State Privacy Committee should it be necessary although, at this stage, it has not been.

The Hon. B.C. EASTICK: It is noted that an upgrading took place during the year. What was the nature of the upgrading and the cost involved?

Mr Taylor: This was the last planned upgrade to the JIS central computer. When the minimum viable JIS was agreed in 1989, three upgrades to the computers were to be done until June 1992, and the last one was in December 1991. I do not have the cost of that upgrade to hand, but I will take the question on notice and bring back the information.

The Hon. B.C. EASTICK: Why was it necessary completely to revise the JIS security system? Had there been problems? Was the committee advised that certain viruses or other circumstances may impinge upon its efficiency, effectiveness and security and, more specifically, what can the Minister tell us about those problems?

Mr Taylor: We have no problems with the JIS security system from the point of view of unauthorised access, or anything like that. We monitor that access daily and have no problems. We are cognisant that hackers and other people were increasing their activity in the computer industry, so we took the opportunity to look at industry trends in this area in terms of improved security, and took the opportunity to assess initiatives such as the UK Data Protection Act as well as initiatives that have come from various Australian Governments to revise the system.

The core of the system is basically the same, but we made what we believed were improvements to give extra protection to the data on the file. The security system was installed in late 1988-early 1989 so it was time, given the increased activity of hackers and other people in the computer industry, to review it. We wanted to act first, as it were, rather than to be caught by some unauthorised access.

The Hon. B.C. EASTICK: How quickly can abnormal activity at one input centre be detected?

Mr Taylor: Our normal detection is the next day. That is by routine reporting. However, each of the security administrators in the agencies can detect activity more or less straight away, depending on the surveillance. But there is routine reporting every day from the central JIS source back to the security administrators in each agency.

The Hon. B.C. EASTICK: It would be useful if we were aware how many input centres there were likely to be in the completed system, or how many access points.

Mr Taylor: We can express that in terms of the JIS terminals and personal computers attached to the network. At the moment, pretty well all the internals have now been installed. We have 442 terminals and 231 personal computers attached. Those are the input centres, as it were.

The Hon. H. ALLISON: I should like to pursue that further. Since you have about 1 200 terminals already listed on page 72 and 6 300 potential users, does that mean that all the users have open access to all the terminals and that, therefore, all the information contained within the system is available to any one of those? How will you have a monitoring system that could possibly keep check of 1 200 terminals and 6 300 users and, therefore, do you have different degrees of access within the system?

Mr Taylor: We certainly do. What each application does is identify a terminal and a person, then the application itself registers whether that terminal and that user can access that application and, thus, the data contained in it. If that terminal or that user are not registered for that application, access will be barred straight away. Indeed, once a user has logged onto an application, an audit trail is kept of that logging on and what that person did. We are very strict about that security. A terminal within a police station, for example, can access only certain police applications. Indeed, a user using that terminal can access only certain applications. It is a very structured and rigorous approach to security. All those users cannot access all that data, no.

The Hon. H. ALLISON: Another potential source of leakage would be if those computer terminals had print-out facilities and the print-outs were passed illegally to someone who would not normally be entitled to access. I do not know how you would control that. You really rely on the integrity of every operator.

Mr Taylor: Ultimately you rely on the integrity of the operator. When they are printed, most of the JIS reports are headed 'confidential' or 'restricted', depending on the agency or the operation, so there is a reminder to the person receiving the report that a security classification is attached to the print-out. Essentially, yes, you are dependent on the people using those print-outs.

The Hon. H. ALLISON: On page 72, reference is made to a joint enterprise agreement with Fujitsu Australia Ltd, which supplied the JIS computer, to further develop computer applications and to produce marketable products. At whose cost will the development of such computer applications occur? From the tenor of that, there is an implication that the Government will be in the marketplace.

Mr Taylor: It depends on the application that is being developed. In some cases it will be a shared cost between Fujitsu and the JIS because we will both get benefits out of it. In other cases, it is a pure Fujitsu cost because we have a product that it believes it can tailor to the market, and it will bear that cost. I cannot answer that definitively. There are 17 projects identified for development within that joint enterprise and the cost

apportionment varies for each project. If required, I can provide a list of those projects.

The Hon. H. ALLISON: At page 72, under the 1992-93 specific target and objectives, mention is made of the production of post-implementation reviews on all computer applications. Who is undertaking that review?

Mr Taylor: It is by initiative of JIS central and the agencies. Basically we need to review the application from the point of view of how people in the agencies are using it and getting benefits out of it and from the point of view of the efficiency of processing. It is a combination of JIS staff and agency staff.

DISTINGUISHED VISITOR

The CHAIRMAN: I should like to introduce to the Minister and members of the Committee Mr Daniel Mandalo, who is from the Zambian Parliament, and who has joined us at the table for part of this session.

Mr S.J. BAKER: I noted earlier that you said that cross-charging of agencies was involved. Can you provide a list of how much you charge in dollar terms and to which agencies?

Mr Taylor: Yes, that is no problem.

Mr S.J. BAKER: What benchmarks do you use to test your own performance? The old system was subject to a fair amount of personal input. You now have computer systems, which are more accurate and more capable of producing a wider range of product. Do you measure yourselves against interstate performance or previous performance in each of these areas? How do you measure it?

Mr Taylor: Basically what happens is that a business case is developed for each application. In the business case, we look at the attributes, the performance of the current system, whether it be manual or part computer, or whatever, and we list the performance criteria for the new computer application. That business case is then approved or not approved by the JIS board of management. Once that application is installed or implemented, we review our performance against those criteria. That is part of the post-implementation review. Your point about comparing it with interstate is an interesting one. We have done some research, and databases are now being set up in Australia. Until this year there were only overseas databases comparing the performance of different data centres. We are monitoring the embryonic stage of the data centre statistics in Australia and we will probably participate in it in the next financial year, not this financial year.

Mr S.J. BAKER: It is quite a serious question, as you would appreciate, because all Government departments are locked into the South Australian Government Financing Authority (SAFA), and they are paying the biggest bills in Australia because they are so locked in. All these departments are being locked into the JIS. We all appreciate that, if the product can be better sourced elsewhere, we should not be locked in at substantial cost to everyone concerned, because the money has to be paid by the taxpayer or in the charge-outs that are made by each department. Can you provide a cumulative total on the capital and recurrent expenditure associated with the development of JIS?

Mr Taylor: The cumulative total to 30 June 1992 was $48.27 million. I do not have the break-up between capital and recurrent, but I will provide it.

Mr S.J. BAKER: That is the total amount to date that has been spent on JIS?

Mr Taylor: To 30 June 1992, yes.

Mr S.J. BAKER: Does that include any applications that have taken place between departments to get those applications to the point where they can be put into the JIS system?

Mr Taylor: Yes, it does. It is worth making the point that the expenditure up to June 1989, which was when the minimum viable JIS originated, was $22 million. The budgets for the next three years amounted to $31 million and we came in $5 million under budget for those three years.

The Hon. B.C. EASTICK: On page 61 of the performance document, it appears that the program Systems Development—Justice has a growth area with reference to employment of approximately 5 per cent. It was 2.6 per cent in 1991-92 and is expected to be 2.8 per cent in 1992-93—a total of approximately 5 per cent. Does that indicate the degree of sophistication that has been built into the system or is it as a result of a review of the system requiring greater resources? Given that the increase is not large in total numbers, as a percentage of the department, annual growth of 4 to 5 per cent is an issue to be looked at.

Mr Taylor: The growth in 1991-92 was basically coming up to full capacity from a permanent staffing situation, taking over from contractors, because there was a large contractor input to start with, and that took us up to basically the nominal JIS situation. The growth in 1992-93 is not a pure JIS growth but involves taking over the Motor Registration Division staff. What happened is that we now provide what we call facilities management to Motor Registration and the computer staff employed by Motor Registration came over to the Attorney-General's Department. They were transferred. So, the increase in 1992-93 is purely through those staff coming over.

The Hon. H. ALLISON: I must confess I was a little surprised when I heard that the anticipated cost had come in $5 million under budget, and the comment made was that 'we' came in $5 million under budget. I would like to know who 'we' specifically refers to, and whether in fact a considerable proportion of the anticipated cost has now been defrayed by having individual departments allocate JIS costs into their normal departmental running expenses.

Mr Taylor: I guess the 'we' was basically the staff at JIS, and the staff of the agencies, who have worked very hard over these years to produce JIS. To answer the second part of the question, what has happened is that, as JIS has cross-charged the money, in 1992-93 the agencies have received an increased amount of money to pay for JIS services, and the JIS budget has been reduced by a corresponding amount. So there is no extra, as it were, to pay for JIS. The JIS budget has been reduced.

Mr S.J. BAKER: I want to follow up on the matter of the $48.27 million. Originally, JIS was meant to cost about $18 million and, of course, that changed as did the

complexion of JIS. I understand that originally we were going to have the courts linked into the whole system and then they decided they were not going to be part of that integrated system but had to have a system on the side. What application features have been taken off the original list as planned and what new applications have been added to the original list?

The Hon. C.J. Sumner: I will provide that information, Mr Chairman.

Mr S.J. BAKER: Various estimations have been made on what the JIS will eventually cost. I note the expenditure this year, and I ask what is the estimated total cost.

Mr Taylor: The $1.45 million, to which I referred earlier, that will be capitalised this financial year, is the remainder of the cost. So if we take the $48.27 million plus the $1.45 million, that will be the final cost. I made reference to the 1992-93 budget of $9.68 million. As I said, $1.45 million of that is the final stage of the JIS development and the remainder is basically now in the support and maintenance activities of JIS, which for this financial year is relatively high, given that we have just implemented applications.

Mr S.J. BAKER: I require further clarification. The $48.5 million is really the capital cost and there has been some considerable recurrent cost in addition to that, which is going to peak this year, because you will actually have the system working. Is that reasonable?

Mr Taylor: The $48.27 million is capital and recurrent, and I will provide the break-up of that. That is a total cost.

Mr S.J. BAKER: Then if we add the $9.6 million to that, we come up with a figure of about $58 million.

Mr Taylor: We have two components here: one is the development of JIS and the JIS applications and then we have the ongoing support and activities to support the agencies to provide the facilities of JIS. The $48 million plus the $1.4 million is for the development of JIS but it does include past recurrent costs. From now on we have the support activities to provide the services to the agencies, and that is the $9.68 million less the $1.45 million.

Mr S.J. BAKER: My next question relates to the expenditure on consultancies. I note on page 49 of the Estimates of Payments and Receipts that an amount of $53 000 was budgeted last year and $127 341 was actually spent, and there is an expenditure estimate for 1992-93 of $270 000. Can the Committee be provided with a listing for both of those items and the purpose of the consultancies involved?

The Hon. C.J. Sumner: Yes.

Mr S.J. BAKER: I would like to return to the Fujitsu proposition. I understand that there are 17 applications that are under discussion and that we will receive detail later when that is provided. I would appreciate it if the Committee could be given some understanding of what we are involved in and what it means in terms of commercial applications, as a product that can be sold elsewhere.

Mr Taylor: There are two levels in relation to the types of products. The first level concerns the actual JIS applications. A good example is within Correctional Services and the management of a prisoner's sentence using the computer as a tool. Fujitsu and one or two other organisations believe that those types of applications can be used Australia and indeed world-wide. So there are developments on that front in terms of actual JIS applications. The second front involves basically the more technical issues of the JIS. We have developed fairly sophisticated tools to measure the performance of systems, to measure our utilisation of the computer and to measure the performance and response rates of our network. We have developed tools in that area. Fujitsu are interested in those, to sell them to other clients, not necessarily clients in the same line of business as JIS but any client using a large Fujitsu computer. So those are the main areas of development.

Mr S.J. BAKER: Further to that, what contractual arrangements do you have in terms of the sale of the final product?

Mr Taylor: Those are yet to be developed. The contract with Fujitsu provides for the production of a business case for each of the products. Once that business case has been developed that then goes to the JIS board of management for approval or non-approval. The business case has to state the marketing arrangements for that particular product. So it will depend on the product as to whether there is a royalty to JIS or whether JIS participates in the marketing, or whether the marketing is done by Fujitsu alone or by a third party.

Mr S.J. BAKER: My last question relates to the security of the system. As we all appreciate, this system will have a vast amount of information, some of it of a very sensitive nature, one would presume. We have already been informed on how users will access the system and provide input data into the system. This is a very sensitive system. If it is abused in any way it puts the whole system at risk. What advice have you taken in terms of the security arrangements so that we can be absolutely sure, or 99.9 recurring, that the system is safe and is not subject to hackers?

Mr Taylor: My basic advice comes from experts in the area, and there are in Australia a number of experts on computer security issues. We have not specifically employed any of those experts as consultants, but we subscribe to a computer security publication published by one of those experts. We have also had staff attending seminars run by the particular experts. We have also talked with other large organisations, Government and private, in Australia, and we are also kept abreast of what is happening overseas through developments, as I said, like the UK Data Protection Act and other areas in America and Europe. So, we basically keep abreast of the issues in that way.

Mr S.J. BAKER: What back-up do you have to assist it?

Mr Taylor: We have two computers on-site: one is used for production work—the actual workings of the agencies—and the other computer is used for development of the applications. Should that production computer go down or fail we can switch over within usually 20 or 25 minutes onto our development computer. At this stage the production computer has never failed.

The Hon. B.C. EASTICK: What is the life of the equipment in the program? In other words, what obsolescence is provided for, and is there a projection over, say, the next 10 years of the cost of replacing any part of the equipment which has been developed,

recognising that changes in technology may well be part of that cost?

Mr Taylor: Unfortunately, a computer is out of date the moment you buy it. It is one of the problems with the computer industry. We depreciate the computers over a five-year period. That is an industry standard, not anything peculiar to JIS, of 20 per cent depreciation. We have not projected over 10 years; we have projected over three years, and the cost of the changes to the JIS computer are in that strategic plan. We have already committed to providing a copy of the strategic plan, and the costs are in there. But 10 years ahead in computing is too long; five years ahead is difficult; three years ahead you can just about do it; it is one of the problems with the equipment.

The Hon. B.C. EASTICK: Are current expectations that the same sums of money will not be required to install and prove any new technology that will be introduced at the end of that three-year or five-year period?

Mr Taylor: The equipment costs, in terms of the total JIS, are quite a small proportion. So, to change over to a new computer is not an enormous cost in relation to what has already been invested in JIS.

The Hon. B.C. EASTICK: Would you expect compatibility?

Mr Taylor: We would insist on compatibility. We could not contemplate changing to a computer which was incompatible; the costs would be too enormous. The suppliers of the computers are aware of that because it applies not just to JIS but to all computer installations.

The Hon. B.C. EASTICK: Do you have a contract?

Mr Taylor: With Fujitsu, yes.

The Hon. B.C. EASTICK: For that particular purpose—availability of compatible equipment down the track?

Mr Taylor: Yes. When we signed the contract with Fujitsu there was an upgrade path in that contract which we can avail ourselves of. Sometimes we do not: we do not take up every upgrade that comes along. Certainly, the contract provides for an upgrade path, yes.

The Hon. H. ALLISON: The back-up question has been asked in previous years, and I recall the Commissioner of Police saying some three or four years ago when the JIS program was in its infancy that there was literally no back-up provided. We have struck problems in the electorate office where the hard disc drive simply packed up while a speech was dictated onto the machine; eight pages of speech just dropped off. Do I understand that this machine has a device where everything which is put into the machine is automatically committed to storage? I know you can just tell the machine to put everything permanently into hard storage so that, if you have an electronic failure, that material would still be retrievable once the machine was set to right. Otherwise, do you commit to floppy discs so that the duplicate storage is automatically available?

Mr Taylor: The information is committed immediately to on-line disc storage. As a transaction is operated on by the computer it is backed up onto magnetic tape storage and then at the end of each day we do a further magnetic tape storage back-up which then goes off-site to secure premises so we can recover quite quickly.

The CHAIRMAN: Are there any other questions on the Justice Information System? If not, Minister, on behalf of the Committee I thank Mr Taylor for his appearance.

Additional Departmental Advisers

Mr K. Flavel, Director, State Business and Corporate Affairs Office.

Mr A. Griffiths, Senior Regulator.

Mr QUIRKE: What is the policy in respect to companies that apply for the registration of a company name when there is already in existence a business which has a very similar, if not identical, name, and this is discovered somewhat after the fact, and it has caused a great deal of problems from banking to a loss of goodwill to the initial business?

The Hon. C.J. Sumner: That is a very good question. It has become somewhat more complex as a result of the Federal Parliament takeover of companies and securities. We used to have a common policy that operated through business names and companies when the whole thing was administered in South Australia, but you have probably come across some problems which have occurred recently as a result of conflict between Commonwealth policy and State policy. Mr Flavel might be able more specifically to identify the problems that exist.

Mr Flavel: The Commonwealth Australian Securities Commission is the registry or body that incorporates companies. The State Business and Corporate Affairs Office essentially registers business names and other sorts of entities. We have a common data base, and we search company names and they search business names. In registering a company name the Australian Securities Commission has regard only as to whether the name might be identical. The registration of business names has regard to any words that might be prohibited by ministerial direction. Also the main, as it were, policy focus is not to register names about which the public might get confused as to whom they are dealing with. Any action that the Australian Securities Commission takes in registering names falls outside the State Business Office.

Mr QUIRKE: As a supplementary to that, in the past 24 hours I have written to the Attorney-General in relation to a bakery that has been in business for many years in the Walkerville area called, from memory, Black Forest Cakes or Black Forest Bakery, and another business that has set up not far away and has called itself The Black Forest Cakes (I cannot remember exactly which is which at this stage). Enormous confusion between the two businesses has developed as a result of this, and I am not sure whether anything can be done to rectify it. By the sound of it it is all handled now in Canberra. The name 'Black Forest' is what is causing the concern. I should point out that neither business is anywhere near Black Forest the suburb.

The Hon. C.J. Sumner: That is not a relevant factor. If the honourable member has written obviously we will look at it, but it will depend on whether or not they are registered companies or business names: registered companies under Commonwealth law or registered names or partnerships under State law. As Mr Flavel has said, traditionally the State has had a policy of trying to

distinguish names where there could be confusion. The Commonwealth, the ASC, is operating a different policy where it is simply saying that if the name is the same it will not register it; however, even though there might be confusion, if the name is somewhat different it will register it. That is what is causing the problem.

I will look at this particular matter that the honourable member has raised and get a reply for him. We have taken up this matter with the Commonwealth Government. When I can work out just where we are with that I will let the honourable member have a response. It is unlikely that we can respond before the Committee deadline, but I can certainly let the honourable member have a response by letter.

While on this general topic, there is a school of thought which says that Governments should not be involved in the registration of business names at all and that people should be able to call themselves whatever they like, and if there is confusion that that should be resolved by private litigation in the courts. That is one view; it is not a view at this stage that is accepted by the South Australian Government. The point that the honourable member makes is well taken. It is understood that there have been some examples of confusion, particularly as a result of the takeover of companies and securities at the Commonwealth level by the ASC. I will look at the specific problem and also reply generally on whether or not the matter can be resolved.

Mr S.J. BAKER: Is the South Australian Office of Financial Supervision being fully funded by contributions from the various societies? What level of oversight is provided by the Attorney-General?

Mr Griffiths: It is entirely funded in South Australia by the industry—buildings societies and credit unions. That budget is just over $800 000. It works out to be about three basic points on total group assets. As I say, it is entirely funded by the industry here and that included the initial establishment costs which were of the order of $127 000. The Minister's role, apart from the administration of the legislation, is in relation to appointment and removal of board members and in relation to the terms and conditions relating to staff: they have to be approved by the Minister.

Mr S.J. BAKER: Following up on that, what are the staff numbers in the office? Is the office now fully operational?

Mr Griffiths: Apart from one receptionist the State Supervisor has appointed three regulatory staff. The budget allows for the appointment, if the Supervisor chooses, of another two staff. The Supervisor has chosen not to appoint those staff at this stage; rather, those funds will be used for consultancy purposes having regard to, for example, the size of the Cooperative Building Society and some uncertainty (and this has been in the press) as to whether the Coop will remain a building society or seek incorporation as a bank. Whilst that uncertainty remains they have not chosen to appoint further staff, so a total of four staff are employed at the moment.

Mr S.J. BAKER: With regard to the South Australian Office of Financial Supervision, page 65 of the Program Estimates states:

. . . SAOFS has the power to delegate powers to a department or administrative unit of the Public Service or an officer or employee of such a department or administrative unit. It is likely that such delegations will be made to the State Business and Corporate Affairs Office.

Exactly what does that involve?

Mr Griffiths: In relation to your earlier question, I omitted to include that that also is a function in which the Minister is involved. The Minister is required to approve of any delegations which are made from the State Supervisor back to an administrative unit. In fact, that has occurred. The State Supervisor has chosen, for an initial period of six months and with the Minister's consent, to delegate functions of a registration-type nature to the Attorney-General's Department. That is essentially carried out by officers in the State Business and Corporate Affairs Office. It is a function that we previously performed in relation to the previous enabling legislation for building societies and credit unions. During the establishment period it was thought desirable to delegate that function—it is something that it had not performed previously as a credit unions board—until it is on its feet and after a period of six months that will be reviewed.

Mr McKEE: Page 65 of the Program Estimates under '1991-92 Specific Targets/Objectives' states:

Of 13 977 new business names registered in 1991-92 . . .

Is that an average number of new businesses to be registered, or more or fewer than last year?

The Hon. C.J. Sumner: We will provide that information to the honourable member.

The Hon. B.C. EASTICK: Is it contemplated that additional responsibilities will be placed with the Financial Supervision Office or State Business Office? If so, when is that likely to occur and what consultation has taken place with professional business organisations prior to any such extension of activity?

The Hon. C.J. Sumner: The two areas that are being looked at are for national regulation under the AFIC scheme, which currently applies to credit unions and building societies. The understanding always was that the regulation of other financial institutions could be included. Currently, there is discussion on cooperatives and friendly societies being brought into the scheme.

The Hon. B.C. EASTICK: Cooperatives as in business ventures, wineries, and so on.

The Hon. C.J. Sumner: Yes, cooperatives that are currently regulated by the State Cooperatives Act. With particular reference to friendly societies, where there is a need to upgrade the regulatory regime, it has not been updated for some time. In the area of cooperatives, I have just been informed, there is a uniformity exercise going on with cooperatives. Whether or not it will eventually find its way under the AFIC umbrella we cannot say at this stage.

The Hon. B.C. EASTICK: In relation to associations, when will any amendment be brought into effect? What specific education program is proposed to provide a better appreciation of the role of associations and their involvement in the community?

The Hon. C.J. Sumner: I am not quite sure what that question means.

The Hon. B.C. EASTICK: The department has an oversight of associations.

Mr Flavel: This undertaking was, in effect, given by the Minister during the course of the passage of the amendments. What is proposed is that someone else or I

will address the Law Society and the accounting bodies, and endeavour to speak of umbrella groups that in effect control or supervise the activities of other associations. In addition to that, we intend to produce some hand-out brochures for the public counter.

The Hon. H. ALLISON: In the Program Estimates (page 65), under 'Commentary on major resource variations between the years 1991-92 and 1992-93', reference is made to the Australian Securities Commission computer system (ASCOT). What is or will be the cost of that computer installation?

The Hon. C.J. Sumner: It is a Commonwealth expenditure item. We must pay something for our utilisation of it. I will have to take that question on notice. The ASCOT system is run by the Australian Securities Commission, but our business names are on it, as indeed are all other State business names. We with other States contributed to the development of that aspect of it, namely, the placing of our business names on the system. But the principal costs, of course, are the Commonwealth costs for companies.

