**HOUSE OF ASSEMBLY**

**Tuesday 14 September 1993**

**ESTIMATES COMMITTEE B**

**Chairman:**
The Hon. J.C. Bannon

**Members:**
Mr S.J. Baker
Mr M.R. DeLaine
Mr V.S. Heron
Mr W.A. Matthew
Mr C.D.T. McKee
Mr E.J. Meier

*The Committee met at 11 a.m.*

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**The CHAIRMAN:** When there are any changes of membership, it will be the practice for that to be notified at the time and it would be appreciated if the appropriate forms could be supplied. The procedure is known to members. It is fairly informal and there is no need for members to stand in their place. They can simply address questions through the Chair or to the Minister. The Committee can timetable an approximate period for the consideration of various estimates to facilitate the change of departmental advisers so that advisers will know when they are likely to be required. If the Minister undertakes to supply information at a later date, it must be in a form suitable for insertion in *Hansard* and two copies must be submitted no later than Friday, 24 September.

I intend to commence proceedings by allowing the lead speaker for the Opposition and the Minister to make opening statements, if they so desire, of about 10 minutes, and up to a maximum of 15 minutes. That is discretionary on their part. As to questions, we will adopt the usual policy of about three questions per member; if a supplementary question seems appropriate, in order not to interrupt the flow of questioning, some flexibility can be allowed. However, in order to allow everyone an opportunity to ask questions, it will be three questions a time, alternating sides. Subject to the convenience of the Committee, a member not on the Committee will be entitled to ask the question once the Committee has exhausted its line of inquiry. The Chair will need to be advised, though, because members will come in as observers from time to time, and if they want to ask questions they should let me know.

Questions must be based on the lines of expenditure in the Estimates of Payments and Receipts. Reference may be made to other documents, for example, the Program Estimates and the Auditor-General's Report, and it would help if a precise identification could be made of the page number in the relevant financial papers for the purpose of the record and to assist the Minister and his advisers. Questions are to be directed to the Minister but the Minister, at his discretion, can refer questions for response to advisers or he may ask for further elucidation of an answer that he in part has responded to. Finally, at the commencement, I would ask the Minister to introduce his advisers and, when there is any changeover of advisers, to do so as well, with the name and title.

**The Hon. C.J. Sumner:** Mr Chairman, I have an opening statement but so as not to take up the Committee's time I seek leave to table the statement and distribute it to members. The statement outlines the initiatives taken in the past 12 months since the portfolio of Public Sector Reform was established, and members would be aware of a number of statements that have been made and actions taken since then. The statement is a summary of what has occurred, and all members would agree that it is a very comprehensive and significant set of initiatives that have been taken in that time. I would like to thank the officers in Government responsible for it for their diligence and enthusiasm in putting into effect this policy. I refer it to members because it provides a good summary of the developments to date.

Office of Public Sector Reform, $2 701 000

**Witness:**

The Hon. Christopher John Sumner, Attorney-General, Minster of Justice, Minister of Public Sector Reform, Minister for Crime Prevention and Minister of Correctional Services.

**Departmental Advisers:**

Ms S. Vardon, CEO, Office of Government Management.

Mr P. Crawford, Chairman, Government Management Board.

Ms A. Howe, Director, Public Sector Reform.

Mr. B. Grear, Director, Government Management Board.

Mr. L. Nelson, Administrative Officer, Public Sector Reform.

**The CHAIRMAN:** I declare the proposed payments open for examination and refer members to pages 26 and 27 of the Estimates of Payments and Receipts and to pages 23 to 29 of the Program Estimates.

**Mr S.J. BAKER:** I refer to pages 26 and 27 of the Estimates of Payments, to page 266 of the Auditor-General's Report and to page 23 onwards of the Program Estimates. My first question relates to the process of restructuring. What are the costs and benefits of each new departmental confederation, coalition or amalgamation, whatever is the appropriate terminology? What are the details of the costs of the changes taking place and the perceived benefits to the taxpayers of such changes?

**Ms Howe:** The exact costs are not available in all cases, although the Committee would be aware of the costings so far provided for Southern Power and Water. However, the amalgamation of agencies is simply the first start to making savings from overheads and delivering the savings that have been outlined in the budget, whilst maintaining services. There are a number of ways to do this, but the choice is between restructuring driven on an *ad hoc* basis and through budget imperatives or reform occurring in a planned and structured way. It will take some time before the reconfiguration becomes fully operational, and the savings will certainly be tied to the capacity for turnover in the Public Service. Due to low attrition, we are relying somewhat on the targeted separation packages, which also need to be planned in order to preserve and maintain services.

The changes we are expecting would be facilitated significantly through enterprise bargaining. When we have an agreement we expect the productivity improvements will flow through a detailed examination at the work place on productivity improvements. So, the amalgamation of the

agencies provides the Chief Executive Officers with greater flexibility in their portfolios and the Ministers with greater flexibility in the reallocation of resources through budgeting across portfolios but, more importantly, the process of benchmarking for best practice, enterprise bargaining and an extensive and detailed agency activity review we will be undertaking over the next few months will identify the significant savings required through the budget process.

**The Hon. C.J. Sumner:** I will add to that by referring to the statement, 'Rationalisation of corporate services', which was tabled and which I should have read out. In addition to a wide range of policy coordination benefits that will result from the proposed arrangements there will be a significant benefit to the recurrent budget. The planned approach provides a framework within which real productivity gains and costs savings will be made. In particular, there are expected to be reductions in overlap and duplication in corporate and support services that will result in savings of the order of 20 to 25 per cent of 1992-93 costs. Similar savings in cross agencies areas such as Information Technology, supply and competitive tendering will continue to be pursued.

Economies of scale obtainable through new agency arrangements will assist with the realisation of such savings. All the amalgamating agencies' Chief Executive Officers are considering a proposal to benchmark their corporate services for best practice and to assist in their design of a new corporate structure that represents excellence and efficiency. State Government spending on selected goods and services in 1992-93 was of the order of $700 million. Since the Premier's April announcement a survey of nine of the largest agencies, representing about 70 per cent of the State Government's procurement, has revealed that initiatives already being undertaken in the supply function of those agencies have saved $9.1 million in 1992-93, and will save $10 million in 1993-94 and $7.2 million in 1994-95.

The Government has implemented a number of new measures in Information Technology (IT) in recognition of its importance as an industry sector with prospects for growth in the State, as an instrument for reform of the public sector and as a major corporate services area of Government. A committee comprising the Chief Executive Officer of the Department of Premier and Cabinet, the Under Treasurer and the Chief Executive Officer of the (then) Office of Public Sector Reform identified scope for further reforms and impediments to reform within agencies.

**Ms Vardon:** It is estimated that the savings to the first year's recurrent budget should be of the order of $20 million, but we believe that to be an underestimation.

**Membership:**

Mr Atkinson substituted for Mr Heron.

**Mr S.J. BAKER:** What is quite apparent is that the so-called reforms have gone ahead without any proper costing. I note that the Attorney-General has suggested that there are particular areas of saving in corporate services, perhaps in information technology and perhaps in supply, but we at this stage have no considered estimates of the personnel savings of the recurrent savings. Given that it appears to have been an exercise that was done in isolation without those, can the Attorney provide details by department of those savings prior to the budget estimates being satisfied? I do not know what time frame we are operating on now, but it is normal that replies to questions have to be provided before the Parliament returns, and if it is possible I would appreciate some more concrete indication of the savings that the Attorney and the office believe are possible under these changes.

**The Hon. C.J. Sumner:** I am sorry to disappoint the honourable member but I have already given him the estimate of savings across the board of $20 million, plus I mentioned the other savings as a result of the changes in the Supply function. I would have thought that rather than carp about it the honourable member would congratulate the Government for its initiatives in this area. It is quite clear that, properly managed, this process will produce savings and the estimate is $20 million. As the process goes on over the next few months, and it is a process that will take some months to finalise, those savings will become obvious and be specifically identified. It is important to realise that this is not just about savings. That is one aspect of it—to rationalise corporate services and policy services, to produce savings by overcoming overlap, duplication, etc. by putting like agencies together so that we get savings instead of duplication as between separate agencies.

To start with we are reducing the number of CEOs quite significantly and that is a significant saving on its own. Of course, that is just at the top of the process. Throughout the whole of the agencies that are put together there are savings as you remove duplication and you remove overlap. So there are savings. However, I think it is also important to note that public sector reform, while about savings, by reducing bureaucracy and administrative costs, also ensures as far as it can that service delivery is maintained. That is the objective of it. The additional objective, which is also very important, is for Government to be able to take a more whole-of-Government approach to delivering services to South Australians. If we have 30 or 40 departments with CEOs obviously that is more difficult than if we have 12 operational agencies with the two central agencies. That is, in effect, an executive of some 14 people. That enables better coordination of the whole-of-Government activities; it enables better implementation of Government policy as determined by the Cabinet. Again the statement refers to this, and I will just read it out again:

> The rationalisation of agencies using a portfolio based approach will allow much better coordination of related activities, and will deliver benefits such as clear portfolio control of the Government's policy priorities, streamlining of Government decision-making processes, the portfolio based approach to budgeting, economies of scale in corporate services—

which I have referred to—

> information technology and support functions—

and we have given an indication of the savings to be made there—

> and of course greater staffing flexibility.

I would have thought that, given the importance of micro-economic reform in the Australian economy and in Australian Government generally, the South Australian Government has to play its part in that. The Government sector also has to play its part in that. With these public sector reform changes we are getting a more strategic overall approach to Government priorities and the development of the State. It was one of the matters that was identified as being important in the A.D. Little report. Following the change of portfolios last year, it was the portfolio that I was given. It is clear from this statement that activity in this area has been significant. I have little doubt that in the long term, as well as the short term, it

will produce financial benefits and benefits in the way that services are delivered and policies are formed.

**Mr S.J. BAKER:** I remind the Attorney-General that we asked for a departmental breakdown of those costs, and I assume that they can be provided by the due date.

**The Hon. C.J. Sumner:** As I said, they cannot. I have given you an overall figure.

**Mr S.J. BAKER:** That is not good enough.

**The Hon. C.J. Sumner:** It is not good enough for you to come in here and to carry on as you have. I have given you an estimate of the overall savings, and that is in only one area of corporate services.

**Mr S.J. BAKER:** Can you substantiate it?

**The Hon. C.J. Sumner:** We can substantiate it. I have already outlined, in the supply function, the savings in three years, but you are only prepared to be churlish about it. They cannot be provided by the date you want them provided by, obviously.

**Mr S.J. BAKER:** That is exactly right. In the Government *Gazette* on 27 August new contracts for five years have been announced for five CEOs, namely, the Department of Environment and Land Management, Department of Justice, Department of Transport, Department of Emergency Services and the Department of Labour and Administrative Services. What are the salary and other remuneration packages of each office, what is the total cost to the Government of each package and what are the provisions for termination on each side?

**Ms Vardon:** The Government has decided to maintain the salaries of the existing CEOs as they were. The salary of the office of the Commissioner for Public Employment was reduced by $11 000 at my initiation because I believed it was appropriate. However, we are looking at the level of salaries of the CEOs, at the Government's request, because they are now about half the size of the rest of Australia. We are not promoting an increase. However, there are no additional salary entitlements at this time.

**The Hon. C.J. Sumner:** Obviously we need to review salaries from time to time, but in the translation of these CEOs with CEOs in existing agencies there was no increase in salary at this stage. In fact, in the case of the Commissioner for Public Employment there was a reduction. Again, I am sure the honourable member would want to congratulate the Government on that approach.

**Mr McKEE:** On page 29 of the Program Estimates, under '1993/94 Specific Targets/Objectives', there is a reference to the inclusion of a citizens' charter in assisting the Government to improve service quality. What is a citizen's charter?

**The Hon. C.J. Sumner:** A citizen's charter is part of the program that the Government announced for public sector reform in April/May this year. The Premier's 'Meeting the Challenge' statement and my subsequent public sector reform statement and documents were tabled at that time. It was launched to community groups, agencies and public sector unions on 22 July. Guidelines for the development and implementation of a citizen's charter are being developed and will be available for community and agency use by October this year with the intention that service standards will be published by June 1994.

That is the timetable we have set ourselves, but within that timetable agencies will be able to develop citizens' charters and publish them in anticipation of that date. The idea is that all relevant Government agencies will have their citizen's charters developed and produced by that date.

A citizen's charter is a significant document which will ensure that public services being provided are what is required; that they are being performed to a known standard; and that agencies are constantly assessing performance against these standards and publishing the results.

I am sure members would be interested in a draft of a citizen's charter which is in the process of being prepared. It has not been finalised yet but members may be interested in it. It is the Office of Public Trustee; it is a draft obviously; and, indeed, I am perfectly happy for members to make comments on the draft and to have input into its development. I table a copy of this draft.

The charters will set down standards that are expected of agencies so that members of the public, the agency's customers, will know what to expect from the agencies. Obviously the charter will differ from agency to agency and obviously the standards that can be met and guarantees that are included in the charter will have to be realistic. Obviously that is something that is taken into account as the charter is developed, and the charter is developed in conjunction with the agency's customers—that is, those who deal with the agency.

**Mr S.J. BAKER:** I return to the CEOs, who, one should remember, have just been signed up with five year contracts on the eve of an election, and I think that should be taken into account. I would ask that this be regarded as a supplementary question, because the previous question was not fully answered.

One of the previous questions which was not answered was: what are the provisions for termination? In the next question I would ask that that be answered, as well as in each contract what performance measures have been agreed and who is to review performance in each case and by what process?

**Ms Vardon:** They are standard, there is nothing special about them. We will get the details of the standard arrangement. In relation to performance, it is proposed that every agency go on to performance assessments, anyway. Agencies will now be required to be results oriented and to be up-front with those results. The results of the agency will be translated into the performance agreement with the Chief Executive Officer.

So, we are asking each agency to keep up with those results and we will translate them back into the performance standards. We are hoping that they will be developed over the next three or four months, and they will be assessed by the Minister, and whomever the Minister chooses to assist, to see whether or not they are satisfactory.

**Mr S.J. BAKER:** On a point of clarification, in terms of performance standards for CEOs, you are saying that you will look at the agency and then feed back into the CEO, presumably. But what are your guidelines on performance standards for CEOs?

**Ms Vardon:** We have certainly said that they will have a performance standard in an agreement to be signed with the Minister, but what we are saying is that at the moment the performance standards are too process oriented. We want people to be results oriented, but to get them results oriented we must first ensure that the whole of the agency is results orientated.

We are going through an exercise with the CEOs at the moment to work out how they would want to be measured for the success of their agency. But they cannot think of it in their offices overnight; it has to be done in consultation with stakeholders, with Ministers and with other people who care

about what the product is that they are delivering. Then we will interpret that back.

In the first year they would be expected to achieve the objectives of the Government in that area; they would be expected to receive the savings that we anticipate—20 to 25 per cent of corporate overhead savings would go in the contracts, and so on.

We are about to start working on that with the Premier's Department but we have not quite finished the task; it is a very hard hitting performance agreement.

**Mr S.J. BAKER:** What is the timetable for each merger? We have seen some stark examples of amalgamations having gone horribly wrong. I cite the case of the Department of Primary Industries, which is still in some form of turmoil, as an example of what has gone wrong without proper planning preceding the change. We have also seen that in regard to environment, which has changed its form and function three times in the past six months. By what date will these new amalgamations be completed?

**The Hon. C.J. Sumner:** First, the notion that the Department of Primary Industries amalgamation has gone wrong I not only refute absolutely but believe the opposite to be true. Feedback about the department is that the amalgamation has been very successful. It has put together the pre-existing agencies, determined a corporate approach, an overall policy approach, to the delivery of services within the department. Perhaps the honourable member is not informed about what is happening and it may be that he and other Opposition members, as well as Government members, would be interested in being briefed about how the amalgamations are going. If the honourable member would like to be reassured on that department—and I point out that the Department of Primary Industries is going well—a briefing could be arranged for him. The same situation applies in regard to the other areas that were announced earlier as part of the reform process.

Obviously, when we amalgamate agencies there are some difficulties from time to time and one would hardly expect it to be otherwise. If one goes about it in a way that is planned, which is bringing together like agencies so that we can better overall policy formulation and better budgetary control, in the long run there is little doubt that there are benefits in that approach and I believe that we are already seeing the results of that. As to the specific question about each agency, I ask Ms Vardon to comment.

**Ms Vardon:** We have spent much time working out the phasing of the agency and agency changes. We have introduced the agencies over time because we cannot have the whole of Government being reformed at once. Earlier the Government decided to proceed with Housing and Urban Development, Southern Power and Water, Department of Education and the Department of Primary Industries, which was first. In the recent list we had environment and natural resources, justice, transport, emergency services, labour and administrative services and then a number of portfolios, for example, Business and Regional Development and the portfolio of Premier and Government Management. Setting the portfolio arrangements aside, because they do not involve structural reform, we are asking for each agency to go through a series of steps. We have been advised by Price Waterhouse and others on the series of steps. It has been important to have an outside consultancy group work with us on how we do such large reform. We have asked each agency to go through a series of three steps and I will ask Ms Howe to go into those and talk about the months through which the reform will happen.

**Ms Howe:** As the Commissioner has said, we have spent much time looking at how to assist agencies through the process of amalgamation in a way that does not unduly interfere with the delivery of services. We wanted to assist them as quickly as possible to get the key structures in place. Between now and the end of December we will have phase 1 and we will be expecting the constituent units to work with the new CEOs to identify the key functions and outcomes of the new agency and make sure that they are consistent with Government policy and stakeholders, and to have a statement of purpose and a set of agency outcomes that would be agreed to by the Minister and stakeholders. By then they would have developed an appropriate organisational structure concept to the second level—only to support those outcomes—and people would be appointed temporarily into those positions to enable the business to continue and to develop a changed management and implementation strategy for the new structure and the second phase.

From January next year until about April we want to identify accurately the opportunities for improved resource allocation, to identify those areas of duplication, overlap and redundant activities for elimination and opportunities for performance improvement, and provide a database to support enterprise bargaining negotiations. Following that there is the implementation that would begin before the end of the financial year with the objective of creating a simplified and streamlined organisation that is flexible, responsive and effective, to have identified all the productivity improvements for enterprise bargaining, to have set benchmarks for best practice and introduce a culture of customer service results orientation and continuous improvement. The deliverables, as we see them, will occur in each phase and the earlier question about the improvements and the benefits should be available early next year.

**Mr De LAINE:** I refer to page 29 of the Program Estimates and this reference:

> Develop the Leadership 2000 program to ensure the public sector is adequately trained for the future for its changed culture and role.

How will this training be carried out—internally or by other agencies such as TAFE?

**Ms Vardon:** In all the literature and information that we have about public sector reform and reforming any large organisations, the biggest deficit in both the private and public sector has been identified as leadership amongst people. We have made a choice not to develop the senior executive service as some sort of superior service but to promote leadership at every level, whether it be on the shop floor or anywhere up the management scale. We need people who have the energy to increase growth and wealth in South Australia, people who could be creative and challenge the old ways of the public sector.

It seemed to us that developing leadership was the most important thing. We could have all the dreams and visions in the world but, if we do not have the people to take South Australia forward, then we are in trouble. Having identified where the leadership training should be, we now look across the public sector to find that a number of people are doing leadership training, but they tend to be in the pipelines of the public sector. Each agency does its own training. We wanted to have a vision of how we were going to get the public sector forward in order to consolidate that. We will the using the

Office of the Commissioner of Public Employment to do those tasks.

We have called together some of the best leadership trainers we can find and we have asked them to put a package together dealing with how we can skim off the leadership training throughout the public sector and consolidate it into a central position. When we do a reform agenda two areas are important to centralise, while everything else gets decentralised. Those two areas are information technology strategy and training strategy. We still intend agencies to train people in their specialty but, when it comes to leadership, we are bringing it back and centralising it. We propose that it be organised from a central place, but that is yet to be determined. There are a lot of good people working on the leadership strategy now.

**Mr De LAINE:** Further on page 29, how will the enterprise bargaining process be handled in conjunction with the public sector reform process itself and the retraining of personnel within the new department?

**Ms Howe:** Enterprise bargaining is significant for assisting in the reform of the public sector. In fact, this week the Central Forum for Public Sector Reform, which is a joint UTLC, Minister of Public Sector Reform, Minister of Labour Relations and Occupational Health and Safety and Commissioner for Public Employment forum, will be meeting to act as a peak negotiating body for the whole of public sector reform on principles, guidelines, policy implementation of valuation issues. Enterprise bargaining essentially we expect will be delivering two things: a wages outcome for employees but also a mechanism for achieving public sector reform outcomes. We expect that there will be a much improved public sector through the introduction of work force flexibility, performance measurements and customer service improvements. The sorts of things that my office will be looking for in agreements made between unions within their enterprises will be a citizens' charter and ways of looking at improved customer service, more flexible working hours, productivity targets, performance appraisal, flexible deployment and redeployment of staff, that future increases in wages are related to the achievement of clear targets that are set, the need to quantify those productivity targets, process simplification, better accountability and the introduction of best practice and benchmarking.

**Mr De LAINE:** Also on page 29, under the heading of 1992-93 Specific Targets/Objectives, I refer to the Government Management Board's service excellence strategy. What are the details of that strategy?

**Mr Grear:** The strategy of service excellence has been in vogue now for a number of years, and people throughout the public sector are encouraged to nominate others for areas where their performance in the public sector has been exemplary in the area of delivery of service to customers. The arrangements are that nominations are made and the people selected are those who meet the requirements of an outstanding performance in improving a process or procedures, or in just the way in which they handle the public. We are extending that, with the innovation awards, because many public servants have been involved in introducing the innovations, and they have now been combined into the one award of excellence within the public sector. We usually get about 100 a year, and 30 to 50, depending on the year, are selected to receive those awards. The outcomes of those will be advised throughout the public sector as becoming benchmarks for other people to set their standards against in delivering the service.

**Mr MATTHEW:** I ask that the Price Waterhouse report that was referred to earlier and also the implementation timetable be tabled. That may assist in reducing further questioning. If there is some difficulty in deciding which one, we are happy to have both tabled.

**The Hon. C.J. Sumner:** Certainly. This and the reduced report are the same.

**Mr MATTHEW:** Where there were two Ministers for a department, such as with the Attorney-General's Department and Consumer Affairs, to whom is the CEO responsible and which Minister is to accept ministerial responsibility?

**The Hon. C.J. Sumner:** The CEO will be responsible to the Minister of Justice and the Attorney-General, and the CEO will be responsible for the process of bringing together the department the various components into the Justice Department. However, there will be a continuing Commissioner for Consumer Affairs who has statutory responsibilities and who will receive certain delegations in the administration of those operational units that will continue—the Office of Fair Trading and the like—and in relation to those matters the Commissioner for Consumer Affairs will report to the Minister of Consumer Affairs and will be responsible to that Minister for those matters. The notion of two Ministers operating out of the one department is not something that is new. It has been in place now at the Federal level across a range of departments since 1988 or thereabouts. So, the concept is not new; it is a matter of ensuring that there is an appropriate division of responsibility and delegation of authority, and that is what will occur as the process of bringing the consumer affairs operating agencies into the Justice Department proceeds.

**Mr MATTHEW:** As a supplementary question: to further clarify that, obviously we are in a position where, with more than one Minister being reported to by a CEO, there is some potential for conflict, and I can see that becoming compounded with a confederation such as the one we have with Business and Regional Development, where effectively there are four Ministers. So in that sort of situation, to whom will the coordinator be responsible, and who will be the lead Minister? Do they toss a coin on each occasion, or is there a more structured way of approaching the problem?

**The Hon. C.J. Sumner:** It is very structured, as I have just explained in relation to the Justice Department, which is the amalgamation described as confederations of operationally independent agencies; but similarly with the related groupings of agencies into portfolio areas, such as Premier and Government Management, Business and Regional Development, the CEO will be responsible to the Minister, who is the Hon. Mr Rann, but the other agencies that are brought together in that grouping will still have Ministers. As the honourable member said, arts is in that grouping and there will still be a Minister for the Arts who is responsible for policy in that area, and likewise with the other groupings that come under that Business and Regional Development grouping of portfolios. However, although there is more than one Minister operating in the circumstances I have outlined, the aim is to get savings in corporate services and the like, that is, reducing overhead costs, but also to get a broader approach to policy development within like-minded agencies. That is how the agencies have been grouped.