It is estimated that our ongoing costs for accessing it will be about $120 000 a year, which is not an accurate figure because it is based on the use that we make of the service. I am advised that for our own system, which was run previously, the cost was about $500 000 a year, so it seems as though we have been very lucky.

The Hon. H. ALLISON: Apart from the company business names registrations and such, what else is it hoped that the system will achieve for South Australia. What are the long-term implications?

Mr Flavel: At the moment, essentially we have on there all the data that relates to business names, including the name itself, the names of associations and, as it were, general cooperatives. It is intended to develop the system a bit further and to keep more data with respect to associations on it. But we will probably not participate in that, at the initial stage at any rate. Maybe the year after next we would be looking to commit something to that, because there is a development time between planning a system and implementing one. Currently we have that data on a PC-based system. It would be more efficient to have it on a mainframe.

The Hon. H. ALLISON: How does South Australia operate with regard to accessing information on the ASCOT system? Do we have an open slather, that is, you pay for what you get, or is it from a single PC terminal, where we have restricted access to the ASCOT system simply because we have only a restricted access code? Do we have a much wider access than that: a national access?

Mr Flavel: We can access all the Australian Securities Commission's data in respect of companies and South Australian business names registrations; we cannot access the business names registrations of any other State.

The Hon. H. ALLISON: What use does it have? One case that stands out glaringly is that of McKee engineering which is registered nationally and McKee engineering in Mount Gambier; they both apply for registration under the same name, so the national body, coming in second to the State body, is now facing the problem that in South Australia it cannot use its national name. Had we been able to access earlier the national or interstate figures, that may have been obviated; it is not necessarily so. It just occurs to me that there may be limited possibilities. I do not know how, for example, Woolworths would have got in the earlier days, when Woolworths Australia certainly was not Woolworths International.

Mr Flavel: In the case of State business names registrations, there will be hundreds of cases in which an identical business name is registered in another State. That situation would have existed for 20 years or more. All we are doing is matching against the Australian Securities Commission companies, because companies can trade in any State without any further registration, whereas there is a restriction on being able to carry on business in any other State under the State Business Names Act.

The Hon. C.J. Sumner: In other words, we do not have a national system of registration of business names. For some time now we have had a national system of registration of companies and a State registration system for business names, with each State doing its own thing. But we use the common computer to store our information. As I explained in my answer to the question from the member for Playford, when names are applied for those two policies operate: one in the State for business names and the other at Commonwealth level for the registration of companies, which occasionally causes confusion. But in this State we are not concerned with the registration of business names in New South Wales or Queensland.

The Hon. H. ALLISON: Has any progress been made towards members of Parliament who must conduct searches in the course of their parliamentary duties not having to pay for those searches?

The Hon. C.J. Sumner: It is Commonwealth policy not to permit free access. The Commonwealth may have made some arrangements through the Commonwealth Parliamentary Library for Federal MPs but, I regret to say, unless there is some updated information of which I am not aware, the Commonwealth has said that, as far as State MPs are concerned, they have to pay like everyone else.

DISTINGUISHED VISITOR

The CHAIRMAN: Before we continue, I should like to introduce Mr David Chitti, the Principal Clerk for Administration and Training in the Zambian Parliament, who is joining us for a short while.

Mr ATKINSON: Following the last question by the member for Light, when he referred to the specific target of publicising and promoting public awareness of the reporting requirements of the Associations Incorporation Act and the impact recent amendments will have on the affairs of associations, will the Attorney explain that impact?

The Hon. C.J. Sumner: The amendments were passed by the Parliament about three months ago and changed, to some extent, the structure of the Associations Incorporation Act because of concerns that had been expressed about financial management and about ensuring that large associations, particularly, were governed by similar requirements as applied to other companies that

were trading, at the same time ensuring that smaller associations were not unduly affected by being over-regulated.

Mr S.J. BAKER: When will it be proclaimed?

The Hon. C.J. Sumner: The target date is 1 January. If the honourable member wants me to go into the specifics of it, I will, but it is merely to ensure that people are aware of the changes. Obviously, in some areas the Associations Incorporation Act has greater impact on associations than previously.

Mr ATKINSON: I refer the Attorney to page 60 of the Program Estimates and to the line under Information—search and inquiry services for regulation of business names, associations, etc. Why did the 1991-92 actual expenditure come in 235 per cent above budget?

The Hon. C.J. Sumner: We are a bit stumped on that one, but we will obtain the information. The problem in the first year was making a sensible estimate after the split-off of the Corporate Affairs Commission to the Australian Securities Commission. It might be that our guess was not very good for the budget but, if it is for some other reason, we will let the honourable member know.

Mr S.J. BAKER: When is the new Business Names Act to be put before the Parliament? I am rather fascinated that we will be repealing one Act and introducing another one with exactly the same name. Can that be explained?

The Hon. C.J. Sumner: It would not be the first time that that has happened. Acts sometimes need to be rewritten completely, and that is what this proposal does. We have done it over the past decade with credit unions, business societies, associations incorporations, cooperatives and all the financial institution legislation having been completely rewritten over the past 10 years, so we have introduced new Acts rather than amendments to old Acts.

Obviously, if the amendments are so substantial that they make a mess of the old Act, it is much better to introduce a completely fresh one. It makes it simpler for members of Parliament—which is very important.

Mr S.J. BAKER: When will it be introduced and what changes will be made?

The Hon. C.J. Sumner: I am advised that it will be introduced some time during this session.

Mr S.J. BAKER: I gather that there are substantial changes to warrant a rewrite of the Act.

The Hon. C.J. Sumner: I assume that the rewrite is so substantial as to justify a new Act.

Mr S.J. BAKER: Is there uniformity amongst States in this? Is that the reason for the change?

The Hon. C.J. Sumner: No, it is not a uniformity exercise. The current Act was introduced in 1963, it is outdated and provisions need to be deleted. I do not think it will be wildly controversial. It is a matter of good legislative practice of keeping our Acts of Parliament up-to-date and relevant.

Mr S.J. BAKER: There have been heads of agreement with the Commonwealth and the States relating to the Corporations Law. As Attorney-General, are you pressing for the heads of agreement to be finalised? What is the current position?

The Hon. C.J. Sumner: We are still waiting. The heads of agreement are in place. The honourable member is referring to the formal agreement to give effect to those heads of agreement. That has not been concluded.

Mr S.J. BAKER: Do we have a time frame for finalisation?

The Hon. C.J. Sumner: I do not have a time frame. If it were left to me, it would have been done by now. One of the problems of living in a federation is that you have to deal with other States and the Commonwealth Government, so life gets difficult. That is the problem. It is still the subject of discussion between the Commonwealth and the States. It has not been finalised. If the honourable member wants further information, I can get it for him.

Mr S.J. BAKER: How many meetings has the ministerial council on companies law had this year and how many are scheduled for the rest of the year?

The Hon. C.J. Sumner: The current practice is to meet three times a year for formal business. So far there have been two meetings this year and one is to be held in October. That will be in New Zealand and because it is a parliamentary sitting week it will be difficult for me to attend.

Mr S.J. BAKER: In terms of the progress that you are making, are the council meetings federally driven? Does the Federal Attorney-General set the agenda and, therefore, set the time frame? How do you negotiate in practical terms?

The Hon. C.J. Sumner: It is fair to say that the Commonwealth is more dominant on the ministerial council on companies and securities than when it was uniform but State-based regulation through the Corporate Affairs Commission. It has more votes on the ministerial council than it had previously, so the States' role is much more limited. We can put things on the agenda. As I recollect it, this item has been on the agenda, but it has not been resolved. I am not sure that it is all that important that it be done. The heads of agreement were agreed to in Alice Springs, and it is an operating document. A good bit of what is in the heads of agreement has found its way into legislation, in any event, but I agree that formal agreement should be fixed and signed as quickly as possible. I would like that to be done, but I do not want to have to go to New Zealand to do it. The best thing that I can offer is a written report for the honourable member which can be put into *Hansard* by the appropriate time.

Mr S.J. BAKER: Can the Minister provide us with the number of names on the business names and registered companies list in South Australia for the past two years?

The Hon. C.J. Sumner: Companies are registered nationally. I do not know whether we can get the number of South Australian companies that are registered nationally. I assume that the computer system can cope with that request.

The Hon. B.C. EASTICK: Is the Minister able to indicate how many associations are registered with the department and will he make any comment about the degree of attrition? One sees in the public notices in newspapers that large numbers of clubs, including sporting clubs, are cleansed from the roll each year,

apparently through lack of performance or lack of reporting.

The Hon. C.J. Sumner: There are about 12 000 registered associations. I will get the exact number of associations that were registered in the last financial year, and I will also provide details of the degree of changeover.

The Hon. B.C. EASTICK: Is it possible to give an indication of those which voluntarily deregister and those which are compulsorily deregistered?

The Hon. C.J. Sumner: We can provide information only about incorporated associations. Some associations that the honourable member sees advertised might be unincorporated associations which are winding up and may have to give notice under their rules.

The Hon. B.C. EASTICK: No, I am referring to lists from the department.

The Hon. C.J. Sumner: The department will provide information for the last financial year concerning the number of registered associations, the number of new associations that were registered and the number that were deregistered. We will try to divide that between those which voluntarily applied for deregistration and those which were compulsorily deregistered.

The CHAIRMAN: I remind the Committee that, if information supplied by the Minister is too lengthy, it will be supplied to the Committee member who requested it and will not be incorporated in *Hansard*.

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

Membership:

The Hon. J.P. Trainer substituted for Mr J.A. Quirke.

Mr S.J. BAKER: I refer the Minister to page 66 of the Program Estimates where, under the broad objectives, we have, 'To conduct efficiently and implement as required the Attorney-General's legislative and law reform program'. Can the Committee be informed what matters are currently on the agenda for legislation and so-called law reform, and what specific proposals for change in law are on the agenda for the Standing Committee of Attorneys-General?

The Hon. C.J. Sumner: I refer the honourable member to the Governor's speech, on the first question. On the second question, I will provide information on matters that are on the SCAG agenda.

Mr S.J. BAKER: Going back to the first part of my question: there are no other matters contemplated other than those outlined in the Governor's speech, is that what the Attorney is telling us?

The Hon. C.J. Sumner: No, you couldn't make that assumption.

Mr S.J. BAKER: Can the Attorney be more explicit as to what items he will be pursuing other than those that are already before Parliament?

The Hon. C.J. Sumner: There is the whole criminal law reform project, which I have reported on at great length to the Parliament in the past. I suggest that the honourable member refer to *Hansard* for information on that. If the honourable member wants a list of projects that are being worked on, I will provide it for him.

Mr S.J. BAKER: Yes, I would, thank you very much. I will appreciate the Attorney providing that information. My next question relates to an article, which the Minister would have noted in the September 1992 *Law Society Bulletin*, by Mr Wells, former Crown Solicitor and judge, and he makes highly critical comment of the proposed uniform evidence code. Has the Attorney had an opportunity to study Mr Wells's contribution and what is his reaction to it?

The Hon. C.J. Sumner: Mr Wells has the initial view that the law relating to evidence should not be codified. He then has the view that if it is codified it should not be done in the way that is currently proposed to be done by the Commonwealth and New South Wales, and other States. I have noted Mr Wells's comments. I have made the standing committee aware of his views, and he has also consulted for, I understand, the Victorian Law Reform Commission and others who have been involved with the law of evidence reform proposal. However, it is fair to say that the people who are pressing for uniformity and codification in this area do not accept Mr Wells's criticisms, and that is a problem. But as far as I am concerned it is not a project in which I am taking a particularly active interest, except as a member of SCAG, and I am not driving it as a member of SCAG. I have made Mr Wells's views known to the people concerned, and in due course the South Australian Parliament will have to decide whether it wants to reform the laws of evidence in accordance with the nationally agreed position, if that can be arrived at. If it cannot, presumably the existing situation will remain.

Mr S.J. BAKER: He makes the observation that the profession is going to wake up one morning and find that it has been king-hit from behind—I think that is the sort of leader. He also makes the point in that article, and I will quote:

> In particular, I have prepared a sketch of a draft of a chapter derived from judge-made law for use in the code. The South Australian Attorney-General has informed me that he does not wish to consider such a draft and prefers to see what New South Wales will do.

Is that an accurate description of your dealings with Mr Wells on this matter?

The Hon. C.J. Sumner: I am not sure that I said that we would not consider it. As I said before, my recollection is that his views have been made known to those involved in this national exercise; but I will check that, and if there is a problem I will ensure that his views are made known to them. Mr Wells's problem, I think, for better or for worse, is that those who are involved in this exercise do not seem to be taking a great deal of notice of his views on the topic. There is nothing I can do about that. I cannot force them to. I can only give them the information and refer them to Mr Wells's views. I understand that he has been consulting to some of the people concerned. It would surprise me if some of what Mr Wells is saying was not taken into account by the people concerned, because Mr Wells is an expert on the law of evidence. It is a matter that he has studied over many years, as anyone in the law in South Australia would know, so his views deserve consideration. There is no question about it. However, to date, the national impetus seems to be towards, first, codification and, secondly, attempting to get uniformity.

My own assessment of the situation is that we probably will not achieve those objectives, even if they were considered to be desirable. What is more likely is that there will be bits of evidence law that will be agreed on nationally and then introduced for amendment in the respective State Parliaments. It is not suggested—and it could not happen anyhow—that laws relating to evidence be nationally imposed. Each State Parliament will retain its jurisdiction in this area. So, if South Australia is not happy with whatever is agreed interstate, the option remains for the State Parliament to reject the proposals. But I will ensure, if it has not already occurred, and I think it has, that Mr Wells's views are once again made known to the Committee that is advising SCAG on this. But I do not know that I can take it much further.

Mr S.J. BAKER: My next question relates to consultation. There are various references in the Program Estimates to consultation and to talking to people, but there is a huge amount of criticism that the Government does not consult before it puts changes to the law forward. I know that the Hon. Trevor Griffin, and other members of the Party, have received at various times statements from the Law Society and from the Bar Counsel that the first time they see legislative amendments is when in fact the Liberal Party sends them a copy because the matter has been brought before Parliament. Does the Government propose to change its approach or can we expect no greater level of consultation than has actually occurred?

The Hon. C.J. Sumner: If the honourable member can give me some examples I would be happy to respond to the question. There is not huge criticism about the lack of consultation; that is a nonsense. If, on some occasions, there has been a lack of consultation that would be very much the exception rather than the rule. The Bills that were introduced into the Parliament, dealing with this law reform technical area particularly, have usually gone through an enormous process of consultation. There may be some items of broader policy issues of legislation where the consultation has not been as great but the general *modis operandi*, since I have been a Minister of the Government, is to consult before legislation is introduced and I have not had any complaints about it. No doubt, if there was this huge criticism, I would have heard about it but I have not.

Mr ATKINSON: I refer to page 59 of the Program Estimates and to the Resources Summary. In that summary capital expenditure is budgeted to fall from actual 1991-92 expenditure of $7.2 million to $2.4 million. Would the Minister explain that sharp movement?

Mr Roberts: Capital expenditure relates to the Justice Information System and Mr Taylor, this morning, indicated that the development phase of the JIS project was drawing to an end, and as a result there is a reduction in resources going towards development or capital.

Mr ATKINSON: How is it that the full time equivalents employed in the Attorney's office are going to increase from 8.8 to 9.5 in 1992-93, but total expenditure is to drop by $28 000?

The Hon. C.J. Sumner: I have lost a staff member from my office. Mr Duigan is no longer employed in the Minister's office. I understand there has been some reallocation to the Minister's office of a receptionist that was not there before.

Mr ATKINSON: You have found a more inexpensive replacement?

The Hon. C.J. Sumner: Indeed, that is true. That is very perceptive; it is true. We can check that more specifically but I think that is what has happened. He has come off the payroll and someone has come on but not at the same level.

Mr ATKINSON: Page 67 of the Program Estimates, 'Payments to Victims of Crime'. If one divides the payments for each financial year by the number of claims it would appear that the average payment in 1988-89 was $4 882 rising to $7 937 in 1990-91, and to $9 366 in 1991-92. Would the Attorney explain the sharp increase?

The Hon. C.J. Sumner: The increase has occurred principally because of the maximum amount of compensation has been lifted from $10 000, as it was at the beginning when this Government came into office in 1982, to $20 000 and, since the last election, to $50 000.

The Hon. B.C. EASTICK: In relation to the Government's push for criminal law reform—and the Minister has made a number of statements that that is very much his intention—what currently is the timetable and what form is public consultation taking on those matters to be addressed in criminal law reform?

The Hon. C.J. Sumner: The major issue at the moment is the National Criminal Code and there is a Criminal Law Officers Committee working to the Standing Committee of Attorneys-General. That officers committee is consulting widely. It is participating in national conferences that have been organised. There was a conference last week in New Zealand organised by the Australian Criminal Law Association at which this issue was addressed. Mr Matthew Goode is responsible for this program in South Australia. The committee prepared a discussion paper of the principles it was recommending to form the basis of this national code and my recollection is that that has been sent to interested parties in South Australia and, of course, the same process is occurring in other States.

The Hon. B.C. EASTICK: In the establishment of a Criminal Law Code, is it intended it will be back to back legislation in each State? In asking that question I draw the Attorney's attention to the original intention of having a uniform Companies Code in the early 1970s, but by the time it was enacted in each Parliament it could hardly be identified as the same document,.

The Hon. C.J. Sumner: That is always a problem where you are going through a uniformity exercise which relies on agreement rather than legislating under federal head of power under the Constitution. My personal view, of course, is that there really is no basis for having different criminal laws around Australia. It would be fantastic if we could actually get agreement on one set of criminal laws for Australia. This is, to my way of thinking, an extravagance to have every State in Australia with their own particular views about the principles of criminal law. However, that is the situation we have in Australia and we will only get uniformity in this area if it is agreed to by the respective State Parliaments. That means almost certainly we will not get total uniformity. However, we are working towards—and this is the paper that has been presented to date—an agreed set of

principles which can be adopted around Australia and getting as much uniformity as possible.

One area which has been identified as perhaps not lending itself to uniformity, for instance, is something like -there are other examples I am sure—prostitution law reform. It may well be that one State will take a particular view of that, another State another view. That is fair enough; we probably will not argue about it. But with respect to the basic principles of the criminal law, we are trying to get an agreed set of principles applicable around Australia that will be translated into a uniformed code. That is a very active process at the moment.

The Hon. B.C. EASTICK: It would not be any surprise to the Attorney-General if I were to say that the Liberal Party is in fundamental disagreement with the Attorney's objective in this particular matter and in the way in which he is handling it, albeit that we are quite concerned about law reform.

The Hon. C.J. Sumner: I am shocked, Mr Chairman. I do not understand why you would be opposed to attempting to get uniform criminal laws established in the States. We are doing it by a process of consultation and State legislation.

The Hon. B.C. EASTICK: Perhaps it is the element of consultation.

The Hon. C.J. Sumner: This is nonsense. I can assure the honourable member that this criminal code will be consulted to death; I suspect that there will not be anyone who has not been consulted about it who has an interest in it. The process has been going on now in one form or another for about three to four years: through the Gibbs committee at the Federal level and through a number of discussion papers which have been prepared in South Australia and released to the public and which I have tabled in the Parliament. I gave a detailed report to the Parliament only a few months ago about what was happening in this area. This business about consultation is a complete furphy. We would be better off getting on with some sensible questions.

The Hon. B.C. EASTICK: I refer to page 49 of the Estimates of Payments. Can the Minister inform us of the identity of the grants to each organisation—community legal centres, mediation services and various organisations—under the heading 'Grants'? What are they and how do they rate?

The Hon. C.J. Sumner: I do not know the exact breakdown, but 'community legal centres' is for those centres at Noarlunga, Marion, Bowden, Brompton, The Parks, Para Districts and Norwood; and 'mediation services' is for some of those places. The various organisations include the DOME association (Don't Overlook Mature Expertise, although that seems a rather peculiar thing for us to be funding), VOCS (Victims of Crime Service) and some funding for the United Ethnic Communities. This is really a bit of an anomaly. It is in our line because we were funding accommodation in the Liverpool building for VOCS (which has now shifted), DOME and the United Ethnic Communities. Does the honourable member want anything more specific than that?

The Hon. B.C. EASTICK: In due course could we have a breakdown of the amounts going to each of them?

The Hon. C.J. Sumner: Right.

Mr McKEE: Page 66 of the Program Estimates under 'Issues/Trends' states:

> Crime Prevention Policy Unit is assisting with the establishment and maintaining of locally-based Together Against Crime Committees, interdepartmental strategies, exemplary projects and initiative in Aboriginal communities.

Are those Aboriginal communities based in the country or in the city? Can the Attorney expand on some of those initiatives?

The Hon. C.J. Sumner: I would be delighted to do so when we get the officers relating to Crime Prevention present, which is scheduled for the next item.

The Hon. H. ALLISON: Page 66 of the Program Estimates under 'Broad Objective(s)/Goal(s)' states:

> To represent the Attorney-General on interdepartmental, intergovernmental and public committees to ensure recognition of the views of the Attorney-General.

What committees is the Attorney-General currently being represented on, and on what committees has he been represented?

The Hon. C.J. Sumner: We will provide that information.

The Hon. H. ALLISON: I was interested in 'recognition of the views of the Attorney-General'. Are they the Attorney-General's personal views or are they strictly Government policy views that are being represented?

The Hon. C.J. Sumner: In most cases probably departmental views if the truth be known.

The Hon. B.C. Eastick interjecting:

The Hon. C.J. Sumner: Everyone knows that the Ministers are run by their departments. They may be my personal views which have become the policies of the department; they may be broader Government views that have been expressed through Cabinet. It could be a variety of views. In so far as they are my personal views they would be views that have been arrived at as a result of my addressing a particular issue.

The Hon. H. ALLISON: Page 66 of the Program Estimates under 'Broad Objective(s)/Goal(s)' states:

> Preparation of reports and public discussion and background papers on law reform issues.

What reports and papers are currently being prepared and what others might be on the agenda?

The Hon. C.J. Sumner: I think we did offer previously to provide a list of projects that were being looked at, so we can include that in that list.

The Hon. H. ALLISON: Page 66 of the Program Estimates states:

> To continue the crime prevention program . . .

How was the crime prevention budget expended last year and how is it proposed to be expended this year with regard to such things as staff numbers and costs, grants to local programs, and so on?

The Hon. C.J. Sumner: We will deal with crime prevention in the next item.

Mr ATKINSON: I refer the Attorney-General to the Program Estimates (page 69) program title, 'Legal Services to the State'. One of the 1992-93 specific targets is expand the client base of the Crown Solicitor's office so as to both reduce the impact of that office and to reduce the legal cost over the public sector. What new clients does the office seek? What do the words 'reduce the impact of that office' in that line mean?

The Hon. C.J. Sumner: I cannot answer the latter question. However, the Crown Solicitor is offering his services to statutory authorities which have not previously utilised his services. Some of them have been added to his client list, the argument being that if statutory authorities want to use the Crown Solicitor then there ought to be no barrier for that, if the Crown Solicitor can offer that service on a competitive basis, and that is what has been happening in general with the private sector.

It is fair to say that the Crown Solicitor's Office has not acted for a number of statutory authorities in the past. For instance, it has not acted for the State Bank—perhaps it should have, but it did not. The State Bank used private solicitors; generally, the SGIC uses private solicitors; and there are other agencies that have traditionally used private solicitors.

The policy now is that the Crown Solicitor can compete for work from statutory authorities. They have to compete on the basis of service offered, price, expertise, and so on. If they can do that, the Government does not place any barrier to the Crown Solicitor doing that, and generally, of course, the Crown Solicitor can do it at a price that is cheaper than that which the private profession can offer. This means, first, a saving to the statutory authority, which was good and, secondly, it means that the Crown Solicitor's Office, because it cross charges, gets income.