**Mr MATTHEW:** I want to focus my final two questions on Government consultancies. I am aware that in 1992-93 consultancies cost $149 120. What was each consultancy involved in this? Who undertook those consultancies, what was the cost of each and what procedures were adopted for

seeking consults and deciding to whom contracts should be let in the first place?

**The Hon. C.J. Sumner:** I have a schedule, if the honourable member would like it? I table the schedule.

**Mr MATTHEW:** Does that schedule also cover the 1993-94 consultancies proposed, because I note that there is an estimated cost of $304 000?

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

**Mr MATTHEW:** That estimate has obviously been upgraded considerably, looking at an increase of in excess of 100 per cent. What consultancies are proposed in which particular areas, and have any consultancies yet been contracted for that period?

**The Hon. C.J. Sumner:** I will provide an answer to that question for the honourable member.

**Mr MATTHEW:** Could the answer include details of what consultancies have been contracted since 1 July this year?

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

**Mr MATTHEW:** And also detail as to whether the procedures for selecting consultants for this financial year are the same as for the preceding financial year.

**The Hon. C.J. Sumner:** They are the same. That is the procedure.

**Mr ATKINSON:** I have read the paper entitled 'Public sector reform' which you tabled.

**The Hon. C.J. Sumner:** That was my speech. They would not let me incorporate it in *Hansard* when you were not here, so I had to table it. I made the point that if you are in the Legislative Council you should abide by the procedures of the Legislative Council.

**Mr ATKINSON:** Under the heading 'Agency activity reviews' it says:

> Agencies will be undertaking a review process that will assist them to identify their essential activities and to determine more efficient ways of delivering services to their customers.

I should have thought the last people to whom one would leave that review process would be the public servants in the agencies. Should that not be a decision that is ultimately taken by a Minister who is responsible to a Parliament which, in turn, is responsible to the people?

**The Hon. C.J. Sumner:** Yes. That is quite right. It is Constitutional Law 1, I thought. Is the honourable member not aware of the principles of parliamentary responsibility, ministerial responsibility, who is responsible to Parliament, and the role of the Public Service? I know the honourable member has studied law.

**Mr ATKINSON:** I thank the Attorney for that explanation. The document states:

> Rationalisation of agencies using a portfolio based approach will allow much better coordination of related activities and will deliver benefits such as a portfolio based approach to budgeting.

What was our approach to budgeting before it was portfolio based?

**The Hon. C.J. Sumner:** It was always portfolio based but there were many more portfolios. When you bring the portfolios together you can take an approach to budgeting that is across a broader range of portfolios than occurred in the past. If I can go through a little history lesson, with old style public sector management you had a Minister responsible for a portfolio; that Minister put up budget proposals for that portfolio; it was granted in the appropriation for that portfolio; and the public servants were expected to manage it on behalf of the Minister within that portfolio. If you wanted extra funds for that portfolio you went back to Treasury and asked for them.

Some years ago Treasury changed the approach to that so that, where a Minister was responsible for, say, two or three portfolios, the Treasurer would permit the Minister to reallocate funds within those two or three portfolios. So, there might be a need for the Minister to give higher priority to one area than to another. If that was the Minister's decision, Treasury would approve a reallocation of funds from one portfolio to another without the Minister's taking the very strict view that he or she was going to get extra funds for the particular portfolio of concern.

That approach has been adopted for a number of years, but the problem with that was that if you had a Minister who, on the one hand, was Minister for the Arts, say, and on the other, Minister for Consumer Affairs, or Minister for the Arts and Attorney-General, something like that, there was really no connection between the two portfolios. That approach to budgeting from Treasury always seemed to me to be not particularly logical and it created difficulties for Ministers, because what commonality is there between Arts and Attorney-General's?

If you have a problem in Arts and you shift money from Attorney-General's to Arts in order to overcome that problem as part of the shifting of money, it is between portfolios. That was the problem with that Treasury proposition. You would go to Treasury for more funds and Treasury would say, 'You have an appropriation; you can allocate your priorities within that appropriation', and the Minister would say, 'But I have two quite disparate departments, so that is not reasonable.' So, the third stage, the stage we are actually in now, is trying to bring together like functions within the one agency and, therefore, you can have a more rational approach to portfolio based budgeting.

The portfolio is bigger and the groupings within the portfolio are more similar than where you had separate departments with quite different functions attached, or responsible to particular Ministers.

**Mr ATKINSON:** And on the last page of the same document—

**The Hon. C.J. Sumner:** Perhaps if I go back to your previous question. I would not want you to think that I was being flippant about it: that would not do at all. I think what I said is essentially correct. We have said:

> Agencies will be undertaking a review process that will assist them to identify their essential activities and to determine more efficient ways of delivering services to their customers.

Obviously that is the responsibility of agencies, but they have to actually do the work. What are determined to be essential activities and more efficient ways of delivering them are obviously things that will be determined in the final analysis by the Minister, and of course the honourable member will then be able to question the Minister in Parliament about those issues if he is not happy.

**Mr ATKINSON:** And you will not be snowed?

**The Hon. C.J. Sumner:** No. I haven't been in the past, Mr Chairman. That is why I have ended up with all these portfolios. I started with three and now I have five—more than I have ever had.

**Mr ATKINSON:** The last page of the document refers to a flexitime review: will the outcome of that review be more or less flexitime?

**The Hon. C.J. Sumner:** I do not know. You will have to wait and see when it is published. I took the general proposition that we should have a more flexible public sector, and a

lot of the reforms which have been spoken about today and in the Government's past announcements have, as a base, a more flexible Public Service. In that context we have talked about extended trading hours for the public sector, and I thought that one way of looking at getting extended trading hours was to look at the operation of flexitime, and that is what we are doing. I do not have the final results of the review, but when that is finalised, which it will be fairly shortly, it will be made public and the Government's view on it will be announced. Obviously it will be the subject of discussion with unions and others, but with the essential objective in mind, which I have announced on previous occasions.

**Mr ATKINSON:** So you are looking for more flexitime, if that is appropriate?

**The Hon. C.J. Sumner:** Not necessarily more flexitime, but flexitime which can achieve the Government's objectives. Certainly, if we are able to get more flexible working hours, which can ensure that Government agencies open for longer, that is a good thing, and that is the context in which the flexitime review was announced, and I would expect it to deal with that issue. It is a review of flexitime generally, but quite clearly in my view flexitime ought to be something which is of benefit to the Public Service as a whole and its customers as well as something that is of benefit to the individual employee. That is the context in which the review of flexitime is being conducted; that is, with a view to getting more flexible working hours so that we can get more flexible opening hours and more flexible service provision to customers.

**Mr MEIER:** In the Meeting the Challenge document released in April provision was made for some 1 500 targeted separation packages by 30 June 1993 and a total of 3 000 by 30 June 1994. My understanding is that the number of these targeted separation packages is just over 600, so the program appears to be way behind. How many targeted separation packages so far have been effected and what is the program until 30 June 1994?

**The Hon. C.J. Sumner:** We can get that information, but you might like to ask that question of the Minister of Labour who I am sure will have those details. I answered a question in the Parliament just a short time ago in which I gave the details of the targeted separation packages that have actually been taken up and it is in excess of a thousand at this point in time, so I think we are making very good progress.

**Mr MEIER:** Do you have the figures for how many positions in each department and agency have actually been targeted? In other words, it is all very well to get so many going, but have specific target figures been put down in each department?

**The Hon. C.J. Sumner:** We can get details of which separation packages have been taken up in each department.

**Mr MEIER:** And the targets?

**The Hon. C.J. Sumner:** We have been through that before. If you have a system of voluntary separation you cannot actually say you are going to get rid of so many from a particular agency. We have been through this. You can read the *Hansard*. The fact of the matter is that, if you want compulsory separations or retrenchments, up-front you can say you are going to take 'X' number out of that department and 'Y' out of that department, etc., but if you have a system of voluntary separation packages or targeted separation packages which are taken up on a voluntary basis—no-one is forced to take them up—you cannot up-front say that it is going to be so many from each agency. I would have thought that would be commonsense.

*Mr S.J. Baker interjecting:*

**The Hon. C.J. Sumner:** We will get you the information. As I say go back to *Hansard*—in fact if I can find it, I will give it to you now. Certainly in excess of 1 000 have already been taken up, and I think that is very good progress. That was three or four weeks ago as I recall it, but there have been some developments since then and we can get you the up-to-date figures, together with the figures broken down by departments.

**Mr MEIER:** I thank the Attorney for indicating he will get the figures. I am certainly under the impression that they are targeted separation packages, not voluntary separation packages. Therefore, I would assume that my last question would also be answered; in other words, how many have been targeted.

**The CHAIRMAN:** That has been dealt with. Can we move into the next topic.

**Mr MEIER:** In your tabled statement Public Sector Reform (page 2.5), it states:

> Since the Premier's April announcement a survey of nine of the largest agencies representing about 70 per cent of the State Government's procurement has revealed that initiatives already being undertaken in the Supply function of these agencies have saved $9.1 million in 1992-93 and will save $10 million in 1993-94 and $7.2 million in 1994-95.

As the Premier's statement was on about 20 April, it means I assume that the savings only occurred in May-June of the 1992-93 year for some $9.1 million—almost as much as what will be saved for this current financial year for the whole 12 months. Where have these specific savings been made in the Supply function? How is it that such rapid progress was made in two months, yet it seems to fade off somewhat for the next 12 months?

**The Hon. C.J. Sumner:** First, the $20 million is estimated savings in corporate services: it is not the total savings that we hope we could get, but that is the figure that I referred to before and the one that I think you were just alluding to. We can provide this information to the honourable member. I do not have it at the moment because it is from another agency—State Services.

**Mr MEIER:** Will that be a department by department breakdown?

**The Hon. C.J. Sumner:** On the major areas, yes.

**Mr MEIER:** In the explanation given in relation to enterprise bargaining, quite a few areas were identified that will be considered for enterprise bargaining to obviously try to achieve greater efficiency. As the system, which I believe has been in operation for some years now, has revolved itself around productivity increases, what are the differences between the criteria used for productivity increase pay increases versus the criteria outlined a little while ago?

**Ms Howe:** I suppose the differences are in the decisions and the rules brought down by the Industrial Commission. Enterprise bargaining has a particular set of rules as opposed to structural efficiency principles in previous agreements. Within the public sector it is significantly different as the Government is negotiating now in that, rather than a whole of Government increase to be negotiated, the increases would be negotiated through CEOs with unions on an enterprise by enterprise basis. The productivity improvements will be required to be identified and shown, when they will come in and in what areas prior to any wage increases being paid as opposed to a wage increase being paid on the basis of

expected productivity across the whole public sector. There are significant changes in the way that the agreements will be struck with the parties identifying details of productivity improvements tied to wage increases.

**Mr MEIER:** In other words, those criteria were not used in the past with productivity increases, even though one would have thought the same criteria were applying?

**Ms Howe:** Productivity is productivity. We are hoping through enterprise bargaining associated with public sector reform that all the major areas of improvement that the Government has identified will be the subject of enterprise bargaining agreements. Productivity in terms of streamlining Government agencies and corporate services is important, but so are quality improvements in customer service.

**The Hon. C.J. Sumner:** Perhaps I could answer one question that has been referred to before. In *Hansard* of 7 September I answered a question on targeted separation packages. At 18 August 1993—and if members want to update this they can ask the Minister of Labour in his Estimates Committee—1 552 public sector employees had requested and received an offer of a TSP approved by the Commissioner for Public Employment. Some 1 024 public sector employees had accepted offers by 18 August 1993 and resigned.

As I said, in excess of 1 000 TSPs have already been taken up. Offers are under consideration by employees and further offers will be made as soon as the employees resolve outstanding workers compensation claims. It is not anticipated that there will be any need to push the work force targets into the 1994-95 financial year if work force reductions continue to meet the current targets. In excess of 1 000 public sector employees had accepted TSPs in the first six weeks of the 1993-94 financial year. We are hopeful that the target of 3 000 will be met by the end of this financial year. Obviously we shall have to wait and see whether it is met. However, in excess of 1 000 have already been taken up.

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

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Courts Administration Authority, $45 469 000

**Departmental Advisers:**

Mr I. Rohde, Manager, Information Services.

Mr H. Gilmore, Manager, Resources.

Mr A. Bodzioch, Acting State Courts Administrator.

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

**Mr S.J. BAKER:** When we were examining the Office of Public Sector Reform we had 23 officers present, most of whom have gone. I wonder what reform is occurring when we have so many public servants in the Gallery. They seemed to be performing no useful function. Were they all here to view the proceedings?

**The Hon. C.J. Sumner:** They were officers from the Office of Public Sector Reform who had not seen an Estimates Committee in operation. I guess it is part of an educational process which should not be denied to public servants. In fact, they should be encouraged to take an interest in the parliamentary and Estimates Committee processes.

**Mr S.J. BAKER:** There has been considerable controversy about the use of judges' cars, and sometimes they have been driven by other than the judges and magistrates to whom they have been allocated. What terms and conditions are imposed on the use of cars acquired by judges and magistrates as part of their remuneration package? In 1992-93, in respect of judicial officers at each level—Supreme Court, District Court and Magistrates Court—how many were involved in accidents; how many were driven by other than the judicial officer concerned; and what was the cost of the damage in each case?

**The Hon. C.J. Sumner:** That question about accidents has already been answered. The honourable member is obviously not attending to his parliamentary duties with due diligence, because I understand that this question was asked by the Hon. Ms Cashmore of the Minister of State Services in the House of Assembly in the last session and it was answered by the Hon. Mr Rann. We can provide the honourable member with the answer.

**Mr S.J. BAKER:** As long as it covers 1992-93. The other part of the question was: under what conditions can people drive those cars?

**The Hon. C.J. Sumner:** The answer simply is that the conditions are set down by the Remuneration Tribunal. The Remuneration Tribunal granted judges the use of cars for private purposes and that has got the criteria. I do not have it in front of me but I am endeavouring to get it before we finish today.

In the meantime, I table the question and answer which I believe has already been given on this topic and which should already be in the *Hansard* for the House of Assembly in any event.

**Mr S.J. BAKER:** What is the current waiting time for trials or hearings in each jurisdiction? I know the Attorney is invariably well prepared for this question and he can normally provide a table of waiting times for cases to be heard for trials or hearings in each jurisdiction. It is a regular question that we ask.

**The Hon. C.J. Sumner:** I have a schedule of that which I table.

**Mr S.J. BAKER:** Do we have any indication of whether the times are increasing or decreasing?

**The Hon. C.J. Sumner:** I thought the honourable member might ask that. He has yet more cause for congratulating the Government. In fact, the delay in the civil jurisdiction of the Supreme Court in 1992-93 was 14 weeks, compared to 17.5 weeks in the previous financial year. In the past financial year the delay in the Criminal Court reduced to 14 to 16 weeks, compared to 19 to 27 in the previous year. In the District Court there is a time standard: 90 per cent of cases to be disposed of within nine months of service of the summons. In 1991-92 that was 65 per cent, and it is now up to 85 per cent. For criminal listings in the District Court, it was 21 weeks in 1991-92, compared to 14 to 16 weeks in 1992-93. In the Magistrates Court there has been a decline generally, although there has been an increase in small claims delays, because the legislation increased the jurisdictional limit to $5 000 on 6 July 1992. When the honourable member sees this he will be very pleased and should put out a press release about it.

**Mr McKEE:** At page 79 of the Program Estimates, under the heading '1993-94 Specific Targets/Objectives', it states:

The District Court intends to introduce 'status conferences'.

First, what is a status conference and, secondly, what is it actually designed to achieve?

**The Hon. C.J. Sumner:** A status conference is designed to ensure that a case is ready for trial. A status conference looks at pretrial procedures, the availability of witnesses, whether the issues have been properly defined in the pleadings, and the like. Those conferences are already conducted to a considerable extent in the District Court and indeed in the Supreme Court. It is very similar to the pretrial conference system which operates at the present time in the civil area.

Status conferences apply in the criminal arena and they are similar to pretrial conferences in the civil jurisdiction but they essentially have the same objective: to ensure that the case is ready for trial; that the issues are defined; that witnesses are available; and the like.

**Mr McKEE:** At page 81 of the Program Estimates, under '1993/94 Specific Targets/Objectives' it states:

> Facilitate the implementation of the proposed Environment, Resources and Development Court.

Is that a brand new court? Is it designed to deal with anything that might be related generally to planning and maybe Mabo or would Mabo be a Federal Court issue?

**The Hon. C.J. Sumner:** The Environment, Resources and Development Court is a new court established under the new Development Bill, which passed Parliament in the last session. It is expected that appointments to that court will be made shortly with a view to proclaiming its operation and the operation of the new Development Bill within a few weeks and hopefully by the end of October.

Whether this court could deal with Mabo type claims is an issue which is still being examined and which is the subject of discussion between the State and Federal Governments. We have not yet determined what will be the final approach to tribunals to deal with claims for native title. One option is to integrate that process into the Environment, Resources and Development Court. That, of course, is an option that would be considered if the State decided to establish tribunals to deal with native title claim. If it is decided in the final wrap-up to leave the establishment of those tribunals to the Commonwealth, then, obviously, this court would not be affected.

**Mr MATTHEW:** At page 78 of the Program Estimates, under the heading 'Issues/Trends' it states:

> The workload in the Magistrates Court increased by 10 per cent during the year but this is mainly as a result of speed cameras.

Bearing that in mind, I ask what is actually being measured and how it is being measured in order to determine that 10 per cent. For example, are we talking about the number of cases? Also, what is the increase in speed camera summonses in 1992-93 as against the two preceding financial years?

**Mr Gilmore:** It is measured by the number of matters coming to courts as opposed to the number of speed camera matters actually being imposed on the motorist by the police. We are measuring lodgments with the court, and they have increased on the previous year by approximately 10 per cent. The number of offences dealt with by the courts in 1991-92 was 13 086. For the year 1992-93 the figure was 27 620, and for 1993-94 we are estimating a figure of 31 668.

**Mr MATTHEW:** As a supplementary question, is this change due to an increase in the number of speed camera fines issued or an increase in the percentage of people receiving those infringements taking them to court, or both?

**Mr Gilmore:** Predominantly, it relates to the number of matters issued by police. I have not done a detailed analysis of the percentage coming to the courts, but it was running around 10 per cent. I have statistics, but it would take time to check what that figure is now. I have it on a month-by-month breakdown.

**Mr MATTHEW:** I would be happy for the question to be taken on notice. At page 78 of the Program Estimates this statement is made:

> The trend for an increasing number of offenders taking advantage of community service orders is continuing and in 1992-93 the number of applications increased by 74 per cent. This has resulted in a write-off of an additional $1.44 million in potential revenue which is a 69 per cent increase on the 1991-92 figure.

What is the cost of community service orders in lieu of fines for 1992-93? What is the cost of community service orders being taken up in lieu of fine payments?

**The Hon. C.J. Sumner:** Do you mean the cost of administering the community service orders or the amount of revenue lost?

**Mr MATTHEW:** The amount lost is $1.44 million in potential revenue, but I am looking at the cost of community service orders as against the fines that would have otherwise been paid.

**The Hon. C.J. Sumner:** Can you ask that question this afternoon when I am wearing my other hat?

**Mr MATTHEW:** I would have thought the question was relevant to both portfolios.

**The Hon. C.J. Sumner:** It is relevant, but I do not have the information.

**Mr MATTHEW:** As a supplementary question, how many of those community service orders have originated from a refusal or inability to pay a speed camera fine? This question can be taken on notice.

**Mr Gilmore:** We can split the figures between TINs and other offences. They would all be traffic offences and not just speed cameras.

**Mr MATTHEW:** At page 78 of the Program Estimates it states under 1993/94 Specific Targets/Objectives:

> Continue the monitoring and assessment of the impact of the courts legislative package.

What problems have been identified as part of that monitoring exercise and what measures have been put in place or are proposed to monitor them?

**The Hon. C.J. Sumner:** I ask Mr Bodzioch to comment.

**Mr Bodzioch:** Since the legislative package came into being on 6 July we have set up statistical tables. We have identified a proper model for identifying what the workloads are in each jurisdiction and we are now gathering that data. The model involves an inventory system whereby we know how many cases are coming in to each jurisdiction, how many are being disposed of and what the residue is at the end of a period. This is particularly important from an administration point of view and will enable the Courts Administration Authority to take proper decisions about reallocation of resources across the authority.

**Mr MATTHEW:** Is that inventory system to be developed as a manual system and has it been computerised in full or in part?

**Mr Bodzioch:** We started the system manually and have transported it into a computer system. It is electronically generated on a monthly basis.

**Mr MATTHEW:** Is it part of the courts computer system development?

**Mr Bodzioch:** It is not specifically a set project of the courts development. It is a little side project we wanted to get

on board so that we could manage our resources in a better manner.

**Mr MATTHEW:** What is the cost of that project?

**Mr Bodzioch:** We have not identified the cost, but it is minuscule. It has taken only a fraction of time. There have been no set resources taken to computerising those statistics. We had some meetings of divisional heads who agreed to the measurements of the figures and we have communicated those requests and directions to our computing branch which has taken it on as a small component of its work. No costings have been done because it will probably take more time to determine the cost than was involved in the exercise itself.

**Mr De LAINE:** At page 78 of the Program Estimates reference is made to the administration of justice in the criminal jurisdiction. Under 1992-93 Specific Targets/ Objectives—and the Attorney also referred to the reduction in time before trials—the following statement is made:

> The time between arraignment and trial has been reduced from about six months to 3.5 months.

How has that welcome reduction been achieved?

**Mr Bodzioch:** As to the reduction in delay between arraignment and trial in the higher jurisdictions, one of the major impacts has been the setting up of the common law criminal registry where the District Court and the Supreme Court criminal jurisdictions were amalgamated under one administration. This has led to significant efficiencies in the listing of trials in the higher courts. That has been the major impact in bringing the delay down from six months to 3.5 months. The system of status conferences has also helped in many ways by identifying cases at an early time—when they hit court—in order to identify and test the issues. They are conducted by District Court judges and this also has had impact in reducing that time.

**Mr De LAINE:** I refer to the following target for 1993/94 (page 78):

> Review the summary protection orders legislation as to its impact on domestic violence.

Are these summary protection orders restraining orders?

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

**Mr De LAINE:** What will be the main thrust or objective of this review?

**The Hon. C.J. Sumner:** I will ask Mr Bodzioch to comment.

**Mr Bodzioch:** As a result of the legislation each magistrate has been provided with a home answering machine and a tape recorder to tape conversations in respect of applications for restraint orders. This facility allows oral orders to be made in urgent out-of-hours situations and provides the police with the subsequent authority to arrest those who ignore a restraint order. To facilitate this the police have a list of all telephone numbers of magistrates, to facilitate the out-of-hours urgent applications. To date, only one application has been made using this method. The review we have in mind is to measure and monitor the extent to which the service is being used and how effective it is.

**Mr De LAINE:** Is it intended to give the summary protection orders more teeth?

**The Hon. C.J. Sumner:** The summary protection orders legislation has been amended recently to enable orders to be obtained by telephone to deal with potential for violence and orders relating to firearms, etc. Whether anything more will be necessary, I cannot say at this stage. But quite recently significant changes were made to the summary protection orders to make them more effective, including two things—telephone orders and interstate recognition of orders.

**Mr De LAINE:** In relation to the upgrading of the Mount Gambier holding cells, have all holding cells for the use of Aboriginal prisoners in this State been upgraded in line with the Royal Commission into Aboriginal Deaths in Custody?

**Mr Gilmore:** At the moment not all holding cells have been upgraded to meet those requirements. We have identified 29 cells which should be developed to meet those criteria. We have submitted budget requests for funding to do that on various occasions; however, to date we have not received the funding.

**Mr De LAINE:** How many have been done at this stage?

**Mr Gilmore:** All the major facilities used, with the exception of the Sir Samuel Way Building, have been adequately upgraded, including Mount Gambier and Port Augusta. I do not have a complete list of those that have been done, only those which have not, at this stage.

**Mr De LAINE:** Out of the 29, how many have been done?

**Mr Gilmore:** The answer I have given is that 29 still require upgrading.

**Mr MEIER:** The statement is made under 1993-94 Specific Targets/Objectives, on page 78 of the Program Estimates:

> To facilitate the implementation of the Evidence (Vulnerable Witnesses) Amendment Act 1993 by providing special arrangements for taking evidence from 'vulnerable' witnesses.