Mr ATKINSON: What do the words 'reduce the impact of that office' mean in that line? I should have thought it would increase the impact of the Crown Solicitor's Office.

The Hon. C.J. Sumner: It means to reduce the budgetary impact.

Mr ATKINSON: I refer the Minister to page 73 of the Program Estimates, Support Services. One of the 1991-92 specific targets was:

Participate in development of a pilot legal expenses insurance scheme.

How did this pilot scheme go?

The Hon. C.J. Sumner: It went and is still going. It was a scheme organised through the Public Service Association. A contribution was made to it from the excess in the legal guarantee fund which was allocated to the pilot program. The client base was the Public Service Association and it paid a certain amount by way of premium on behalf of its members. The first 12 months was designed to see whether or not a scheme such as this was commercially viable and also then to see whether or not it could be extended to the community generally but particularly, if possible, through our unions.

It has been decided to continue the pilot for another 12 months. A small allocation was made with the agreement of the Law Society from the excess in the guarantee fund for the continuation for 12 months. But it is now operating as a self-insurance situation, because the cost of underwriting the scheme through the general insurance industry was too high. The Public Service Association took the view that it could continue to run it with the contributions that it was making on behalf of its members.

As a general comment, I would say that it has been extremely difficult to get legal expenses insurance off the ground in Australia. A couple of attempts have been made, one in New South Wales some years ago, which have failed. A little bit of legal expense insurance is offered by some insurance companies as add-ons to their motor or house policies, but it is not very widespread.

What we hoped to do with this pilot scheme was show with that, for a relatively small amount, you could get reasonably comprehensive coverage for legal expenses. I think that the pilot scheme has shown that. But it is still a question of whether or not people in the community are prepared to pay what is really not all that much. I forget the exact amount of premium that would cover it at the moment, but I can get that information for the honourable member.

The problem is that, even though it is not very much, certainly if I were offered the sort of coverage that was offered by the PSA that is offered for $10, I would take it. But most members of the community do not see the need for legal expenses insurance. They hope that they will never have to engage a lawyer, or get into trouble, so they do not see the need to take out legal expenses insurance.

The scheme has demonstrated that for a reasonably small amount you can get a quite comprehensive service. So I would have to say that the pilot is continuing; it is going for another 12 months. The underwriters will attempt to sell it to other potential client bases and, of course, the PSA must decide whether it will continue it in the long term. One cannot say with certainty whether or not it will continue because, as I said, of the difficulty of getting these things off the ground.

It has been a very useful pilot. I think the clients and the PSA have learnt a lot about this type of insurance, as indeed have the underwriters, Jardines. It will continue for another 12 months and then we will have to reassess it; whether at that time it will remain viable, I cannot say. We can make available to the honourable member the evaluation done of the first 12 months of the scheme. It may be that we will need to take out some confidential parts of that evaluation but, if the honourable member would like it, I can provide it to him together with a rundown on what is proposed for the next 12 months.

Mr ATKINSON: Yes, please. As a supplementary question, I gather that expenses incurred in Family Court actions are excluded from coverage?

Mr Lawson: To a certain extent, but there is a cut-off point and, where possible, those matters are directed to mediation through the Marriage Guidance Council. The Marriage Guidance Council was part of the scheme, and family law matters were referred to it, but if the case looked as though it would be protracted and expensive, it was then decided it could not be taken on in any great detail.

Mr ATKINSON: And that is in the rules of the scheme?

Mr Lawson: Yes.

Mr S.J. BAKER: Which options were considered before settling upon the statutory authority model for the Independent Court Commission under the Courts Administration Bill, and who was involved in the development of the Judicial Council model?

The Hon. C.J. Sumner: The Government took the decision to accept in principle an independent courts administration, and the matter was sent to a working party, which involved the Chief Justice; it was chaired by the Chief Executive Officer of the Attorney-General's

Department (Mr Kelly), the Chief Judge of the District Court (Judge Brebner), the Chief Magistrate (Mr Manos), the head of the Court Services Department (Mr Witham), delegates from the PSA, from the Commissioner for Public Employment and from Treasury, and worked on the proposal and developed the principles that led to the legislation that was introduced in the Parliament.

Mr S.J. BAKER: In terms of accountability, who will be responsible for the operations of the courts under such circumstances? Who will set the budgets? Will this organisation be self-funding? How will we have a statutory authority on the sidelines under these circumstances with full accountability, and how will that body come before the parliamentary Estimates Committees?

The Hon. C.J. Sumner: It will come to the Estimates Committee through the Attorney-General, and the State courts administrator would appear with the Attorney-General, just as heads of Government departments and other officers appear at the present time. It is clear from the legislation, as the honourable member would have seen had he studied it, that budgets must be approved by the Attorney-General and the Government, but that the day-to-day responsibility of the administration of the courts will rest with the Judicial Council, which will exercise its authority through a State courts administrator. Obviously, it will not be self-funding.

Mr S.J. BAKER: My next question relates to the collection from debtors of levies in relation to victims of crime. What are the criteria for writeoffs and how much of the $12 million written off relates to each of the previous years?

The Hon. C.J. Sumner: If the honourable member understands the scheme, an applicant applies for criminal injuries compensation from the respondents, the State, on the one hand, and the offender, on the other. If an order is made, the responsibility is on the State to pay that amount. This is the whole rationale of criminal injuries compensation but, where possible, the State attempts to claim from the offender the amount it has paid to the injured victim. The outstanding debtors are those offenders from whom it has not been possible to collect the money that has been paid by the State. The people may be unknown; often they are in gaol or unemployed and unable to make a contribution. Any writeoffs are in accordance with Treasury instructions, which we can provide to the honourable member if he wishes.

Mr S.J. BAKER: Given that it looks as though the Victims of Crime Fund will be going into receivership very shortly, is the Attorney concerned at this huge amount of money which is owing and which has not been collected?

The Hon. C.J. Sumner: Considerable effort has been put into this area, and two clerical staff have been specifically allocated to attempt to collect these moneys. Page 67 of the Program Estimates indicates the recoveries that have been made for each of the past four financial years. In 1991-92 the figure was $208 000. The simple fact of the matter is that one cannot get blood out of a stone. If people are in prison, are unemployed or disappear interstate, one cannot chase them to get the compensation.

The point the honourable member is really raising indicates why a State funded criminal injuries compensation scheme is necessary in the first place. If it had been possible to get damages from offenders, a State-based scheme would not have been necessary. But it is because in many cases one cannot get moneys directly from offenders that the State scheme was introduced in the late 1960s.

Mr S.J. BAKER: I noted 'levies' originally, where there is an outstanding amount of $12 million. Will the Attorney, even if he takes this on notice—

The Hon. C.J. Sumner: It is not levies—it is debts.

Mr S.J. BAKER: Of course they are debts.

The Hon. C.J. Sumner: They are not levies. You are not talking about levies, you are talking about debts, about compensation.

Mr S.J. BAKER: As soon as a levy is placed against an offender, obviously—

The Hon. C.J. Sumner: It is not a levy: it is an order made by the court against the State of South Australia, which is responsible for paying the compensation, and an order made against the other respondent, the offender, if the offender is known. If the primary responsibility, at least, is for the State to pay the compensation, we then must attempt to recover it from the offender; which is what we do.

Mr S.J. BAKER: Obviously, we are not doing it very well, given that we have spent $5 million in payments last year and have receipts of far less than that.

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

Mr S.J. BAKER: I am trying to get some clarification of where we are going with these levies. On page 67 they are listed as levies.

The Hon. C.J. Sumner: The honourable member is confused. There is a victims of crime levy, which is imposed on every offence, that is, expiation notices and appearances in the Magistrates Court, the District Court and the Supreme Court. That levy, which is $5 for expiation notices, $20 in the Magistrates Court and $30 in the Supreme Court, goes into the Criminal Injuries Compensation Fund.

The honourable member is talking about debts owed by offenders to the State, and he referred to $12 million, which are outstanding debtors as at 30 June 1992. He referred to payments in this financial year being $5.030 million and he referred to recoveries in this financial year of $208 000. That is the situation and, of course, it is unsatisfactory. It is dreadful; it is appalling. However, we cannot get blood out of a stone. If offenders have disappeared, if they are in gaol and if they are unemployed, it is difficult. Regrettably, people who get involved in offences, particularly violent offences, are usually in that category. We make attempts and, as I have said, in recent times the effort in this area has been upgraded. There are two people who work full time on recoveries, and we do our best to get the money back.

There is nothing unusual about that. That has been a feature or a phenomenon of the scheme since it was introduced and it is the basis of criminal injuries compensation that is paid by the State. If we could get it out of the offender, we would not need a criminal injuries compensation scheme to pay victims of crime.

Mr S.J. BAKER: The Program Estimates show that there were 537 claims in 1991-92. The Auditor-General's Report states that there were 497 claims. Which is

correct? Is that a duplication in the Auditor-General's Report of the previous year?

The Hon. C.J. Sumner: It appears that the Auditor-General's Report includes the 1991 figure of 497 and has not been updated to include the more recent figure of 537 claims.

The Hon. B.C. EASTICK: How many claims are current and in which years were they commenced?

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

The Hon. B.C. EASTICK: What is the period between the claim being made and settlement of the claim? Is there any indication of the speed with which they are concluded?

The Hon. C.J. Sumner: One cannot generalise because it depends on a whole lot of factors. One could not refer to any particular period. The honourable member might be interested in a report that was done about four years ago by the Office of Crime Statistics on South Australia's criminal injuries compensation scheme before it was upgraded. The honourable member will see in that report that some assessment was made from the time of lodgment to the time of settlement of the claim. If I can find any up-to-date information, I will give it to the honourable member. Otherwise, I can only refer him to that report.

The Hon. B.C. EASTICK: There is an item relating to *ex gratia* payments of $43 000. Will the Attorney-General indicate to whom those payments were made and what is the breakdown?

The Hon. C.J. Sumner: I am not sure that that is necessarily public information, but I will attempt to find out what I can and give the honourable member the reasons for the *ex gratia* payments having been made.

The Hon. B.C. EASTICK: If that is the case, are they informants' fees?

The Hon. C.J. Sumner: No, they are *ex gratia* compensation payments that are made when people do not fit strictly within the criteria of the criminal injuries compensation legislation. When Parliament amended the legislation a couple of years ago, it provided that the Attorney-General had a discretion to cover the hard cases which did not fall strictly within the Act but where it was felt that justice and compassion required such an *ex gratia* payment to be made. If the honourable member would like to know the reasons, I will provide them.

The Hon. B.C. EASTICK: I notice that the balance of the fund as at 30 June 1992 was $1.3 million, which is less than at the opening of the year. Is that likely to be a trend and what is the forecast for this year?

The Hon. C.J. Sumner: That trend has occurred because of the increase in compensation to a maximum of $50 000, to which Parliament agreed. That was brought into effect in mid-1990. The increase from $20 000 to $50 000 is starting to work its way into the system. That means that payments have increased and that the trend that the honourable member has identified is likely to continue.

The Hon. B.C. EASTICK: I understand that a review of victim impact statements is being undertaken at present. Who is conducting the review and what problems are being experienced? Is the review a preliminary to withdrawing from the process?

The Hon. C.J. Sumner: My answer to the last question is that it is certainly not preliminary to withdrawing from the process under any circumstances. If it is found that there are some deficiencies with the way the scheme is operated, it will be enhanced, not withdrawn. The assessment is being carried out by the Office of Crime Statistics with a grant from the Criminology Research Council. The person who is involved in the assessment and who is helping the Office of Crime Statistics is Professor Edna Erez, who is from the United States and who has done a lot of work on victim impact statements in that and other countries.

The Hon. H. ALLISON: I refer to Parliamentary Counsel at page 68 of the Program Estimates and the third dot point under 1991-92 specific targets/objectives, 'New comprehensive and accurate legislative index near completion': can the Attorney say what specific information will be provided in the index and whether it will be on a computer for regular updating?

The Hon. C.J. Sumner: We will have to get an answer on that.

The Hon. H. ALLISON: By way of personal interest, will annual bound volumes of the statutes still be available or have they been permanently replaced by the movable feast that we have?

The Hon. C.J. Sumner: I do not know any proposal to remove the annual volumes.

The Hon. H. ALLISON: Again referring to page 68, and the next dot point, 'Transfer of consolidated statutes electronic database to Commonwealth database (SCALE) completed'. Why was the consolidated statutes electronic database transferred to that Commonwealth database?

Mr Kelly: The State of South Australia entered into an arrangement with the Commonwealth Government for the transfer of these legislative materials to the SCALE database in Canberra, the SCALE database being the major database held and operated by the Attorney-General's Department and containing Commonwealth materials, High Court judgments, Commonwealth statutes, etc. The memorandum of understanding that was entered into was on the basis that, if South Australia provided its legislative materials to SCALE, it would get free access to all of the materials held on SCALE, and SCALE would have free access to the South Australian legislation. This is really a return, as it were, to what was originally contemplated back in the 1970s, in relation to Commonwealth-State arrangements. I can indicate that other States are following South Australia's lead in relation to this and, in particular, Western Australia is examining doing exactly the same procedure.

The Hon. H. ALLISON: Could you comment also on whether the system is functioning as you anticipated and whether any cost savings have occurred as a result of this agreement?

Mr Kelly: Yes, I can indicate that at this stage access to SCALE, which is really an on-line mainframe arrangement, is available to officers of the Attorney-General's Department, and the plan is, as the system becomes more functional, to make that access available to other Government departments. In a sense, what these arrangements are replacing are the earlier commercial attempts to have on-line commercial access to legal databases in Australia. If you like, it is a reinvention of the way in which materials will be held by Governments on one major database held in Canberra.

The Hon. H. ALLISON: A similar question could be related to a further dot point:

With State Print, work commenced on project to simplify printing of Bills . . .

What sort of cost efficiencies are expected from that new *modus operandi*?

Mr Kelly: The possibility now exists that State Print will be able to print, on demand, consolidations of Bills and provide them to clients. If a client has a standing order for legislation in pamphlet form of a particular sort, that is, tax or criminal law, then State Print, through its new machinery, will be able to make those pamphlets available. But the benefit of the new processes is that State Print is able to issue automatically an updated pamphlet of legislation as each amending piece of legislation is passed by Parliament, thus incorporating those amendments. That is the innovation that has been made through the State Print procedures.

The Hon. H. ALLISON: So you are hoping that by the end of the year the bound consolidated volume will in fact be the very latest update, rather than containing copies of every Bill that went through that year. It will be a consolidated volume.

Mr Kelly: I am not sure that that will occur. What will still be printed, I think, is the bound volume of each Act precisely as it is enacted by Parliament. However, State Print, with its capacity to handle on demand pamphlet printing, will be able to produce, on demand, probably three pieces of legislation: the old legislation, the amending legislation, and then the consolidated legislation, incorporating the most recent amendments in pamphlet form.

The Hon. H. ALLISON: I received the first of my consolidated amendments only this week, along those lines —very up to date.

Mr Kelly: The process is now underway. Moneys were made available to State Print to enable these innovations to be carried out, and I think that honourable members and other members of the public will now get the benefits of these arrangements.

Mr S.J. BAKER: I want to go back one step to where we were talking about criminal justice compensation. He may have to take this on notice, but I ask the Attorney the following question. The levies received during 1991-92 amounted to $2.264 million, and under the same line we are told that outstanding debts as at 30 June 1992 were $12 million, up from $9.2 million in the previous year. The Attorney gave information that he thought that this was associated with people who owed the State money because they had been fined; however, this is dedicated to criminal injuries compensation, and one presumes that the $12 million relates to outstanding levies that have not been collected. That is the way it reads.

The Hon. C.J. Sumner: It does not read that way, and that is not right.

Mr S.J. BAKER: Can the Attorney provide information of the amount of levies that were levied and the amount of levies that were collected over the past three financial years?

The Hon. C.J. Sumner: We can try to find that, but that is not the $12 million. The honourable member is very confused, I am sorry. It is my fault because I explained it before and he obviously did not understand: the $12 million does not relate to levies. In fact, my guess is that the amount of levies uncollected is probably very small because they are collected on expiation fees. So, if people pay the fine then they pay the levy as well. Likewise, in the courts, if they are paying a fine, they pay the levy as well. In the gaols people are required to pay the levy, and a certain amount is taken out of their so-called pay every week to enable that to occur.

So, the non-payment of levies would presumably involve only those people who cannot afford to pay a fine and therefore do not pay the levy, or who are not in gaol and choose to do a community service order or go to gaol for non-payment of the fine. I do not know exactly how much that is, but we can attempt to find out. However, we have to go back to the agencies to find out. We have to go back to the Correctional Services Department or to the Court Services Department to ascertain what the collection rate is, but my own assessment is that it would be very small; it is certainly not the $12 million referred to in here.

Mr S.J. BAKER: You have mentioned in the report under your second item on the right-hand side of page 68 'to promote and participate in the development of means for wider Government and public access to legislative data, both on-line and via computer disc products'. What are we actually proposing there beyond what is already in place, and what is the estimated cost to Government, and how will it work with the private sector?

The Hon. C.J. Sumner: Mr Kelly will answer.

Mr Kelly: One of the projects that has been undertaken at the moment is that, in relation to the South Australian statutes that we have already mentioned, there has been a pilot program where about 40 different parties have been selected to trial electronic floppy discs which contain a series of State statutes and which enable the user to get very ready access through their own personal computer to search these legislative data bases, and that project is going on now. These floppy discs have been made available to law firms, libraries, universities and to interstate Attorneys-General Departments, and a great deal of interest has been generated in the provision of these discs.

It is necessary, to reflect on the fact that there are probably now three or four different mediums through which the statutes of the Parliament may be accessible: one, of course, is through the pamphlet form. The other is through the major mainframe innovation that we have been talking about earlier, through SCALE. The third is these electronic floppy discs, which may become a method of providing legislation other than through pamphlet form to a whole number of users. The final one is through CD-ROM discs. CD-ROM is another technology which does offer a great deal of promise, and it is being used quite extensively in the Commonwealth, particularly for their larger statutes, for access to taxation laws, to the corporations law, and so on.

South Australia has not yet entered into an arrangement with anyone in relation to the use of CD-ROM discs for South Australia's consolidated statutes. There are some clear benefits to the use of CD-ROM technology, but there are some drawbacks in the sense that CD-ROM cannot be reprogrammed, unlike an on-line arrangement. You can commit an enormous amount of material to a CD-ROM disc, but it is not necessarily programmable or

networkable. So, the department has been examining what are the best ways, and I think they are the three media: through the mainframe, which is the SCALE effort; and the second is through the electronic floppy discs. SCALE is not a private sector arrangement, it is the Commonwealth Attorney-General's Department. The third medium is CD-ROM which is a private sector body that has replaced CLIRS in the market, and they are the proponents of CD-ROM technology in relation to this area.

Mr S.J. BAKER: There was a second part to the question. What does it cost to produce and what does it cost to buy? If it can be taken on notice just to give some idea of SCALE, I would be satisfied. For example, if I wanted the Criminal Law Consolidation Act in its current form, what cost would be involved?

Mr Kelly: As far as SCALE is concerned, they are slowly making their product available to third party users. It is a much cheaper operation than was the case with CLIRS, which was the commercial body that had the mainframe provision of on-line access to statutes and cases. The costs for that were prohibitive. They were $720 an hour for access to the mainframe, and you do not have to use the mainframe to search. SCALE does not charge anything like that for accessing its mainframe, even for third party users. I would have to provide on notice what the cost is.

In terms of the CD-ROM technology, buying a disc with a tremendous amount of information on it, as CD-ROM is doing (it is providing whole sets of State reports), it costs something like $800 to get a CD-ROM which would be available to you for perhaps six months or 12 months, and then it rapidly falls out of date. As far as the electronic floppy discs are concerned, from South Australia's point of view, which we are trialling at the moment, we have not got a feel yet for what the market wants or what we charge. However, I can inform the Committee that all the other methods being trialled will be enormously cheaper than what was proposed with CLIRS, which cost, as I say, $60 a minute or $720 an hour to access the mainframe.

The Hon. B.C. EASTICK: Just on the edge of what we have been talking about, namely, the delivery of Acts to various organisations, including electorate offices, who eventually is responsible for ensuring that the documentation being circulated is correct? Is it State Print? Is it still associated with the contractor who was preparing the original statute books; is it within the Parliamentary Counsel's office; or the Attorney-General's office? Is the Minister at all concerned following the amount of error which apparently is now occurring in the distribution of documents? For example, since the loose-leafed method of statutes was made available to electorate offices, dozens of amendments have been forwarded out. One which arrived at my office yesterday in relation to the Road Traffic Act was some five or six pages which included the word 'and' between *(b)* and *(c)* in Part II of the Road Traffic Act. I am not opposed to the fact that we have got to make sure they are coming out correctly, but where is this cost being met and does it concern the Attorney, or has his department had expressed to it concerns by the legal profession regarding the nature of the delivery of these documents in the loose-leaf form?

The Hon. C.J. Sumner: I have heard nothing, Mr Chairman, nor has the Chief Executive Officer, Mr Kelly. I would invite members to write to me if some issues like this crop up. It sounds to me as though the honourable member is talking about a typographical or printing error rather than anything else, in which case it would be the responsibility of State Print. I would be able to answer the question better if I had some examples of exactly what the honourable member is referring to. The honourable member says he has a box full; that is not very good. if there is a box full, that is bad. What sort of errors are they?

The Hon. B.C. EASTICK: Some are as minor as I indicate—not minor, they can be quite dramatic in so far as the delivery of the law is concerned. One five page exercise received by post yesterday, to which postage applied as well, was for the inclusion of one word between paragraphs *(b)* and *(c)*.

The Hon. C.J. Sumner: I thank the honourable member for drawing that to my attention. I was not aware of the problem, if there is one. I will make some inquiries and perhaps someone might contact the honourable member to find out specifically what the problem is and we will see whether we can rectify it.

The Hon. B.C. EASTICK: I refer to page 69 of the Program Estimates which has the program title 'Legal Services to the State'. How many staff are there in the DPP's Office and what are their categories? Has the DPP any plan to expand the office into the prosecution responsibilities of police and other areas of Government? If so, what are those areas and what are the details?

The Hon. C.J. Sumner: The number of FTEs in the Crown Prosecutor's Office last year was 38.5 and the number proposed in the new DPP's Office, which has taken over the Crown Prosecutor's Office, is 41.3. Any applications for increased staff would have to be considered as part of the budgetary process, but obviously some additional staff has been provided to the DPP. In particular there have been seventh and eighth criminal courts operating in the District Court which have required extra staff. As to the DPP taking on the prosecution role that is currently conducted by the police, the DPP, I seem to recall having read somewhere, believes that that is a desirable development and I do not have any argument with that in theory. We did have a report done a few years ago on the feasibility of the Crown Prosecutor as the office was then taking over police prosecutions and we found that the cost of this was enormous and could not be done within any reasonable budget allocation. It might be a long-term objective but it is not something that can be contemplated immediately.

The Hon. B.C. EASTICK: Are any prosecutions outside the criminal law to be considered by the DPP, for example, consumer affairs, boating, national parks and wildlife and the various other areas?

The Hon. C.J. Sumner: Those prosecutions are currently handled within those departments. In those areas where professional prosecutors are necessary, they would either come from the departments to the DPP or to the Administration and Summary section of the Crown Solicitor's Office. As a matter of practice one would expect a serious case of that kind to be handled by the DPP.

The Hon. B.C. EASTICK: To what degree is briefing out to the private profession undertaken? Is it intended that there be an extension or a decrease with regard to that arrangement?

The Hon. C.J. Sumner: It is undertaken as necessary. Obviously the DPP cannot decide not to turn up in court if there is a court sitting and a case is listed to prosecute. If resources are stretched the DPP (previously Crown Prosecutor) has to brief out. The amount in 1991-92 for the Crown Prosecutor was $80 159, which is a pretty modest sum compared to the amounts which were paid out to the State Bank Royal Commission and other sundry inquiries. Obviously one does not brief out unless one has to. There is Crown counsel in the Attorney-General's Department, Mr Barry Jennings QC. He was shanghaied to assist the Solicitor-General in the State Bank Royal Commission but when that is finished he will go back to general counsel duties within the Attorney-General's Department which will include accepting briefs from the DPP where that is appropriate. If there is someone like that that cuts down the necessity for briefing out to the private profession. It is done as is necessary but because it is more expensive to brief out we do it only when it is required.

The Hon. B.C. EASTICK: It could be undertaken across all the levels of the courts?

The Hon. C.J. Sumner: There could be briefing out at all levels depending on the requirements, although it is more likely to occur in the higher courts than in the lower courts.

The Hon. H. ALLISON: Page 69 of the Program Estimates refers to the Crown Solicitor. The 1991 Crown Solicitor's Report at page 6 states:

> One officer represented the Treasurer in matters relating to non-performing loans. This became virtually a full-time job from February 1991.

Apart from the royal commission and the Auditor-General's inquiry, have Crown Solicitor officers continued to be involved in that area of non-performing loans? Has it continued to be a full-time job for one person and, if not, how many more of the officers are involved and over what period of time?

The Hon. C.J. Sumner: The Assistant Crown Solicitor (Commercial), Mr Robert Martin, has been involved full time on that task virtually since the time that the State Bank difficulties were revealed.

The Hon. H. ALLISON: Does the Crown Solicitor and/or his officers have continuing involvement in the Group Assets Management Division of the State Bank?

The Hon. C.J. Sumner: Mr Robert Martin is still involved in that.

The Hon. H. ALLISON: Continuing from there, with respect to the royal commission, the 1990-91 annual report of the department again states:

> Representation of the Government before the royal commission involved at least six officers from March 1991 and up to 15 during April 1991.

How many officers in the Crown Solicitor's Office have been involved in the royal commission and the Auditor-General's inquiry respectively since the announcement of their establishment?

Mr Kelly: In relation to the royal commission, as the Attorney-General indicated, counsel representing the Government on the instructions of the Attorney-General were Mr John Doyle, Solicitor-General and Mr Barry Jennings, Crown counsel. Supporting those law officers at different stages, as the honourable member has pointed out, were a number of persons from the Crown Solicitor's Office. The peak time is really as the royal commission was established in March and April of last year. The number of officers involved stabilised at three to four full-time officers during this last financial year in addition to the Solicitor-General and Crown counsel.

In relation to the Auditor-General's inquiry, the office has had no direct involvement or representation in the Auditor-General's inquiry, although, from time to time, as members will be aware, because of challenges in the Supreme Court to various aspects of the Auditor-General's inquiry, the resources of the Crown Solicitor's Office have been involved in some of those matters. That has occurred on an as-needs basis when those matters have come before the courts.

The Hon. H. ALLISON: Will the Attorney-General give the breakdown of the cost of the Crown Solicitor's and Solicitor-General's involvement in those two cases, that is, the State Bank commission and the Auditor-General's report? Added to that, does the calculation of costs include a share of overheads, superannuation and those expenses associated with employment? Were any outside consultants involved with either of those two inquiries and, if so, who were they, and what expenses were involved?

The Hon. C.J. Sumner: As far as the royal commission was concerned, no outside lawyers were engaged to act on behalf of the Government; that was all done in-house. As far as the Auditor-General's inquiry is concerned, the honourable member would have to ask questions of him. He has extensively used lawyers from the private bar during the course of his inquiry and, of course, accountants from the private profession. Our involvement (that is, that of the Attorney-General's Department and the Crown Solicitor) with the Auditor-General's inquiry has been very limited.

I do not think it is appropriate for me to provide the names of the people whom the Auditor-General has engaged, but I have no doubt that when he reports he will also report on the people whom he employed to assist in his task.

Membership:

Mr J.A. Quirke substituted for the Hon. J.P. Trainer.

Mr S.J. BAKER: Recently, some publicity has been given to the sale by the State Bank of bankcard details of its customer for telemarketing purpose. Will the Attorney-General confirm that the bank has provided to the Crown Solicitor the names of those and the bank involved in the sale of the information with a view to determining whether or not a breach of section 29a of the State Bank Act has occurred?

The Hon. C.J. Sumner: The Crown Solicitor is examining this issue and will report to the Government in due course.

Mr S.J. BAKER: Can the Attorney-General confirm that names have been supplied to him?

The Hon. C.J. Sumner: I am not going to comment on that.

Mr S.J. BAKER: I find it astounding that we do not know what is being examined.

The Hon. C.J. Sumner: Well, what do you think he is looking at?

Mr S.J. BAKER: That is what we would like to know.

The Hon. C.J. Sumner: I would have thought it was fairly obvious. Certain allegations have been made about the material provided by the State Bank to private commercial organisations, and that is the issue that is being looked at by the Crown Solicitor, as I understand the situation. What information he has to pursue these inquiries, I personally do not know. Presumably, when the report is completed, some statement will be made about it.

Mr S.J. BAKER: In relation to the Crown Solicitor's involvement in the preparation of a deed of amendments dated 27 August 1992 between the State Bank and the Government, particularly in relation to non-performing loans, will the Attorney-General confirm that this deed allows the transfer to GAMD, in other words the bad bank, of non-performing assets acquired by the bank after 6 February 1991?

The Hon. C.J. Sumner: The former Premier and Treasurer made a statement about this as part of the budget. I am not quite sure what additional information the honourable member wants.

Mr S.J. BAKER: By way of clarification, the matter hinges on the extent to which assets can be shuffled from one bank to the other, and the extent to which the taxpayers do not know exactly whether the good bank is still a good bank or whether a shuffling of assets will occur between the two and whether the indemnity allows that to happen.

The Hon. C.J. Sumner: I am not quite sure what you mean by 'shuffling between the two'. The idea was to establish an arrangement whereby the non-performing loans were isolated from the bank and dealt with more directly by Treasury. Obviously, some documentation has given effect to that. I am not quite sure what the honourable member wants to know. If he can tell us what he wants to know, we will try to ascertain the information.

Mr S.J. BAKER: Specifically (and I mentioned it earlier), does the amendment to the deed now allow for performing loans that were to become non-performing loans to be moved into the bad bank or vice-versa? Presumably, the Attorney has been advised on this matter; presumably the Attorney had some part to play in the change of the deed; and I would have thought it is a simple matter to inform the Committee accordingly.

The Hon. C.J. Sumner: I assume that what the honourable member says is correct. The announcement was made by the then Premier and Treasurer, and whatever documentation is needed to give effect to announcements made by the Premier and Treasurer as part of the budget will have been provided. I do not have them with me.

Mr S.J. BAKER: The Premier did not actually say anything about the transfer of assets between the good bank and the bad bank.

The Hon. C.J. Sumner: The fact that there is a so-called bad bank means that there must be some transfer of assets. My impression was that it was fully outlined in the Premier's statement. If it was not, I will provide the information for the honourable member.

Mr S.J. BAKER: Have we any idea of the cost of the involvement of the Crown Solicitor and his officers in the royal commission and whether there is any means of deferring or offsetting that cost from the State Bank itself?

The Hon. C.J. Sumner: We have already said that we will provide the details of the Crown Solicitor's contribution to the legal representation of the Government before the State Bank royal commission. It is not intended that that is anything that can be charged to the State Bank: it is busy enough paying for its own lawyers, for the lawyers of the former Managing Director and for the lawyers of the former directors.

Apparently, when I suggested that it was about time that a halt was called to the payment of these legal expenses, when I suggested that some assessment be made as to what is a reasonable time to allow the legal representation to continue and then to say that from then on the bank will not be indemnifying these people any more, the bank responded by saying that it has some agreement with these people to pay them and, secondly, that the agreement was the subject of commercial confidentiality.

I find both of those propositions fairly astonishing. I cannot possibly believe that the bank would have entered into an open-ended commitment to fund the lawyers acting for the State Bank, for the former Managing Director and the former directors *ad infinitum* without any means of exercising some control over the length of time for which payments would be made or the amounts of the payments.

As far as I am concerned, the bank needs to step in, take strong action and fix up this matter, because it is intolerable for the South Australian community through the State Bank to be paying these legal fees apparently without any end in sight. It is not acceptable to me or, I should think, to the Parliament, and the bank needs to review the situation. If the bank has in fact agreed to give an open-ended commitment, I find it astonishing.

If it also agreed that, somehow or other, that is a matter of commercial confidentiality, I find that astonishing. As far as I am concerned, the public of South Australia has a right to know what the State Bank is paying its lawyers for this extended excursion before the two inquiries currently being conducted into the State Bank. Enough is enough: it is about time that the things were drawn to a close, in the interests of the South Australian community.

Mr S.J. BAKER: Supplementary to that, presumably this arrangement was with the full knowledge of the Treasurer of this State.

The Hon. C.J. Sumner: That would be a pretty amazing assumption to make in light of what we know about the relationship between the State Bank and the Treasurer in the past.

Mr S.J. BAKER: Given that he has the right of intervention, I presume that the Treasurer could and should have intervened, according to what the Attorney has told the Committee.

The Hon. C.J. Sumner: I do not know whether those specific arrangements were entered into with the consent or knowledge of the then Treasurer: I suspect that they were not. Obviously, one can find out, and I can assure the honourable member that I am having some inquiries

made about this matter because, as I have said, I am not happy with the responses made by the bank to my suggestion that it step in and take stock of this question of legal representation.

Admittedly, the responses that I saw were only through the media, but I am having some inquiries made about them. However, I repeat that it would be extraordinary if the bank entered into some kind of open-ended commitment to these people, and it would be extraordinary if they were subject to commercial confidentiality agreements. There is absolutely no basis for that in the payment of legal costs.

The public has the right to know who is getting what, how much they are being paid and for what. It is time that stock was taken of this situation; that some reasonable time was allowed for these people to conclude the matters on which they must make representations to the various inquiries; and for the bank to say that, from that point on, that is it, there is no more money.

The Hon. B.C. EASTICK: When the Attorney uses the term 'the bank', does he mean the board of directors, the management or both? In particular, I draw attention to the fact that the board of directors was appointed by the former Treasurer.

The Hon. C.J. Sumner: It depends on the context to which the honourable member is referring. Obviously, if I am referring to the bank in the context of the legal representation, I am referring to the bank and its current board of directors. If I am referring to the former directors, then it is those being represented before the royal commission. The former directors of the bank are being represented by Mr Abbott QC, and the former Managing Director (Mr Marcus Clark) is being represented by Mr Anderson QC, so it depends in which context the honourable member is asking the question. In this context, that is how I have described it.

The Hon. B.C. EASTICK: Would it be right or wrong to presume that the arrangement that allowed the representation of which the Attorney has been critical was so binding on the former board of directors that it encompasses the new board of directors and the new management?

The Hon. C.J. Sumner: Obviously, a board is a legal entity and does not change because the membership of the board changes. If arrangements have been entered into that are legally binding, that is too bad; they are binding on the new board of directors. If they are not legally binding arrangements, the new board of directors can change the policy.

As I said earlier, the comments that I made last week were responded to not by the bank but by lawyers, which indicated the problems that I have outlined. I have also told this Committee that I intend to obtain further information about the matter, and that is what I am in the process of doing.

The Hon. B.C. EASTICK: Would the Attorney agree that it would appear as though the new members of the board and the new management have been given no instruction as to what they ought to do in relation to responsibilities to the public and to the dispensing of public funds in the manner to which the Attorney is complaining?

The Hon. C.J. Sumner: I do not know; it is a matter for the bank. I made that clear when I made my statement last week. I said that the bank should consider the question of the ongoing legal representation for these inquiries. I said that in my view a reasonable estimate of the time needed to conclude that legal representation should be made by the bank and that thereafter no further indemnities should be granted; otherwise there is no incentive to have this matter concluded. People would just go on for ever and I do not think that is in the interests of the South Australian public. It is not as if they were underpaid when they were employed in the bank, particularly in the case of the Managing Director.

The Hon. H. ALLISON: On page 69 of the Program Estimates, this comment is made:

> Government initiatives in legislation have continued to impact upon the legal services to the State. It is anticipated that a continuance of these trends, together with the establishment of the Office of DPP and an expansion in the client base and the introduction of cross-charging by the Crown Solicitor will result in increased demands being placed upon both staffing and physical resources of the legal services and the support services division of the department.

If there are increased demands upon staff and physical resources, how will those demands be met?

Mr Kelly: Since the move by the department to its new premises in 45 Pirie Street (the NatWest building), the department has had the benefit of a number of PCs. Nearly all legal officers have been provided with personal computers that are connected in a local area network. That enables the lawyers of the department to carry out word processing functions as well as to obtain access to the databases and legal research materials that I mentioned earlier. It is true to say that the additional demands that have been put on the legal officers, particularly in the Crown Solicitor's Office, because of the royal commission and other inquiries, have been met because of the additional efficiencies provided by the local area network and through the commitment and dedication of the individual legal officers in meeting those demands.

The Hon. H. ALLISON: Is the expansion in the client base anticipated to be an automatic result of the initiatives being taken by the Government with regard to legislation? How substantial is that client base expansion expected to be in the coming year?

The Hon. C.J. Sumner: That is a matter to which I referred earlier, where the Crown Solicitor is offering his services to statutory authorities for which the Crown Solicitor's Office had not acted generally in the past. It is that client base that will expand. The Crown Solicitor will cross-charge, that is, he will charge those statutory authorities, and that increased work will impact upon staffing and physical resources. The important point to make is that an income will be derived by the Crown Solicitor from the work for which his bids are successful.

The Hon. H. ALLISON: That was implied in last year's report from the Crown Solicitor when the department said that it could provide legal services to any statutory authority that was subject to ministerial direction. Can the Attorney-General say what is the basis for charging statutory authorities? Will that fee take into account overheads and costs such as superannuation and sales tax on purchases that the private sector also has to bear? It is an equalisation of costing.

The Hon. C.J. Sumner: All on costs are included with some margin, as well. My recollection is that it is not

confined just to statutory authorities that are subject to the control and direction of the Minister, but that the Crown Solicitor can bid for work from all statutory authorities. I will check that.

The Hon. H. ALLISON: It includes those statutory authorities that have the capacity to employ private law firms. That was specifically in the context of the report.

The Hon. C.J. Sumner: Yes, the Crown Solicitor may bid for that work and if he can convince the client, that is, the statutory authority, that he is able to provide a better, cheaper service, and the client feels that, the client is entitled to make the decision to use the services of the Crown Solicitor. As I said, if that is the case, there is a benefit usually to the statutory authority because it is cheaper and it means that, by the cross-charging arrangement, the Crown Solicitor gets money which assists the costs of running that office, so that is a double benefit.

The Hon. H. ALLISON: With respect to performance indicators (page 69), mention is made of measurement of complaints for summary prosecutions, etc., and measurement of advisings provided within four weeks of receipt of full instructions (aim 80 per cent). Are there any other performance indicators, given that the office does more than issue summary prosecutions and provide advice? The two performance indicators seem to be less than adequate.

The Hon. C.J. Sumner: Those indicators cover the great majority of matters that come before the office. I will ask the department to discover whether further performance indicators can be developed for the matters not referred to there.

The Hon. H. ALLISON: I extend that question by asking that, if the indicators are adequate and the specified aim is to do an 80 per cent measurement, has the 80 per cent been achieved?

The Hon. C.J. Sumner: I am advised that that will be reported on in the annual report.

The Hon. B.C. EASTICK: I refer to page 69 and to the last dot point under 1992-93 specific targets/objectives:

> Restructure the sections of the Crown Solicitor's Office and the management structure of that office.

What is the nature of the restructuring that is proposed and what benefits are expected to flow from that action—positive, undoubtedly?

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

Mr Kelly: The proposals for the restructuring are to create another section within the Crown Solicitor's Office with a view to reducing some of the numbers in the larger sections of the Crown Solicitor's Office and also to take into account the work that is expected to come into that office because of cross-charging. It is anticipated that most of the new work for the office will be within the commercial section of the office and within the civil area of the office, and the proposals turn upon splitting the existing civil section into two civil litigation sections. That really is the basis of the restructuring, and it is to try to provide an ideal number of persons within each section, balanced against the needs of the particular clients that the officers serve. The benefits are expected to be that supervision and management of the tasks of the office will be made easier by having the work spread across a slightly greater number of sections, making the management tasks easier and the work sections of the office will reflect the demands actually made on the officers by the new arrangements.

The Hon. B.C. EASTICK: I refer to pages 48 and 49 of the Estimates of Payments and Receipts. I note that under Intra-Agency Support Service reference is made to $10 000 for overseas travel and $25 000 for overseas visits of Minister, Minister's wife and officers. The Committee should like to know what is contemplated in relation to those two amounts.

The Hon. C.J. Sumner: Just in case, Mr Chairman.

The Hon. B.C. EASTICK: Perhaps we can bear a little bit more on the positive side and say that it is also indicated that there was a fare expenditure on the previous year, in fact, $67 900-odd. Perhaps the Minister can provide us with some information in retrospect?

The Hon. C.J. Sumner: The one involving me was $37 000, which was for me, my wife and Mr Mike Duigan, then my Executive Assistant, to attend the World Society of Victimology Symposium in Rio de Janeiro. At the conclusion of that symposium I was elected President of the World Symposium of Victimology, and have been on the executive of that organisation for some three years. Apart from the fact that I and Mr Duigan gave papers at that symposium, one of the purposes of the visit was to attract the next World Society of Victimology symposium to Adelaide—which we were successful in doing, I am pleased to say, and that will be held here in August 1994.

We are involved, through the Australasian Society of Victimology, and with the assistance of the Australian Institute of Criminology and some other sponsors, in the preparation of that symposium at the present time. Some staff time within the Attorney-General's Department has been allocated to that, because we see it as a very important symposium to have been obtained for South Australia and as an opportunity to focus on victims' rights around the world, and particularly what has happened here in South Australia. In fact, the fact that we have generally led Australia in this area is the reason, I think, that we were able to attract this symposium. I do not know how many people we will get here, but it is an international symposium and I am hopeful that we can attract a substantial number of people from both interstate and overseas. Of course, it has a financial spin-off to the South Australian community, apart from the intellectual spin-off, if you like, of having discussions on topics relating to victimology.

Mr Kym Kelly, the Chief Executive Officer of the Attorney-General's Department, also had a visit to Europe and to the United States. That was $30 000. Further, there is another line for overseas travel of $9 635. Mr Robert Martin, Assistant Crown Solicitor, Commercial, who as I mentioned earlier was involved in the asset management for the bank, went to London for a conference on commercial arbitration. The cost of that was $8 000. In that $9 635, Mr Selway, the Crown Solicitor, went to London at a cost of $1 000, which must have been a supplement to a British Foreign Office scholarship which enabled him to work for a couple of months in Britain. He worked with the Treasury Solicitor over there, and the $1 000 was just a supplement to that. So that is the $67 000.

I have mentioned the first two and the $9 635. In relation to the second two, Mr Kelly can indicate what he did on the visit that he made. There were two things in particular that I can mention, and he can supplement that if he wishes. One was to try to secure for South Australia the International Association of Victims of Crime Compensation Board's meeting in South Australia—which we have secured and which will be run just prior to the World Society of Victimology Symposium in August 1994. He visited the United States and attended a meeting of that international organisation. They agreed to have the meeting here and so, again, we hope that that will be a successful meeting, although I understand there is some difficulty in keeping contact with the organisation in the United States. Nevertheless, we will have that conference here in August 1994. He also attended, as part of the Australian delegation, a United Nations sponsored conference on crime prevention. There was a crime prevention seminar sponsored by the French Government, and also there was a ministerial meeting on crime prevention sponsored by the UN. Mr Kelly can provide more detail.

Mr Kelly: There was one other matter I should mention and that was attendance in America at a body called the National Crime Prevention Institute, where I attended the University of Louisville in Kentucky for a residential program dealing with crime prevention through environmental design. As a consequence of that particular program, I have been able to bring some of the practical experience of that program home to Australia, and some of those practical matters have been passed onto the crime prevention program in South Australia.

As the Attorney-General has mentioned, the UN sponsored crime prevention meeting in Paris was an international ministerial meeting; 170 countries were in attendance. The Australian delegation was led by the Federal Attorney-General, Mr Michael Duffy, and I was a member of that delegation.

The Hon. B.C. EASTICK: Earlier, there was a question asked relative to the amount of consultancies under program 5 and also interagency support items, $13 910 last year, and $24 147 for the interagency lines. There is no provision at all in this particular year. Are the amounts which would otherwise have been identified now shown in different programs, or has a decision been taken that there shall be no consultancies?

The Hon. C.J. Sumner: We always try to do without consultancies; we do not use consultants very much. The payment of $13 910 was to Aspect Computing for the DPPs computing needs, and the $24 000 referred to by the honourable member was to Aspect Computing for consultancy on the department's computing needs, and the establishment of the local area network, which has already been referred to by the Chief Executive Officer.

Additional Departmental Adviser:
Ms Sue Millbank, Manager, Crime Prevention Unit.

Mr McKEE: At page 66, under Issues and Trends, the following appears:

The crime prevention policy unit is assisting with the establishment and maintaining of locally-based 'together against crime' committees, interdepartmental strategies, exemplary projects and initiative in Aboriginal communities.

My question is in relation to the Aboriginal communities: are they communities in the country areas or the city areas of South Australia, or both, and could you expand on some of those initiatives?

Ms Millbank: The Aboriginal program is being developed through the crime prevention strategy in both the country and metropolitan areas. Most of the programs are operating in areas of particularly high crime rates. Some of those areas are, of course, the community areas in the rural parts of South Australia. In particular, some of the programs include part funding with the Department for Family and Community Services in Port Augusta of the country Aboriginal Youth Team Project, which has been funded for two years at the level of $88 000 for each year. That is joint funding with Family and Community Services putting in a similar amount. Other programs include part funding of an organisation at Kalparrin in Murray Bridge which assists young people to be picked up off the street, particularly Aboriginal young people, in the evening by a community bus which takes them back to an Aboriginal community centre. Other programs include assisting the development of a TAFE course at the Elizabeth college for Aboriginal young people, as well as developing programs at Coober Pedy, Ceduna, Port Augusta and Port Lincoln with the Aboriginal community incorporating their own ideas about crime prevention plans within those communities.

The Hon. H. ALLISON: Can the Attorney-General detail the general manner in which the crime prevention budget has been expended over the past 12 months and is intended to be expended over the next financial year, that is the current financial year, probably with specific reference to staff numbers, costs, programs and the nature of grants to local programs? Do you have that sort of specific detail? I do not mind that being taken on notice and being given in printed form.

The Hon. C.J. Sumner: We can give the honourable member an estimate of budget for this year.

The Hon. H. ALLISON: I have the actual budget figures. It is $1 344 887 last year and this year $2.682 million, as shown at page 48 of the Estimates of Payments and Receipts.