What funds have been set aside this year for this task?

**The Hon. C.J. Sumner:** The Act was proclaimed to come into effect on 1 September. The legislation will be implemented within the existing resources of the courts budget; $100 000 has been earmarked and it is anticipated that the funding for this new initiative will be obtained from within the Courts Administration Authority by the sale of excess assets.

**Mr MEIER:** What are some of the excess assets that the Attorney would see as being available, and what amount of money would he expect to receive from them?

**The Hon. C.J. Sumner:** There are courthouses at Bordertown, Gawler and Kingston and some vacant land at Whyalla. The Jamestown property has already been sold, although it did not get very much money—$7 000. There is not a great resale value for disused courthouses. Any other decisions relating to other courts would depend on policy decisions to reduce circuits or sittings in some of the existing courts. But policy decisions on those are not being made yet. In any event, if the full $100 000 is not realised from the sale of assets, the Courts Administration Authority has agreed to implement this initiative with that price tag on it in this financial year, within its existing resources.

**Mr MEIER:** What is the extent of the program of implementation, what courts will be equipped and when will that occur?

**Mr Bodzioch:** The Courts Administration Authority has gathered some quotes on the likely costs of providing full closed circuit television to courts. We have identified the priority in which those courts should be outfitted with closed circuit television. Having regard to the Attorney's information to this Committee in regard to discussions with the council, an agreement has now been made for that $100 000 to be spent. We are in a position as from today to start implementing a program of fitting out the appropriate courtrooms, within the extent of that $100 000, and/or to provide screens to other courtrooms where we cannot provide

full closed circuit television. By screens we are talking about one-way mirrors or some other device which would protect the witness from the view or gaze of the accused.

**The Hon. C.J. Sumner:** Obviously, it is prohibitive to put these closed circuit television arrangements in every courtroom in the State but, as I understand it, within this budgetary figure it would be possible to have two courtrooms operating in the Sir Samuel Way Building that would be able to be used with closed circuit television. In addition to that there will be the screens which have been mentioned. Necessary arrangements will have to be made to have trials dealing with those matters heard in those courtrooms. Obviously, we will have to look at the demand for them and to see whether there is any need for the equipping of courts in the future. The use of this video link or these screens is to be determined by the judge in a trial. I think it is prudent at this stage to indicate that there will be two courtrooms and one witness room for the higher courts in the Sir Samuel Way Building and two courtrooms and one witness room in the Adelaide Magistrates Court, and we will have to judge whether that is adequate over the next 12 months as we ascertain the extent of the use of these procedures by the courts.

**Mr MEIER:** To what extent can a person who feels that he has been wrongly accused of a speed camera offence have the fine put to one side without going through the courts system? I cite the case of a constituent of mine whose husband was caught doing 90 km/h in an 80 km/h zone. On closer investigation, the husband found that there was no indicative speed sign from the moment he turned off the freeway onto this supposed 80 zone. My initial answer to the people was, 'Take that matter before the courts and I am sure it will be thrown out,' but I thought that this was a classic case where further savings could be made in the Magistrates Court by not even allowing it to go to court.

**The Hon.C.J. Sumner:** That matter is dealt with by general prosecution policy. Whether a matter goes to the courts is determined by the Director of Public Prosecutions or the Police Prosecution Service. It is always possible for citizens to make representations to the DPP or to the police on whether or not a prosecution should proceed. If there is an obvious error, the DPP or the police would probably accede to those representations. I am speaking generally there: I cannot say whether in this case there was such an obvious error. But if people feel that there is an obvious error, they are entitled to make representations to the police before proceedings are issued or, alternatively, after they are issued, to make representations that the complaint be withdrawn.

**Mr ATKINSON:** I draw your attention to page 78 of the Program Estimates 1993-94, 'Specific Targets', one of which is:

> Implement a new system of fine enforcement for infringement notices that will reduce the number of fine defaulters in the prison system.

It was my understanding that the Government's policy was to make sure that a term of imprisonment in lieu of payment of a fine was actually served and to its full length, and I should have thought that at this stage of the Government's policy more fine defaulters would be in the prison system.

**The Hon.C.J. Sumner:** More fine defaulters are in the prison system, but it is not a desirable policy objective to have fine defaulters in prison, unless they must be put there because they are refusing to pay. The Government's policy is, first, to encourage payment and, secondly, for people who cannot pay to have community service orders imposed. However, where a person fined refuses to pay or to do a community service order, there is no option but to incarcerate that individual as the final deterrent. The policy has been to ensure that those who opt for imprisonment do serve their full time of imprisonment and serve out any period for fines owing on a cumulative basis, not on a concurrent basis. You cannot have 25 fines with five days imprisonment and go in for five days; you must go in for 25 times five days.

They are changes to which the honourable member is referring. We are ensuring that those who do not pay do end up serving their full time in prison. However, it is also a policy objective to ensure that people pay their fines and be given as much opportunity as possible to pay their fines and, secondly, be given an opportunity to do a community service order. What is referred to here is the streamlining of procedures to try to ensure that those two objectives are met; that is, that people are given every opportunity to pay and every opportunity to do community service orders if they cannot afford to pay. Just to add one other thing, on 1 September a system of driver's licence disqualification came in. Where fines are unpaid, a court can order that a person's driver's licence be disqualified, and that also is designed to get people to pay their fine. But the fine enforcement system has been looked at with those policy objectives in mind.

**Mr Gilmore:** At the moment it is possible for the court to order your licence disqualification, where someone has received a fine and chosen not to do anything about it. Where we would normally have issued a warrant for arrest for imprisonment, people could now have their licence automatically disqualified by the court and could only really get that back by paying the pecuniary penalty or, alternatively, by approaching the court and seeking to do a community service order in lieu of that penalty. They can also negotiate time payment at the moment, so those people who do not have the wherewithal to meet a fairly large amount of money in one lump sum could go to the court and ask that they pay $15 or $20, or whatever they can afford, on a regular basis until they have acquitted the penalty.

The next stage being considered is an infringement notice enforcement system, whereby at the very earliest opportunity the police would issue a courtesy letter reminding people that they have received an infringement notice, because we believe a certain number of people really get in a bit of a dither and do not know what to do about an infringement notice so they do not do anything. If they get a reminder notice at the earliest possible time from the Police Department saying 'Please pay up or it will proceed further down the track and we will send it to the courts', we hope that will also remind people to pay much more quickly than they have in the past.

When it comes to the Courts Administration Authority, rather than proceeding straight into the court, the court would then also issue a letter to those people indicating that we have received the matter and they have a certain amount of time in which to deal with it, setting out the options they have for dealing with that penalty. If they continue to ignore the courtesy letter from the Police Department and the reminder notice from the courts, then without even referring the matter to the court an enforcement order will be automatically generated and their licence suspended.

Then there is the procedure that I put forward a moment ago, whereby they can go to Motor Registration and acquit the matter or come to the court and seek a community service order or payment by instalment. Finally, we would be looking at the option of introducing payment by credit card. Although we have not finalised arrangements for that yet, it is also

being investigated. Quite a few arrangements must be made to put the new infringement notice enforcement system in place. We believe there are legislative amendments required, and it is not envisaged that this will be operative until, at the earliest, sometime in 1994.

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

**Mr ATKINSON:** At pages 78 and 79 of the Program Estimates there is a reference to reduction in judicial strength: presumably this means fewer judges. Why would that be so?

**The Hon. C.J. Sumner:** This is a little complex to explain fully, but I will attempt to provide some information at least. The reduction in judicial strength comes about because of the reduction in workload to some extent in recent times, which is reflected in the improvement in the waiting times, information about which I have already tabled. Mr Manos, the Chief Magistrate, has not been replaced. Although he has not officially retired yet—he is on a combination of long service leave and other leave prior to his retirement—he will retire in January-February next year. He has been away for more than 12 months; he has not been replaced. Mr Peter Kelly, the magistrate, has been acting as a Master of the District Court and he has not been replaced. White J. has not been replaced as yet, but it is the intention of the Government to fill that vacancy in the Supreme Court, and next year, as judges retire in the Supreme and District Court, the question will be raised as to whether or not they should be replaced. That is certainly the case in the District Court, because there was an agreement reached when Judge Allan came from the Industrial Court to the District Court that the next retirement in the District Court would not be replaced.

We are also looking at judicial appointments to the new Environment Court and to the new Youth Court and I expect announcements to be made about that shortly. So, it may be that, on a temporary basis at least, there could be an increase in judicial strength, but the aim is to get the numbers of judges down over the next two or three years because of reduced workloads—in particular in the higher courts—because of the reallocation of work from the higher courts to the lower courts which occurred as part of the courts package brought into effect in July 1992.

**Mr ATKINSON:** Does that reallocation by itself explain the 14 per cent decrease in Supreme Court lodgments mentioned on page 79 of the Program Estimates?

**The Hon. C.J. Sumner:** A decrease in lodgments raises the question as to whether or not you need the same number of judges. If you have less work the argument is that, provided your lists are in reasonable shape, it is possible not to appoint judges in place of those who retire.

**Mr ATKINSON:** I am interested in the other end. Why do you think Supreme Court lodgments are down 14 per cent? Is that because of the reallocation of work to the District Court?

**The Hon. C.J. Sumner:** Probably partly because of that, but also lodgments tend to be down across the board. Perhaps the recession is one factor; another factor may be changes to the Wrongs Act dealing with calculation of non-economic loss, and I understand that SGIC is trying to get at cases earlier to settle them before they come to court.

**Mr S.J. BAKER:** At page 78 of the Program Estimates, the last bullet point on the 1993-94 specific targets says:

To facilitate the new juvenile justice system, which is aimed at reducing delays, reducing recidivism and increasing victim input.

What is the program for the implementation of these changes? What judicial resources will be involved and what staff are proposed?

**The Hon. C.J. Sumner:** The Treasurer has allocated an initial $615 000 for the implementation of this new juvenile justice system, and that includes a funding for 16 new positions basically in the area of family conferences. I am advised that the judicial strength will be two judges and one magistrate. In other words, there will be a saving of two magistrates from that court; that is what is anticipated. The implementation date is 1 January. I anticipate that announcements will be made very shortly about the judicial positions on the court. Obviously it is important that they be put in place as soon as possible so that preparations for the commencement of the new court on 1 January can proceed, and there is a considerable amount of preliminary work that has to be done.

The other problem is that there is a Children's Protection Bill before Parliament which is obviously locked into the new Youth Court legislation, and we have to get that passed as well so that the whole package can be in place and ready for implementation by that date.

**Mr S.J. BAKER:** Previously we asked about the number of judges who had been involved in accidents. The Attorney said that he had already answered the question and he provided information from a response by the Hon. Mr Rann to the Hon. Ms Cashmore. In fact those figures take us only to April and there is some time left in the year. My question related to the 1992-93 financial year and it was my memory that they had not covered the whole financial year, so I would appreciate the full details.

**The Hon. C.J. Sumner:** I am not quite sure what all this is designed to achieve. Parliament has had its bit of fun about judges apparently having accidents. It would seem to be a peculiar process if this is going to be a regular question for the Estimates Committees. I assumed that there was some information that they had had a number of crashes. The issue was raised by the Hon. Ms Cashmore and we have provided the answer until April, and that was the current information. If you want us to research the rest of it, we will, but I am not sure where all this gets the Parliament or anyone else.

**Mr S.J. BAKER:** The information was for the financial year and the judges seem to be awfully accident prone.

**The Hon. C.J. Sumner:** We will make that clear. I thought essentially the information had been provided for the period that received the publicity, and it certainly covered the issues raised by the Hon. Ms Cashmore. If the honourable member wants details, such as they might be, from April to 30 June, we will try to get them for him.

**Mr S.J. BAKER:** On page 81 of the Program Estimates, under specific targets for 1993-94, there is a reference to the implementation of the Environment, Resources and Development Court. What is the program for implementation; what judicial resources will be involved; and what other staff will be necessary?

**The Hon. C.J. Sumner:** It is expected that two judges will shortly be appointed to the court. The implementation date was hoped to be some time in October, but, for clarity, let us say the end of October. The judges, when appointed, will have to work on rules, procedures, and so on. They will also assess what additional judicial and administrative support is necessary. As the Environment Court will take over some of the work of the District Court in its Planning Appeal Division, there will be a saving in resources to that court and the Courts Administration Authority will have to

make some adjustment between those two courts. The details are still to be worked out. That will happen quickly following the appointment of judges to the court.

**Mr S.J. BAKER:** On page 84, under the 1992-93 specific targets, there is a reference to Coroners' investigations and the aftermath of road accidents involving serious injury or death. Two recommendations were taken up. Can the Attorney-General supply a list of the full recommendations from the JACA Report?

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

**Mr McKEE:** On page 81 of the Program Estimates, under broad objectives and goals, the first point is, 'Provide a facility to hear and to determine appeals from aggrieved persons from decisions of Government, local government and other State agencies'. Will this affect the operation of the Office of Ombudsman; and, if it is to deal with appeals and matters relating to local government, will we be asking local government to contribute to the cost of running such a facility?

**The Hon. C.J. Sumner:** There is a provision for bringing together all administrative appeals which currently emanate from the Government. At present, they are heard by a disparate number of separate tribunals. When the courts package was put together, it created an Administrative Appeals Division of the District Court, and that is what this refers to. Now the process is to bring the individual administrative appeals, such as the Equal Opportunity Tribunal, under the umbrella of the Administrative Appeals Division of the District Court. That process is in train. At some point all those tribunals will be brought under the Administrative Appeals Tribunal and there may need to be changes to legislation for that to happen.

I cannot say whether any tribunal deals exclusively with local government; I do not believe there is. The list is in the Courts Administration regulations. The tribunals that will come under the Administrative Appeals Tribunal, when this process is completed, are the Air Pollution Appeal Tribunal; Business Franchise Petroleum Appeal Tribunal; City of Adelaide Planning Appeal Tribunal; the Equal Opportunity Tribunal; Legal Practitioners Disciplinary Tribunal; Medical Practitioners Professional Conduct Tribunal; Motor Vehicle Licensing Appeal Tribunal; Pastoral Land Appeal Tribunal; Planning Appeal Tribunal, although that will now go to the Environment Court, as will the City of Adelaide Planning Appeal Tribunal; the Police Disciplinary Tribunal; the Appellate Tribunal established under the Tobacco Products Licensing Act 1986; the Tow Truck Appeal Tribunal; and the Water Resources Appeal Tribunal. I do not think that any of those specifically involve local government.

**Mr McKEE:** Referring to page 86, under the 1993-94 specific targets and objectives, the second point is, 'To market the department's software to interstate and overseas courts organisations'. What is the mechanism within the department to do that? I am intrigued about the overseas courts organisations. Would they be courts which have a similar political and judicial system to that which we have in this country?

**Mr Rohde:** The project as such was completed about a year ago. There are minor additions to that, but the courts systems have been completed. In October last year the authority, in conjunction with Hitachi Data Systems, which is an equipment vendor selling mainframe computer systems, responded to a registration of interest for court administration systems in the New Zealand courts. We understand that the New Zealand courts will be making a formal request for proposals or tendering within the next month or so. The authority also responded to a formal registration of interest from the New South Wales courts. This was done in conjunction with the worldwide organisation, Electronic Data Services (EDS).

Twelve months ago the authority entered into a heads of agreement with its counterpart in Victoria with a view to sharing software developments between the two States, and discussions are continuing. In fact, further discussions were held on that last week. The authority has also entered into an alliance with Oracle Systems Software. Through that alliance the authority's judicial research and information system and litigation support system are described in the international catalogue of available systems, which is a reference guide around the world.

Finally, the authority has been approached by Sun Microsystems, which is an equipment vendor for the smaller range of equipment. That equipment is becoming more and more powerful, progressively replacing mainframes. Sun Microsystems is the principal mid-range hardware vendor to the authority and it has invited us to participate in a program called 'Premier Partnership Program'. This would be the first Government instrumentality in South Australia to be offered that partnership.

If we proceed that will allow us to have equipment for systems development, research, etc., at a much lower cost. Furthermore, if our systems are sold interstate and they use our systems hardware there is a flow-back in terms of further investment opportunities within South Australia for research and development, for example, using computers in courtrooms, and so on. So, there are a number of avenues but the proof of the pudding will be in the eating.

**Mr MATTHEW:** At page 86 of the Program Estimates, under the heading 'Courts Administration Authority', I refer to the performance indicators (workload) table illustrated on that page and ask what other performance indicators are there for the Courts Administration Authority.

**Mr Bodzioch:** The most important performance indicator from the Courts Administration Authority is in relation to our core business. I have already described those in relation to the setting up of the model to record inventory systems of cases pending in each of the jurisdictions.

The major decisions about resource allocation will be made in respect of information provided by that table. In regard to lodgments we are endeavouring to make that more sophisticated by providing additional information in regard to how long cases take to go through the system, etc., and in regard to monitoring that. In terms of performance indicators, that is a prime performance indicator. The other major area is in relation to court reporting transcript production and the number of pages produced to support the trial activities.

They are the two major performance indicators: the core activities of the courts in regard to lodgments and in regard to the preparation of pages of transcript.

**Mr MATTHEW:** Supplementary to that, I note that that table is prefixed by the statement, 'Workloads for 1993-94 are difficult to predict.' I acknowledge that workloads fell by 13 per cent in 1992-93, but why are those workloads difficult to predict? Surely, you must have some idea as to what workload will be experienced by the authority during this financial year?

**The Hon. C.J. Sumner:** We could look at last year's workloads and use that as a base for the next year's prediction, but the fact is that this area is notoriously difficult to predict. You can try to assess what factors will lead to a

reduction in lodgments but I think you are inevitably looking at fairly ballpark figures when trying to predict into the future. Perhaps Mr Bodzioch has more information on that.

**Mr Bodzioch:** I have some additional information that gives us some insight into what the situation may be. It is difficult to predict. We have some figures from SGIC in relation to the number of accidents that have occurred in recent years and the number of claimants in the system. There has been a significant downturn in those and, in fact, as of 30 June 1992 the number of claimants in the system was 25 552; as of 30 June 1993, the figure was 16 175.

Some of those cases will proceed to court, but we are not able to anticipate how many. We understand that SGIC is taking positive steps in regard to its fraud detection and also in relation to attempting to settle matters outside the court system. It is making a very positive attempt, and some anecdotal evidence suggests that it is settling up to a third of additional cases outside the court system.

So, without knowing how successful SGIC will be in the next year that really underlines the vulnerability of anticipating with any certainty the exact impact on the courts in the next year.

**Mr MATTHEW:** At page 86 of the Program Estimates, under the heading '1992/93 Specific Targets/Objectives', it states:

> Documentation for the proposed Adelaide Magistrates Court is being completed and a major refurbishment of air-conditioning systems in the Sir Samuel Way building was completed.

As the new Adelaide Magistrates Court has been put on hold, what plans does the Government have for the new court building?

**The Hon. C.J. Sumner:** That issue of funding for the development of the Adelaide Magistrates Court will be considered in the next budget. We have sought expressions of interest from the private sector using the guidelines that were developed by the Government for private sector involvement in infrastructure projects. We have been attempting to see whether the private sector is interested in financing that development. No-one has put forward a proposition that is acceptable. Apparently there has not been a great deal of interest indicated so far.

**Mr MATTHEW:** Supplementary to that, I also note the statement:

> A study of future likely court workloads was undertaken in order to assess the future capital work requirements.

What were the findings of that study and what capital works have been determined as are necessary and when?

**Mr Gilmore:** We asked for some demographic studies to be done on the age profile of the population of South Australia; the likely long-term growth of the population of South Australia; and some analysis of existing profiles of where the work for the courts comes from. The outcome of that would tend to indicate that South Australia does not have a large prospective growth pattern in terms of population. The age cohort most responsible for crime will, in time, diminish in South Australia.

So, the indications from that analysis, coupled with the type of phenomenon that Mr Bodzioch referred to earlier in terms of the civil area, indicate that we will probably have, once the Adelaide Magistrates Court is developed, sufficient courtrooms, at least in the metropolitan area, to deal with the future likely workloads of the courts.

The only area where it might be necessary to do some further improvements would be to provide for additional criminal courts. At the moment we have the capacity to sit at the maximum 12 criminal courts in the city of Adelaide, and on occasions that is just sufficient. So, if there were to be any minor fluctuation in the criminal workload we could find ourselves in the position of not having sufficient criminal courtrooms to sit on a given day.

They have peculiar requirements, unlike civil courts, because, for example, they require a dock and higher security and it will be necessary in the future to consider perhaps modifying a couple of our civil courtrooms to ensure that we have the long-term facility to sit more than 12 criminal courts at any time. In summary, there is not a perceived need as a result of that study to build a new major court complex other than to complete the Adelaide Magistrates Court and to upgrade some country and metropolitan courts.

**The Hon. C.J. Sumner:** It is fair to say that long-term predictions in this area are notoriously difficult. All one can do is operate on the best information available.

**Mr MATTHEW:** At page 86 of the Program Estimates the following statement is made under 1993/94 Specific Targets/Objectives:

> To negotiate with the private sector for strategic alliance partners in order to participate in the department's systems re-engineering and downsizing project.

What is envisaged with a strategic alliance partner? Have any contracts been signed and what are the criteria for the selection of such a partner, the projects involved and the costs and timetables?

**Mr Rohde:** In liaison involving the Economic Development Authority and State Supply, the authority has been negotiating for the formation of strategic alliances through which it can achieve a broader base of investment to continue the development of court systems and through which the intellectual property rights of those systems might be more effectively marketed both in Australia and overseas, as I have outlined. A significant private sector investment can be made in the re-engineering of our systems and downsizing, as we term it. The existing mainframe based systems, some of which are now over five years old, are reaching the point where some re-engineering is needed just as a refresh to keep them current but, more importantly, the economics of computing have changed and we have determined that it is more cost-effective to process on the less expensive mid range platform.

By moving systems to that environment the Government will save in terms of the recurrent costs and the asset replacement costs over time. By re-engineering to the more modern processing environment the marketability of the systems will also be enhanced. The criteria for selecting a strategic alliance partner involves, first, whether they are willing to invest in South Australia and whether they have the wherewithal to make such an investment. We are talking of an ideal investment of about $3 million. Not many firms have such money available, but we have had discussions with some of the leading equipment vendors and consulting organisations represented in South Australia. It would be inappropriate for me to go into more details because discussions are still continuing.

**Mr MATTHEW:** Mr Rohde indicated that the department had moved to a less expensive mid range platform. Can we have that defined in ADP terms?

**Mr Rohde:** We currently run a Hitachi mainframe with a capacity of 21 MIPS (million instructions per second), and it uses the IBM, MVS operating system. By re-engineering our systems we are planning to re-engineer them using Oracle

database systems, which is a far more modern system than the old IDMS that we currently use on the mainframe. We will be running them on a Unix platform; the super minis would be an alternative term.

**Mr MATTHEW:** Does that mean that the Culinet software presently used by the department will not be used during this transition process and that the millions of dollars that have already been spent will effectively be thrown away?

**Mr Rohde:** The Culinet software has a limited future life and there is no doubting that. JIS attended a Gartner Group conference in Brisbane last year where this was confirmed. The database software we are using was predominantly sold in Adelaide five or more years ago and has served the department well.

*Mr Matthew interjecting:*

**Mr Rohde:** I will not comment on that. The IDMS has served the department well. The IDMS organisation, Computer Associates, is not continuing to invest in the mainframe versions of IDMS and all of the industry experts have suggested that we should be moving away from that. They have a mid range version of IDMS but it is not gaining any great market acceptance.

**Mr MATTHEW:** In other words the original decision was a mess up for both JIS and the courts and the original advice to take Oracle is now being adhered to after wasting millions of dollars.

**The CHAIRMAN:** I regard that as a rhetorical statement rather than a question.

**Mr MATTHEW:** Millions of dollars were thrown down the drain.

**The Hon. C.J. Sumner:** Rubbish. You do not know what you are talking about.

**Mr MATTHEW:** I will back it up with facts later. I will challenge you—

**The CHAIRMAN:** Mr Matthew, you have had a fair go.

**Mr De LAINE:** I see at page 86 of the Program Estimates, under 1992-93 Specific Targets/Objectives, that the department was awarded a Government technology productivity gold award for its courts computerisation project. What were the details of the award and was it a State, national or international award?