Ms Millbank: With respect to the grants, given that we currently have 24 committees in operation around the State and their funding is based on a two year planning cycle with a cycle prior to that two years for the development of their local crime prevention plans, we can estimate with reasonable certainty the amount of money that will be going out to the local committee programming in any one given year. Because we provide those local committees with an indication at their planning stage of how much money they will be able to have available to them for their two year crime prevention plan, those committees are coming on line with the correct amount of money that will be provided to them. With the knowledge we provide to the local committees, we have been able to budget $1.57 million for this financial year going out to the local committees. In addition, we will be providing approximately $300 000 to the local Aboriginal community program. We will be providing approximately $300 000 for Government agency funding, which would include agencies such as the Police Department and the Education Department for particular crime prevention programs.

The Coalition Against Crime has a budget of $100 000 for this financial year and that includes specific exemplary projects which the Coalition will be and currently is sponsoring. For instance, there is a research paper on the issue of alcohol and drugs and its linkages with crime which is being undertaken by the Australian Institute of Criminology; a project operating on the issue of assessing the incidence of violence in and around licensed premises; and the work of the Urban and Housing Design Working Group which is examining the final report presented on the development of urban designed guidelines for crime prevention.

The other major expenditure item is $150 000, which has been set aside for the commencement of the evaluation of the program over its five year life. We expect that that will be available in early 1994. That is the initial figure for this financial year.

Our staffing level remains the same as last year which is seven full-time people of which two are temporary employees and five are permanent employees. Our staffing estimate for this year is $348 000 which is approximately 10 per cent of the total amount of money that is available for us this financial year.

The Hon. B.C. EASTICK: To what degree have the reports that were prepared by the individual district committees been assessed and, if so, by whom? Have any of the programs proved unsatisfactory for continued funding?

Ms Millbank: At this point in time 12 committees have presented their plans and have been approved for funding under that two year program. In the development of the plan an officer from the unit has worked consistently with the local committees so they are provided with advice along the way. Therefore the plans that come into the unit are in line with the guidelines that we provide to them. They are also consistent with the general approach that the Crime Prevention Unit has been taking in terms of providing programs. In respect of any programs that have not been consistent, we have not come across that difficulty as yet principally I think because the level of servicing that is provided to those local committees is fairly intense. We also provide in-service training to project officers who work with the local committees to assist them in their own work in their local area.

The Hon. B.C. EASTICK: Have any of the committees been funded for less than two years, which was the expected funding period? Is it intended that funding will go beyond the two years, or as has become suspect by local government that they might be landed with the subsequent funding beyond the two years?

The Hon. C.J. Sumner: I think the honourable member has to understand that this program was a five year strategy with $10 million allocated to it. It was always envisaged that the program would be assessed at the conclusion of its life and then Government would have to determine what projects could continue to be funded, what would be changed and what might be taken over by other agencies. It was always envisaged that in some circumstances it would be appropriate for seed funding to be provided by the crime prevention allocation and then for the funding to be taken up perhaps by other agencies of Government or by local government where appropriate. One cannot give an answer to that question which is consistent through all the programs that have been funded.

That was done deliberately because this is an area where there has to be a reasonable degree of flexibility. Crime problems arise in one area and they need to be attacked by looking at the reasons and trying to get on top of them. After a year or two it may be that those problems disappear and another problem bobs up in another locality. The whole basis of the crime prevention strategy was to be flexible and to be able to attack the problems as they arose, not to get locked into a situation of continuing to fund the one thing because a bureaucracy had been established and people had been employed as part of that scheme. None of the people employed with the committees have permanency; they are all contract employees.

The key note is flexibility. The important thing is that, at the conclusion of the two years and overall at the conclusion of the five years, we assess the program and the Government will have to decide whether it will recommit funds for a further five year period to continue the strategy. Obviously at that time there will be discussions with other agencies of Government and local government to see what cooperation can be provided from those areas.

The problem of increasing crime rates is one of the most difficult areas of social policy that Governments and Parliaments have to deal with. We do know (and I have explained the philosophy of crime prevention before) that if we just concentrate on police courts and corrections to deal with criminality and delinquency almost certainly we will fail. That has been the experience throughout the world in nations that we like to compare ourselves with, and this is why we have embarked on this fairly radical, innovative program to try to get to the root cause of crime, to try to provide young people in particular with more positive recreational activity and to try to deal specifically with Aboriginal offending and youth offending, which is a problem. We all know that Aboriginal people are grossly over-represented in the criminal justice system, both at the juvenile and adult levels.

I think the program deserves support. We obviously have to assess it. There are some indications, for instance, in the Port Augusta program (as Ms Millbank mentioned) that that is having an effect on reducing offending in that city. The activities taken in programs—that is, youth workers operating in conjunction with police—operating here in Hindley Street and around the Casino and the Festival Centre seem to have had an effect of reducing the levels of criminality in those areas. Members might remember that a couple of years ago Hindley Street was identified as a particular problem, as indeed were the environs of the Casino and the Festival Centre. My information is that the problems that were identified then seem to have lessened.

It is very difficult to draw hard and fast conclusions. On the first set of statistics I will certainly not go out and say immediately that policies are working or are not. This is a long-term program; five years probably will not be enough. I think from what we know about crime and its origins that it is something we as a community have to try. South Australia is being looked at in this area as a model for other States in Australia. Without doubt we are

further advanced in this area than others and various initiatives based on the South Australian model are being tried in other States. The Federal Government through the Police Ministers Council is holding a meeting in November with a view to establishing a national community safety program.

The police Ministers have endorsed the South Australian initiatives as a model for consideration in their various jurisdictions and, furthermore, with the support of the Commonwealth Government, will be involved in this conference in late November. But the basis of the conference is crime prevention which goes beyond the traditional enforcement through the criminal justice system, which, of course, must remain in place and be the corner stone of getting on top of crime but which has to be supplemented also by the sorts of programs that are being run through the strategy.

The Hon. B.C. EASTICK: Was the Minister disappointed by or totally satisfied with only 12 programs reporting? Are further programs expected to report? Given the Minister's knowledge of crime and the evidence thereon that has been presented to the select committee of another place on juvenile crime, does he think that 12 programs would seem to be fewer than the number expected or required to get the overall benefit?

The Hon. C.J. Sumner: The situation is that 12 committees have been funded. They have not reported yet; the programs are in the process of operating.

The Hon. B.C. EASTICK: I thought you said we had reports from 12.

The Hon. C.J. Sumner: I think we are at cross-purposes there. The 12 committees have been funded. Twenty-four committees have been established and a number of them are looking at their own programs in their areas. To answer the question which, although based on the wrong premise, is reasonable, anyhow, I had always thought from the moment that this community crime prevention was put in place that it was not something you could force from the top: it was something that had to grow from the bottom.

People in local communities had to want to know about crime prevention; they had to want to be involved themselves; they had to get together and talk about it, involve the police, local councils, and so on; and there would always be a development process to get the thing off the ground. So, the fact that it is building slowly, perhaps slower than some people might have expected, to me is not a worry; the important thing is that it is happening in the local communities and not being imposed upon them by some Government bureaucracy.

The Hon. B.C. EASTICK: In relation to the new system of transit police on railways and the sorts of problems which a number of these committees have identified, particularly relating to Aboriginal youth, has the Attorney-General's Department given any instruction, for example, to the STA, that Aboriginal youths misbehaving on rail transportation should not be apprehended or approached?

The Hon. C.J. Sumner: No, not that I am aware of. Nothing would have emanated from the Crime Prevention Unit on that topic, nor from the Attorney-General's Department as such. In general terms, what the honourable member is referring to is a problem in the sense that the Royal Commission into Aboriginal Deaths in Custody identified the arrest rates of Aboriginal people being much higher than those of the general population.

Of course, flowing from that was the problem of deaths in custody occurring because of the greater rate of apprehension. So, there ought not to be any direction not to approach Aboriginal people or not to arrest them in appropriate circumstances. However, it is probably fair to say that, where people can be diverted from arrest, they should be; in other words, arrest ought not to be an automatic response to any problem that arises, and I think the police are aware of that.

It is an extremely difficult area, because if you have high arrest rates of Aboriginal people, as you do, more get into custody, and there are more deaths in custody, then you have problems. However, if you do not arrest at a rate which is satisfactory to the community, then people say that they are not being protected from misbehaviour.

One of the initiatives that operated in the inner-city area of Adelaide was a scheme to divert people away from being arrested, and that is one of the schemes that I have mentioned seems to have worked reasonably well. I can assure the honourable member that there is no direction from the Crime Prevention Unit that transit police are not to approach Aborigines, and there is no direction from the Attorney-General's Department to that effect.

However, police, whether transit or otherwise, obviously in their apprehension policies take into account—as one would expect them to do—the sorts of recommendations that have been made by the Royal Commission into Aboriginal Deaths in Custody and made, I might add, by a large number of other inquiries over the years which have identified this major problem of the gross over-representation of Aboriginal people in the criminal justice system. It is less than 1 per cent of the population and generally 15 per cent of the prison population; 50 per cent of Aboriginal youth come in contact with the criminal justice system at some point compared with 25 or 26 per cent of the general population.

The Hon. H. ALLISON: Program Estimates (Page 66), under Issues/Trends, states that the office continues to review the law, and so on. What criteria are applied in determining whether or not a review is necessary when reviewed in the context of changing the social and political environments?

The Hon. C.J. Sumner: It is the general ongoing activities of the policy section of the Attorney-General's Department, and the honourable member sees the results of it in the legislative program which my colleagues think is far too extensive but which you see in the Parliament every year. The Attorney-General usually has the bulk of the legislation that is introduced on the part of the Government. I do not think it referred to any particular project, but just the general law reform proposals which continue to come before the Parliament, and I have already indicated that I will provide a list of projects that we are looking at at the moment, and items on the SCAG agenda. That is what that refers to.

The Hon. H. ALLISON: I was looking at that and relating it also to performance indicators. The first refers to measurement of the Attorney-General's legislative program, which sounds a little like Caesar judging Caesar; it sounds like an inducement to legislate, which

probably accounts for the fact that the Attorney has by far and away the greatest amount of legislation on the program. Are there any other performance indicators within the department?

The Hon. C.J. Sumner: I understand the honourable member's point. Perhaps the appropriate indicator there is that we should get higher marks for a smaller legislative program and lower marks for a big legislative program. Most of the legislation I introduce is welcomed with open arms by members of the Opposition, and it would be a pity to deprive them of the opportunity of considering these matters. I like to keep active: I do not know what the shadow Attorney would do if I did not have an active program. I should add that I do not think we are legislating unnecessarily, since large numbers of changes have been necessary.

The Hon. H. ALLISON: Who would be evaluating the crime prevention strategy, and what are the guidelines?

Ms Millbank: The evaluation of the strategy will be undertaken on a number of different levels. Given that we have the local community program, we are assisting local committees to assess the programs with which they are involved. In addition, we will be choosing a handful of the local committees and undertaking separate, independent, more in-depth and rigorous evaluations of those programs in order to get a bigger picture of the local committee program and to validate the program evaluation the local committees themselves undertake.

We will also be evaluating each of the special projects we undertake, as well as the work of the coalition and, in the final analysis, an independent review of the whole unit's operation will be undertaken by an independent valuator on a tendering basis.

Mr S.J. BAKER: What has been achieved by GARG? How many man days have been saved as a result of the GARG activity, and which programs are being managed?

The Hon. C.J. Sumner: GARG is not of great relevance to the Attorney-General's Department: we were not able to find much for GARG. What must be understood is that the nature of the department's activities does not give much scope for GARG. We provide a prosecution service through the Crown Prosecutor and now the DPP, and it is a bit hard to GARG that. The Crown Solicitor's Office provides advice to the Government, and it is a bit hard to GARG that, particularly as we had a good number of people working for the State Bank on behalf of the Government in the State Bank royal commission.

One area that was a GARG initiative in the Crown Solicitor's Office was the cross charging and extending of the client base, about which I have already spoken. There was a small GARG initiative under Crown Solicitor's to see whether the Crown Solicitor should continue to represent individual complainants before the Equal Opportunities Board, after there had been a failure by the Commission for Equal Opportunity to conciliate complaints.

Although GARG and the Crown Solicitor thought that was a good idea, there was not much enthusiasm for the proposal within the women's movement and, accordingly, we did not proceed with it. It was not going to save very much money so, discretion being the better part of valour, we dropped off that one. It was not a big saving, anyhow, and I cite that only as an example, to show that it is not easy to find GARG initiatives.

If you were pressed, it might be possible to drop one or two, albeit not many, people from the policy section of the Attorney-General's Department. Obviously, we would not want members to be unable to have their private members Bills drafted, so it would be a bit hard to undertake any GARG activities with Parliamentary Counsel. The State Business Office, again, is basically involved in regulation, so it is difficult to withdraw any services there. We are alert to savings that can be made but, because of the nature of the department and the services it provides, the opportunities are limited.

Mr S.J. BAKER: No doubt, the Attorney would have noted the comments of the Auditor-General which, quite clearly, indicated that fraud was not under control within the public sector. I note that under one of his 1992-93 specific targets he refers to the Public Sector Fraud Coordinating Committee. What initiatives have been taken and what has been achieved, particularly in light of the Auditor-General's comments?

The Hon. C.J. Sumner: I do not have the Auditor-General's comments here, but I get the impression that the Opposition is making much more of them than the Auditor-General intended. I am not trying to undervalue the Auditor-General's remarks in this area and, obviously, the whole of Government must be alert to the possibility of fraud occurring. As part of crime prevention generally, we have established a State public sector fraud policy, which State Cabinet approved in March 1991.

The focus of the policy is on fraud prevention being regarded as an integral part of the responsibility of line managers of all Government programs and for fraud control to become an integral part of corporate planning and management tools. State Government at that time established the public sector Fraud Coordinating Committee, comprising representatives of the Police Department, the Auditor-General's Department and the Treasury Department.

It is chaired by the Commissioner of Police, and has the following charter: to conduct education and awareness sessions across the public sector; to assist agencies to develop fraud control plans; and to provide advice to the Attorney-General on fraud matters. I launched the policy in September 1991 in conjunction with a seminar for Chief Executive Officers. In addition to that launch and the seminar, a number of things have happened during the past year.

The committee organised a major seminar on ethics and fraud with an international keynote speaker. All agencies have been written to about fraud prevention and control, including guidelines on preparing fraud control plans. The committee has received relevant information on strategies being employed by agencies to prevent and to detect fraud. To date, it has waited on Chief Executive Officers of 10 public sector agencies to communicate about fraud control measures.

It has proposed and had accepted, in the Government Management Board annual report guidelines, requirements for agencies to report on fraud prevention and control measures. It commented on Treasury guidelines regarding credit card usage. It organised a joint training course on fraud prevention with the Institute of Internal Auditors and the anti-corruption branch. It has

started discussions with agencies on the production of a video as an educational tool for managers. It was also instrumental in making amendments to Treasurer's Instructions regarding the involvement of the anti-corruption branch in the investigation of fraud matters in agencies.

Members of the committee have given papers and presentations in a wide variety of forums. It has taken up with the Government Management Board the review of Government business operations to include a focus on fraud control mechanisms. It prepared a submission to the Commonwealth inquiry into fraud and has conducted information and training sessions on fraud and ethics to 25 middle managers, which is the first of a series of seminars to be conducted progressively over this coming year.

It does not investigate complaints of fraud. That is a matter that still rests with the Police Department, the Fraud Squad, the anti-corruption branch and, in some cases, the Government investigation unit of the Attorney-General's Department. That is a pretty significant set of activities and indicates the priority that the Government is giving to this matter.

Mr S.J. BAKER: My next question relates to occupational safety and the objective of devising action plans for the management of occupational health and safety issues. Is this internal to the Attorney-General's Department or is it more widespread?

The Hon. C.J. Sumner: It is internal.

Mr S.J. BAKER: What were the number of workers compensation claims and the cost of the claims in the past year?

The Hon. C.J. Sumner: That information will be in the annual report.

The Hon. B.C. EASTICK: In 1992-93, payments by the Commonwealth to the State for legal aid will amount to $8.7 million. The total contribution will be $11.233 million, making the State's contribution about $2.5 million. What are the projected State and Federal contributions for 1993-94, having regard to the cry, which the Minister will have heard, that more little people are getting assistance but that fewer big people are taking out the major stakes?

The Hon. C.J. Sumner: I do not know about big people getting assistance. There is a pretty stringent means test on the availability of legal aid. The reality is that, no matter how much money is provided for legal aid, there will never be enough. Unless it becomes a bottomless pit, it can provide assistance only to people who meet a very strict means test. The State Government agreed to increase its proportion to the overall legal aid budget as a result of an agreement with the Commonwealth. The Commonwealth thought that we were a bit miserable in our contribution and we negotiated a proportion which was more akin to the national standard, although it is still a little better than the national standard. In 1992-93, the Commonwealth contribution will be 60 per cent and the State contribution will be 40 per cent. We have now reached the final phase of the 60:40 proportion, and that will continue.

The Hon. B.C. EASTICK: Do the Attorney-General's records indicate the number of people who have been assisted in each of the past five years and what the amount made available to those individuals has been? That is a better indication of how effective the program is and to what degree the increasing costs of legal representation is impacting on the program. What is the alternative to those thousands of people who have no earthly way of getting into the courts system and are forced to accept a guilty plea or a non-appearance for fear of losing the roof over their head?

The Hon. C.J. Sumner: I do not know whether that information can be obtained. I suspect it would be difficult. The reports from the Legal Services Commission give a full account of the number of people assisted and its budget, so I can only refer the honourable member to them. What is the alternative is a good question and in recent years considerable attention has been given to that by the Government. The honourable member will note that just a few days ago I released a white paper on reforms to the legal profession. One of the proposals was for a contingency fee system where lawyers could get some uplift on the costs that they are entitled to charge for winning a case but would take the case on the basis that they would not charge at all if they lost. There will have to be discussions with the Law Society on that topic.

We have looked at reforming the legal profession in so far as that is possible to increase competition, to allow advertising, and to try to ensure that restrictive practices, which exist in the legal profession, particularly interstate, do not exist in South Australia, and that is part of the white paper, as well. That is not the full answer to the problem of the cost of legal representation but it is important to ensure that there are no practices within the legal profession that tend to increase costs. The Government supported the litigation assistance fund, which is to be established by the Law Society and which will enable assistance to be given to litigants to take cases. When those cases are won, the costs will be repaid to the litigation assistance fund with a small supplement to keep the fund solvent. That was a significant initiative.

I have already described the pilot scheme for legal expenses insurance. We have supported community legal centres, which provide assistance and advice to people at the local level and on smaller matters, and we have also been active in promoting mediation as a means of resolving disputes. Furthermore, the courts package, which passed the Parliament late last year and which was proclaimed on 6 July, had significant access to justice rationale. The Small Claims Court jurisdiction was increased to $5 000. The capacity for litigants to take more extensive proceedings in the lower courts was included in the package, including the capacity to get injunctions, and the like. The disputes over strata titles no longer have to go to the Supreme Court but can be dealt with in the Small Claims Court.

So, we have not been inactive in the area. But there is no doubt that the problem of getting legal representation for citizens is difficult. When I was in practice, some firms used to, in effect, operate as a sort of welfare law practice and would use the profits from the winning cases to subsidise the losers, and that was certainly the case in so-called Labor law firms, one of which I was involved in. My understanding is that that is not as common these days. It does not happen as much as it used to. Cost pressures on lawyers and probably expectations about earnings that they have gained from what others can earn

in the profession mean that the capacity for firms to do that is more limited than it was—although I understand that some firms still do it. That is a range of issues in which we are involved and, as I said, the Government has not been inactive. But the reality is that no matter how much money you put into legal aid it will not be enough.

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

Attorney-General and Minister for Crime Prevention, Miscellaneous, $15 988 000

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

The Hon. B.C. EASTICK: With the increase in the workload of the Ombudsman—and this has been presented and represented to members of the House—does the reduction in the budget suggest that there will be a cut-back in the work, enforced by the amount of resources available, or is there some other explanation for this reduction?

The Hon. C.J. Sumner: The reduction relates to the funding that was provided last year for the Ombudsmans' Conference, which will not be held this financial year. It is not an actual reduction but just taking out an extraordinary item.

The Hon. B.C. EASTICK: Is the Minister able to identify to the Committee what impact the introduction of the Freedom of Information Act has had on the workload of the Ombudsman? Has there been any benefit to the workload?

The Hon. C.J. Sumner: Benefit to the workload in that the Ombudsman has less work to do because he does not have to investigate complaints of the Government not making available documents?

The Hon. B.C. EASTICK: Some constituents may go by the other route—that is, directly to freedom of information.

The Hon. C.J. Sumner: There is no indication of what impact that has had on the Ombudsman's Office. My guess is, very little.

The Hon. B.C. EASTICK: Would the Minister care to respond to how effective, if effective, the freedom of information legislation has been? It has certainly been questioned as to the cost.

The Hon. C.J. Sumner: It has been very effective, Mr Chairman. The Government has no secrets—and those it has it can't keep!

The Hon. B.C. EASTICK: Some people are still denied access to the secrets, because they cannot pay for them.

The Hon. C.J. Sumner: Freedom of information legislation came in. It is important legislation. All I can suggest to the honourable member is that, if there are examples where people are being unreasonably refused access to information because of the cost, he should take it up with us, so that we can look at whether what is happening is reasonable or not. It was agreed that there should be fees for the obtaining of information, and I think that is only reasonable. Some requests can take an enormous amount of work. MPs have a certain free time under FOI—I forget exactly what the amount is—$350 or something.

The Hon. B.C. EASTICK: It is a bit like court proceedings costs; the amount to be paid is quite dramatic to a lot of people, who really do need that information to maintain their place in the sun.

The Hon. C.J. Sumner: I am happy to look at any examples from the honourable member's constituents, where they think that they have been unreasonably dealt with by a department because they have not been able to provide the money to get the information. I would be happy to hear about any such matters and have them looked at. Obviously we do not want freedom of information legislation that does not work. There would be no point in having it. I would have wasted my time. So please let us know if you have some problems. I have not heard complaints, I must say though, about the FOI legislation.

The Hon. B.C. EASTICK: Members do get complaints.

The Hon. C.J. Sumner: Well, let's hear them. The Minister of State Services is responsible administratively for the FOI legislation. I can only invite the honourable member to take up the matter with her. If there are general policy issues involved, obviously, as Attorney-General and Minister responsible for the introduction of the legislation, I would be happy to look at the issues.

The Hon. B.C. EASTICK: Finally, if the Government's new Privacy Bill is passed, and the Ombudsman has a new role in relation to some privacy matters, what assessment has been made of the resource implications to the Ombudsman in relation to that interaction?

The Hon. C.J. Sumner: It is a hypothetical question, unless the honourable member can indicate to me that his Party is supporting the legislation. There has been no detailed assessment of the additional resources that will be required. I should say that the revamped privacy legislation that the Government has introduced is really a minimalist position. It basically gives statutory backing to the existing State Privacy Committee and to general privacy principles, and it applies to the public sector; that is, the public sector is bound by the principles and the Privacy Committee can investigate or refer matters to the Ombudsman or to the Police Complaints Authority.

So, it is not envisaged that a large bureaucracy would be needed, nor is it envisaged that there would be a lot of complaints that the Ombudsman or that the Police Complaints Authority would have to look at. That is not the experience under the administratively established Privacy Committee which has been in place now for three years. There will need to be some additional resources, but we hope to be able to keep those to a minimum. As I said, the proposal itself is a limited one, but an important one because I hope the Liberal Party itself will recognise that privacy is an issue that is with us; it will not go away and, whether it is this Government or a Government of another political persuasion in the future, it will have to deal with the issue. There are data banks and there are abuses. The ICAC report in New South Wales referred to some of them. As I do not get the opportunity to try to convince members from another place on issues, I am taking the opportunity seriously to ask them to look at the legislation and decide—as I think

they should—that some form of privacy legislation is necessary, and in what we have introduced we really have done it in a way that ought not to be threatening to the interest groups that previously felt threatened by it.