**Mr Rohde:** The Federal Government has a technology in Government council, which considers computer based applications that have been developed by State, Federal and local government. The department submitted the courts computerisation project for consideration. The necessary information was provided and we were honoured with a gold award earlier this year. We had achieved a silver award the year before, and it was pleasing to get that second recognition.

**The Hon. C.J. Sumner:** Perhaps Mr Matthew will listen, instead of interrupting. He would be pleased to hear that the courts computerisation was awarded a gold award.

**Mr De LAINE:** As to the deposit funding arrangements introduced in conjunction with Treasury, what are those arrangements?

**Mr Gilmore:** In previous years Treasury allocated effectively the sum total of the department's expenditure through appropriation to the department and over the last three or four years deposit funding has been introduced across the whole public sector for most organisations. The basic elements of that comprise departments retaining their receipts and, therefore, the Government appropriating somewhat less in the way of expenditure to those departments. In the authority's case it was always agreed that receipts from fines would not be included in our deposit account funding, for obvious reasons. However, receipts from court fees would be included. It was viewed then that fees were a legitimate part of the controllable budget of the department.

Under the new arrangements for the authority, fees have also been excluded from our deposit funding arrangements. Therefore, the majority of the authority's funding is appropriated. The deposit funding arrangements also enable departments to carry forward any unspent funds from year to year where it is necessary to carry over funds for initiatives that have not been completed. It also enables an agency to borrow effectively on its forward estimates so that, for example, if a work required more money to be expended in one year than had been provided for, by borrowing from one year to the next we are able to run funding from one year to the next. Under the old straight appropriation type budgets that was not quite so easy to do. They are the main features of the deposit funding arrangement. We hold a special deposit fund with Treasury on those basic arrangements.

**Mr De LAINE:** In relation to the last point on the 1993-94 specific targets, to achieve WorkCover audit standard level 3 for the end of financial year 1993-94, what is WorkCover standard level 3 and what will its achievements mean?

**Mr Gilmore:** WorkCover has provided a set of standards for all exempt employers to try to achieve or adhere to, starting with level 1, which is a basic arrangement whereby you would be audited on a yearly basis. At level 2, if you have achieved level 2 standard of performance across the three major elements of the audits, (which are prevention, rehabilitation and claims management), you would be audited on a two-yearly basis. Until recently it has been a four-tiered rating system, with level 4 being the highest possible level achieved under the WorkCover standards, in which case the organisation would be highly commended as being totally well prepared to look after their employees in every possible way. Our original audit, as for all other Government departments, was conducted last financial year and we achieved level 1 across the full spectrum of our activities.

This year we have had only the prevention audit undertaken so far, and I am optimistic that we will achieve level 2. In the meantime, I believe WorkCover has altered its range of measurements, and, rather than being a four-tiered structure, it is likely to have three levels. Level 3 would therefore be the highest level of achievement under those audit standards. We have designed a plan within our department to ensure that by the end of the 1993-94 financial year all the standards set down by WorkCover have been addressed: that the training has been conducted; that staff have been informed; that occupational health and safety hazards have been identified and remedied; and that budgets are in place. So, we have a comprehensive plan that we have designed to try to achieve that level of performance by the end of 1993-94.

**Mr MEIER:** On page 86 of the Program Estimates under the 1993-94 specific targets it states that the authority is to market the department's software to interstate and overseas court organisations. I assume this is to do with the gold award that has been mentioned. Is this marketing proposed to be undertaken by the authority or by private sector agents?

**Mr Rohde:** Marketing is not proposed to be undertaken solely by the authority but rather in conjunction with appropriate partners. We do not have a marketing arm; it is not our core business. However, in order to market the systems, any interested purchasers would obviously want to know the details of how the systems work, and a computer

vendor will not be able to talk about court procedures and so on, so a joint relationship would be involved in doing that work. It would be on an as-needed basis.

**Mr MEIER:** As a supplementary question, has any program been established for the marketing at this stage?

**Mr Rohde:** Only to the extent that we have entered into those two responses to the registration of interest about which I spoke previously, one with Hitachi Data Systems to the New Zealand courts and one to the New South Wales courts in conjunction with EDS, but registrations of interest are still in their very early days.

**Mr MEIER:** So, it is too difficult to identify specific costs or perhaps set a tentative budget on such marketing arrangements?

**Mr Rohde:** This year the authority has a marketing budget of $10 000; last year it spent $4 000.

**Mr MEIER:** When is it proposed to be fully up and running with the marketing part?

**Mr Rohde:** That depends somewhat on the strategic alliance discussions. The alliances are with more than just the Courts Administration Authority; they are with Government, and the courts would hang on one of those alliances. So, it depends a bit on the timing of that—I cannot give you a clear answer. My hope is that by the end of the year we should know exactly what is happening there.

**Mr MEIER:** Can the Attorney give a figure that illustrates the actual money that the Government has to put into the maintenance of its court services, as against the amount of money it recovers from court fees, transcript fees and the like?

**The Hon. C.J. Sumner:** I am not sure to what extent the honourable member wants the details, but he will see from page 73 that total expenditure is $62 million and receipts are $23 million in round terms; so there is $38 million difference.

**Mr MEIER:** Supplementary to that, does the Attorney see the inevitability of that gap getting larger, recognising that under our present court system it would appear that the people who are relatively wealthy have access to justice without any trouble; the people who are classed perhaps as poor also have free access to justice through the Legal Services Commission; but the so-called middle class—the average income earner—finds it extremely difficult to meet the costs of any court case and perhaps therefore they are discriminated against in our society? In that context, does the Attorney-General see that the Government will need to contribute more as a percentage and that that gap will get greater? One cannot simply continue to increase court fees and transcript fees and the like without the problem being exacerbated?

**The Hon. C.J. Sumner:** It is an important issue. From time to time Governments have to make a decision as to the extent to which fees for the use of the courts cover the cost of the courts, and it is probably fair to say that it is unlikely that you would get to a situation where there is a full user-pays system in the courts. On the other hand, it does seem unfair if two large, reasonably well-off companies litigate for many months in the courts and do not make a significant contribution to the running of those courts; in other words, they use up the time that would be available for the sort of citizen to whom the honourable member is referring.

So, it is a problem as to exactly where you set fees. Fees have increased in recent years, although the last increase was CPI plus 2 per cent, which is not a large increase. The issues the honourable member has raised must be dealt with in other ways. Access to the law is an important policy objective, and this Government has done a number of things under that umbrella. We have amended the Legal Practitioners Act to ensure that the legal profession is as competitive as possible and that the sorts of restrictive practices common interstate do not take hold in South Australia.

We have supported a litigation assistance scheme being run by the Law Society, which is also operated on a contingency fee basis. We have supported the introduction of contingency fees in the courts to try to ensure that our citizens can gain access to the courts which they may not otherwise have had. We have supported things such as community legal centres and community mediation centres, to try to have disputes resolved outside the courts system and, of course, we support alternative dispute resolution as a means of resolving not only neighbourhood disputes but also significant large commercial disputes. So, a large number of things have been done under the umbrella of access to justice.

Although funding to the Legal Services Commission has not been increased significantly in recent times, certainly when this Government and the Federal Government came to office there was a significant extension of legal services officers, and we must ensure that these sorts of measures are continued.

**Mr ATKINSON:** What changes have been made to courts administration to make the judges more independent of the Executive?

**The Hon. C.J. Sumner:** Judges have not been made any more independent of the Executive in the exercise of their judicial functions, because they always were independent and there was never any suggestion that they were not. The Courts Administration Authority has handed over the administration of the courts from the Executive arm of Government to the judicial arm. The Chief Justice has argued, as have some other judicial figures for some considerable time, that it is an important element of the principle of the independence of the judiciary that judges not only be independent in the exercise of their judicial functions but also that they have control over the administration of the courts. That has been put into effect since 1 July following the passage earlier this year of the Courts Administration Act.

**Mr ATKINSON:** On page 79 of the Program Estimates under 1992-93 'Specific targets' it notes:

> The implementation of the courts legislative package has provided for the standardisation of enforcement procedures across all jurisdictions.

How did enforcement procedures differ between jurisdictions before that?

**The Hon. C.J. Sumner:** Under the 1992 courts package, which included the Enforcement of Judgments Act and the Sheriff's Act, the Sheriff became the responsible officer for the enforcement of civil process in all jurisdictions of the courts. Previously, the Sheriff was responsible in the higher courts, the District and the Supreme Court, whereas in the lower courts it was done by bailiffs employed by the Clerks of Court. So, prior to that legislation the Sheriff enforced the Supreme Court orders and the District Court then was part of the local courts. The Clerk of Court of the local court was also the bailiff of his or her court and responsible for the enforcement of orders issued from the local courts.

With the introduction of the legislation, by agreement between the Sheriff and the magistrates courts, the registrars of magistrates courts, civil (formerly Clerks of Court, local courts) would continue their enforcement role by being appointed to Deputy Sheriff for civil processes issued from the Magistrates Court. The management of the enforcement

process is therefore by legislation under the Sheriff, but for the Magistrates Court civil operation of the enforcement process is by the respective Registrar, acting as Deputy Sheriff. The enforcement of the Supreme Court and District Court processes presents no difficulties for the Sheriff.

However, the Magistrates Court enforcement has been the subject of some complaints from users. The executive management of the Courts Administration Authority recognised the need for a review of the present arrangements to look at these issues, and that is being undertaken. The legislative change provided for the standardisation of enforcement procedures but there have been some problems in getting complete standardisation, and that is why the review is being carried out.

**Mr ATKINSON:** What were the complaints of users of the Magistrates Court about the Magistrates Court's enforcement procedures?

**The Hon. C.J. Sumner:** The complaints relate to delays and getting information back as to whether or not a document has been served.

There were a couple of questions earlier that I can now answer. The percentage of speed camera offences coming to court was approximately 10.6 per cent in 1991-92 and 12.9 per cent in 1992-93.

As to the cars, the latest determination of the Remuneration Tribunal, which deals with salaries of members of the judiciary, is dated June 1992, and I can provide the Committee with a full copy of the judgment if it wants it, otherwise I can give you the pages relating to cars and the conditions of use that were attached to this judgment. On page 4 it states:

> Vehicles are to be privately registered and numberplated and may be used for all personal activities when not required for official use. Such vehicles must, however, be made available for general official use within each of the courts.

Then condition of use No. 5 states:

> Members of the judiciary, masters, magistrates, industrial commissioners and the State Coroner, to whom vehicles are allocated, shall take reasonable care of them, including limiting use to appropriate and responsible persons, for example, members of immediate family, and off-street parking at home is to be used if available.

So, it is within the terms of the conditions of use for members of the judiciary to allow members of the immediate family at least to use the vehicles, and indeed it refers to appropriate and responsible persons without necessarily limiting it to members of the immediate family. I understand the Chief Justice issued some kind of circular to try to make clear exactly who was able to use the vehicles, but of course any circular he put out would not override the conditions of use determined by the tribunal. So, if they are to be tightened up at all that will have to occur by changing the determination of the tribunal.

**Mr S.J. BAKER:** Presumably the insurance is paid as part of the package. That appears to be silent on whether, if there is an accident involving a person under the age of 25 for example, which would carry fairly heavy penalties, the judge is required to pay the first $600 or the young person driving the car is liable. It seems to be silent on that matter and we would appreciate your advice.

**The Hon. C.J. Sumner:** I assume that, because the conditions of use allow a judge to give permission for someone else to use the vehicle, the normal insurance provisions would apply and judges would not be required to pay any excess. But I understand the point that is being made and I think that, in the light of controversy about the number of accidents that judges have had and the fact that members of the family have been using the cars, these matters should be looked at and clarified in the conditions of use the next time the matter is before the tribunal, and when that happens no doubt this question of insurance could be looked at.

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

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Correctional Services, $86 102 000

**Departmental Advisers:**

Mr B. Apsey, Acting Chief Executive Officer.
Mr K. Goulter, Manager, Financial Services.
Mr I. Winton, Director of Resources.
Mr A. Kelly, Associate Director.

**Mr MATTHEW:** It is not commonplace in Committees for there to be lengthy statements but I do have some matters that need to be put on the record, for the fact is that South Australia's prison system is in crisis, and in saying this I am not being melodramatic but simply stating a fact. Our prisons have become violent centres of drug and alcohol abuse where prison staff are frequently attacked. The number of incidents in prison has increased by 416 per cent in nine years, from 115 incidents in 1982-83, which was the first year that statistics were recorded in the Correctional Services Department's annual report, to 594 such incidents in 1991-92, which is the financial year from which we have the most complete figures available.

The major contributors to these incidents have been cases involving drugs and alcohol which have increased by a staggering 1 889 per cent from 28 recorded incidents in 1982-83 to 557 such incidents in 1992-93. The statistics on drug and alcohol incidents were separated for the first time in the 1984-85 annual report when there were 84 drug related incidents and seven alcohol related incidents. This compares with 521 drug incidents and 36 alcohol incidents in 1992-93. Of those prisoners tested for drugs in 1991-92, 79 per cent of them tested drug positive.

The parade of Government Ministers who have held the Correctional Services portfolio in the last 12 months from Minister Blevins through to Minister Gregory and now to new Minister Sumner have all individually attempted to attribute this to the diligence of Correctional Services officers. While I do not doubt the diligence of those officers in detecting prisoners under the influence of drugs, the fact remains that drugs are getting into our prisons and are being used by prisoners. The fact remains that prisoners are being released from prison with a drug habit; that halfway houses identify that drug habit as being of significant concern to them and a problem which causes reoffending. Similarly, home detention officers identify that drug habit as a significant problem and one which causes reoffending in many instances.

Prison escapes have also increased dramatically under this Government from eight escapes in 1981-82 to 21 escapes in 1992-93. In all, 160 prisoners have escaped from custody since Labor came to power. The cost of keeping a prisoner in gaol has now risen to a staggering level. The average cost of keeping a person in prison in South Australia has gone up by 236 per cent under Labor, from $19 000 per prisoner in 1981-82 to $64 000 per prisoner in 1992-93. This figure does not compare favourably with other States. In the past, one of

the difficulties in comparing South Australian figures with those from other States has been that our Correctional Services Department tends to include the cost of capital as part of the cost of keeping a person in prison, while other States do not include the capital component. Therefore, our high figure in the past has been brushed aside by the Government as being attributable to the capital cost.

I now have in my possession a report which compares prison costs of all States and which removes the cost of capital from the cost of keeping a South Australian prisoner in gaol. The report, which was prepared by the Commonwealth Grants Commission, was prepared using information derived from every State. Requests were sent to each State by the Commonwealth Grants Commission on 11 October 1991 requesting the data. Additional information and clarification was later sought from the States at a law and order conference held by the commission in June 1992.

Each State undertook a final verification of its own data. Verification of data was finalised by August 1992, and copies of the complete data base were forwarded to all State Treasuries, the Commonwealth Treasury, the Australian Institute of Criminology and the National Crime Statistics Unit in October 1992. I make this point because I wish to point out that these data are irrefutable. They have been verified by each State, including South Australia, and are the latest comparison available.

The data clearly show that South Australia has the highest cost per capita of keeping a prisoner in gaol of any State in Australia. South Australia's cost, excluding capital, has been calculated at $56 438 per prisoner per annum compared to $43 389 in Victoria, $42 919 in Western Australia, $41 780 in Tasmania, $39 170 in Queensland and $23 375 in New South Wales. These figures should have sent alarm bells ringing in the Correctional Services Minister's office and the department. However, there is no evidence of anything being done to remedy this situation.

One of the reasons that our prison costs are so high is through lack of opportunity to benefit from economies of scale. Many of our prisons are small. One of these is Mount Gambier, which presently has a capacity of 29 prisoners and will have a capacity for 52 in a new prison which is under construction. It troubles me that it is internationally recognised that such a small prison cannot possibly deliver the economies of scale that are possible through one that is larger. The Government initially planned a larger facility at Mount Gambier and, in failing to develop that, has deprived this State of the opportunity of having a more cost-effective prison. At the same time, by not allocating those extra beds in prisons, prisoners in this State continue to be released early on home detention.

This Government has made a feeble attempt to reduce prison costs by extensive use of home detention in a manner which I would say is most inappropriate. In 1989-90, 146 prisoners were released on home detention. This increased to 174 in 1990-91, 301 in 1991-92 and 467 in 1992-93. This means that we have seen an increase of 55 per cent in just over 12 months of prisoners getting out of gaol early on home detention and by 220 per cent in three years. What is even more worrying is that the Department of Correctional Services' figures show an unacceptable recidivism rate of prisoners on home detention.

Of the 760 prisoners released in 1991-92 and 1992-93, 152 were returned to gaol for offences, and 15 of these were sent back for serious crimes, including murder. Under home detention, more than 100 prisoners convicted of violent crimes, including 11 murderers, 51 armed robbers and 32 rapists, have been released early in just five years.

I find it absolutely unacceptable that any dangerous criminal should be released early from prison on home detention. As well as a punishment and a deterrent, prison is also supposed to be a place of rehabilitation. When a sentence is handed down, that person should undergo continual rehabilitation and should not be released until they have demonstrated that they show remorse for their crimes and are not likely to offend again.

Home detention staff tell me that a number of prisoners are released into the program who should not be getting out of gaol at the time they are being released. The return rate back into the prison system from home detention is proof of that. While this Government continues to release these types of prisoners back into the community, I contend that it is placing the community's safety at unacceptable risk.

When home detention was introduced in 1987, it was supposed to be a correctional option which placed restrictions on offenders and helped them to integrate into society. Now this Government is simply using home detention as an early release option, but at the same time it is actually imprisoning fine defaulters.

**The CHAIRMAN:** I draw the member's attention to the fact that it is usual to confine these statements to about 10 minutes, and that time is coming up now.

**Mr MATTHEW:** I appreciate that, Mr Chairman, and I will do my best to stick to that procedure.

**The Hon. C.J. Sumner:** The committee was formed so that you could get information.

**The CHAIRMAN:** You can repay equally in kind.

**The Hon. C.J. Sumner:** Do I get as much time?

**The CHAIRMAN:** Within the time limits, yes.

**Mr MATTHEW:** Thank you for your protection, Mr Chairman. It is interesting to reflect on the comments of the previous Correctional Services Minister, Mr Blevins, in Parliament on 25 November 1986, when he said, 'Prisoners whose current offences include a crime of violence will be automatically excluded from the program.' Later, on 26 November, the same Minister said:

> It is categorical. . . we are not interested in commencing a program such as this and having involved in it prisoners who have been convicted of crimes of violence. There is no question of that occurring. I believe that the community would not accept persons having been convicted of crimes of violence entering into the program and the Government does not want that to happen. . . certainly no offences such as arson, murder, manslaughter, wounding, assault, rape, carnal knowledge, incest, indecent assault, indecent behaviour. . . also it would not include offenders who have been in prison for kidnapping, abduction, armed robbery, extortion, etc.

Despite that statement by the Minister—and I acknowledge that there have been legislative changes; legislative changes which were objected to—these people are being released into the community and the community simply will not accept it.

Under the way in which the Government's home detention and parole provisions are used, it means, for example, that an offender who is sentenced to six years for rape with a two-year non-parole period can be out of prison on home detention in just eight months. I contend that that is not an adequate penalty for the offence and not a sufficient period of time for the offender to undergo rehabilitation and counselling, and it shows very little regard, if any, for the victim and the victim's family.

The crisis in our prisons does not end here. Despite all the attempts to cut the cost of maintaining offenders by letting

them out early and despite the fact that we have the highest prison costs in the country, more than 70 per cent of prisoners released from gaol are back again within five years.

**The CHAIRMAN:** I hope that this statement is ending soon.

**Mr MATTHEW:** I understand that it is a lengthy statement. As I said at the start, they are important issues. I believe they need to be put firmly on the record and I contend that this is the forum in which to do it.

The department has failed to develop and implement effective education and rehabilitation systems and to provide work for all prisoners.

The strategic directions document for the department for 1993-94 to 1995-96 highlights a number of strategic priorities which I contend have failed because they indicate that things that should be in place are not in place. I refer to developing an education system, developing a comprehensive drugs strategy, and implementing a prison industries review. They should already be in place.

Turning to staffing issues, a total of 310 working days were lost through assaults on prison staff during the year ended 30 June 1992, which are the latest figures that we have. The total workers compensation cost to the department in 1993 was $3.176 million—an increase of 15 per cent. The Government Workers Rehabilitation Compensation Fund total claim payments to the Department of Correctional Services were just over $6 million—an increase of 64 per cent in three years. There were 442 workers compensation claims in the department—an increase of 14.5 per cent in 12 months.

Regardless of where one looks in the Department of Correctional Services, there is considerable room for improvement. Many good officers are being prevented from undertaking their duties in a manner which they believe will be more efficient. Poor management and lack of Government policy direction have seen the department lumber from one crisis to another. I propose to end my address here and expose more detail as we continue with questioning.

**The CHAIRMAN:** Some of those matters could probably have been adduced through questions. Does the Attorney-General wish to respond?

**The Hon. C.J. Sumner:** After that polemic, perhaps I can make a brief statement as well. The Department of Correctional Services has continued to provide safe, secure and humane supervision of adult offenders throughout 1992-93. There is no doubt that this is difficult work which requires a balancing of its obligations to the general public to contribute to the protection of society with its responsibilities of duty of care for those under supervision. Imprisonment is the severest sanction of the courts and, therefore, a sentence of last resort. Over the past 10 years there has been an increasing trend in the courts' use of non-custodial sentences, bail supervision, probation, community service orders and fine option undertakings. This trend arose considerably over the past 12 months, particularly in respect to fine options with an 88 per cent rise in the number of undertakings.

The Government is pleased with its strategies to ensure that those people who are in genuine financial difficulty are not disadvantaged by being imprisoned for their inability to pay fines. However, there are still a number of individuals who refuse to pay their fines or refuse to perform community service work in lieu of those fines. The fact is that the only fine defaulters who are in prison in South Australia are those who either refuse to pay their fine or refuse to do community service work.

So, the fact is that no-one in this State has to go to gaol for the non-payment of a fine. People go to gaol because they do not pay the fine and because they do not do community service. But, as we discussed earlier, there are options for time payment of fines and there are options of community service for those who refuse to pay fines. I emphasise that those who are in gaol for non-payment of fines are there because they have not paid and have not taken up the available option of community service.

The Fine Default Centre at the Northfield Prison Complex, which opened in May this year, provides the department with appropriate prison accommodation to ensure that these people now serve the full, cumulative period required by their default warrants. That was an initiative taken by the Government and legislation was introduced to ensure that.

The commissioning of this new facility has not only resulted in an increase in the length of time fine defaulters spend in prison but has also impacted on the State's prison population. The daily average number of prisoners held in 1992-93 continued its upward trend of the past five years.

Another major contributing factor to this rise is the increasing length of prison sentences being imposed by the courts for serious offences—something which the Hon. Mr Matthew is calling for and has called for very vociferously over time. So, he wants more prisoners in our system. It should be made clear: he does not want fewer prisoners in the system, he wants more prisoners in the system. There are not, according to Mr Matthew, enough prisoners in the South Australian prison system, and that needs to be made clear.

The fact is that the courts have been imposing lengthier sentences on people convicted, in particular, of violent offences. The honourable member agrees with that, he supports it, and he wants them locked up for longer. The capacity of the State's prison system therefore has had to be expanded to keep pace with the increasing prison population.

In addition to the Fine Default Centre, other major capital works projects carried out during the year were the continuing redevelopment of the Port Augusta Prison and the commencement of site works for the new Mount Gambier prison. When completed, these two projects will increase prison capacity and see the final upgrading of century old prison accommodation which simply could not meet the needs of South Australia's current correctional policies.

There are indications that the number of offenders referred to the department will continue to rise. Not only will further prison accommodation have to be provided to accommodate those sentenced to a term of imprisonment but, in addition, there will have to be increased use of non-custodial options whenever appropriate. The challenge for Correctional Services will be to continue to provide effective and efficient services to the administration of justice.

It should be noted that this will be the final estimates hearing for the Department of Correctional Services as an independent administrative unit. As announced by the Premier earlier this month, the department will become part of the newly established Department of Justice. I look forward to reporting on the results of this rationalisation of agencies, which will facilitate better coordination of public sector resources utilised in the administration of justice.