The Hon. B.C. EASTICK: A great part of the workload of the Ombudsman is directly related to local government matters. Has the Minister given any consideration to the changed circumstances of local government where they will be making their own by-laws as a result of the passage of the recent Local Government (Miscellaneous Provisions) Bill, and the desire by some members of local government to have the Ombudsman removed from adjudication on their activities?

The Hon. C.J. Sumner: You can tell local government that the Ombudsman will not be removed from adjudication on the matters relating to them, unless—and again I am speaking off the top of my head—they want to establish and pay for a system of Ombudsman for local government, in which case we would probably be delighted if they did. I hope local government is not seriously suggesting that there ought not be an Ombudsman's role in relation to local government, but no assessment has been made of the additional workload that would be imposed on the Ombudsman by the changes to local government legislation. The Chief Executive Officer has just confirmed with me that local government does not make a financial contribution to the activities of the Ombudsman, and I thank the honourable member for his question, because I think that is something we probably should have a look at. Of course, it has nothing to do with me; it is a matter for the Minister for Local Government Relations. I do not want to go treading on any toes.

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

Court Services, $31 017 000

Chairman:
The Hon. T.H. Hemmings

Members:
The Hon. H. Allison
Mr M.J. Atkinson
Mr S.J. Baker
The Hon. B.C. Eastick
Mr C.D.T. McKee
Mr J.A. Quirke

Witness:
The Hon. C.J. Sumner, Attorney-General, Minister for Crime Prevention and Minister of Corporate Affairs.

Departmental Advisers:
Mr John Witham, Chief Executive Officer, Court Services Department.
Mr Adam Bodzioch, Acting Director, Corporate Services.
Mr Hamish Gilmore, Manager, Resources.
Mr Ian Rohde, Manager, Information Services.

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

Mr S.J. BAKER: I refer to page 74 of the Program Estimates. We have expected receipts for 1991-92 of $26 million, whereas the actual outcome for that year was $20 598 000. So, we went from $26 million down to $20.6 million. Will the Attorney-General explain the shortfall?

The Hon. C.J. Sumner: The fines obtained did not match up to what was anticipated, that was $5 million, which is the major item.

Mr S.J. BAKER: I now refer to the annual chestnut, for which the Attorney has fully prepared: what are the current waiting times in all jurisdictions?

The Hon. C.J. Sumner: I have that information and can provide it to the honourable member in written form now.

Mr S.J. BAKER: What is the current state of the pre-1990 backlog of cases in the District Court and when is it expected that they will be finally disposed of?

The Hon. C.J. Sumner: There are some 203 cases left and it is not anticipated that they will be finalised until the middle of next year. However, that is not the fault of the courts, that is not because the courts cannot deal with them: presumably it is because in personal injuries cases the injuries have not settled down sufficiently to enable the case to be finally tried.

Mr S.J. BAKER: Would the Attorney-General be prepared to give us a breakdown of the type of cases involved and the approximate year those cases commenced so that the Committee can gain an appreciation of how those cases are being dealt with?

The Hon. C.J. Sumner: I do not think we have the facility to be able to answer that question. I will have a look at it, but I do not think we can answer it. I am advised that the task force that was established to deal with those cases has been disbanded because it has done all it possibly can to get the cases to the point where they are ready for trial, and that it is now a matter of waiting until they are in a position where they can be heard. As I understand it, that is not the fault of the courts; it is a matter of the parties being ready to go on.

Mr S.J. BAKER: There was actually no sting to the question in this case because we understand the difficulties that are involved in many of the cases, but we really wanted an appreciation—

The Hon. C.J. Sumner: As I said, I will provide it if we can but I do not know whether it is possible to get the information.

Mr S.J. BAKER: Just give us a general indication.

The Hon. C.J. Sumner: We will do our best, as we always do.

The Hon. B.C. EASTICK: Was any attempt made by the task force when it was working on the pre-1990 cases or by any other group that has had a look at the reason for delays in the courts to identify the causes particularly where the claim was made that a brief had not arrived, notification had not been given to one or other of the parties, the police had refused to pass on the information which is necessary to defend the case or the various excuses which seem to creep into many legal altercations, looking at it from the client's point of view?

The Hon. C.J. Sumner: An enormous amount of work has been done in this area over the past few years and a number of reports have been prepared. In the criminal area a couple of years ago the Chief Justice established a committee to try to reduce the time from arrest to committal to trial. A number of performance standards were included in that report which participants in the system are supposed to meet. On the civil side in the District Court in particular, which is where the major problem has been, there have been reports done also on delay reduction. I do not know whether or not those reports have been made public, but there is no reason why they cannot be. We will not charge the honourable member FOI fees for requesting it if he wants it. Members of the legal profession have been on those committees.

The Hon. B.C. EASTICK: Has any recommendation been made or any consideration been given to providing a penalty to those people who are consistently causing added expense to others by their lack of performance?

The Hon. C.J. Sumner: Some of these issues have been dealt with in the new courts package. There is provision for lawyers to pay costs in certain circumstances where matters have been held up because it is their fault.

The Hon. B.C. EASTICK: Is it too early to monitor the benefit?

The Hon. C.J. Sumner: That package came in on 6 July this year, so it is too early to say how it is working. In general terms I can say that this whole area of case management has been given enormous attention by the courts in this State over the past few years. At the national level the Australian Institute of Judicial Administration has been established and it has done a number of projects on delay reduction. In fact, it has got to the point where some of the legal profession in the Law Society are querying whether case management has gone too far and say that it is having an impact on the justice that is delivered. Personally I do not believe that, but it does indicate the sort of debate that goes on. There is an enormous amount of information held on this topic. If the honourable member is interested we can provide reports and briefings.

The Hon. B.C. EASTICK: As a representative of constituents I am particularly interested, albeit that it is not on a scientific research basis at present. I think that there is an element of self-discipline coming into the profession because of the amount of cynicism. To the degree that many of them are despised it is self-inflicted.

The Hon. C.J. Sumner: I agree with those comments. I think the Law Society is concerned about it. I can invite the honourable member, if he has concerns about delays, if they are the responsibility of the courts to make them known to me and if they are the responsibility of the legal profession and if they are bad delays he has access to the Legal Practitioners Complaints Committee.

The Hon. B.C. EASTICK: Since it is only since 6 July that the new package has been in place, is there yet any pattern which might suggest the type of movement that there will be from the District Court to the Supreme Court, the Supreme Court to the District Court or the variations which are now permitted within the terms of the package?

The Hon. C.J. Sumner: The pattern would be from the Supreme Court to the District Court and from the District Court to the Magistrates Court. In general terms I am advised that it is happening but it is too early to be specific about the extent.

The Hon. B.C. EASTICK: I take it that it would be too early to quantify the resource consequences of the changes that are abroad?

The Hon. C.J. Sumner: Yes.

The Hon. H. ALLISON: I refer to the same dot point to which the member for Light referred. Can the department better quantify the resource consequences of the courts' restructuring package after only 2 ½ months of operation? Is it proposed to appoint any additional Supreme Court and District Court judges and/or magistrates and, if so, when will that take place and how many are anticipated?

The Hon. C.J. Sumner: The answer to the first question is 'No'. What was anticipated is happening, but the extent is too early to determine. I repeat that the process will be from the Supreme Court to the District Court to the Magistrates Court. It is not likely that the workload will go up. That will mean that there will not be a need for more Supreme Court judges. There should not be a need over time for more District Court judges but there will over time be a need for more magistrates. I should add that the projections were that we would need fewer District Court judges than the current complement.

The Hon. H. ALLISON: The Program Estimates (page 79) states:

> The workload in magistrates courts criminal jurisdiction continues to increase mainly due to the introduction of new speed detection equipment by the Police Department.

That does surprise me a little in the view of the expiation notices that attach to that new form of detection. Does this mean that more people are not paying expiation notices and, if that is so, what is the increase last year over the previous year in that type of offence?

The Hon. C.J. Sumner: Mr Gilmore will answer that.

Mr Gilmore: Last year, about 19 600 speed camera offences were referred to the courts; this means that people chose not to pay the expiation fee. Our estimate is that this year about 33 000 matters could be referred to the courts. Our original estimates for last year were far higher than that, but the number of matters being referred to the courts were less than has been experienced with other summary offences.

The Hon. C.J. Sumner: Is that less than was anticipated?

Mr Gilmore: The figure of 19 600 is significantly less than that which we anticipated for last year, and that is why there was such a decline in the revenue. As was indicated earlier, the $5 million in revenue did not eventuate because so many fewer matters were referred to the courts from the speed camera offences.

The Hon. H. ALLISON: Would it be reasonable to ask what proportion of the total speed camera cop actually arrived in the Magistrates Court last year? Of those, what proportion were unsuccessful in their defence?

Mr Gilmore: The answer to the first question is that the percentage of matters that did come to the courts was in the order of 10 per cent. I would have to take the answer to the second question on notice; I do not know the answer to that question. We could probably get from

our computer records the number of unsuccessful court appeals.

The Hon. H. ALLISON: Would the statistics also be available regarding the proportion of speed camera offences coming before the magistrates courts as a proportion of the total offences before the magistrates? In other words, has the speed camera produced a proportionally higher rate of work for the magistrates courts in relation to other offences?

Mr Gilmore: Very significantly, in the sense that the total number of summary matters coming before the courts is in the order of 100 000 per year and, as I said, the estimate for this year is that the speed camera offences could increase that workload by a further 33 000 matters. So, it is a very significant number of additional matters. It is quite probable that they are of a less serious nature than many of those other summary offences coming before the courts and can be dealt with quickly and efficiently. So, in terms of the resource implications for the courts it is possibly not of the same order of magnitude as the number of matters would indicate.

The Hon. H. ALLISON: Are the statistics also readily available to indicate whether the problem of speed camera offence defence is occurring mainly in the city courts, the suburbs or in the country districts?

Mr Gilmore: Yes; we should be able to provide a breakdown of all the matters that have been sent by the Police Department. We will have to take that question on notice.

Mr S.J. BAKER: In respect of the figures that the Attorney provided in the court system, it was my understanding that last year we received some detail on the appeal tribunals; we also received a breakdown in relation to the different courts, because some considerable variations occurred. These figures are only bland averages; some of the courts provide very interesting examples of how much difference can exist between them.

The Hon. C.J. Sumner: The only information we do not have is the individual magistrates courts, with which you would have been provided last year. If the honourable member wants, we can provide them, but the range is not very great—from two to eight weeks. That is very good; I am pleased.

Mr S.J. BAKER: The other matter related to appeal tribunals.

The Hon. C.J. Sumner: I refer to page 82. There is some information on the appeal time delays which indicates that the waiting times for persons electing for a full-bench hearing in planning appeals has fallen from 20 weeks to 16 weeks, and single-bench waiting times have been reduced from 11 weeks to four weeks.

Mr S.J. BAKER: In relation to community service orders, on page 79 of the Program Estimates it is stated that in 1991-92 there was an increase from 3 544 to 6 710 in the number of people seeking to take community service orders rather than some other way of being dealt with. The Attorney will note that there has been a negative impact on his revenue collection in the order of $960 000 in the process. Are these community service orders being sought mainly in the metropolitan area or in the country? Will the Attorney-General give a breakdown of the source from which these community service orders are emanating?

The Hon. C.J. Sumner: Is that not a matter for Correctional Services, which administers the thing?

Mr S.J. BAKER: It may well be that the Attorney does not have that specific information.

The Hon. C.J. Sumner: We will try to obtain it.

Mr S.J. BAKER: What is proposed in relation to the computerisation of the jury management system and will the security of the jury list be better or worse than it is now?

Mr Rohde: The new jury management system will address all aspects of jury call-up except payments, which we have kept to a separate phase. In particular, the system will require an electronic upload of information from the House of Assembly electoral roll records. That is currently held at State Systems, and we will take a portion of it from it, much as we do now on a manual basis. The advantage of the new system is that prospective jurors will be requested to complete a questionnaire relating to their availability over a nominated block of time, of the order of three to four months.

The system will then use that as the basis for the call-up, which will give us the first pruning process. However, once the system has that information, it will automate a number of the subsequent processes, such as the generation of lists of prospective jurors to the South Australian Police Department for checking against criminal records; the random selection of jurors, once we have a number from which to choose for the final list; the production of name and address labels, etc., which will simplify some of the posting out procedures; the automatic generation of letters of excusal or deferral for prospective jurors; and the automatic notification and production of summonses for jury duty.

As we move further down, it will be the automatic production of jury selection lists, name and address labels for jury cards, and so on. I did not quite catch the second part of the question.

Mr S.J. BAKER: It was about the security of the list, whether that will be better or worse; but I did note from your explanation you were talking about running the electoral roll against police records.

Mr Rohde: No, we simply provide a list to the police and they check the records. We do not simply run the electoral roll in the sample. From the police point of view, it is a manual process, and very time consuming at this stage. Certainly, no computer matching or anything like that is going on there.

Mr S.J. BAKER: The original question was: is there any likely change in the security status of the jury list as a result of this?

Mr Rohde: We certainly do not see any problems in that regard. As I say, we will be producing sticky labels to put on the jury cards, simply to save people writing them out. Who is allocated to which panel, who is attending, etc., would continue to be basically the same manual procedure as it is now, with very tight security for the obvious protection for jurors.

The Hon. B.C. EASTICK: How is the proposed introduction of a computerised case flow management system into the criminal court registry expected to improve the flow of work? Who will have access to the system? Will the Crown, the police and the defence have the same form of access?

Mr Bodzioch: The computerised management system in the criminal court registry will provide a facility that was not available before. In particular, there will be the entering of an electronic diary, which will facilitate more efficient management of cases as they proceed through the courts. A number of procedures are to be adopted, such as, for instance, status conferences and the scheduling of pretrial conferences. All these methods are aimed at reducing the delay between important steps in the process, and will also provide important information in regard to whether certain performance standards have been met in cases through the courts.

For instance, some rules of court set out the parameters, in particular, the required maximum time that cases will be in a particular list. As I say, the case management system will produce information that will provide exceptions to the rule and will allow a court to address those exceptions.

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

Mr S.J. BAKER: I refer the Attorney-General to the review of the magistrates courts circuit arrangements. What changes are proposed and why?

Mr Witham: The review is to look at the efficiency of current circuiting arrangements. In the current economic climate, it is an examination to see whether it is necessary to do all the circuits that we do, whether we ought to combine civil and criminal circuits as a matter of course, rather than have two separate circuits, how frequently circuits should be performed, and so on. It is just a brief that has been developed and it is part of an ongoing review. All functions of the courts are looked at periodically and it is just one of those common reviews.

Mr S.J. BAKER: Have you done an analysis of the cost of circuits and do you now think that they are too high? Has there been any motivation beyond just a regular review for this process?

Mr Witham: Not really. It is just part of the systematic process.

Mr S.J. BAKER: Of more importance is a review of witness fees. It is suggested that those who call witnesses should be more responsible for the costs incurred. How is it proposed to achieve this objective? Is it to apply equally to legal aid cases as to others where defendants are fee-paying?

Mr Witham: Some concerns have been expressed about the current method of paying witnesses. Essentially, at present, courts pay witnesses in criminal matters. The view has been expressed that it is not appropriate for the courts to pay witnesses, given that the people who bring the witnesses before courts are the prosecuting authorities, whether it is the police or the DPP and that, if responsibility for payment were with those agencies, they would be properly accountable for the witnesses that they bring. That is the principle of it. For the prosecuting authorities to set up the mechanisms to pay witnesses, in both cases they have said that they would have to set up a new section and it would not be cost effective. In terms of transferring a function, that is not feasible. We are currently talking with people around Australia about what is going on in other States. In two States there is a method whereby the courts do all the mechanics of paying and arranging for witnesses, but the cost is transferred to the prosecuting authorities, so that the cost is where it is being incurred. We have not even looked at it yet. It is just a proposal to investigate that with the prosecuting authorities.

The Hon. C.J. Sumner: At this stage the Government is not very enthusiastic about it, but the matter can be looked at.

Mr S.J. BAKER: In relation to judges' and magistrates' cars, the Attorney may well remember the case that was taken by Mr Steve Thomson against the Crown about the provision of such cars. It was his belief that the Remuneration Tribunal had insufficient scope to award cars to judges and magistrates. He based it on section 3 of the Act, which defines remuneration as salary, allowances, expenses, fees and any other benefit of a pecuniary nature. I have read the transcripts and received a large amount of information from Mr Thomson. It would appear that he had right on his side but failed through lack of money. Does the Attorney intend to change the legislation to make it quite clear and compound the problem, or does he intend to leave the legislation where it stands?

The Hon. C.J. Sumner: The tribunal has determined that it has jurisdiction to include the use of cars as part of the remuneration package for judges and magistrates. That was challenged by Mr Thomson. I understand that the Chief Justice made arrangements for the case to be heard by the Federal Court because of the conflict that would exist in South Australia. Those arrangements were made and Mr Thomson determined not to proceed with the case. That being the situation, the decision of the tribunal stands and the Government does not intend to take any action in relation to it.

The simple fact is that, from a practical point of view, if it were determined that cars could not be awarded as part of the remuneration package, the tribunal almost certainly would award an allowance in lieu of the use of the car. That is the situation in New South Wales. All that is achieved is an addition to the cost of the taxpayer; nothing in concrete terms is achieved by it. If the Remuneration Tribunal, which is independent and which was set up by legislation passed by Parliament with the honourable member's approval, determines that for judges and magistrates in this State a certain salary package is applicable with or without the use of cars, there are ways that it can award it. It can do it either by saying that a car can be provided or it can make an allowance in lieu. An allowance in lieu would cost the taxpayer more and I am sure that there are no circumstances under which the honourable member would support that.

The Hon. B.C. EASTICK: Is there a target time in each jurisdiction and, if so, what is it for the delivery of court judgments?

The Hon. C.J. Sumner: Apparently the civil jurisdiction of the District Court has a target of two months, and the Supreme Court is thinking of following that lead. I think it is desirable for the judiciary to impose targets for the delivery of research judgments. What is the appropriate time can be the subject of debate, obviously. I do not know that legislation works in this area, but I think, as a matter of good practice, the courts should impose some kind of code for judges to deliver judgments within a reasonable time.

The Hon. B.C. EASTICK: Is there any indication what the period is at the present moment and to what degree late judgments are creating further difficulties, financial or otherwise, to the litigants?

The Hon. C.J. Sumner: The situation with judgments is that it depends very much on the individual judge, and some judges are very quick, while others, regrettably, procrastinate. That is just human nature. Some judges have to be allowed time out of court to catch up with their judgments, while others are able to cope with doing their judgments as part of their normal sitting times. Many judges are able to give extemporary judgments on simple matters, while some judges are incapable of doing that, for various reasons. So it is very much a situation related to individual judges. However, I agree that the judiciary should attempt to set certain performance targets in this area .

The Hon. B.C. EASTICK: To what degree, if at all, is the Attorney concerned about judge and magistrate shopping and the effect that it has on the speed with which a number of cases get to the courts or get to finalisation? In evidence that is now public that was received before the juvenile justice select committee, there was a clear indication that there have been known instances of various ruses being used to make sure that a particular person went before such and such a judge or such and such a magistrate, rather than before another one. This must clog up, and in fact does clog up, the system to an unfortunate degree. I would be pleased to know what consideration has been given to this matter within the Attorney's department.

The Hon. C.J. Sumner: Those problems I think are unique to the Children's Court system. I know the sort of thing to which the honourable member is referring. I do not think it is widespread outside of the Children's Court. I would also want to check exactly what the allegations are that the select committee has heard. But I acknowledge the possibility that it can occur, and in the Children's Court probably what the honourable member is referring to are decisions being made by a magistrate and then the offender or the Department of Family and Community Services taking the case to a judge to get the decision reviewed. Judge shopping is not something that can be tolerated, and I do not think it occurs to any significant extent in the higher courts, the Supreme Court, the District Court and the Magistrates Court, because the capacity to do it is much more limited, particularly with the case flow management techniques of the kind that I have indicated are being introduced into the court system. So, if there are examples of it that the honourable member has, apart from those in the Children's Court, I would be interested to hear of them, and I would refer them to the Chief Justice. But my own assessment of the situation is that the capacity to do it in the adult courts is very limited.

The Hon. B.C. EASTICK: It was not entirely to the Children's Court that I was referring, on the evidence that has been made available. But certainly the Children's Court was a case in point and more specific to the inquiry that was underway. It extends also to making a decision as to when a defendant will be taken before a court in the country, depending upon which one of the magistrates happens to be on circuit or in session on a particular day or a particular week, and it is concerning that it is fish for some and fowl for the other and not exactly as one would expect the justice system to work.

The Hon. C.J. Sumner: I agree, but no matter what system we put in place, particularly if there are circuits with different magistrates doing the circuits on different occasions, the capacity for either the police or the defendants to manipulate the system to get offenders before certain judges exists. I would not think the police would indulge in that practice, but if the honourable member has evidence that they do I would be interested to hear about it.

On the other hand, one can imagine that defence counsel might do it, if they see that they are getting a judge or magistrate that they are not particularly impressed with as far as the interests of their client are concerned, and they may take steps to have the case adjourned. But I come back to what I said before, that, with the procedures of case management that are in place now, that is much more difficult to do, because judges just do not accept lawyers coming up with any old excuse about why they need adjournments. They have to justify adjournments, and that is particularly the case in the higher courts. All I can say is that the potential exists for judge shopping and magistrate shopping, there is no question about it, but I think the system is such as to minimise the possibility of that occurring. If there are specific examples that the honourable member knows of, I would be very happy to have them looked at.

The Hon. B.C. EASTICK: And you would make a plea to the public to come forward with any belief that this was occurring?

The Hon. C.J. Sumner: Yes, if it looks as though there is deliberate form shopping to try to get a better result, because of the judge that is listed for a case, and people trying to avoid having the cases heard because of that, I think that is a highly undesirable practice and I would be interested to know about it.

The Hon. B.C. EASTICK: My next question relates to page 80 of the Program Estimates and to the justice and civil jurisdiction category. I notice particularly the last dot point on the left column:

> Recommendations of the Supreme Court Caseflow Advisory Committee, when approved, will require the implementation of a computerised caseflow management system. This may be done contemporaneously with the system for the Magistrates' Courts.

We discussed this matter, in part, in another context earlier before the dinner break, but I ask specifically: what are the recommendations and when is it expected they will be approved? Further, in the Supreme Court area are there any particular benefits that have been identified, and is there a cost benefit?

Mr Bodzioch: The Case Flow Management Committee in the Supreme Court really was formed out of the success of the case flow management procedures in the District Court. The committee in the Supreme Court was established to assess the effectiveness of the current system in the Supreme Court, to look at preparing for the introduction of computerisation, and also to attempt to ensure compatibility with the District Court system. There were some current problems identified: time lines were ignored by the legal profession, solicitors who had the carriage of the matter did not necessarily attend and therefore adjournments were occasioned. Counsel were not retained until late in the piece and therefore there

were applications for adjournment to amend pleadings. There were problems about the effectiveness of pretrial conference procedures. There were some recommendations proposed by the committee to the Chief Justice and the main recommendation was that there be a differentiated case management system.

Three tracks were identified: an expedited track for cases that could be put through the system quickly, a normal track and a long, complex track where special arrangements would be made where a judge would give directions as to the time line of the particular case. There were some important macro events identified and recommended to the Chief Justice about the regular monitoring of cases that went through the system, proposal of a status conference, a case evaluation conference, procedures for pretrial conferences and the trial, and also recommendations about the delivery of judgment after trial. That was emulating the District Court procedure where the suggestion was for a two month delay between trial and delivery of judgment.