**Mr MATTHEW:** At page 121 of the Program Estimates there is a table showing the performance indicators for home detention. The table shows that there has been an increase of 55 per cent in home detainees in 12 months and 220 per cent in three years. I also note that the estimate for home detainees

for 1993-94 is 500. I am aware that of these home detainees 152 were returned to prison in the past two years.

Bearing that in mind, and the content of my earlier statement referring to home detention, why does the Government continue to release dangerous criminals on to home detention, and, as the new Minister for Correctional Services and the Attorney-General, what is he going to do about it?

**The Hon. C.J. Sumner:** The first thing that needs to be said is that home detention is an option which has been endorsed by the Parliament of this State for better or for worse. Home detention was supported by the Opposition when it was introduced but, whether it was supported by the Opposition or not, the fact is that both Houses of Parliament have approved of home detention as a system which ought to be added to the correctional options available in this State.

When you think about it, it does make sense to have a system of home detention. The reality is that even with offenders convicted of serious and violent offences the period that they spend in prison is determined by courts. That is, the sentences are set down by the courts, and unless the courts decide—and they very rarely do—that the sentence is a life imprisonment sentence without any non-parole period at some point in time those prisoners are released back into the community. That is the inevitable fact of life, unless, of course, Mr Matthew wants to take away from the courts the responsibility for sentencing offenders.

But, if the courts have that responsibility and if the courts hand down a sentence which is a definite sentence and do not make it an indeterminate life sentence then, at some point, those offenders will be released back into the community.

There are a number of ways to try to stage that re-entry into the community. Most people who think about it—including, I am sure, the honourable member—would agree that there is a case for the staged re-entry of prisoners into the community. That can involve accompanied leave; it can involve unaccompanied leave, in some circumstances (and all prisoners have to be assessed for these things); it involves home detention; and, of course, it involves prisoners being back in the community under parole with some degree of supervision.

I would have thought that that was a policy which, endorsed as it is by the Parliament, had the support of members. I think whatever the problems that occur with recidivism and breaches of parole the fact is that most agree that that graduated release from prison is desirable in trying to ensure that offenders do not reoffend once they are released.

The other fact is that there is pressure from time to time on the prison population: problems of overcrowding. The honourable member wants to put more people in gaol; that is his policy and his Party's policy. I want to put more violent offenders in gaol as well but, if we want to do that, we have the consequences to face up to. The consequences are that the gaols from time to time can be overcrowded, and that is why the department has embarked on its expansion program, and I have mentioned some of that expansion in my statement.

There is the Mount Gambier prison, which the honourable member sought to criticise. Presumably he did not want a prison in Mount Gambier, but—

*Mr Matthew interjecting:*

**The Hon. C.J. Sumner:** The honourable member apparently wants a bigger prison in Mount Gambier. The departmental officers may wish to comment on that. There have been extensions such as in the fine default area, which I have mentioned. There were extensions in Port Lincoln; a new gaol in Port Augusta, with additional accommodation becoming available there shortly; and the proposal for the expansion (and it is an expansion) of the new gaol at Mount Gambier.

Having said all that, it is probable that there will be a need for a further facility for 200 to 300 prisoners to be constructed in the near future, and planning has commenced for that. The reality is that in this State, as in other States and other western industrialised nations, over the past decade or more despite attempts to use prisons as the sentence of last resort, despite policies adopted by Governments to that effect, prison numbers in all those countries and States have increased over that time and there has been a need to expand prison accommodation. This Government has tried to remain ahead of the game in that respect. That does not mean from time to time that there are not problems of overcrowding in prisons. Obviously, there are and, if the honourable member is to be believed about his policy of putting more people in prison and not fewer people, then had he been in a position to do anything on this matter the overcrowding would have been significantly worse than it is now.

**Mr MATTHEW:** I am advised that drug addiction is commonplace amongst prisoners released on home detention and that it affects their rehabilitation. I have received a copy of a submission from the former Acting Coordinator of Home Detention, Ms J. Wright, to the Associate Director of Offender Services, Mr Vinall, which makes the following assertions:

> If the Department of Correctional Services is to regain its credibility, it needs to develop a drug policy which is geared to reducing the availability of drugs in prisons.

Ms Wright's submission states:

> Prison staff are at a loss to know how to deal with 'the alarming rate of drug abuse in our institutions on home detention and whilst under community supervision'.

Does the Attorney share Ms Wright's anxiety that the increased drug abuse in custody is manifesting itself in what she describes as 'escalating violence, standover tactics and in exacting sexual favours'? Does the Attorney agree with Ms Wright's assessment that through inflated drug prices in prisons, particular prisoners are in total control of others' lives and resources and that this control now appears to flow over to the families who are in turn pressured to make good debts and often threatened with violence?

**The Hon. C.J. Sumner:** Obviously, everyone would be concerned about the use of drugs in prison, but a number of the assertions made by the honourable member and, in particular, the assertion that the department has done nothing about it are simply incorrect. I am sure members would be interested in the comprehensive 'Correctional Drug Strategy', dated 25 January 1993, which has been approved by the department. I table that document and ask that it be distributed to members so that, when they are asking their questions, they can perhaps set aside the polemics for the television stations and deal with the issue on a sensible basis. I am sure the honourable member would be interested in that strategy, which shows clearly that this is not an issue that has been ignored by the department or by the Government. To suggest that people are complacent or relaxed about drugs in prison is absolutely incorrect. Obviously, there are areas of concern that have to be addressed and I am sure that the departmental officers can give information about that if necessary. As to Mrs Wright's concerns, the departmental drug strategy which I have just distributed for members comprehensively addresses these issues and provides appropriate mechanisms

for deterrents and to ensure that prisoners who are found to be positive as a result of a urine test or who are otherwise involved with drugs are removed from contact visits in accordance with an approved schedule and referred to the Visiting Tribunal for penalty. So that is already provided for in the drug program.

Ms Wright has already referred to the possibility of the department establishing a program for certain prisoners to be kept apart from drug users. This possibility, together with broader strategies to enhance treatment programs for drug abusers, is under consideration. Private visits for prisoners are already available subject to certain criteria at Cadell Training Centre and Port Lincoln Prison. Consideration is being given to extending these as part of appropriate incentives for prisoners, which was one of the suggestions made by Mrs Wright. The honourable member will be aware that the department has introduced greater surveillance of contact visits, involving the use of dogs through the Dog Squad, and it has introduced urine testing, which I understand is not available in all prisons in Australia but which has been implemented in the correctional system in South Australia.

**Mr MATTHEW:** When distributing copies of 'Correctional Drug Strategy' the Attorney said he was doing so in order that I may be better informed. I have already seen the drug strategy: it is far from comprehensive in my view and in the view of others involved in the corrections industry, both in Australia and overseas to whom I have sent this for their professional assessment. The document is dated 25 January 1993 but Ms Wright's memo is dated 27 August 1993 and says that there needs to be a strategic drug policy implemented. It indicates that if this strategy has been implemented, it is not effective. Will the Attorney have his officers review this cobbled together document and have them prepare a comprehensive strategy which also includes provision to cover the use of telephone by prisoners, which analyses the way in which prison clothing can be used to hide drugs and perhaps adopt some of the clothing strategies used in other States and, further, which includes provisions requested by correctional officers to have a secure area outside the prison front gate where they can place their belongings to reduce allegations and incidents of correctional officers being involved in bringing drugs into prison? I remind the Attorney that there is one officer on such charges at the moment.

**The Hon. C.J. Sumner:** I will ask Mr Apsey to go into some of the details of the drug strategy. But I would assume from the polemic that the honourable member engaged in at the beginning of the Committee session on corrections that he obviously could not have read the department's policy on this topic.

**Mr MATTHEW:** Have you read it?

**The Hon. C.J. Sumner:** Yes, of course I have read it. The honourable member has actually admitted to having read it. He has come in here with the polemic with which he has carried on when the television cameras were here and I assumed that he did that in ignorance of what was the clear policy and statement of the Government. Now the honourable member tells me that he has actually read it, yet he still carried on with the polemic that he engaged in. Obviously, he is a bit obsessed by this.

**Mr MATTHEW:** You say it is not a problem?

**The Hon. C.J. Sumner:** I did not say that. I said it was a problem; I said that everyone is concerned about drugs in prisons. The question is what one does about drugs in prisons, which is what this department and the Government are trying to address. That is why there is that strategy that I have provided the honourable member a copy of. That is why we have introduced compulsory urine testing, which is not available in all prisons around Australia; and it is why a dog squad has been introduced, which conducts surveillance on contact visits and appropriate occasions. Those things have been put in place, along with a number of others, and I will ask Mr Apsey to expand on other aspects of the strategy.

**Mr Apsey:** The department's drug strategy was developed after extensive consultation with the staff and the Public Service Association and was clearly designed to enhance the sorts of strategies which had been initiated, to refine them and to take the policies into the future. What has occurred is that we have identified three critical areas: demand reduction, supply reduction and treatment; and the strategy addresses these. Since the strategy has been introduced, substantial steps have been taken to initiate some additional procedures to tighten particular areas. We now have a system of establishing the *bona fides* of visitors, staff and professional visitors; we have a system of bag inspections; we have a program which has been available to ensure that staff are able to search visitors and if they do not submit to a search they can be declined entry into the prison; and we are in the process of introducing an information and analysis system to assist with the monitoring of offender activity that could be associated with criminal behaviour. The dog squad has been particularly active in the past year. There has been an increase in searches from 653 in the previous financial year to 871 currently, and we believe that explains why there has been a significant increase in drug indications within the prison system. It is on the record that the indications found by the dogs was about 2 236, compared with 1 709 the previous year. Urine analysis, which is not available in every State, has been a particularly useful strategy. It was introduced since March 1992 for reasons of suspicion. Between March 1992 and June 1993 there have been 1 075 tests, and 61 per cent of these tests have proved positive. As soon as a prisoner has been found to be positive, he or she is removed from contact visits and referred to the visiting tribunal for appropriate disposition. The Government has recently extended the program of urine analysis to cover the situation of random suspicion. That has been a very recent initiative, and we are currently monitoring that, but the random sample will give us a better understanding of drug usage within the system as a whole and between particular prisons.

So, there has been a very extensive range of strategies which are certainly at the forefront of what is happening throughout Australia. Specific comments have been made in relation to special clothing and telephone calls for prisoners. The special clothing has been introduced in a number of jurisdictions for particular categories of high security offenders, and currently the department is reviewing the feasibility of introducing that for particular groups. In some jurisdictions, telephones have been subject to a greater degree of control through a monitoring system on the telephone cards whereby only particular numbers can be accessed by prisoners. In the experience of the other jurisdictions the difficulty with this is that phone calls can readily be diverted to another location, and it is not a fail-safe measure of ensuring that that control is there. We are aware that prisoners have many opportunities for arranging for all sorts of things to occur in the wider community through friends and contacts they have, and it would be suggested that the phone controls in themselves would not be a fail-safe guarantee to reducing drugs entering the system. There is no evidence that if such

a phone control system came in there would be a reduction in drugs. I have seen no evidence from any Australian jurisdiction that that is the case.

**Mr MATTHEW:** As a supplementary question: I acknowledge there is a possibility of diverting calls with respect to the phonecard system that the Acting Director just spoke about, but that is only if the recipient of the call has that diversion facility on the telephone, and I contend that not many people do. That aside, would not the introduction of such a facility have avoided the national phonecard scam which originated in a gaol in South Australia and which is being investigated by Telecom and the company that developed the phonecard technology in the first place?

**Mr Apsey:** There are a number of ways of diverting calls: you can go down to a local retailer and for a few dollars pick up a diverter which can be applied to a telephone; another way is to arrange through Telecom for phone calls to be diverted. So, there is an issue in terms of control in that regard, but the department has a running brief to monitor all the developments that are occurring in other jurisdictions. We are reviewing the situation of clothing and, if there is an argument for that to be introduced for particular categories of offender, that would be considered appropriately. We have been monitoring very closely what has been occurring in Victoria and other jurisdictions in relation to the use of phonecards.

**Mr MATTHEW:** I refer to page 123 of the Program Estimates. Under Broad Objectives/Goals for community corrections programs I note the statement that over the past five years 47 923 community service orders were started and completed, but how many of these offenders have reoffended, and of these how many have gone to prison?

**The Hon. C.J. Sumner:** That information is not available.

**Mr MATTHEW:** Is the Attorney prepared to take that on notice? I appreciate it is a difficult figure to produce at this time.

**The Hon. C.J. Sumner:** We will see what information we can get, but I am not sure that the statistics run to identifying that figure.

**Mr MATTHEW:** As a final supplementary question, I notice that in 1992-93 just 61 per cent of community corrections orders were successfully completed. This is the worst figure for the five year period. Why is this occurring and what is being done to combat the decline in successful completion of programs? Perhaps those statistics may help the department look at its problem.

**The Hon. C.J. Sumner:** That matter will have to be examined, and we will try to bring back a reply when we can.

**Mr McKEE:** I note on page 124 of the Program Estimates, under '1993-94 Specific targets/objectives', the following are stated:

> Complete commissioning of the Port Augusta redevelopment;
> Complete construction and commissioning of the Mount Gambier Prison;
> Complete redevelopment of the North East Suburbs Community Correctional Centre;

And I also noted there:

> Purchase land for a new metropolitan prison.

In relation to purchasing land for a new metropolitan prison, is that designed to augment what is already at Yatala or will there be a totally different prison holding system?

**The Hon. C.J. Sumner:** Plans are in place to develop another 200 or 300 prisoner facility, which will need to be developed in the reasonably near future. The immediate problem is being addressed by increases in a combination of Port Augusta and Mount Gambier, but with the increasing number of prisoners which is likely—and which is what Mr Matthew wants, for instance—then there will be a need for more prison accommodation. That is being anticipated by the Government and the department, and that is why plans are being made.

**Mr McKEE:** On page 122, under '1993-94 Specific targets/objectives', it is envisaged that there will be an increase by 10 per cent in the number of prisoners completing accredited units of study and training. Are there figures to indicate how many are undertaking that program at the moment and is there any idea of judging whether the repeat offenders are participants in any learning program while they are in prison, or are the repeat offenders those sorts of people who do not undertake any study or rehabilitation programs?

**Mr Apsey**: In relation to our education programs for the 1992-93 year, $463 000 was spent. Recently the Department of Correctional Services received the transfer of funding from DETAFE to provide educational programs specifically for prisoners. We are pleased to report that during the year 699 accredited units of study were undertaken and a total of 1 877 prisoners participated in a variety of programs. The range of those programs is quite broad: we have welding, computing, catering and horticultural programs, and some prisoners participate in higher education.

During the year, through Aboriginal funding we received a further $400 000. This is a great boost for Aboriginal offenders and responds in part to the recommendations of the royal commission in relation to deaths in custody. $100 000 of that money will be coming from the Aboriginal Prisoner Education Program directly and $300 000 from the Federal Department of Education, Employment and Training.

In relation to the question of repeat offenders, there is no discrimination. Offenders are encouraged to participate in a range of programs and if they show a particular interest in certain things they are encouraged to go in that direction. So, there is a great mix of people who might be first timers or who are serving longer sentences having returned to the system (and, as we know, a number do), and they can participate in those programs.

**Mr McKEE:** Also on page 122, under '1992-93 Specific targets', the line suggests that a significant proportion of prison industries products was utilised in the construction of the new Mount Gambier prison. Will you expand on that for me a little bit?

**Mr Apsey:** We are very pleased with what has been happening during the year in relation to the industries within the State's prisons. We are working within a Government approved report that has encouraged appropriate cooperation with the private sector. We have a committee that has been monitoring developments for prisoner industries. That committee consists of a representative from the UTLC and from the Centre for Manufacturing. The fencing for the Mount Gambier prison saved the State about $100 000 as a result of the fencing panels being produced at Yatala Labour Prison, and for the 1992-93 financial year there was an increase of $585 000 in sales. We are satisfied that this did not impact on local manufacturers.

The strategies that are being developed within the framework of Government policy and the committee's work provide that we should endeavour to provide for import replacement, and we are developing options for export. Great care is taken to avoid local competition.

**Mr MATTHEW:** I preface my question by saying that I am aware that at the beginning of this year the Premier

released a document entitled 'Draft guidelines, private sector provision of infrastructure'. Page 5 of that document listed Correctional Services as a main category for private involvement and said:

> While the emphasis is on economic infrastructure, social infrastructure such as prisons and hospitals are also covered by this program. . . as a potential infrastructure project a new multipurpose metropolitan prison capacity to expand with State growth.

I am aware that the economic development authority has actively contacted private prison companies and encouraged them to lodge submissions with the Government, and I am also aware that the department has received submissions from private companies and is assessing those submissions for the establishment of a private prison in South Australia. How many submissions were received to build a new private prison under this Labor Government? From whom? What is the nature of each proposal? When does the Government expect to make a decision?

**The Hon. C.J. Sumner:** As I said earlier in the day, the courts had sought expressions of interest from the private sector for its involvement in the provision of infrastructure, in that case, the Adelaide Magistrates Court, and it is those guidelines to which the honourable member is referring. At the present time the department is involved in defining its brief proposals for a new so-called metropolitan prison and, when that brief has been defined, decisions will be made as to how the matter is to be progressed.

**Mr MATTHEW:** The Attorney said it was a so-called metropolitan prison. Where is the land the department expects to purchase or may have purchased for this prison? What is the expected cost or what has been paid for the land?

**The Hon. C.J. Sumner:** We are trying to get a site within 75 kilometres of the GPO. Five councils initially registered some interest; one of those—Yankalilla—has since withdrawn its interest, but there has been no land specifically identified as yet.

**Mr MATTHEW:** I refer to the statement under 'Issues and Trends' concerning the high level of workers compensation claims and the performance indicators table on page 124 of the Program Estimates document. I note from the table that there was an increase of 44.5 per cent in just 12 months in workers compensation claims. How many of the 442 claims in 1992-93 were stress related? What other categories of claims were there and what are the numbers for each category?

**Mr Winton:** The amount of claims for stress and anxiety in the department in 1992-93 was 89. There are several other categories. I will mention the first three and, taking the remainder of the question on notice, I can provide you with the full detail at a later stage. In relation to sprains and strains there were 201 injuries, and that was the main area of workers compensation in 1992-93. Stress and anxiety, at 89, was the second largest area, and there were 40 cases of bruising. They become minor after that: for example, unspecified injuries at 30 and lacerations at 26, and then we drop further down to about 16, but I will provide the full detail to you as soon as possible.

**Mr MATTHEW:** Have you the figures available to identify, of those figures you just gave me, how many of the stress and anxiety, sprains, strains and bruising claims would have arisen in the first place as a consequence of an assault on an officer by a prisoner, be it either verbal or physical? What has been done to combat the overall problem of this blow-out in workers compensation claims?

**Mr Winton:** It is not possible today for me to provide you with specific detail about how many of these claims resulted from actual physical contact with prisoners. I am not sure that the department can provide you with that because the very nature of stress and anxiety may not be related to one particular incident, but we can have our officers attempt to answer that question for you. I will give you an overview of the actions that have been taken by the department in relation to workers compensation generally. There has been a slight increase in claims from 386 in 1991-92 to 442 in 1992-93. The actual cost borne by the department, which is the cost up to two years, reduced from $2.9 million to $2.8 million. The total cost, including payments made by the Department of Labour, increased from $5.8 million to $6.1 million, and the main source of that increase was lump sum payments and claims which were over 24 months.

The department is pursuing vigorously a program in its workers compensation and we are concentrating on prevention initiatives. We have developed an occupational health, safety and welfare strategic plan. We now have annual work site hazard audits to identify areas of potential risk. We are arranging for senior management to visit work injury sites immediately and review the accidents so that we can get a report from a management perspective. The department announced June 93 as Safety Awareness month, and we had publicity and promotional material go throughout the department. We have developed a health and safety manual, and we have asked local health and safety committees to develop worksite specific prevention programs, so that we have an analysis of the injuries undertaken at the local site, and they look at what they can do specifically for that work site.

The department is currently organising to appoint a staff counsellor so that at an early stage we can speak to those officers who are suffering some stress and anxiety, and we have conducted a training program for managers and supervisors during the year. We are also undertaking a stress management consultancy for 10 weeks, to provide training to staff in coping with change, as there is a fair amount of change being implemented in the department through restructuring and what may be enterprise bargaining. The department has a critical incident de-briefing service and staff are referred to people who provide that service immediately after there is a critical incident. So, we are concerned with the level of workers compensation in the department and we are endeavouring to be as proactive as possible to reduce the impact on the individual and the department's operations.

**Mr MATTHEW:** I refer to page 45 of the Auditor-General's Report under the section 'Cost of Salaries and Wages', and I note that there are now 43 staff on long term workers compensation which is obviously a significant increase on the previously unacceptably high level of 28 staff on long term workers compensation. I realise that it may be necessary to take this question on notice. What is the name and position of each person on workers compensation? When did each go on to workers compensation and for what reason?

**The Hon. C.J. Sumner:** I have to take that on notice.

**The CHAIRMAN:** I am not sure that it is appropriate to put people's names on the public record.

**The Hon. C.J. Sumner:** Whether it is appropriate to put it in *Hansard* is another matter. Parliament is master of its own destiny: it can do what it likes. We will provide you with the information and you will have to make up your mind whether it should go in *Hansard*.

**The CHAIRMAN:** Does the honourable member want names attached to this?

**Mr MATTHEW:** Positions would suffice. I appreciate the Attorney feeling uncomfortable about names going in *Hansard* and the position type or category of officer would suffice.

**The Hon. C.J. Sumner:** Thank you. We will get that information and provide it to the honourable member.

**Mr De LAINE:** My three questions pertain to page 121 of the Program Estimates document. Do correctional service officers and other staff undergo ongoing training after their initial training and induction to keep abreast of changing prison trends and changing prison populations?

**Mr Apsey:** The department has been very active during the year in relation to staff training and development activities because there has been a significant restructuring process ongoing within the department and indeed certainly within the prisons, and it has been necessary to develop the skills of staff so they can take on and fulfil their new roles. Indeed, during the year over 250 activities were undertaken in relation to staff training and development with 1 629 participants, which is a very significant proportion indicating that some staff are in fact participating more than once in relation to activities.

Ninety of these training programs were delivered at institutions and 160 at the Staff Development Centre. The department has been very keen to obtain appropriate external support in relation to these programs, and 40 have been provided by parties or authorities outside the department.

**Mr De LAINE:** What are the future plans for the Cadell Training Centre, and will the centre's present concept and focus be changed?

**Mr Apsey:** There are plans to redevelop the Cadell Training Centre. In this year there are no funds available for the reconstruction of the facility. It is dilapidated in the sense that dormitories are inappropriate, and the department has been keen to have them replaced. However, in the past two years cottages have been provided of appropriate standard and minimum security level for offenders. The plan is to replace the dormitories with proper domestic type construction of a low security nature. It is not the intention to upgrade the security level of the prison. In fact, a major plan is under consideration which, if implemented, will assist us to redevelop the farming operations at Cadell in a significant way.

**Mr De LAINE:** In the 1993-94 specific targets there is reference to future modifications to the female accommodation at Northfield Prison Complex. Can we have details of these future modifications?

**Mr Apsey:** There are no final plans to redevelop the Northfield Prison Complex at this stage, although the issue of appropriate accommodation for an increasing female offender population has been clearly noted. Priority has been given to providing for additional female accommodation at the redeveloped Port Augusta Prison where women, of remand and sentence status, can be accommodated at high, medium and minimum security levels.

In the new Mount Gambier Prison there is provision for a small number of women to be accommodated. This will provide options outside the metropolitan area for the accommodation of women. The department's intention is to improve the situation at Northfield, but to date priority has been given to the enhanced opportunities at Mount Gambier and Port Augusta. When funds are available, further steps could be taken to address the Northfield situation.

**Mr MEIER:** On page 121 of the Program Estimates, under 'Broad Objectives', there is a statement, 'to reduce or stabilise the number of incidents'. How many and what type of incidents occurred in the period 1992 to 1993?

**Mr Apsey:** In relation to the type of incidents which have predominated, there has been an increase in drug incidents from 422 in the past year to 511 in 1992-93. There are a number of reasons for this increase. First, there has been an increase in the offender population. Secondly, the activities of the Dog Squad have increased their searches. We believe that has assisted in the identification of drugs. Indeed, the activities of the staff in terms of showing a high degree of vigilance and accountability have contributed to this situation. The department's drug strategy clearly encourages staff to take an active role in drug prevention.