The computerisation of the case flow management procedure for late November 1992 is proposed for the take-up of the current listings data. In December this year there will be implementation of the listing component where there will be the production of electronic lists. In January of 1993 there will be implementation of electronic audio recording, and in February 1993 the case flow management system will be implemented through a pilot program. That will provide document tracking, issue reminder notices to the legal profession and issue notices to attend various conferences. The implementation period will take effect after a pilot program which will last about a month. The cost of the civil listing system for both the Supreme Court and the Magistrates Court is $73 000. In addition to the case flow management component development costs will be $46 000. Savings have already been identified of 1.5 full time equivalent staff. There will be a post implementation review of whether those savings have been achieved and that will take place in April/May 1993. That is the summary of what is happening with case flow management.

The Hon. B.C. EASTICK: Supplementary to that, to what degree will litigants be charged for the service to be provided? In other words, will it be a user pays pass on arrangement, which will just add to the financial problems for a number of the people that find themselves in the system?

Mr Bodzioch: The case flow management system in the Supreme Court will reduce the number of adjournments mainly because the members of the legal profession will be required to more strictly adhere to the time lines and adjournments granted by the judicial officers of the court. As a result of that there will be a reduced number of adjournments; the cost to the litigant will be much reduced.

The Hon. B.C. EASTICK: Is the system for the Magistrates Court identical to that which is proposed for the Supreme Court, and the District Court likewise for that matter?

Mr Bodzioch: There will be three different streams in the Magistrates Court as well. The development costs of the computing program are minimal as a result of the generic design of the case flow management system which was designed in the District Court and that had an eye to the future. If case flow management was going to take place in an electronic form in the Supreme Court and the Magistrates Court, the generic design of that original system would minimise any future costs; that is the situation we have today.

The Hon. H. ALLISON: Page 80 refers to the rules of court and presumptive timetable. Can the Minister say what is proposed with that heading, and what are the implications behind having a presumptive timetable? What is it and when is it to be introduced?

Mr Bodzioch: A presumptive timetable has been developed for the Criminal Injuries Compensation Division as well. In particular, that provides maximum times for individual steps in the process of a particular matter in the criminal injuries area from the filing of the originating documents to judgment. That presumptive timetable is available and I can provide a copy of that. In essence it provides for a maximum of 180 days to evolve between the filing of the proof of service of the summons and the judgment in the matter.

The Hon. H. ALLISON: Page 84 states that a proposed national mutual recognition Bill may be put before Federal and State Parliaments during 1992-93. Is this Bill in fact intended to be presented to Parliament and, if so, when does the Minister anticipate it will come in and what will it cover?

The Hon. C.J. Sumner: This is an initiative that flowed from the special Premiers conference on cooperative federalism initiated originally by Prime Minister Hawke and then carried on by Prime Minister Keating. It is designed, if you like, in micro economic form in the area of Government relations, and it is designed to ensure that qualifications that are obtained in one State are recognised around Australia, and obviously that impacts on the legal profession and so impacts on other areas of professional and trade qualifications. I cannot say exactly where that Bill is at present but it is in the system somewhere. Perhaps I can get an answer to the question about the timetable and bring back a reply.

The Hon. H. ALLISON: The Law Society has apparently communicated its intention to propose amendments to the Legal Practitioners Act. Have those proposals in fact been received yet, and if so can the Minister give some detail regarding them and say whether the Government intends to adopt them?

Mr Bodzioch: The President of the Law Society, probably about two years ago, made some representations to the Chief Justice of the Supreme Court in regard to some new procedures to make more efficient the management of matters under the Legal Practitioners Act. There were some specific matters referred to: in particular there was some double handling of the administrative components of the issue of practising certificates, the management of audit reports required under the Act and also statutory declarations. What the President of the Law Society sought to do was to reach some middle ground where more of the work could be taken over by the Law Society and thereby make more efficient its pursuit of legal practitioners who were not complying with the Act. The Chief Justice agreed to the proposals in general but some further action has been required from the Law Society in initiating the proposed legislation that it seeks to bring about these new administrative arrangements. At this time the Law Society

has not conveyed any further intention in that regard in a specific sense other than to say that it still wishes to pursue them.

The Hon. C.J. Sumner: The Government has not made a decision on those matters as yet.

The Hon. H. ALLISON: I refer to page 85 of the Program Estimates under 'Issues/Trends' which states:

Matters identified in the Aboriginal Deaths in Custody Royal Commission . . .

Which specific recommendations were implemented in 1991-92 and which are to be implemented in 1992-93? Which recommendations as far as the Coroner is concerned still remain to be implemented?

The Hon. C.J. Sumner: In general terms the Government endorsed the recommendations of the royal commission; there may have been some exceptions but in general we endorsed them. Following a review of all court holding cells, Port Augusta's court cells were upgraded in accordance with the recommendations. A social worker has been appointed to the Coroner's Office. The Coroner's procedures are all in accordance with the royal commission's recommendations. Notices are given to convicted persons listing the fine default options.

An Aboriginal cultural awareness program has been purchased and is to be conducted for staff and the judiciary. The Court Services Department was actively involved with the Commonwealth Government, TAFE and the Language Centre in the development of an accredited Aboriginal interpreter's course. Since January 1989 the Sentencing Act has provided for imprisonment as a sanction of last resort. The Commonwealth has allocated $50 000 to the Australian Institute of Judicial Administration for the development of cultural awareness programs for the judiciary.

A number of recommendations have not been implemented: a number of holding cells still require upgrading; recommendations that the Coroner be assisted by counsel (and in that context the Crown provides the Coroner with counsel assisting where that is requested); the employment of more Aboriginal staff; and the phasing out of justices of the peace (which has not been possible). As I recall it there are some other recommendations in relation to the Coroner that also have not been implemented, and I think one was that they should be given the status of a District Court judge, but the Government does not see that that is necessary.

Mr S.J. BAKER: How many cars and bikes are now in the possession of Supreme Court and District Court judges and magistrates? What is the capital cost of the provision of those cars? What are the recurrent costs including insurance, petrol, servicing and all the costs associated with those cars? What do judges and magistrates pay for those cars?

The Hon. C.J. Sumner: I do not know how many bicycles are in the possession of judicial officers. If by some chance any judicial officer is in possession of a bicycle it is because of their own personal predilections.

Mr Atkinson interjecting:

The Hon. C.J. Sumner: I never imagined the honourable member rode bikes. I knew that he travelled on trains and that he had to be picked up to go to the football by someone else because he did not drive a car.

Mr Atkinson interjecting:

The Hon. C.J. Sumner: I was not putting any value judgment on it. I am sure that riding a bike is very good for one's health provided that one does not get knocked over by a car. I was not being critical at all: I was merely pointing out that those who have bikes have them because of their own personal preference to ride bikes.

Mr Atkinson interjecting:

The Hon. C.J. Sumner: I know that the honourable member is much more adept at the use of the English language than I am, but I had assumed that one could use that word in connection with preferences other than sexual preferences.

The CHAIRMAN: If we are late tonight it will be the Attorney's fault.

The Hon. C.J. Sumner: Mr Chairman, it will be the fault of the member for Spence who interjected and thought I was casting aspersions on bike riders, and that was not true.

The Hon. B.C. Eastick interjecting:

The Hon. C.J. Sumner: Some of my best friends are bike riders. I had not realised that the honourable member was in that category. As I understand it, riding bikes is not something that is overly popular with the judiciary although one person is enthusiastic about his bike and much less enthusiastic about cars. There are 13 Supreme Court judges, including the Chief Justice, who have cars; the Chief Judge of the District Court has a car, as do the 29 District Court judges; and five Planning Commissioners have cars. At present magistrates do not have cars but will have them, according to the Remuneration Tribunal determination, in May next year.

The cars are leased. There is an all-up running and capital cost which in 1992-93 will be $392 000 with the full year cost being $792 000. That does not include the Industrial Court. The judges pay $750 per annum for the use of a six cylinder vehicle and if they modestly accept a four cylinder vehicle—and not many of them do if they are awarded a six cylinder vehicle by the tribunal—it is $520, which is the payment that is made by public servants who are entitled to cars as part of their salary packages.

Mr S.J. BAKER: Page 85 of the Program Estimates under '1991-92 Specific Targets/Objectives' states:

A review of the Coroner's support staff by the department and the Police Department undertaken. The recommendation of both reports to be implemented during 1992-92.

Although it says 1992-92, I am not sure whether that is repetition or is supposed to be 1992-93. What are the recommendations and when will they be implemented?

Mr Witham: A report was done by the Court Services Department some months ago. It really dealt with the overall operation of the Coroner's office. There was some suggestion that there was a split responsibility, namely, to the Coroner and also to the Police Department—the Coroner's squad. It was suggested that perhaps it was inappropriate to have this split responsibility, particularly given some of the Muirhead findings.

The internal report did make some recommendations. That was circulated to the Police Department. It has some difficulty with some of the recommendations. It has conducted its own review, which I understand it has just recently completed. When it has finished that, we will get together to see just what are our respective views and what are some sensible proposals to put to Government. It would be premature to go into anything at this stage.

Mr S.J. BAKER: I noted the number of post-mortems performed, and it seems to be reasonably static: the number of suicides is down on 1989-90, and the total inquests held is reasonably static as well. Has any increase occurred in incidences where those post-mortems and inquests have suggested some element of foul play, or have the statistics in that area been relatively constant also?

The Hon. C.J. Sumner: I do not know, but had there been any dramatic change in the pattern of the Coroner's inquests I am sure that the Coroner would have drawn it to our attention.

Mr S.J. BAKER: The Program Estimates (page 85) state as one of its specific targets/objectives:

To consider and implement the recommendations of the Justice and Consumer Affairs Committee of Cabinet (JACA) in relation to the provision of counselling services for families and victims of road accidents in South Australia.

What recommendations have been made? What is the likelihood of implementation, and at what cost?

Mr Bodzioch: In February 1991, the Justice and Consumer Affairs Committee of Cabinet (JACA) did approve the establishment of a working party to examine the need and resources available for counselling services for families of road victims. The report of the working group was considered on 25 November 1991, and a number of recommendations were raised. A total of 25 recommendations were made. Recommendations Nos 1 to 15 were agreed to in principle and it was agreed that they should be implemented within existing agency resources.

The document also states that a group comprising few agencies would be established to provide further detail on recommendations Nos 16 to 25. I can provide photocopies of all the recommendations, but just for the information of this Committee some of the recommendations are: to provide a counselling service to families of victims of fatal road accidents; to provide a social work position at the Coroner's office; and to provide facilities for relatives to view a dead body and to be able to touch that body if they wanted to. A number of those sorts of recommendations were forwarded by that working party. As I said, I do not feel that I should go through all those; they are available, and I can provide a photocopy of them.

Mr S.J. BAKER: I will be pleased to receive them.

The Hon. C.J. Sumner: We can probably do better than the recommendations: we can provide the report. The issue was considered by JACA. The Victims of Crime Service indicated that it was prepared to take on some of the role of counselling deaths from relatives of people who died in road accidents, and I understand that that is happening.

The Hon. B.C. EASTICK: Last year in particular there was a great deal of public controversy relative to the removal of certain organs from bodies by the Coroner and the delivery of the body less the removed parts for the purpose of burial—Mrs Bungert was a particular case in point. It is a matter that has been raised from time to time by various people. To what degree if at all has this matter been addressed? Is there any early advice to next of kin or any advice on the delivery of the remains of the continued retention of certain parts of that body for necessary follow-up forensic purposes?

The Hon. C.J. Sumner: The Coroner took the view that, to fulfil his obligations under the Coroner's Act, it was necessary for parts of a body to be taken for testing, and that is the issue that caused concern. But the Coroner did not feel that he could bypass his duty to properly ascertain the cause of death and, where that required the taking of organs of the body for testing, he felt that that had to occur. What was done, though, was to try to improve the information that was provided to relatives in relation to this procedure so that, where there was concern that the body was being buried without the organs that had been taken, arrangements might be made to postpone the burial until the tests had occurred. Accordingly, some procedure was set in place, and letters and information were sent to funeral directors and others. Mr Witham may be able to provide more information about that.

Mr Witham: Undertakers are now provided with a standard letter that goes to the next of kin. It just explains what the Coroner's procedures may be. It explains that, in circumstances where there is no obvious cause of death, certain tests may need to be carried out. If people do have any inquiries, it contains a contact number that they can telephone, and they can speak to someone in the Coroner's office and be informed as to what is happening in relation to the person in whom they are interested. A social worker is employed there now, and she is generally the contact person.

The Hon. B.C. EASTICK: It also has been stated that some organs are occasionally removed for research purposes. What are those research purposes? Has that been specifically addressed, or is it in any way identified in the documentation which goes to the funeral director?

The Hon. C.J. Sumner: All the information we had on this matter—and I might add that it has been dealt with fully in Parliament—is that no organs are specifically taken for research purposes but those upon which tests are carried out may have research implications; in other words, if tests are carried out they may be used for research purposes. However, they are not taken just for the purposes of research. That is the situation as I understand it. That is what I have been advised by the Coroner and the pathologist, and I assume that that is the practice.

The Hon. B.C. EASTICK: Has the South Australian practice been tested against that which prevails in other States of Australia?

The Hon. C.J. Sumner: The Coroner has advised that these are practices common to coroners around Australia and, as I understand it, it is also common practice in other countries.

The Hon. B.C. EASTICK: Where the delay of return of a portion of the body is considerable—and weeks can go by—is any assistance given to the next of kin for the subsequent interment or subsequent disposal of that portion of the body, taking into account that in practically every circumstance the body will have been interred or cremated by the time that portion was returned and that nobody may dispose of those remains by other than a legitimate means?

The Hon. C.J. Sumner: No assistance is provided. One option, as I indicated, is that the burial or cremation does not occur until the organs have been returned. Of course, for many people it is not a matter of concern; they are not worried. But for others—and they are the ones to whom the publicity has been given—it is a matter

of deep concern that the deceased relative is buried without the brain or whichever organ it may be. It is those people whom the Coroner has attempted to accommodate through the procedures he has adopted.

In many situations it was a matter of information. In the case to which the honourable member is referring, the concern was that the mother was not aware that the deceased son had been buried without the organs that had been taken for the purpose of the tests. The pamphlet and letter that are now sent out are designed to provide that information to people who find themselves in this situation.

The Hon. B.C. EASTICK: On page 86 we find the section that refers to performance indicators relative to the reporting services. The number of pages of transcript produced is claimed to be a performance indicator, but that means nothing unless it is related to the number of persons performing the tasks over an identified period of hours. Is the number of pages produced the only performance indicator used by the department, and is it a matter of concern to the department that this would seem to be a fairly superficial way of testing performance?

Mr Witham: Performance indicators as shown are perhaps not a really good indication of performance; I agree with that, and we will modify that. What we use as a performance indicator within the department is the number of pages per person day, and we are very conscious of productivity. I recently appeared before the Legislative Review Committee and was asked a similar question, in response to which I provided the following statistics.

In the financial year 1989-90 an overall court reporting staff of 84.76 people produced 406 865 pages, whereas in 1991-92 a slightly smaller number, 82.02 people, produced 482 059 pages. In terms of pages per person, that is an increase in productivity of 22.4 per cent over the past two years.

The Hon. B.C. EASTICK: Is there any information available to assess the productivity of reporters in the years, perhaps based on the pages produced per person per hour? Could you do that mathematical calculation at 37.5 hours?

Mr Witham: We could give it to you day by day for the past 10 years, but it would be pages per person day or costs per day. We can provide virtually anything you want. Pages per hour is not all that meaningful, because reporters may take down the evidence at one stage and actually transcribe later, depending on the method used. It really needs to be based on production days.

The Hon. B.C. EASTICK: I would not put you to that cost, but what is the cost per page of transcript for court reporters, and what costs are taken into account in making this calculation? How does it relate in turn to the cost charged to the consumer?

Mr Witham: We have three production methods for transcript. We still have a few Pitman writers; the bulk of our reporting is now done by people using computer aided transcription (CAT); and the third method is our in-house tape people. The cost in relation to Pitman writers is $12.46 per page; for CAT reporters it is $7.89 per page; and for our in-house tape system it is $10.87 per page. The cost to litigants is $4 per page, and usually there are two litigants.

The Hon. H. ALLISON: Are transcripts made of every video interview of a suspect by police, and what is the time between the request for a transcript and the actual delivery?

Mr Witham: The answer to the first part of the question is 'Yes', a transcript is provided. In relation to the time period, it is basically used as a fill in job for our transcription staff when the courts are quieter than usual. They are always produced in time for police purposes, and would normally be done within a couple of weeks.

The Hon. H. ALLISON: Is there a cost for that service to the police?

Mr Witham: Yes, we charge $5 a page, which is our cost.

The Hon. H. ALLISON: According to that same page, it is intended to continue improved productivity through further technological improvements. What are those technological improvements likely to be?

Mr Witham: In the past, our tape-based section has used tape recordings and produced a transcript on relatively old fashioned word processing equipment, which was not compatible with the CAT equipment used by the reporting staff. We are now switching over to word processing equipment and software that is basically a module of the CAT software, so it is completely compatible. We can merge the transcripts from both types of reporting, which means that we can use the two systems quite easily on the same case.

We might start a case in the morning with tapes because, particularly in civil matters, we could start off with 10 courts and, within a few hours, be down to half that number. Alternatively, they may all go all day. One just does not know. For safety's sake, if we are using tape we can put a tape person in at the beginning of the day and, halfway through the day, if other cases fold, we can switch reporters to those cases and mix the two types of transcript.

It is very efficient. The other means of improving productivity through technology is in the Magistrates Court where, now that it is hearing lengthier matters because the jurisdiction has changed, it is quite inappropriate for a magistrate's clerk to take down all the evidence on, say, a three-day trial. It is just not reasonable. What we are doing in those lengthy cases is to put a tape monitor into the court and produce a tape at the end of the day. In the morning those tapes are taken into the court reporting section, not the tape section, and the tapes are played to court reporters, who then take the evidence down on the CAT equipment using CAT in real time mode, so it is plugged directly into their computer. So, as they are taking it down on the Stenotype machine, it is producing the transcript directly. That is a very efficient way of producing transcript and improves productivity quite extensively.

The Hon. H. ALLISON: What is the usual waiting time for a transcript that is ordered after a hearing? I raise this because one case has been brought to our attention, and I say this without prejudice, where the litigant said that he requested a copy of a transcript, waited three months and when he received it, it was gobbledegook. I suppose it is a case of gobbledegook in and gobbledegook out. I am more interested in the waiting time.

Mr Witham: I suspect that would be in relation to a magistrates court matter. About 95 per cent of transcript in the higher courts is produced as a running transcript, so the transcript is delivered during the course of the proceedings. In the magistrates courts, it is more common that the evidence is taken down by a magistrate's clerk or sometimes on a tape in the manner about which I just spoke. A transcript may not be required unless a litigant decides that he is contemplating an appeal. That is typically the situation to which the honourable member referred. It may be several weeks or some time after the trial that a litigant contemplates an appeal and decides to seek a copy of the transcript.

If the matter in the magistrates court was taken down by a shorthand writer, he or she is the only person who can produce that transcript. One day of transcript takes a Pitman writer about three days to transcribe. That means that the reporter has to be taken out of court, so there might be some delay in doing that. The department is always conscious of the need to produce the transcript in time for a person to go to appeal or to decide whether to lodge an appeal.

The Hon. H. ALLISON: *Apropos* the gobbledegook allegation, does a court reporter take down and transcribe word for word what is said in court? I am mindful of what happens with the *Hansard* staff. By the time they have finished with what we say in the House, we have all been turned into literary geniuses. Do the precise requirements of court hearings dictate that it must be a verbatim record?

Mr Witham: It must be a verbatim account. However, as a matter of course, we record only the evidence. Summings up, addresses and so on are recorded only if requested by the presiding officer.

The Hon. C.J. Sumner: For the higher courts, at least, we have the best transcript delivery time anywhere in Australia, and most other States are envious of the fact that running transcripts can be provided to the extent that they are in this State.

Mr S.J. BAKER: I received a letter from a person who operated a building firm. The transcript was lost from a civil case in which he was involved. An appeal was refused, despite his best endeavours, because it was ruled that sufficient notes were available to indicate that a proper decision had been taken. Are transcripts often lost within the system?

The Hon. C.J. Sumner: No, it does not happen very often, but anything can happen. If a transcript is lost to the extent that no sense can be made of the matter on appeal, the only option is for the case to be reheard.

Mr S.J. BAKER: That is what this person wanted.

The Hon. C.J. Sumner: He had the chance to argue his case before the appeal court judge, but the judge felt that he had enough information to decide not to grant an appeal. The judge did that on the basis of some of the transcript that was available. If no transcript had been available, the only option would have been for the matter to be reheard.

Mr S.J. BAKER: I refer the Minister to page 87 of the Program Estimates regarding support services. Facilities for the storage of court files now cost in excess of $20 000 per annum and are another example of having to absorb additional costs within the budget allocation. Who stores the court files for the department? Are they secure? What other examples can the department give of items that have to be absorbed within budget?

The Hon. C.J. Sumner: Archives store the records and, under the policy of cross-charging, they charge departments for storage costs.

Mr S.J. BAKER: There is an increased tendency for the department to be responsible for work previously performed by other agencies. This can be exemplified with changes in procedure due to workers compensation and rehabilitation under the occupational health and safety provisions. That does not sound right because there is the Workers Rehabilitation and Compensation Act and the Occupational Health, Safety and Welfare Act. What has changed to bring forth that comment?

The Hon. C.J. Sumner: Whereas workers compensation matters were handled centrally through the Department of Labour and the Government Insurance Office, as it used to be called, departments are now responsible for workers compensation payments up to a certain level and they have to find the funds for those payments out of their budgets rather than it all being handled centrally. That policy applies across Government, not just to the Court Services Department.

Mr S.J. BAKER: What does the department pay for? What do the courts pay for? What does the Attorney-General's Department pay for? Does it pay the expected cost or only the salary of the injured person?

Mr Gilmore: The department is responsible for all workers compensation matters except from home to work travel accidents and for matters that have exceeded two years. All other workers compensation claim-type matters, including medical expenses, are paid for by the department. When a case reaches two years, we negotiate with the Department of Labour as to whether it should take over the matter. All home to work travel accidents are handled centrally by the Department of Labour.

The Hon. B.C. EASTICK: I refer to the dot point notation commencing:

. . . a post-implementation review of courts computing.

Who provided the post-implementation review and what was its cost?

Mr Bodzioch: A little history might help with this. In September 1991 the Chairman of the Government Management Board proposed that the Court Services Department, in conjunction with officers from the Office of Cabinet and Government Management, and from Treasury, undertake this post-implementation review. The courts computing has been a very large project and it is within Government policy for these reviews to be undertaken. We sought expressions of interest and capability from four Adelaide-based consultants, who had experience in this area. The final contract was awarded to Ernst and Young of Adelaide. They put a senior consultant, a Mr Ken Godson, who previously had experience within the South Australian Government sector, namely, the South Australian Housing Trust, and who also had experience on a site with similar technology as our own. The total cost of that consultancy was $30 000, and his report can be made available if required.

The Hon. B.C. EASTICK: I would appreciate that. Were there any other consultancies within the department in 1991-92? If so, what were they and what was the cost?