There has been a reduction in alcohol-related incidents in 1992-93 from the previous year: 47 compared with the current figure of 36. It appears that right across Australia, whilst the community at large has been using other forms of drugs, in prisons alcohol has not been as significant an issue, and there has been a significant drop from the 1990-91 figure when 95 incidents were recorded across the system as a whole.

**The Hon. C.J. Sumner:** It might be useful to inform members that I can provide a table recording the number of incidents. As Mr Apsey has said, whilst the numbers of drug incidents are up, alcohol incidents are down. I am surprised that the honourable member did not mention that in his polemic at the beginning of the committee.

It is also interesting to note that in 1991 there were 31 attempted suicides, whereas in 1992-93 there was only one. Some figures on incidents are up and others are down. The next time the honourable member makes a speech on this topic, it would be in the interests of fairness and a complete picture for him to include those plus sides of the argument. In order to enable him to do that, I table the report.

**Mr MEIER:** Supplementary to that, I assume that under 'incidents' would be the number of escapes that were regarded as incidents. If so, from which institutions were those escapes made?

**The Hon. C.J. Sumner:** Only attempted escapes are in the incident report. Once anyone has escaped, presumably it is not an incident; it is categorised in another way. It becomes a criminal offence, which is investigated.

**Mr Apsey:** During the year there were 20 incidents of escape involving 26 prisoners. Of those, 80 per cent came from low security areas, in particular, Cadell Training Centre and the Northfield Prison Complex. That is not to be unexpected, as there are no walls around those institutions. There has been a slight increase in the escape rate during the past year. The factors which impact on that are the increase in the numbers in the prison system as a whole and the increase in low security accommodation.

As I mentioned earlier, there has been an expansion of the number of beds at the Cadell Training Centre. In 1988-89 there were 106 beds there on a regular basis being occupied; in 1992-93 there were 149. That is because the Government has provided additional resources to expand the accommodation at that facility as part of the wider program to accommodate the increases in offender population.

Whilst comparable data for the year are unavailable, looking at the 1991-92 figures for interstate comparisons, South Australia's escape rate was lower than that of some other States, including Western Australia and Queensland.

**Mr MEIER:** I note the number of attempted escapes, to which the officer referred, has increased to nine this year from two the previous year. Likewise, the number of self-inflicted injuries has increased from 37 to 48, both significant increases. Whilst it is pleasing to see attempted suicides are down—and I guess part of the reason for that would be the new cell which has been provided and which makes it virtually impossible for a person to commit suicide—is there cause for concern? Can the Minister identify any reason why the number of attempted escapes and the number of self-inflicted injuries have risen significantly?

**The Hon. C.J. Sumner:** Obviously there are matters of concern. Any incident is a matter of concern, but it is important to see the whole thing in perspective and to show where incidents are down as well as where they have increased. Mr Apsey may wish to comment on the increase in self-inflicted injury incident reports.

**Mr Apsey:** It is difficult to be categorical because these figures do obviously fluctuate and they are subject to a number of factors. We certainly have been extremely vigilant. The department has been vigilant in ensuring that officers are aware of the indications of problems which prisoners may have. There have been concerted endeavours, through staff training and other initiatives, to ensure that officers take appropriate preventive measures to ensure that persons who may appear to be at risk of injuring themselves or indeed attempting suicide are appropriately managed. It may be hypothesised that the increase could in fact reflect a greater degree of very real concern by staff given the priority which has been given to the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

**Mr MEIER:** I note on page 121 of Program Estimates, under 'Broad Objectives', the statement 'to increase the range of programs for special needs groups of prisoners'. What programs are already in place, when were they implemented, how successful are they and what criteria have been used to measure their success?

**Mr Apsey:** There have been a number of initiatives during the year in relation to programs for prisoners generally and indeed for special needs. There has in fact been a priority given, for example, by the prison drug unit to providing appropriate treatment for offenders, and it is noted that there has been an increase in the past year of Aboriginal offenders who have been seen by the prison drug unit. That reflects a priority which has been given in that particular direction.

Again, in relation to the work of the prison medical services and the department, joint endeavours have been made to provide appropriate information to prisoners in relation to the spread of communicable disease, and a major priority has been given to ensuring that information in relation to behaviour which could place prisoners at risk is in fact addressed. There is in fact a broad range of programs, and the actual definition itself is so broad that it is a question of whether education in industries is included and, indeed, a whole range of recreational programs that the department has provided.

In fact, 57 recreational programs were provided with 17 staff who are directly involved in their delivery. They range through such things as personal development and appropriate sporting and cultural and craft activities. In this process, of course, the department does not rely upon its own resources alone but endeavours to enlist the support of the community in providing for these particular offenders. There are, in fact, other initiatives under way. The department is currently considering the most appropriate way to care for and manage behaviourally disturbed prisoners, and there are certain proposals which are currently being finalised and which will be considered in the near future in relation to that category.

Indeed, in relation to sex offenders, some very active work is being undertaken to ensure that in the next year the programs for sex offenders can be extended and applied not just within the prison environment but in the community based programs we offer, because there is substantial evidence that the time at which the delivery of programs is most effective is when such prisoners, who have increased in the prison population, are nearing the release stage.

**Mr ATKINSON:** If there were sufficient prison cells to accommodate all those sentenced by the courts for the entire length of their non-parole period, would the Correctional Services Department persist with home detention?

**The Hon. C.J. Sumner:** I think it is not a matter of the non-parole period; it is the non-parole period less the period of statutory remissions which is written into the legislation that the courts take into account when imposing the sentence and the non-parole period. But the answer to the question is,'Yes'. I think home detention is an important addition to the armoury that correctional authorities need to have, and it provides a useful way of dealing with some prisoners. As I said before, prisoners at some point have to be released back into the community and one way of doing that in a graduated way is via the home detention program.

**Mr ATKINSON:** It is common for my constituents to come to my electorate office and to complain that prisoners are not serving their full sentence and that there is no truth in sentencing, and it seems to me that the real reason why there is no truth in sentencing is because our prisons are over-crowded and we do not have sufficient prison spaces. Am I right in thinking that?

**The Hon. C.J. Sumner:** We have truth in sentencing in that the courts determine the sentence that is imposed on a prisoner. The courts determine how long a prisoner will spend in gaol, subject to a couple of things which I will mention in a minute. The courts impose a head sentence. They impose a non-parole period and, pursuant to statute, the prisoner who is of good behaviour is entitled to a third off that non-parole period by way of remission.

When you do that calculation you get to the period that the prisoner will actually spend in gaol. The judge does that calculation and is obliged under the sentencing Act to announce when he or she imposes the sentence what the period is that the prisoner will spend in gaol according to that sentence.

So, the actual period to be spent in gaol with remissions taken into account is six years, or whatever. That is subject to the prisoner being of good behaviour. While it is a little bit complicated and difficult to explain, the fact is that the courts go through that process and calculate how long the prisoner will spend in gaol, taking into account remissions, when the release occurs, and therefore how long the prisoner will spend on parole once released from gaol.

There are two administrative discretions that impact on the basic sentence. One is provision of section 38(2) of the Correctional Services Act, which enables a prisoner to be released 30 days before the sentence is due to expire. That section 38(2) is used and provides:

> . . . the Chief Executive Officer may. . . authorise the release of a prisoner from prison or from home detention on any day during the period of 30 days preceding the day on which the prisoner is due, or would have been due, to be released from prison pursuant to any other provision of this Act.

That subsection has been used from time to time to relieve overcrowding when the daily reviews of prison numbers indicate that the prison's capacity to accommodate prisoners will otherwise be exceeded and is used also to avoid releases on weekends or public holidays. In this event prisoners may be released on the working day before a weekend or public holiday. I am advised by Mr Apsey that that policy is being reviewed.

**Mr ATKINSON:** One gets 30 days off for overcrowding?

**The Hon. C.J. Sumner:** One can get 30 days for so-called administrative release pursuant to section 38(2). It is a legislative endorsement of the release of prisoners 30 days prior to their time of release coming up. I do not think that it would be a major concern to the community or Parliament if it occurred at the end of a 10 year sentence, or indeed of a six year sentence or possibly of a three year sentence, but obviously it is a matter of concern if it is used to take 30 days off a three month sentence. That would be an issue of concern. I further point out that as prisoner accommodation pressures are eased with the completion of the redevelopment of Port Augusta Prison in November 1993 and the Mount Gambier Prison in April 1994 the use of administrative discharge should reduce. The other measure that was used from time to time was section 27(1) of the Correctional Services Act, but it has not been used for so-called early release since 30 August 1991.

So there are only two issues. One is administrative release under section 38, which involves only 30 days and which I would think most people would find acceptable provided it was not used to shorten very short sentences. The second issue is home detention. They are the two issues dealt with in this area. Home detention has been sanctioned by the Parliament. It can be up to 12 months prior to the sentence terminating. Information has been given on the use of home detention. It could be seen by some as a soft option but home detention does mean that. It is carefully monitored and involves electronic surveillance of prisoners in home detention and the capacity for them not to abide by the provisions and stay at home is limited. I believe a system of home detention would be supported. It is supported by most correctional authorities now in Australia and overseas.

One might argue about the guidelines or about when it should be used, but home detention has been endorsed by the Parliament as an administrative procedure—not as a judicial procedure—and the Government has no intention of changing that. There are guidelines for home detention and they apply where the non-parole period has been fixed and the prisoner has served at least one-third of the non-parole period. A prisoner serving a sentence of 12 months or longer without a fixed non-parole period is not eligible for release on home detention. Prisoners serving a sentence for periods of less than 12 months are not restricted by a qualifying period. It does not apply for imprisonment for non-payment of a pecuniary sum or contempt of court. Those prisoners have to serve out their sentence.

It normally applies within six months of anticipated release from prison. The normal criteria is six months, although there can be applications from prisoners with periods longer than six months, but that depends on the prisoner and an assessment of the prisoner's attitude and maturity, behaviour in prison, history of alcohol or substance abuse, confirmed full-time work or study, and a long-standing stable and supportive relationship within the residence. Also, there have to be no outstanding matters such as extradition, deportation or matters pending in an outside court or visiting tribunal. They have to have a low security rating and they have to be able to nominate an approved residence to which a telephone is connected to facilitate the electronic surveillance.

**Mr ATKINSON:** What are the arrangements at home for home detention?

**Mr Apsey:** There is an arrangement whereby home detainees can be subject to the application of electronic monitoring. It is a discretionary matter depending upon the circumstances of the case, but a significant number of them will have an electronic surveillance bracelet appended to the wrist and it is necessary for the home detainee to respond to phone calls and place the bracelet to the phone in special equipment provided. Strict guidelines operate. The home detainee is under curfew unless there are specific circumstances applying. The home detainee must remain within the premises unless that person is to go to work, an approved program or to a medical appointment or the like. Home detention supervisors visit home detainees on a regular basis and they can arrive at any time of the day or night to check if they are there and there is a close degree of surveillance concerning these offenders. It is the department's view that it is not an easy program because of the constant requirement of the detainee to remain exactly where they are and not leave the premises.

**Mr De LAINE:** I recently visited an excellent staff training centre at Rimutaka Prison in New Zealand. The Director of Training told me that in recent times the department's recruitment policy had been substantially revised to take in trainees from a much broader spectrum of the community than had previously been the case. I was told that this had proven to be extremely successful. What is the department's recruitment policy here in South Australia? Is it the old, traditional, ex-police officers, ex-armed forces, ex-security guards who are targeted or is the selection process broader, as in New Zealand?

**Mr Winton:** Recently we have looked at the recruitment policy in the department; unfortunately, I do not have the criteria here with me today, but I could provide you with a general summary of that. Generally, the department is endeavouring to broaden the range of people we employ as correctional officers. During our restructuring process we are trying to go to a more integrated prison system and involve the staff much more in the programs and development of the prisoners, and therefore we need to change the profile of the people we employ. This has also been brought about by the fact that we have difficulty with stress-related illnesses which have been brought about through workers compensation and to which I have referred previously, and the department is trying to address that through its recruitment processes. I would be happy to provide those criteria to you in the form of an answer.

**Mr MATTHEW:** My question relates initially to page 119 of the Program Estimates and the monetary line 'intra-agency support services'. I note from that line that it is proposed that 110 staff will be employed in 1993-94 in the executive, professional, technical, administrative and clerical support roles. I acknowledge that this is a reduction by 2.4 staff, but this being the case I am surprised that recurrent expenditure is expected to increase by 21 per cent for this service from $8.05 million in 1992-93 to $9.723 in 1993-94. I further note from page 57 in the Estimates of Payments and Receipts that salaries, wages and related expenses are up by $384 474, and operating expenses, minor equipment and sundries by $1.2 million. However, the reasons for these

increases are not clear. Why has it been necessary to increase the recurrent expenditure by such a large amount?

**Mr Goulter:** A couple of main elements are associated with the increase from $8.05 million to $9.723 million, the most significant being $1 million for the cross-charging of JIS charges for the department which will occur for the first time in 1993-94. We had $590 000 added last year and a further $1 million added this year, so it does not affect our service provision as a cross-charging entry. The next significant item was a restoration of $430 000 relating to a saving in the previous year from Muirhead money, and that has been restored back into our line for this year. The remaining significant item is an amount of $200 000, which was provided for in the previous year but which was unspent, and it related to the training for a school of staff for the new Port Augusta Prison.

**Mr MATTHEW:** Supplementary to that, I did mention in my question increase of $384 474 for salaries, wages and expenses against the reduced staffing level and would like to know where those salary increases have occurred or are expected to occur.

**Mr Goulter:** Under our accounting structure, the wage costs of staff in training fall under the staff development centre, which is classified as a support service operation, so you have the 30 or so staff at Port Augusta for 12 weeks.

**Mr MATTHEW:** My next question relates to the commissioning of facilities at Port Augusta Prison, and I refer to the reference under the 1992-93 Specific Targets/Objectives of the Program Estimates and also to the Auditor-General's Report. I note from page 46 of that report that the cost of keeping a prisoner at Port Augusta Prison was $86 000 per prisoner per annum in 1992-93. Bearing in mind that this also includes the cost of capital, could this cost not have been considerably less if the Government had provided a prison facility that did not include a swimming pool, high quality indoor sporting stadium, high quality weight-lifting facility, colour-top tennis courts and en-suite shower and toilet facilities in each cell? I acknowledge that recreation and sporting facilities should be provided at a gaol, but those provided at Port Augusta are superior to those of any public school and probably any private school in this State.

**The Hon. C.J. Sumner:** If it did not have those things it would be cheaper, but Mr Apsey can explain further.

**Mr Apsey:** The decision of the Government to upgrade the old prison at Port Augusta was made because of the very dilapidated facility that was there, and the prison has been redeveloped to do a number of things. First, it provides an appropriate facility for offenders. Over half the population of Port Augusta is Aboriginal, and there was a critical need to address that, given the recommendations of the royal commission. Secondly, the prison is double the capacity, which means that an increased high security capacity for offenders which previously has been sorely needed will be available when the final stage of the work is completed. The third matter is that, because it is meeting regional needs in the northern part of the State, it is a very complex prison; it is a prison that houses men and women both at remand and sentence status, and at high, medium and minimum security levels, and there are particular needs associated with the Aboriginal community which need to be addressed in that context.

The figure of $32.2 million, which is the estimated figure in relation to the total redevelopment of the program, does compare very favourably with many institutions interstate. For example, a prison for 250 was constructed at Barwon in Victoria which in 1991-92 dollars was $74 million. Again, the prison at Windsor in New South Wales for 250 cost in excess of $50 million. In specific reference to the gym, pool and courts, clearly, the requirement is to provide appropriate accommodation. Throughout Australia, recreation facilities are being built into new prisons to provide a safer environment for staff and inmates. Clearly, many of the problems in the past have been associated with inappropriate opportunities for prisoners to let off steam, and it is believed that the construction of modern prisons has provided for a safer work environment. The interstate experience shows that pools are provided in certain prisons in Victoria and elsewhere interstate, and indeed, the gym facility is not dissimilar to the one that has been provided at Mobilong Prison and in the newer prisons.

The actual cost of the recreational facilities I understand to be of the order of $1.4 million for a total series of complexes, which would include a very appropriate gym facility that will cater for over 200 prisoners, tennis court arrangements and a swimming pool capacity.

**Mr MATTHEW:** If a decision is made on the building of a new prison during his time as a Minister, will the Attorney-General give this Committee an undertaking that the new prison will not include swimming pool facilities, tennis court facilities and gymnasium facilities of a type superior to any school in this State and, preferably, will it exclude swimming pool facilities full stop?

**The Hon. C.J. Sumner:** The new facility will probably need to be built, as has already been stated. Exactly what the nature of that facility will be and what recreational facilities will be in it will need to be looked at as part of the brief. All I can do is take note of what the honourable member has said. But I hope that he will also take note of the fact that it appears that, while our recurrent costs for running prisons are higher than those of some other prisons interstate, the capital cost (even for Port Augusta, which the honourable member says is extravagant) has been less in South Australia than in a number of other prisons interstate, some of which have already been mentioned by Mr Apsey, and perhaps he could detail those.

*Mr Matthew interjecting:*

**The Hon. C.J. Sumner:** The honourable member criticises the capital cost of prisons in South Australia. All we are saying is that the capital cost of the Port Augusta facility was significantly less than some prisons recently built in other States. Whether it be under a Liberal or a Labor Government, that is the fact of the matter.

**Mr Apsey:** There was a prison constructed at the Melbourne Remand Centre; I have already mentioned the prison at Windsor in New South Wales and at Barwon in Victoria. There is a Melbourne Remand Centre, which has been constructed at the cost of $85 million dollars in 1991-92 dollars, which is $359 000 per cell for 240 offenders. That, of course, makes the cost of construction of the Adelaide Remand Centre, which was of the order of $21 million (for, admittedly, a slightly smaller number), look to be very good value.

**The Hon. C.J. Sumner:** The point about this is that the honourable member has criticised our recurrent costs, but he should also take account of the fact that the capital cost of our prison construction in South Australia at least compares favourably with some of the prisons constructed in some of the other States.

**Mr MATTHEW:** With reference to the Estimates of Payments and Receipts book, 'Recurrent payments', page 56,

my question is in relation to a boat that is placed at the Port Lincoln prison. What is the recurrent cost of operating the boat, described as a 4.7 metre runabout called the *Garnet*? For what purpose is it used? When was it purchased, from where and at what cost?

**The Hon. C.J. Sumner:** It is not called the *Garnet*, apparently, for the honourable member's information. He is obviously not up with nautical terms. I am advised that that is the make of it. It is not a Garnet, it is a Gannet; a very small boat. It is the type of boat. We will obtain the information, whatever the name or type, and provide it for the honourable member.

**Mr MATTHEW:** What is it used for?

**The Hon. C.J. Sumner:** It is used as a program for prisoners.

**The CHAIRMAN:** The Attorney will obtain a full report on that boat, operating costs, use, and so on.

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

**Mr MATTHEW:** I appreciate that. Did the Acting Chief Executive Officer just say that boat is used as a fishing boat for prisoners on—

**The Hon. C.J. Sumner:** No, he said prisoner programs.

**Mr MATTHEW:** So, inmates go out fishing in the boat?

**Mr Apsey:** We will have to check on the details, but I understand it is used for programs for prisoners.

**The Hon. C.J. Sumner:** What Mr Apsey said to me, which the honourable member overheard after I said 'fishing' as an aside, was that it is used for prisoner programs. That is fair enough: one would assume that, if there was a boat at Port Lincoln used in connection with Correctional Services, one of its uses would be for prisoner programs, otherwise it is hard to see what core activity of Correctional Services would be doing with a boat. I will obtain the details that the honourable member has asked for, but even the honourable member would concede that when people are incarcerated it is important that they be provided with activities of various kinds, recreational activities and the like.

**Mr MATTHEW:** I would not have thought that was an appropriate activity.

**The Hon. C.J. Sumner:** I will obtain the information and, no doubt, when he gets it the honourable member will be completely convinced.

**The CHAIRMAN:** If there are no further questions—

**Mr MATTHEW:** I have several questions, bearing in mind that the Attorney came back 10 minutes late—

**The Hon. C.J. Sumner:** Perhaps I should explain: that was caused by a silly red herring press release put out by the Leader of the Opposition. If he would not harass us with this nonsense on a daily basis, I would be able to attend to the duties of the Committee. I suggest that the honourable member take it up with the Hon. Mr Brown.

**Mr MATTHEW:** I will ask some more questions.

**The Hon. C.J. Sumner:** There is only a limited amount of time. If members want to go to 10 o'clock on Correctional Services, that is fine by me.

**Mr MATTHEW:** I relate my next question to the Program Estimates document and the reference on page 121 under 'Issues and trends', and also page 122 under 'Broad objectives', which refers to the provision of the opportunity for prisoners to participate in training, development of specific work skills and general and specific education programs. Which prisons have integrated prison industry and education plans? How many prisoners participate in programs at these institutions? And how many staff are involved at each of these institutions in running these programs? I appreciate that the Attorney may need to take that on notice.

**The Hon. C.J. Sumner:** We will take those on notice.

**Mr MATTHEW:** My next question relates to proceeds from prison labour and, in particular, to the Estimates of Payments and Receipts document, the receipts notation on page 56. Why, following the Prison Industries Review, are the proceeds from prison labour expected to drop by some 69 per cent from $1 082 736 in 1992-93 to a projection of $750 000 in 1993-94?

**Mr Goulter:** In 1992-93 an amount of money was received from the Mount Gambier prison project. That was about $500 000. This year we can expect to get only about $250 000 back as a carryover figure into the new financial year.

**Mr MATTHEW:** I am obviously aware of the work that was done for the Mount Gambier project, but at this stage the prison has been unable to find similar work, even within Government building programs, and does not expect to find that work in the foreseeable future? Is that the conclusion to be drawn?

**Mr Goulter:** We have only built into these estimates the money that we feel we are going to get. The other opportunities in industries have not yet advanced far enough to be included in the figures.

**Mr MATTHEW:** In relation to prison industry sales turnover I refer to the performance indicators table on page 122 of the Program Estimates document, and note that sales for 1992-93 from the prison industry sales amounted to $1 726 000. I realise the Attorney might have to take this question on notice. What items were sold for what amount and to whom?

**The Hon. C.J. Sumner:** We will attempt to get that.

**Mr MATTHEW:** I refer to page 121 of the Program Estimates document, and the completion and commissioning of the Fine Default Centre at Northfield. In view of the fact that, certainly at least in New South Wales and possibly other States, fine defaulters are not imprisoned, is not the building of this facility at this stage at a projected cost of $989 000, and I understand an Australian first, both a waste of taxpayers' money and an admission that the community corrections programs that we discussed earlier today have failed to adequately fulfil their role as an alternative to imprisonment?

**The Hon. C.J. Sumner:** The answer to that is 'No.' I think the honourable member must be a bit confused. Is he suggesting that interstate they do not put fine defaulters in gaol?

**Mr MATTHEW:** I said they certainly do not in New South Wales, and that could possibly be the case with other States.

**The Hon. C.J. Sumner:** As the honourable member is much better informed on this topic than I am, what happens in New South Wales if a fine is not paid?

**Mr MATTHEW:** If I am allowed to respond, it seems we have a reverse questioning role here and I certainly do not shy away from that. I am advised by police officers in this State that the very existence of imprisonment as an alternative means that it is far more difficult for them to execute their duties because they are faced with an increasing number of warrants to take people to what they regard as a softer option of imprisonment, and because that ultimate avoidance possibility is there it is a far more expensive option, and many elect to go to prison because it is a softer option now that we have a fine defaulters' facility. Police who have

spoken to me believe that that trend is likely to continue. New South Wales is avoiding that problem.

**The Hon. C.J. Sumner:** I understood that the honourable member said—and he can correct me if I am wrong—that in New South Wales fine defaulters do not go to gaol. If they do not go to gaol what happens to them?

**Mr MATTHEW:** They pay their fines or they work them off.

**The Hon. C.J. Sumner:** The honourable member has now said that they pay their fines or they work them off by community service. What happens if they do not pay their fines or work them off?.

**Mr MATTHEW:** The Attorney ought to realise that that State is starting to demonstrate the fact that it no longer has the options of imprisonment: it reduces the options available to the people concerned. If imprisonment stays there as an option, and those who take it up regard it as being a soft option, they will continue to take that option.