Mr Bodzioch: Perhaps if I can respond on the computing side, but there were some others. Apart from the post-implementation review, we also utilised a company called System Services. They undertook an independent review of our capacity planning for the mainframe computer and confirmed our expectations that, based on planned applications, that mainframe would be adequately sized through to 1995. We had a small consultancy with Hitachi Data Systems, the vendors of our hardware, looking at specialist aspects of disk storage performance and the load balancing across the disk storage, and the final computing one related to how we would interface with the information utility, and that showed that our technology was consistent and compatible with the information utility.

Mr Witham: There were some other consultancies apart from the computing ones. Perhaps the most significant in the non-computing area was a consultancy by a firm called Value Management Pty Ltd. The Adelaide Magistrates Court was planned about two years ago and after the plan had been completed and the new legislation that was introduced on 6 July became better understood it became quite clear to us that, with the transfer of the work from the District Court to the new Adelaide Magistrates Court, the new court would not be large enough on completion, and obviously that was a matter of concern. We had some discussions with SACON about the cost of expanding the building to make it big enough, and we were looking at a figure somewhere in the order of $5 million to $10 million for an extra floor on the building. It was proposed to us that this consultant from Value Management was very good and might be able to help us. We employed him for a few days, and that cost us $8 000. As a result of that consultancy we were able to get the additional courts in the original building envelope, and in fact the overall cost of the project has now been reduced by over $1 million. So it was a very worthwhile consultancy.

The Hon. B.C. EASTICK: *Vis-a-vis* the SACON site?

Mr Witham: No, still using the same building. It is just that the design is far more practical. Another consultancy was undertaken by a firm called Onas Pty Ltd, which was basically to help us identify training and development needs. Another one involved a Mr Harold Weir, who used to be senior lecturer in courts administration at the University of South Australia, and he has helped us develop a course at TAFE for courts administrators. It is an associate diploma course that will lead to a degree course in courts administration. That consultancy cost us $3 000.

The Hon. B.C. EASTICK: What were the consequences of award restructuring and are there any tangible cost benefits?

Mr Witham: The scope for award restructuring was somewhat limited within the Court Services Department, because a lot of restructuring has taken place over the past 10 years. For example, 120 courts are being closed throughout the State, mainly police courts. A civilian orderly scheme was introduced in the courts, which relieved police officers of those duties. New technology, which we have talked about with court reporting, with computer aided transcription and so on, has been introduced. We have had a major program of computerisation. We have carried out reviews of efficiency and effectiveness throughout the department over a number of years. As a result, there was not all that much scope left in terms of structural efficiency proper, if you like. We did squeeze some out; we thought we could get a bit more out of court reporting, and we did achieve that, and there is an ongoing requirement to do that. The savings last year on transcript were $81 000. We also stopped night courts, which was a saving of $78 000. The total saving for last year was $159 000. This year, with transcript costs, we have reduced our budget by $165 000, again, on the basis of improved efficiencies.

As to the cost of structural efficiency, in the first year it was $630 000, and some $410 000 of that was just a straight translation. It involved moving people from one award to another. There was nothing optional about it. In looking at where people fit, in terms of the guidelines and so on, there was another $220 000 just due to the fact that our people had been typically underclassified in a number of areas. Subsequently, there has been a number of appeals, and there were other awards, involving casual staff not covered previously, and so on, and we are estimating that will cost us $200 000. A number of appeals have not been resolved yet. We think the total cost will be $830 000.

The Hon. B.C. EASTICK: When will the new Adelaide Magistrates Court complex be completed? Will there be any recovery of the work undertaken at the Tram Barn for the temporary Magistrates Court?

The Hon. C.J. Sumner: Recovery in what sense?

The Hon. B.C. EASTICK: Partitions, floor coverings, for example.

The Hon. C.J. Sumner: For use in the new court, or generally?

The Hon. B.C. EASTICK: Sell-off, salvage, I imagine.

Mr Gilmore: The estimate of completion is three years from commencement on the Adelaide Magistrates Court, and it is expected that they will commence on site in July 1993; so I presume that makes it July 1996 that the project will be complete.

The Hon. C.J. Sumner: That is if the budget allocation is made for 1993-94.

Mr Gilmore: In relation to salvage, I am not aware of any estimate at this stage on the salvage of the Tram Barn site, but it certainly was developed in the first instance with as much of it as possible being recyclable. But I do not believe it was possible to end up using modular construction in order to be able to relocate whole units, and so that has reduced the level to which particular units or sections of the construction can be relocated to other sites.

The Hon. B.C. EASTICK: What was the ultimate cost of the construction? Was it below budget or above?

Mr Gilmore: The total estimate for the whole redevelopment is now below the original estimate of $34 million, for the whole lot, which included the Tram Barn and the new Adelaide Magistrates Court. But the cost for the actual Tram Barn site itself ended up at $4.7 million, which was slightly above budget for the temporary site.

The Hon. H. ALLISON: I refer to page 87 of the Program Estimates. The department is now electronically transferring judgments. We have already addressed the question in part in a previous section. I do not think we

made any assessment of what were the appropriate financial arrangements between the State and the Commonwealth for the cost of the transfers. May we have some explanation as to costing?

Mr Rohde: The arrangements with the Commonwealth have been quite favourable for the State. We have done a *quid pro quo*, where we have free of charge access for the Attorney-General's Department and for the courts to the Attorney-General's SCALE system. In return, the courts provide SCALE with Supreme Court and, I think, some of the District Court judgments, and the Attorney-General's Department's Parliamentary Counsel provides details of statutes to SCALE. So, no money actually changes hands.

In relation to the further arrangements that are referred to, a contract has been entered into with a company called Info One. You might have known it as CLIRS in the old days. The contract has a small up-front fee that is payable to the South Australian Government just as an establishment fee, given that we already have in place the mechanisms to provide the information to SCALE. Subsequent to that, it is subject to a royalty, and I think the figure is 5 per cent of the income related to the South Australian data that goes to Info One. Five per cent of that is payable to the State. The contract has appropriate clauses to make sure that we have adequate access to their books of account.

Finally, we are providing judgments to the South Australian Law Society. It runs a judgment index scheme, and we have made an arrangement with them that comprises two parts: first, it is paying the Government a cash amount of $6 000 and, secondly, we have negotiated a discount on the actual number of copies that we buy from the Law Society of the judgment index scheme, and I think that figure was a $5 500 discount. So, the net figure, the value we are getting from the Law Society is $11 500 per annum.

The Hon. H. ALLISON: The specific targets 1992-93, refer to the implementation of new work practices including the use of audio technology. Could we briefly hear what those new work practices are, and how realistic is it to expect the magistrates' clerks to absorb the extra workload?

Mr Witham: That is the situation to which I referred earlier where magistrates will hear lengthier cases, and in our assessment it is not reasonable for a magistrate's clerk to take down the evidence in those cases where they can go for several days. We are now anticipating we will put in tape recordings. In fact, we have done so in some courts, and the evidence, if required, is produced in the way I spoke of before. The tapes are transcribed using CAT equipment.

The Hon. H. ALLISON: Tapes were the second cheapest of the three options, were they not?

Mr Witham: Yes, they were.

The Hon. B.C. EASTICK: For how long will they be retained?

Mr Witham: Either three or four months, unless there is an appeal, in which case they are held longer.

The Hon. H. ALLISON: Page 87 refers to the completion of revised Supreme Court precincts study and the updating of the department's strategic building plan. When will this study be completed, and by whom and at what cost, and will it ultimately be published?

Mr Witham: A strategic building plan was completed by the department in 1986, at the request of the Attorney-General. Most of the projects identified in that process have been completed and some of the priorities that were out a bit further need to be re-examined to see whether they are still the right priorities at this stage.

It has also become apparent that within the court precincts the situation is changing, in that there has been an increase in workload in the criminal jurisdictions in particular, and we are running quite short of criminal courts. In order to make a proper assessment of that, I referred earlier to a firm called Value Management. Given our success with them in the past and given that they have done a similar exercise for the Western Australian courts and are currently doing one for the ACT courts, we hope to engage them again to help us with this precinct study, which is part of the strategic planning process. We are only just getting expressions of interest, so I could not give any indicative cost at the moment, but I do not think it will be a particularly costly exercise.

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

Electoral, $2 161 000

Chairman:
The Hon. T.H. Hemmings

Members:
The Hon. H. Allison
Mr M.J. Atkinson
Mr S.J. Baker
The Hon. B.C. Eastick
Mr C.D.T. McKee
Mr J.A. Quirke

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

Departmental Advisers:
Mr Andrew Becker, Electoral Commissioner, Electoral Department.
Mr Alan Waters, Administrative Officer.

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

The Hon. B.C. EASTICK: Page 93 of the Program Estimates under 'Broad Objective(s)/Goal(s)' states:

To link the electoral database with the spatial land systems maintained by the Department of Lands in order to assist with redistribution requirements.

Is the Minister able to give us a brief indication of what is involved and who is to have access to the results of that activity when it is concluded?

Mr Becker: As the honourable member knows, from now on the redistribution will be held after every election. The Lands Department's land information systems are excellent. Over the past five or six years we have been investigating whether or not we could link the electoral roll address base with the digital cadastral database which is spot-on-the-earth location that the

Lands Department has been working on now for 10 years and I think has completed. By doing that we can link through the land ownership and tenure system via our address through the land ownership and tenure system address, pick up their unique identifier and go back to the digitised cadastre.

This means that at any time one wants to find out how many electors are in any particular block on the cadastre one can draw a line or dot point the coordinates of that particular block and it will actually lift out the information one is after. It would also give us polling places, catchment areas and assist with the habitation reviews that are being conducted at the moment. At present those habitation reviews cost of the order of $1.1 million of which our share is $550 000, the Commonwealth paying the other half. If we can get down to doing things on a more direct basis we can reduce those sorts of costs.

The Hon. B.C. EASTICK: Page 93 of the Program Estimates under 'Issues/Trends' states:

> In concert with the Government's social justice policy there is a need to address 'disadvantaged' electors, to ensure that they are not denied the ability to exercise their franchise.

What is the interpretation to be placed on 'disadvantaged' electors in this concept? What has been proposed by way of action to address the issue referred to?

Mr Becker: There is not a lot of money in this line and we are limited by that. We are producing disks which explain to people exactly what the voting situation is about and the various types of voting; looking at advertisements that will contain audio-visual scripting for deaf people; and for youth more along the lines of the street-wise comic-type approach that we adopted about two years ago in conjunction with Hungry Jacks. That is the sort of co-sponsorship deal that we have with an organisation like Hungry Jacks.

The Hon. B.C. EASTICK: I am appreciative of the fact, as are other members, that the Commonwealth actually prepares the roll and makes it available to the State. There are some variations between the Commonwealth's requirements and those which apply to the State. The question often asked in the Electorate Office is, 'What is the responsibility of a person who is aged and frail?', or more particularly the one that was related to me in the street only yesterday, 'My daughter has turned 18. She is mentally unable to comprehend anything other than the day and night. Must she be placed on the roll?' Are any discussions taking place to rationalise the differences between the Commonwealth and the State? Is there any information available relative to the position of persons who are frail or are mentally unable to differentiate?

Mr Becker: We do not differ too much from the Commonwealth franchise except for the following facts: first, enrolments for South Australia are voluntary; secondly, we have a different way of coping with prisoners; and, thirdly, the Commonwealth has people called itinerant electors, Antarctic electors and so on which we do not have. Neither the Commonwealth nor the State distinguishes on the grounds of unsound mind or incapacity along those lines unless evidence is presented. However, if a person does not vote and the reason for not voting is that they are of unsound mind—having enrolled, of course—or are incapacitated, those people are certainly not fined or asked to expiate the offence.

The Hon. B.C. EASTICK: I noted in the point which commences, 'During 1991-92 a court of disputed returns judgment relating to the electoral district of The Entrance in New South Wales was forewarned of the need to address the training of Electoral Office officials in the performance of their duties and responsibilities, in particular the issue of declaration voting.' One presumes that, because it is there, it is intended to upgrade, or to take some action to train, personnel in South Australia. What difficulties have been identified within South Australia *vis-a-vis* the two most recent by-elections perhaps and what we could expect to see in the not too distant future?

Mr Becker: The situation in The Entrance was one of official error where ballot papers were issued wrongly to electors for the wrong district. That did not occur in the case of our by-elections here because the absent voting was not available outside those areas. The difficulty occurs when you have poorly trained people on those more complex sides of the electoral process. We are now conscious of The Entrance situation, and we really must get back to where we were in 1982 and actually put someone on the road to go out and actually teach these people right down to the nth degree as to what is required by the Act.

The security side of it is usually pretty good but these sorts of things can occur. There was a difference in procedure, in that in The Entrance case in New South Wales the person who is issuing the ballot paper and completing the certificate on behalf of the elector holds the certificate until the elector has been to vote and then, when the elector comes back with the ballot paper, gets the elector to put that ballot paper in that envelope. What was happening is that more than three or four people were going across to vote and then coming back and the envelopes were getting mixed up. We do not do that here: we make sure that we issue the whole lot in one hit. We say, 'Put in the envelope, come back and then put it in the ballot box.' That is a problem, and we are concerned about that, because more declaration votes are being made these days.

The Hon. B.C. EASTICK: The Program Estimates refer to 'finalising the processing of State referendum non-voters'. How many, 'Please explains' went out; how many expiation fee notices were issued; how many were withdrawn—and from the *Gazette* it seemed to be hundreds—how many people paid up and how many prosecutions were initiated?

The Hon. C.J. Sumner: I will have to get that information.

The Hon. B.C. EASTICK: Further, the Program Estimates states:

> Continue with the follow-up of non-voters from the Alexandra and Kavel by-elections.

If we are compiling the information for the referendum, perhaps we could have that information as well. Finally, I state that, following the redistribution of boundaries, local knowledge will be fairly important in determining the likely efficiency of existing polling booths relative to new boundaries. Will the office make contact with individual electorates to survey the positioning of polling booths and

the likelihood of necessary changes, or will that be done entirely with returning officers?

Mr Becker: I suppose the short answer is 'No', we will not be dealing directly with the electorate as such. We deal with the Commonwealth divisional returning officers, who admittedly look after a much larger area than do our returning officers.

We do have a policy of appointing returning officers from within the district, where possible, because they would have a fairly good knowledge of what is going on. We also try to make sure that those polling places agree with those of our Federal counterparts, because they will more than likely be having an election before we do (next March, say). Mr Waters is now in the process of trying to sort out which polling booths we will be using.

I go back to what I was saying earlier about the digital cadastral database, which will give us a better planning approach and, if we do happen to drive a line through that particular polling place's catchment area, then we will need to look at the number of electors who are affected, based on the last polling pattern, to see whether or not there is a need to put another polling place into a certain area or, perhaps, to abolish one.

The Hon. B.C. EASTICK: I have had contact with the Electoral Commissioner in relation to a potential polling booth that would take the heavy inroads of declaration voting, which will now not be declaration voting, but which would be better applied, for example, to Trinity College in Alexandra Avenue than pouring them all into an already overflowing Gawler South booth. Local knowledge of that nature can be of value.

Mr Becker: I quite agree with that. There is a maximum number that the booths should hold, and we should try to make them more accessible to people, provided that that does not create any confusion. These are the sorts of things that are available for discussion between us and the Commonwealth. If we have a view, chances are that they will agree with that view, although they do not always agree.

The Hon. H. ALLISON: I have a question relevant to the very first objective, that is, to ensure that eligible electors can register their votes effectively and conveniently and have confidence in the management of the electoral process. I have an example of a rare misfortune and, in raising it here, say that I attach no blame whatever to the Electoral Commissioner, to the Attorney-General or to the police involved. I had the unusual situation of a man who lived in the north of this State, registered to vote in South Australia, who separated from his wife and took his children interstate to New South Wales, where he registered before the South Australian State election. These facts have been verified.

He subsequently returned to South Australia and, on his return, was apprehended over a weekend and put into prison because a summons had been issued while he was away. For some reason we have not ascertained, he did not receive the summons and, therefore, was unable to answer it. He served his three days in gaol over the weekend, with his two children very distressed at the prospect of seeing dad in gaol for not having voted. He was unable to contact the Electoral Commission or anyone in authority, including me, over the weekend.

First, has this matter been considered by the Government (I wrote to the Premier regarding the matter)? Secondly, will the case alter the *modus operandi* of the Electoral Department in any way in future?

The Hon. C.J. Sumner: The answer to the second question is 'No'. It is the first case in Mr Becker's experience, and he has now had 26 years in electoral administration. I agree with the honourable member that it is a most unfortunate case, but no system is foolproof and it could happen with the issue of a summons in relation to a whole lot of matters where service by post is permitted under legislation. It is legislation that permits service by post and it does not apply just to electoral matters. It applies to a whole range of other minor offences, and this is one where it slipped through the cracks. It was extremely unfortunate. The person concerned deserves our apologies. The Government has considered the matter—if we are referring to the same one and I can only hope that there are not two of them—and he has been pardoned from the conviction and a monetary settlement has been arrived at by way of compensation.

The Hon. H. ALLISON: That is a kind *ex gratia* gesture, which pleases me immensely. I thought the gentleman was very reasonable. He contacted me immediately after his imprisonment and I thought that his attitude was far more reasonable than mine would have been under similar circumstances.

The Hon. C.J. Sumner: It is unfortunate and, on behalf of the Government and the system, I am happy to apologise for what happened. It was a mistake that should not have happened; however, it did. It is not something that is peculiar to the pursuit of electoral offences. It could have applied in a number of other areas where service by post is possible, but we have done what we can to overcome the problem in the manner that I have mentioned.

Mr S.J. BAKER: The Commonwealth Parliament Joint Standing Committee on Electoral Matters has produced a report, fresh out this month, so the Attorney-General may not have had a chance to look at it. A number of its recommendations have far-reaching consequences, and I would like to address some questions on them to the Attorney-General. One of the recommendations deals with the sharing of information on non-voters and I should like the Attorney-General's opinion whether this is a worthwhile process.

The Hon. C.J. Sumner: We have not yet considered this report. The Electoral Commission is examining it and will no doubt prepare a report on it to Government. It has only just been produced (September 1992). If the honourable member has questions about matters raised in the report, he could list them and I will get a response for him.

Mr S.J. BAKER: I seek specific responses to recommendations 16, 17, 19, 33, 46 and 47.

The Hon. C.J. Sumner: I am not sure whether we can cope with all that within the Committee's time frame but, if we cannot, we will write directly to the honourable member about it.

Mr Becker: In anticipation that there might be a question or two about this, I went through the recommendations and I discovered that quite a number of them will be easy to implement. Of the 59 or so recommendations, 21 are already capable of relatively easy implementation and 16 of them are already in

existence in South Australia and have been for quite some while. A lot of these things apply to Australia generally, not just to our bailiwick. I will look at the recommendations upon which the honourable member seeks a comment and provide that for him.

The Hon. B.C. EASTICK: Following the last State election, there was an electoral redistribution which took considerable time to implement following a select committee. One of the changes to the Electoral Act requires that a redistribution be commenced within three months of the election. What length of time does the commission believe might pass between the commencement of its task and the bringing down of the report, having regard to the fact that more basic information is available and that the nature of the changes to the boundaries could be expected to be much less than was required most recently because of correcting the imbalance caused by massive growth in one direction and reduction in another?

The Hon. C.J. Sumner: The first thing that needs to be said is that any decision on that will be taken by the Electoral Boundaries Commission, and it is not something that one person can answer. Mr Becker might be able to give his personal views as a member of the commission.

Mr Becker: One of the major objectives of trying to establish this link with the digitised cadastre is to try to speed up the process of drawing lines and getting our figures. The other thing that we are doing, as a department, at the next election is going back to each polling place and looking at the two-party preferred vote for each polling place. As you appreciate, some of the assumptions we made last time, because we only had two-party preferred votes across the whole of the district, were just a little bit suspect, and so we then had to do a bit more work on those. Hopefully, those sorts of things on the administrative side will be very much quicker. The other thing is that the report this time was a watershed, really, and a lot of time was spent talking about the law, and I do not think it will be necessary for the commission to look quite so deeply at the law next time, which might speed up the process.

The Hon. C.J. Sumner: Provided we do not change it.

Mr Becker: Generally speaking, I think it should be quicker. My only concern would be that the changes that are occurring, for example, up in the north around Greenwith, and so on, at the moment are such that if you made a decision to do something within, say, six months of an election—if you only had a very quick Boundaries Commission, with it meeting within three months and continuing for only three months—the changes that we could see in an area like that could be so significant by the time the next three and a half years had passed that the boundaries would be way out of kilter, even before the next election. So, my view as a member of that commission would be to meet and set the plan but not to be in too much of a hurry to complete that commission's report—perhaps let it go for 12 months.

The Hon. B.C. EASTICK: Most members of Parliament in the House of Assembly forward letters of introduction to people who have gone onto their rolls. I am surprised at the frequency with which letters are returned to the electorate office with 'Not at this address', 'Not known', and similar type action, and this is notwithstanding that the information is now coming through to the electorate offices rather more quickly than was the case in the past and the fact that the registrations have occurred probably within the previous 30 to 45 days. Yet, obviously the address which is recorded is false or wrongly transcribed. Has the department looked at this issue at all, albeit that it has a Commonwealth involvement? However, it reflects upon the effectiveness of the rolls, for both State Government and local government.

Mr Becker: Yes, this is of concern to us, too. We run these habitation reviews every few years, and they are very expensive exercises—$1.1 million, as I said earlier. The difficulty, of course, is that when we find that someone is no longer residing at an address, when you take that snapshot in time, the process to remove that name from the roll might take us three months.

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If we had the situation where we could display something I could show you, when we do a match, how we come down the roll to a name, an address, the same address, and if it is the same name on the land ownership and tenure system, then you can say 'Look, the chances are they are still at that address because they have the mortgage and everything else attached to that address.' We are not doing that when we do habitation reviews. We are sending people into the street knocking on every door. The chances are by the time they get down to the end of the street the people have moved away. It is not efficient or effective and it is expensive but we are trying to cope with that.

The Hon. B.C. EASTICK: Supplementary to this, we have the position which has oft times been explained by the commission or by answer to a question on notice, or whatever, when specific reference is made to deceased persons the Commonwealth does not remove the names of deceased people from the roll as a matter of priority, and not infrequently there are people shown on the roll who have been deceased for upwards of five months at the time the roll is being used for an electoral purpose. I suspect this is a problem which is being addressed.

Mr Becker: It is in part being addressed, but we do not have a national register of deaths and we have had several of our electors die interstate or overseas. When you say five months, I think they could be on the roll for five years in many cases because there is no mechanism which alerts us to the fact that that person has died. The only way you do it is to look at the paper every day to try and pick up those that are not in the normal list of deaths from the Registrar of Births, Deaths and Marriages. A lot of people do not advertise the death of a relative. Hopefully, you pick those up with a cohabitation review.

Mr McKEE: I do not want the fact that I have been so successful as a result of a redistribution to have any bearing on this question, but now that we are lumbered with redistributions every four years, or after every election, are you able to say what the extra cost burden is towards the taxpayer as a result of that?

Mr Becker: I honestly could not put a figure on that. Hopefully it will not be the same as running a redistribution every seven or eight years; I think it would be considerably less.

The Hon. B.C. EASTICK: The material that was put into that report, that has never been reported on before, makes it good value.

Mr Becker: That was a watershed report.

Mr McKEE: Does the value go to the taxpayer?

Mr Becker: It will not be cheap putting these systems in place—it is not going to be cheap putting systems in place—I am thinking we will be spending about $100 000 to $150 000 to try to establish this link with the digitised cadastre. Once that is in that is there forever and can be advertised across the next 20 redistributions, but I would not expect it to be quite as costly as this last one.

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

ADJOURNMENT

At 9.45 p.m. the Committee adjourned until Wednesday 23 September at 11 a.m.