**The Hon. C.J. Sumner:** That is, with respect to the honourable member, gobbledegook. The fact of the matter is that his assertion that in New South Wales people who do not pay fines do not go to gaol I believe to be wrong, because if they did not go to gaol for not paying their fines, there would not be anyone who would pay their fine. So, there has to be an ultimate sanction, and I suggest the honourable member, before he comes in and makes these assertions, should get his facts straight. My guess is that in New South Wales they have a system of paying the fine; I suggest they probably have a system of community service for fine default, which we have; and then they have a system of sending people to gaol who do not pay their fines or do community service. That, Mr Chairman, I suggest is the position and that his assertion—

**Mr MATTHEW:** New South Wales has changed.

**The Hon. C.J. Sumner:** You are saying that fine defaulters do not go to gaol in New South Wales. Is that what your saying?

**Mr MATTHEW:** Not since the death that occurred in custody there.

**The Hon. C.J. Sumner:** So, what happens if people do not pay their fines or do community service there?

**Mr MATTHEW:** I am supposed to be asking the questions. Is the Minister saying that he sees nothing at all strange about imprisoning fine defaulters in this State when at the same time dangerous criminals are released early on home detention. Have we not got our priorities a little bit confused here? On the one hand, you are gaoling fine defaulters: on the other hand, you are letting out murderers, rapists and armed robbers.

**The Hon. C.J. Sumner:** That is your little bit of rhetoric.

**Mr MATTHEW:** It is a statement of fact.

**The Hon. C.J. Sumner:** It is rhetoric. It is the polemic that you began this Committee with.

**Mr MATTHEW:** It is a statement of fact.

**The Hon. C.J. Sumner:** You have just asserted that fine defaulters do not go to gaol in New South Wales. I asked the question, and you cannot answer it and I do not believe you are correct; if they do not go to gaol how do you enforce the payment of the fine? I would suggest to you that, if the fine is not paid and if prisoners do not do community service orders, they do end up in gaol—even in New South Wales under a Liberal Government. Obviously that can be checked, but I would find it fairly bizarre and probably significantly contrary to what I know about human nature for it to be suggested that fine defaulters, if they do not do community service orders or do not pay their fines, do not have to go to gaol, because there would be little incentive for anyone to pay the fine. Probably the honourable member would not pay his fine in those circumstances, because there is no ultimate sanction. That is the point I am making.

The point that the Government makes is this: no person in South Australia has to go to gaol for the non-payment of a fine. That is the principle. No person is forced to go to gaol in this State for the non-payment of a fine. They either pay the fine—they can pay it by instalments—or they can do community service orders. Any person who is fined has that option available to them. However, a good number of people choose not to pay the fine and they choose not to submit to a community service order. In those circumstances they go to gaol. Because there is a problem with overcrowding, the Fine Default Centre was established, and that is where they go now. So, first, they do not get out early and, secondly, they have to serve their sentence cumulatively and cannot work off concurrently a large number of warrants that have been unpaid.

There is in South Australia, and I suspect also in New South Wales, the ultimate sanction of imprisonment of people who do not pay fines, but that is something that the individual in South Australia does of his or her own volition. They can do community service orders.

**Mr MATTHEW:** Is the Attorney-General saying that the Government has tackled its priorities in the correct manner? He is saying that they have now fixed the situation so that fine defaulters do not get out early; on the other hand, due to prison overcrowding, dangerous criminals are being released early on home detention. Is he satisfied that someone who gets a head sentence of six years for rape, with two years non-parole, can be back in the community on home detention after eight months? Is he telling the committee that for a person who committed such a crime eight months is an adequate period to serve their penance, to be rehabilitated and counselled; and is he satisfied that their victim would feel happy about that situation?

**The Hon. C.J. Sumner:** I am not necessarily satisfied on all those matters. The honourable member has thrown in his example. I do not know the circumstances or whether there is any circumstance to which he refers. However, if all those fine defaulters were serving their sentences in prison without the special facility that was built to cope with them, the level of overcrowding in the prisons would be significantly worse than it is at present. That is a matter with which the honourable member has not come to grips. I have dealt with overcrowding and the fact that a number of initiatives are in train to increase the capacity of our prisons. In particular, I have referred to the new 300-bed facility which is projected. At some time the 30-day administrative release to which I have referred has to be used.

In addition, on the issue of home detention, I have outlined the basic criterion of six months at the end of the sentence. It can go to 12 months in some circumstances, but the basic figure is six months. At some point prisoners are released back into the community and I should have thought that home detention was a way to enable that to happen. As has been explained by Mr Apsey, home detention does not mean that you go home and go about your life in the way that you did before you went into prison. There is electronic surveillance, and if there are breaches of home detention you are returned to prison.

The Fine Default Centre was built to ensure that the overcrowding in prisons, which could have been caused by fine defaulters, was dealt with. When the honourable member

checks tomorrow morning with New South Wales, I am fairly sure that he will find there is an ultimate sanction of imprisonment for fine defaulters there and in other States.

**Mr MATTHEW:** My final question relates to page 123 of the Program Estimates. I refer to the statement under 1993-94 Specific Targets/Objectives, 'Develop an expanded service to victims of crime on the provision of information from the department'. Does this mean that victims of crime, if they wish, can be kept informed of a prisoner's movements, including prison transfers and release on home detention or parole; and, if not, why not?

**The Hon. C.J. Sumner:** I do not think the service extends to providing information of changes in movements between prisons, from Yatala to Mobilong or the like. If the victim inquired about it, no doubt that information could be provided. Victims are entitled to the details of a prisoner's release, and that has been in place for some considerable time. I am not sure what other information was referred to.

**Mr MATTHEW:** The line talks about developing an expanded service. I am interested to know whether they would be kept informed of a prisoner's release, particularly on home detention, because I am told by the Victims of Crime Service that they are concerned that the victim is often unaware of a prisoner's release on home detention.

**The Hon. C.J. Sumner:** There is an obligation on the department to inform victims if victims inquire about release, and also to inform victims about home detention and the like.

**Mr Apsey:** If an approach is made, the information is given in relation to the prospective release of a particular prisoner and when that is going to occur. We are in the process of reviewing the feasibility—and I should like to think we will be able to do this in the near future—of an appropriate register whereby people can put their names forward on a formal basis so that certain levels of information in terms of the release of offenders can be released. At this time it tends to operate on the basis of the approach being made. I understand the intention of a proposed register would be to formalise that process and enhance the program.

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

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Attorney-General's, $24 537 000
Attorney-General and Minister for Crime Prevention—Other Payments, $13 685 000

**Chairman:**
The Hon. J.C. Bannon

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

**Departmental Advisers:**

Mr K. Kelly, Chief Executive Officer, Attorney-General's Department

Mr T. Lawson, Director, Corporate Services

Mr J. Roberts, Manager, Administration and Finance

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

**Mr S.J. BAKER:** We have a number of general questions that we want answered on all your portfolios. This is something we are doing in all the committees. I will read it out so that everybody can understand what we are asking for.

We want the names of the boards, committees and councils under the Minister's responsibility. In respect of each board, committee or council who are the members? When do the members' terms of office expire? What is the remuneration of the members? Who appoints the members? On whose recommendation or nomination is the appointment made? What is its role and function? How many officers are now on contract of service and what are their levels? Who, if any, of these officers are subject to performance reviews? How is performance measured, and who measures it? Who reviews performance and what are the consequences of failure to perform? Are any performance bonuses paid and, if so, what are they and how are they measured? What, if any, savings have been identified from the restructuring and where have the savings been made? Do the savings involve a reduction in staff numbers? If they do, how many staff are leaving and in what areas and at what stage of the restructuring? I understand that one or two of these will be difficult.

What, if any, improvements in efficiency have been made? How are they measured and what is the reward for improvement or penalty for failure to improve? What problems have been identified as a result of the restructuring? How many positions have been proposed for abolition through targeted separation packages? What are these positions? How many so far have applied for TSPs? How many targeted separation packages have so far been accepted? What has been the pay-out under each TSP (that is, just in the general group)?

There are a number of other questions about performance indicators being established and performance reviews. I will leave that with you and I would be pleased if the Minister would take those questions on notice. Most of those questions are fairly straightforward; others may require a little research.

**The CHAIRMAN:** That should have shortened the time of the committee.

**The Hon. C.J. Sumner:** We have just withdrawn all the TSPs! We will need extra staff to do it.

**The CHAIRMAN:** Mr Baker is very keen on job creation.

**The Hon. C.J. Sumner:** I do not understand. Is this just for the Attorney-General's?

**Mr S.J. BAKER:** No, it is to be asked of every Minister, and that is just a general one to cover portfolios. We took some time to get to your Attorney-General portfolio. Rather than ask it in the beginning—

**The Hon. C.J. Sumner:** You do not want it for Correctional Services?

**Mr S.J. BAKER:** Yes, I do. I want it for each of your portfolio areas.

**The Hon. C.J. Sumner:** What a joke.

**Mr S.J. BAKER:** When will the whistleblowers legislation be brought into effect and what steps have been taken to provide support services to whistleblowers?

**The Hon. C.J. Sumner:** Soon, very soon.

**Mr S.J. BAKER:** I was expecting something a little more precise than that.

**The Hon. C.J. Sumner:** I think we have determined a date for it, but I have not got it in front of me. My recollection is soon, so don't worry.

**Mr S.J. BAKER:** This year or next year?

**The Hon. C.J. Sumner:** Soon. It is certainly not next year. The date is later this month, actually; I cannot remember the exact date. When I issue a press release about it I will

include some other information about the matter, including support for whistleblowers, and what have you.

**Mr S.J. BAKER:** I presume it will be part of the election package.

**The Hon. C.J. Sumner:** I would not count on that. It is before that.

**Mr S.J. BAKER:** With regard to the State Bank indemnity, we have a copy of board minutes. The board minutes for the State Bank state:

> It was resolved to approve that where current and past directors and officers of the State Bank Group were acting in the best interests of the group, they should be indemnified with insurance cover whilst carrying out their duties.
>
> The board recommended that management review legal costs and report whether the risk could be self-assumed by the bank or whether this was covered under the banker's bond insurance.

Under that it would appear that no director of the bank or officer of the bank will in fact be liable for any damage as a result of the State Bank failure.

**The Hon. C.J. Sumner:** With respect to the honourable member and the Leader of the Opposition I can only assume that this is today's beat-up. It astonishes me that the Opposition seems to be able to say anything about the State Bank and suddenly there is a hoard of cameras and people out there asking questions about it. I would have thought that even the honourable member would comprehend the situation, unless there are people in the insurance industry who are sillier than I assume they are, because on 13 March 1991 it is hardly likely that directors of the bank would have been able to get an insurance policy to cover themselves for their activities in the previous two or three years while they were superintending the State Bank's affairs.

By 13 March 1991 there had been an announcement that there would be a Royal Commission and the announcement of some billions of dollars of losses in the bank. However, the Leader of the Opposition and the Deputy Leader apparently think that the bank directors were going to be able to get coverage for their past activities. Perhaps the bank directors themselves thought they might be able to be indemnified by insurance cover for the past, if that is what they meant. I do not think the honourable member would be suggesting that they are likely to be insured for past activities unless there is an insurance company around that is being incredibly generous.

*Mr S.J. Baker interjecting:*

**The Hon. C.J. Sumner:** Let me finish. You asked the question. That is the first point. As to whether they did have any personal insurance for their activities while they were directors of the bank prior to the losses being announced, that matter will be examined by the legal team and it is obviously a factor that is taken into account in determining whether or not proceedings are to be issued. Obviously, in the case of the auditors, if there is insurance, it is much better for the South Australian taxpayers than if there is no insurance. If there is insurance, then the chances of getting some recovery to taxpayers is enhanced. I am not sure what all this is about, except that it is the first day of the estimates and the Opposition can lead the media in South Australia by the nose if it says anything about the State Bank, which is what it has done. To give it any credence is a bit curious.

**Mr S.J. BAKER:** The Attorney has not shed any light on it. He has had an opportunity to look at the press release. The facts are that the board resolved to approve, and more than that:

> . . . where current and past directors and officers of the State Bank Group were acting in the best interests of the group, they should be indemnified with insurance cover whilst carrying out their duties.

The second point is more compelling:

> The board recommended that management review legal costs and report whether the risk could be self-assumed by the bank or whether this was covered under the bankers' bond insurance.

Obviously, the point is taken that one cannot insure oneself out in the marketplace for past deeds or misdeeds. Insurance normally covers future events, but this resolution by the bank suggests that they have covered past and future events particularly well and that the bank, in the event of unavailability of insurance, will take on the liability itself. Far from clarifying the situation it confirms our suspicions that the bank is holding the indemnity and no-one is going to pay.

**The Hon. C.J. Sumner:** I cannot see how the honourable member can glean that from the information that I have. All I have is the Leader's press release where part of the board minute is apparently quoted and deals with current and past directors and officers of the State Bank Group being indemnified with insurance cover whilst carrying out their duties. As to the past, I cannot believe that that would have happened. I have only seen that document today. Is the honourable member suggesting that they were able to get insurance cover for what they did in the past?

**Mr S.J. BAKER:** No, the bank covered them.

**The Hon. C.J. Sumner:** That is not what is said here. It says, 'should be indemnified with insurance cover'.

**Mr S.J. BAKER:** You have not got the whole story. The second part—

**The Hon. C.J. Sumner:** The whole story is not in the press release.

**Mr S.J. BAKER:** I refer to the second part. We thought you would step through the hole, because it states:

> . . . that management review legal costs and report whether the risk could be self-assumed by the bank or whether this was covered under the bankers' bond insurance.

It would appear that all bases are being covered by the bank's resolution.

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

**The CHAIRMAN:** The Attorney was about to respond.

**The Hon. C.J. Sumner:** Officers relating to JIS, crime prevention and equal opportunity are available, so if members dealt with questions relating to those matters together that would facilitate the business of the committee.

**The CHAIRMAN:** Do you want to deal with the matter we were discussing immediately prior to the dinner adjournment? The Attorney had the floor, because we finished with a splendid rhetorical flourish from the Deputy Leader, and we are awaiting the Attorney-General's response.

**The Hon. C.J. Sumner:** I have already responded publicly, but I will add a little more for the edification of members and the Leader of the Opposition in particular. As I said before, the question of what insurance exists for those people who might be the subject of attention by the bank litigation team, be they auditors or directors, is something that the bank litigation team is examining, obviously, in the context of what action might be able to be taken against persons (directors or auditors) for the losses sustained by the bank. So, the bank litigation section of the Crown Solicitor's office is looking at the question of what insurance exists. Obviously, it is in contact with the bank about that.

The Crown Solicitor's present understanding, which is yet to be confirmed and which has to be checked, is that there may have been an officers and directors policy for the State Bank but that there probably was not any policy for Beneficial Finance. The bank is checking the exact situation with respect to past insurance and, obviously, that matter plus the question of any insurance that auditors have will be pursued as part of the bank litigation team's inquiries, with a view to advising Government.

Obviously, whether or not there is insurance is a relevant factor in advising whether it is worthwhile proceeding against any persons. An officers and directors policy, if it exists, does not usually cover liability for legal expenses respecting Government inquiry, so, whether or not such a policy existed, it is unlikely that the insurer would have accepted responsibility for such legal expenses for the past. It is important to note that it would be clearly in the interests of the bank and the Government if such insurance did exist, as that would enhance the prospect of moneys being recovered.

**Mr S.J. BAKER:** Not if the bank is the insurer.

**The Hon. C.J. Sumner:** No-one is talking about the bank being the insurer.

**Mr S.J. BAKER:** That is exactly what that statement says.

**The Hon. C.J. Sumner:** That is not what that statement says, and I think you need to re-read it. I repeat: it would clearly be in the interests of the bank and the Government if such insurance did exist. With respect to the resolution of 13 March 1991 (and I have dealt with this), the Crown Solicitor has advised that he would expect that it would be impossible to obtain insurance for those past acts, and I would have thought that that was the case. So, that is why I find it very surprising that the press release issued by the Leader of the Opposition seemed to assume that the bank had somehow or other got coverage for the directors for the actions they took prior to the problems being revealed. I have suggested that that really is hardly likely.

**Mr S.J. BAKER:** It says that the risk could be self-insured by the bank. The resolution states 'risk assumed by the bank'.

**The Hon. C.J. Sumner:** The press release I have—

**Mr S.J. BAKER:** You haven't got the whole one.

**The Hon. C.J. Sumner:** It's your press release, and it's your quote.

**Mr S.J. BAKER:** That's all right; we don't have to put everything in it. If you want to walk down and fall into a hole that is up to you.

**The Hon. C.J. Sumner:** I am not walking down or falling into any hole, but I would have thought that, if the Leader of the Opposition had any decency and was relying on something that was in the bank's minutes for his case, he would have included that minute in the press release he read out. Part of the resolution that I have is that it was resolved to approve, and where current and past directors and officers of the State Bank group were acting in the best interests of the group they should be indemnified with, insurance cover whilst carrying out their duties.

All I am saying is that it really defies logic to suggest that an insurance company would have covered the directors for their past actions. So, on the basis that it would be impossible to obtain insurance for past acts, the Crown Solicitor has advised that he would not expect that the resolution would have the result suggested in the press statement, even assuming that some attempt was made to carry it into effect.

For the sake of completeness, it is worth noting that in about June or July 1991 the Government agreed to indemnify a number of bank and BFC officers serving on various subsidiary boards; these indemnities were backdated to the time when it became known that there were significant financial problems. This was to ensure that the directors of these workout subsidiaries did not resign *en masse*, but that is not really relevant to this situation. To the best of the Crown Solicitor's knowledge, the Government has not given any indemnity to the former bank directors in respect of liability that they may have incurred relating to the matters referred to in the final report.

These issues are all matters that are being examined by the legal team, as one would expect, including the question of insurance, and I find it difficult to see the point in what the Leader of the Opposition has to say in the press release.

**Mr S.J. BAKER:** I thought it was quite clear, but I will go on to the next question.

**The CHAIRMAN:** You have had four questions.

**Mr S.J. BAKER:** I have asked only had one question.

**The CHAIRMAN:** No; before the dinner adjournment you made an opening statement; you asked questions about boards and committees, whistle-blowers, issues and trends and two questions on the State Bank indemnity. So, I will come back to you, but I think it is fair to give someone else a go.

**Mr McKEE:** Page 62 of the Program Estimates under the 1993-94 Targets and Objectives states 'to improve access to the law to court and non-court-based dispute resolution systems'. Could the Attorney expand generally on that and in particular what sort of non-court-based dispute resolution mechanisms he envisages?

**The Hon. C.J. Sumner:** Non-court-based dispute resolution systems are referred to as alternative dispute resolution. Mediation may be annexed to a court so that, if proceedings are issued, processes could be put in place within the court to try to mediate and settle the dispute before it actually goes to a full court hearing.

That is encouraged. Some supporters of alternative dispute resolution actually argue that before proceedings are taken in court there should be a compulsory attempt to mediate a settlement, but that has not generally been adopted although it is something that obviously can be considered. Whether or not there is compulsory mediation before court proceedings are taken, there is certainly a case for mediation as part of the court process, by way of pretrial conference and the like, to try to settle cases before you get to a full court hearing. That is common practice now. Pretrial conferences to identify the issues and see whether settlement can be achieved are used extensively in the Supreme and District Courts in particular.

Non-court based dispute resolution refers to alternative dispute resolution outside the court system. That can involve, at the community level, community mediation centres, which are attached to community legal centres, are funded to some extent by Government and deal with neighbourhood disputes, community disputes, fencing disputes and the like. Alternative dispute resolution also operates in the area of marriage breakdown and problems in marriage; the Marriage Guidance Council has a very extensive alternative dispute resolution system, that is, mediation, trying to bring the parties together and resolve their disputes outside the court system and, hopefully, to settle them in a satisfactory manner.

At the commercial level there is significant increased interest in alternative dispute resolution. There is a group called Lawyers Engaged in Alternative Dispute Resolution,

and the South Australian Dispute Resolution Association, which has as members people interested in alternative dispute resolution. The Institute of Arbitrators is concerned with that same process. Over a year ago the Government put out a green paper on alternative dispute resolution, and we have received submissions on that. We have introduced some legislation to assist alternative dispute resolution, such as providing that evidence raised in an alternative dispute resolution mediation conference cannot be used in evidence if the matter eventually goes to court, and we are looking at a number of other issues under this head.

The alternative dispute resolution processes in South Australia have developed without financial support from Government but, certainly, with much encouragement. We believe that it is an option that needs to be put into the whole process of dispute resolution: we think it can be useful. In some of the States, financial support was given for commercial dispute resolution centres. The Australian Commercial Disputes Centre, established in Sydney, had received some funding from Government (although I am not sure whether it still does). It was set up to try to facilitate the resolution of commercial disputes in that State.

The honourable member would probably be aware that a number of private practitioners now offer themselves as mediators to settle disputes. The former Chief Justice of the Supreme Court of New South Wales when he retired a few years ago became involved with the Australian Commercial Disputes Centre and now has a practice as a person who offers himself to mediate in disputes. Some other judges have done that as well. So, basically we are talking about encouragement of the settlement of disputes without the need to become involved in technical, complicated and probably costly court proceedings.

**Mr McKEE:** On page 63 under 'Broad objectives/goals', it says:

> To provide a mechanism for victims of crime to claim damages for personal injury suffered as a result of crime and to provide for payment out of public funds by the State Government to meet awards.

I understand that at the payment of fines point there is a levy included in the amount of the fine that goes broadly to victims of crime. Is this objective part of that or is it seeking to expand that principle to apply strictly to personal injury?

**The Hon. C.J. Sumner:** The Criminal Injuries Compensation Scheme has been in place for some considerable time, and there is now a maximum of $50 000 payable. There have been some recent amendments to the Act to deal with the calculation of criminal injuries compensation. There was also a recent proposal from Government to increase the levy so that the Criminal Injuries Compensation Fund, from which these payments are made, could be replenished. The fact is that it is now in deficit and is likely to continue in deficit. We were attempting to increase the levy so that the funds available to criminal injuries compensation could be maintained.

However, that was defeated in the Parliament, so the increase in the levy was not as great as that which the Government had proposed. That means that any shortfall has to be made up by the general taxpayer. The Government's proposition was that it is more equitable that the Criminal Injuries Compensation Fund receive moneys from offenders as a class rather than from the general taxpayer. The Opposition did not agree with that and believed that the general taxpayer, that is, the innocent person in the community, who has not been guilty of any offences at all, should pay for criminal injuries compensation. That was a policy of the Opposition.

That means that general taxpayers now are paying much more than they would have had the levy on offending been increased. That is the fact of the matter. The important point is that, because our attempt to increase the levy was to a large extent thwarted, the amount of money being provided from general taxpayers will now be significant. If the levies had been increased as proposed by Government, it was estimated that the revenue would be $2.5 million; the estimated amount from levies following the reduction in those levies by the Opposition will now be only $.6 million, so the general taxpayer, that is, the totally innocent people who have not committed any offence at all, will now have to make up the fund to the extent of $1.9 million.

But that was the Opposition's policy and, of course, there was nothing the Government could do about it. Its policy is to impose the burden on innocent people in the community rather than to impose it on offenders. It is the fact of the matter: you cannot deny it.

**Mr S.J. BAKER:** I refer to page 66 of the Program Estimates, dealing with the Crown Solicitor and advice provided by him. Last November a report by the Auditor-General on certain practices in the Lotteries Commission was tabled in the Parliament. In part that report referred to expenses claimed by the then Chairman of the commission (former Deputy Premier Jack Wright) and the General Manager of the commission (Mr Fioravanti). The Deputy Premier, as Minister responsible for the commission, referred the report of the Auditor-General to the Attorney-General for further investigation.

Recently the Attorney-General received a report on these further investigations from the Crown Solicitor. That report revealed that one matter was still under investigation. Can the Attorney-General report on any further progress on the matter that is still under investigation? Has he received any briefing from the Crown Solicitor on the progress of this investigation since the Crown Solicitor's report was completed, and if so what was he told about the progress of the investigation? Can the Attorney confirm the report in the *Advertiser* last Friday 10 September, which stated that a former senior South Australian politician is under investigation by the Police Anti-Corruption Branch, is a reference to the former Chairman of the Lotteries Commission, Mr Wright.

**The Hon. C.J. Sumner:** I do not think it is appropriate for me to comment beyond what is on the public record in relation to this matter: that when the Treasurer tabled the report provided by the Crown Solicitor it was indicated quite clearly that there was one outstanding matter and no doubt that will be reported on in due course. It is not appropriate to deal with the matter at this stage in Estimates Committees. The Government has made it clear that there was one outstanding matter and I think it is reasonable to allow whatever further inquiries have to go on to proceed and, when they are completed, the House can be informed.

**Mr S.J. BAKER:** Whilst you will not confirm that Mr Wright is the person concerned, have you received a briefing from the Crown Solicitor on this matter?

**The Hon. C.J. Sumner:** Since the report was tabled from the Treasurer I do not believe I have received any formal briefing from the Crown Solicitor on the matter. I am obviously aware of the general nature of the inquiry, but I do not think it is appropriate to comment further.

**Mr S.J. BAKER:** Obviously, the Attorney received some advice prior to the report being tabled from what his answer

was to this Committee. What advice was tendered by the Crown Solicitor? Can the Attorney advise when the Police Anti-Corruption Branch was first called to investigate the matter, and did this occur as a result of the Crown Solicitor's investigation or independently of it?

**The Hon. C.J. Sumner:** I do not think it is appropriate to comment on these matters that are subject to investigation. The report was provided by the Crown Solicitor; it was provided to the Treasurer; and it was tabled in the Parliament. It was made clear at the time in that statement that there was one outstanding matter and I do not think it is appropriate for me to confirm or deny any of the suppositions being made by the honourable member. Surely he would accept that, if an inquiry is going on—whether by the Crown Solicitor or the Anti-Corruption Branch—it should be able to proceed and be completed, and then he, and no doubt Parliament, can be advised of the results of that inquiry. I think it is inappropriate to use the Estimates Committee to ask questions about inquiries that may be in train by either the Crown Solicitor or the police.

**Mr S.J. BAKER:** Can you confirm that certain claims for expenses and practices relating to claims for expenses followed within the Lotteries Commission at a senior level are also under investigation?

**The Hon. C.J. Sumner:** As far as I am aware there are no matters relating to that matter which are outstanding.

**Mr S.J. BAKER:** Have they been resolved?

**The Hon. C.J. Sumner:** I understand that, apart from the one matter which I do not think is appropriate for me to comment on, the other matters were dealt with in the Auditor-General's report which was provided to the Treasurer and then subsequently dealt with by the Crown Solicitor's examination of the matters, and the results of the Crown Solicitor's report on the matters that have been made public were tabled in Parliament. There were certain other matters that were looked at and found to be of no substance, and they were not reported on as was indicated at the time because it did not seem fair to raise allegations which had already been dealt with and which were found not to have been substantiated, with the exception of the one matter which it was made clear was still outstanding, and which is still outstanding.

**Additional Departmental Advisers:**

Ms J. Tiddy, Commissioner for Equal Opportunity.

Ms M. Heylen, Assistant Commissioner for Equal Opportunity.

**Mr De LAINE:** Page 60 of the Program Estimates document under 'Issues/Trends' states:

> The major issues remain sexual harassment, and age discrimination in employment.

Does this mean that the number of these offences is on the increase, and if that is so is there a strategy in place to combat this trend?

**The Hon. C.J. Sumner:** They are not offences, but it is very hard to say whether the actual incidence of sexual harassment or discrimination is on the increase because we can only go on what reports there are. An increase in reports may mean an increase in allegations or in actual incidents. However, we cannot make that assumption from the figures that we have. We are talking about complaints, and undoubtedly there have been increases in sexual harassment in recent times. I do not think that we have the information that the honourable member specifically wanted, but we can and will get it. This does go part of the way. In 1992-93, of the total number of 1 552 formal complaints, sexual harassment complaints comprised 17 per cent and age complaints 19.5 per cent. In 1991-92 the actual number of formal complaints was 1 660, so there has been a reduction in the number of formal complaints. Of those, 22 per cent were sexual harassment and 14 per cent were age complaints. However, we do not seem to have the actual figures, which may be what the honourable member is looking for. We will provide those figures.

**Mr MATTHEW:** I refer to page 60 of the Program Estimates. Under Issues/Trends it states, 'The trend is a way of providing services at no cost to revenue raising and cost recovery.' What means have been identified for revenue raising against this statement?

**The Hon. C.J. Sumner:** The proposals to raise revenue are the sale of publications and resources, training programs and material development, the Mitchell Oration, selling video and other material arising out of that, conferences and legal seminars, agreement papers and an administrative fee for putting together the results of a conciliation conference where a formal document is required.

**Mr MATTHEW:** As a supplementary, I appreciate that the Attorney-General has chosen his words carefully, particularly in view of statements in the media. I have no way of knowing whether they are factual or otherwise, but he and I would probably agree that sometimes media statements do not always reflect reality. However, I recall that a statement was attributed to one of his officers along the lines that groups would have to pay for speakers from the Equal Opportunity Commission. Can the Attorney-General give this Committee an assurance that citizens and groups seeking assistance to understand the law will not have to pay if that assistance is sought from the commission?

**The Hon. C.J. Sumner:** That matter has already been dealt with fully in the Parliament, and I refer the honourable member to the questions and answers in the Legislative Council. I said that, in my view, it was not appropriate for the Commissioner to charge for what I described as speeches to ordinary community groups, and that is the situation. There are requests for the Commissioner or her officers to speak to community groups, and the Commissioner can and should perform that service; but, because of cost pressures in the office of the Commissioner, she may need to be a little more selective about speaking engagements that are accepted. Obviously, major speaking engagements to community groups would still be fulfilled by the Commissioner and would not be charged for. If we are talking about training, seminars and the like, it is proposed to make a charge, just as other departments charge for training seminars; for instance, in occupational health and safety.

**Mr MATTHEW:** As a further supplementary, does the commission yet have a schedule of costs for the sale of these services; and, if so, can it be tabled for the Committee's perusal?

**The Hon. C.J. Sumner:** Yes, I believe there is a schedule, so I will have it provided.

**Mr MATTHEW:** I refer again to page 60 of the Program Estimates. Under 1993-94 Specific Targets/Objectives, there is a statement, 'Establish the infrastructure within the Equal Opportunity Commission to undertake litigation arising under the Equal Opportunity Act.' Does that mean that the Equal Opportunity Commission is proposing to establish its own prosecuting unit?

**The Hon. C.J. Sumner:** No; the commission does not prosecute. The basis of the commission's operation is by

conciliation or, if the matter is not conciliated, by reference to the Equal Opportunity Tribunal for determination of an appropriate remedy, whether it be an apology or an award of damages. There are no criminal offences in the Equal Opportunity Act. It is designed to enhance the Commissioner's capacity to assist complainants in taking matters to the Equal Opportunity Tribunal, and more of that will now be done in-house than was done previously.

**Mr MATTHEW:** Why is that sort of advice not available through the Crown Solicitor? Why is it necessary to employ the agency's own legal advice? It seems strange when that facility is already available.

**The Hon. C.J. Sumner:** It can be available through the Crown Solicitor but the argument is that the demands of the office for legal services are such that the legal services can be more efficiently met by having the legal section within the Commissioner's office.

The other problem, of course, is that from time to time the actual respondents, that is, the people against whom the complaints are made, are Government agencies, and when that occurs there is obviously a conflict in the Crown Solicitor acting. In the past where that has occurred the Crown Solicitor has acted for the Government agency and the Commissioner has had to brief the private profession to take the complaint, but that will not be necessary with this arrangement.

In any event, if the honourable member is right, the Crown Solicitor can do it subject to the problem of conflict, but it was considered that, given the nature and extent of the work that the Commissioner has, it was a more effective use of resources to have this legal team established within the Commissioner's office. Lawyers have always advised the Commissioner but this upgrades the service and enables them to assist in taking matters to the tribunal.

**Mr ATKINSON:** At page 60 of the Program Estimates one of the 1993-94 specific targets was to establish the infrastructure within the Equal Opportunity Commission to undertake litigation arising under the Equal Opportunity Act. It seems strange that it takes the year 1993-94 for this to come about since the legislation has been in force for many years indeed.

**The Hon. C.J. Sumner:** I have a great sense of *deja vu* here.

**The CHAIRMAN:** It is a marginal variation.

**Mr ATKINSON:** A variation, nevertheless.

**The Hon. C.J. Sumner:** I have a recollection of having been asked a very similar question to that 60 or 70 seconds ago by another honourable member of the committee. It is happening. The variation did not seem to me to be particularly significant between the question asked by the Hon. Mr Matthew and the question asked by the Hon. Mr Atkinson.

**The CHAIRMAN:** Are there any further equal opportunity questions? In that case I would ask Mr Kelly and Mr Lawson to resume their places and thank Ms Tiddy and Ms Heylen for their attendance.

**Mr De LAINE:** Page 67 of the Program Estimates, under '1992-93 Specific Targets', states that a major study on victim impact statements is nearing completion, including a survey of over 400 victims. What is the purpose of this study?

**The Hon. C.J. Sumner:** South Australia is the only State in South Australia that has introduced victim impact statements. They are somewhat controversial, in the Australian context at least, although they are very common in the United States, for instance, and indeed some European jurisdictions. But because we had introduced them in the State we thought that it would be useful to conduct a survey on their effectiveness, and that is what this study is designed to do.

There will be a report obviously and the report will be made public and will inform the Government, other organisations and the courts as to the topic and also will inform future policy making in this area.

**Mr De LAINE:** I refer to page 68 of the Program Estimates relating to the first stage of cost recovery for JIS, which will operate from 1 July this year. How long is it estimated that the total cost recovery for the JIS will take?

**Additional Departmental Adviser:**

Mr S. Taylor, Project Director, JIS.

**Mr Taylor:** The cost recovery that we refer to is not so much cost recovery from day one of JIS but the cost recovery for the individual years. The amount of money we will be expending on JIS this year will be recovered from the agencies this year. That is the context of the cost recovery.

**Mr De LAINE:** I thought that the cost recovery was referring to the total?

**Mr Taylor:** No. In 1992 we introduced charging for the network costs of JIS only because we were still developing the other cross-charging mechanisms. On 1 July this year we introduced the charging for the total of JIS. So that is the context of total.

**Mr MEIER:** Page 62 of Program Estimates, under 'Broad Objectives', states:

> To conduct efficiently and implement as required the Attorney-General's legislative and law reform program.

What law reform policy and projects are currently being worked on and what is proposed?

**The Hon. C.J. Sumner:** There are a number of them. When this was asked last year I got a list for the honourable member and also a list of the items on the SCAG agenda. I am sure the honourable member is not overly interested in it but perhaps the shadow Attorney-General is. Perhaps I can offer the same service to the honourable member on this occasion.

Obviously there are a large number of matters, one of which (the review of constitutional arrangements) was announced recently. It is a fairly large, significant and important project because there is no doubt that our South Australian Constitution Act needs revamping.

**Mr MEIER:** Under 'Broad Objectives' it further states:

> To represent the Attorney-General on inter-departmental, inter-governmental and public committees to ensure recognition of the views of the Attorney-General.

What are the inter-departmental, inter-governmental and public committees on which the Attorney-General is represented?

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

**Mr MEIER:** On the same page of the Program Estimates, under '1992/93 Specific Targets/Objectives', it states:

> Establishment and maintenance of 22 local crime prevention committees, 10 exemplary projects for Aboriginal programs and the preparation of a number of crime prevention plans.

I notice that the estimates provide for an increase in funding from approximately $2.1 million for 1992-93 to $3.3 million for 1993-94. On what projects and other costs is this to be spent and over what period? What new projects are proposed in the current year? Are they in hand and what are their costs and starting times?

**The Hon. C.J. Sumner:** First, this allocation is part of the Government's 1989 commitment to $10 million on a five-year crime prevention strategy.

*An honourable member interjecting:*

**The Hon. C.J. Sumner:** It is one of the most successful in Australia and is being used as a model by other States. It has received attention from elsewhere. However, success or not, it will be assessed and evaluated in the next few months. A tender has been accepted to conduct an evaluation of the crime prevention program that has been in place for four years and is due to expire at the end of this financial year. Obviously, the Government wants to be informed by an independent assessment of the program so that its future directions can take into account that assessment of its effectiveness to date and the figures to which the honourable member referred are part of that program. It will be assessed after having been in place for four years.

In conjunction with the States, the Commonwealth Government is developing a national crime prevention strategy and late last year a seminar involving the Ministers responsible from around the States was convened by the then Minister for Justice, Senator Tate. It included representatives from a number of voluntary bodies around the nation and I was invited to give the opening address to explain South Australia's crime prevention program. The program's principles have been endorsed by Ministers from other States, whether they be Labor or Liberal. We are trying to develop a bipartisan approach to crime prevention. I repeat what I have said previously in the Parliament and in this Committee: one thing we do know in this area is that if we rely solely on so-called tougher measures, such as more police and heavier sentences, we will almost certainly not succeed in getting on top of the crime problem.

If we just rely on these measures, we will not succeed. It does not mean that there ought not to be adequate police or tougher sentences for violent offenders, but those criminal justice policies have to be complemented by broad-based crime prevention measures, which is what the honourable member has referred to. South Australia has cause to be proud of these community crime prevention initiatives that have been developed, and the work done by the Crime Prevention Unit and Miss Millbank and her officers has been good. They deserve recognition in the South Australian community as well as the Australian community. The honourable member seeks more specifics of the programs and we will take that on notice and provide him with the full list of programs. I am advised that there are not any new projects now. Projects set up are still going and there will be an evaluation of those programs as I have already described.

**Mr MEIER:** The Attorney commented that he spoke interstate about the success of the program.

**The Hon. C.J. Sumner:** I was invited to speak last year at a seminar convened by the Minister for Justice. All State Ministers were present along with community groups. It was convened by the Minister for Justice, Senator Tate, with a view to developing a national crime prevention program and I was invited to give the lead speech and explain South Australia's approach to it, because South Australia was being used as a model for the development of this crime prevention program.

**Mr MEIER:** How does the Attorney quantify success when statistics continue to show an increase?

**The Hon. C.J. Sumner:** Crime has come down in two areas. One is motor vehicle theft, which has been the subject of a concentrated crime prevention effort as well as a traditional enforcement effort from police. I refer to police statistics, reported incidents, where motor vehicle thefts have declined as follows: illegal use 1990-91, 15 303; 1991-92, 12 819; and 1992-93, 11 299 incidents. That is one area where a concerted effort was made concerning crime prevention and there seems to have been some success.

I am not silly enough to come in and say that one year's statistic means that crime rates across the board in South Australia are coming down or that the decrease in crime is the result of crime prevention programs, but the evidence does seem to be there and we are conducting the evaluation to see whether, where we put in a concerted crime prevention effort, it can have effect on crime rates which one hopes will occur as has been the case with illegal use.

I refer to local areas and juvenile offending in Port Augusta where screening panel appearances decreased from 125 in March 1991 to 70 in April 1992. That town got a crime prevention program together, the Country Aboriginal Youth Team, funded by the crime prevention program together with Family and Community Services. In addition, the local crime prevention committee has implemented anti-graffiti programs, a motor vehicle theft program and a school homework program. There is much controversy about Port Augusta, but it seems that initiatives targeted in that area have led to a reduction in youth offending.

In the inner city area we had a 27.7 per cent decrease in juvenile offending from 1989 to 1991. Programs funded included the Aboriginal Youth Trek, targeting young Aboriginal people who frequent the city area particularly during school holidays and blue light camps continue to be held over weekends. Further, property crime decreased during 1991-92 over the previous year. We do not have the 1992-93 statistics as yet.

Some 22 local committees dealing with crime prevention have been established around the State (Supplement Neighbourhood Watch) and, as I said, we are carrying out an evaluation. However, there are some signs that certain programs can work in reducing crimes in particular localities or that specific targeted programs across the whole of the State can work. It is very hard to make hard and fast assertions in this area, and once you do it something turns up to contradict what you have said. But, I come back to the basic principle and philosophy, namely, that in South Australia, around Australia and overseas if you concentrate just on dealing with crime by increasing police numbers and increasing sentences, you will almost inevitably not succeed; they must be combined with community crime prevention programs.

Around the world now, people are developing community crime prevention programs. The program we put together was based to some extent on the French program and the one in the Netherlands, but the United Kingdom is developing crime prevention programs involving the community, and the same applies in Canada and perhaps to a lesser extent in the United States. Even there, some community crime prevention programs are being implemented.

In the United States they have six times the imprisonment rate of South Australia, with the death penalty in more than 30 States, but they still have generally higher crime rates than South Australia and particularly higher homicide rates.

It is a very difficult area—I think everyone recognises that—but South Australia is not unique. South Australia is not the only State in the world that has seen an increase in crime rates in the past four decades or so: it is a phenomenon that has occurred around the world. I make that statement not

to say we should not do anything but to say that we must look laterally at this problem. We cannot just rely on the criminal justice process to deal with increasing criminality.

One of the benefits (although it is not statistically measurable) has been involving all these people from the 22 crime prevention committees around South Australia in dealing with the issues of crime, in openly discussing them and in coming together in their communities to say, 'What can we do to assist in reducing crime in our locality?' I think that is highly desirable, because we are not pushing the problem under the carpet; we are dealing with it openly, straightforwardly and, I hope, in the long run, successfully.

**Mr S.J. BAKER:** On page 62 reference is made to a review of existing tribunals and the provision of a coherent statutory framework for their operation. Who is undertaking that review and what tribunals are likely to be affected?

**The Hon. C.J. Sumner:** This was dealt with when the Courts Administration advisers were here; I listed the authorities that are to be brought under the Administrative Appeals Tribunal. That process is being handled by the policy division of the Attorney-General's Department.

**Mr S.J. BAKER:** I was not aware that these and the other lines were related.

**The Hon. C.J. Sumner:** What is being referred to here is bringing tribunals under the Administrative Appeals Division of the District Court, and I listed the tribunals. There may be others; there is an overall assessment of what tribunals should come under the Administrative Appeals Tribunal, but certainly those I listed earlier today are being examined and almost certainly will be brought under the Administrative Appeals Tribunal.

One of the aspects related to that is the future of the Commercial Tribunal; now that the Department of Public and Consumer Affairs is to be integrated into the Justice Department, there is an argument for the Commercial Tribunal to be a body that deals with appeals against administrative decisions, not a body that actually issues the licence and also the body that deals with disputes. In other words, the idea is that the department would issue the licenses administratively and, if there was a complaint against the issue of the licence, there could be an appeal to the Commercial Tribunal, but it would not be the tribunal that would issue the licence in the future. That is the proposal that is being looked at and worked on and in fact a green paper is being released by the Minister of Consumer Affairs on that topic.

**Mr S.J. BAKER:** I thank the Attorney; I presume it has something to do with the protection of rights and property, but I understand that a wider net could be thrown to include the areas the Attorney has just mentioned.

I refer to payments to victims of crime shown on page 63, and I have already noted what the Attorney said previously about the failure of amendments. My question relates to *ex gratia* payments of $110 000. How many *ex gratia* payments were made, and what were they for? I also note there is a $130 000 grant to the drug treatment program; to whom was this made?

**The Hon. C.J. Sumner:** The payment for the drug treatment program is to the Minister of Health, Family and Community Services. Some of the funds under the confiscation of profits legislation can be allocated to drug treatment programs, and that is where the $130 000 went. The *ex gratia* payments are made where the payment does not fit strictly within the criteria provided in the Act. The honourable member will be aware from last year's Estimates Committees of the sort of criteria that operated to make those *ex gratia* payments, and there has been no change in policy for the past financial year.

**Mr S.J. BAKER:** I will take up two of those issues as a supplementary question. You have collected only $60 000 in confiscations, yet paid out $130 000 in drug treatment programs. Something is not computing there; why has confiscation been so inadequate? It seems that the poor old motorist gets belted but the criminals seem to walk away with the cash.

**The Hon. C.J. Sumner:** First of all, we have not paid out more than has been received from confiscation of profits (they show up there as confiscation of profits $60 000 and payment of $130 000), but it was paid as a carry-over—

**Mr S.J. BAKER:** The transfer of $199 000?

**The Hon. C.J. Sumner:** Yes—from the previous year. I think more should and could be done in the area of confiscation of profits, and at the present time the police are working on a business case to try to get some additional resources to upgrade their efforts in this area. I have taken up the matter with the police and am waiting to hear the police proposal in this respect.

**Mr S.J. BAKER:** There are 'other costs' of $313 000: is that paid to the organisation itself?

**The Hon. C.J. Sumner:** We will obtain the details of that full $313 000, but I can provide some information. $23 000 is sundry medical expenses; $22 000 is printing and publishing; $75 000 is debt recovery costs; and there is an allocation to Crown Prosecutions, the details of which I will provide.

**Mr S.J. BAKER:** On page 65 of the Program Estimates, under 'Issues/trends' is the following:

> Court initiatives in case flow management and the listing of matters for trial impact upon the workload and work allocation of the Office of the DPP which results in some matters being briefed to the independent bar.

What was the extent of briefing out to the private legal profession during 1992-93 and what is proposed for 1993-94?

**The Hon. C.J. Sumner:** $80 000 has been provided for briefing out prosecution services in this current financial year. The amount spent last year was $154 788 dollars.

**Mr S.J. BAKER:** The area noted below is child sexual abuse, which requires specialised solicitors. How many lawyers are involved in this work (presumably within your own jurisdiction), at what stage of proceedings do they become involved and what problems are being experienced in these sorts of proceedings?

**Mr Kelly:** It is true to say that there needs to be a degree of specialty among the officers working in the Office of the DPP to handle these sorts of cases, but there is not a separate unit set aside to deal with them. It has been recognised that it is not particularly beneficial to have prosecutors handling only those sorts of matters but, of the number of prosecutors available who regularly go to court (and that is in the area of a couple of dozen who regularly prosecute in court), about half of those would take those sorts of cases. That is really a recognition that some people are not as able to handle these difficult sorts of matters as others.

**Mr S.J. BAKER:** How many on your staff do this work?

**Mr Kelly:** I would estimate that, of the total number of prosecutors who go to court, 10 to 12 would handle those sorts of cases.

**Mr S.J. BAKER:** How many *nolle prosequis* were entered in 1992-93 and how did that compare with the previous year?

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

**Mr MEIER:** Page 65 of the Program Estimates under the 1993-94 'Specific Targets/Objectives' states, 'review the management structure of the office'. What are the problems and who will undertake the review?

**The Hon. C.J. Sumner:** There are no major problems: it is just a matter of assessing whether the office is working as effectively as it can, and the DPP, since being appointed, has wanted to look at the office arrangements. That is what is happening. There are discussions going on with the Commissioner of Public Employment, and when a decision has been made we can advise the honourable member.

**Mr MEIER:** How long will it take before the review is complete?

**The Hon. C.J. Sumner:** The review is complete but decisions in relation to it have not yet been made. It was an internal review: it was not conducted by any external persons.

**Mr MEIER:** The next bullet point indicates, 'review the role of a Senior Solicitor'. What is the difficulty with the role of the Senior Solicitor?

**The Hon. C.J. Sumner:** There is no Senior Solicitor at the present time as such. Part of the review was to look at whether or not a Senior Solicitor should be appointed, and the proposal is to appoint a Senior Solicitor. As I said, the results of the review have not been agreed to yet.

**Mr MEIER:** The third bullet point states,'implement a continuous educational program for legal staff'. Has the program been established and, if it has, what is involved in the program?

**Mr Kelly:** I think the term 'implement' is probably not quite accurate. It would probably be best reflected by a word like 'continuation' because the office of the DPP has had in progress for the last year, since its establishment, a program to provide legal education opportunities to all DPP staff. I think it is in mind to make that even a more formal process, but the DPP has really carried on the formal work of the Crown Prosecutor in providing opportunities for, particularly junior staff, to participate in legal education programs. This involves bringing in expert speakers from outside, conducting seminars and holding regular briefings in the office to enable the more junior staff to speak with the senior staff and to learn about current legal trends and issues.

**Mr MEIER:** As the next two bullet points are also in relation to implementing an induction for new legal staff and also implementing a performance planning program, would it be more correct to say 'continue existing programs' in those areas as well, or are they new?

**Mr Kelly:** Yes, the next two bullet points relate to the same sorts of issues and represent a continuation of the existing programs and perhaps an enhancement of those programs.

**Mr MATTHEW:** On page 68 of the Program Estimates book, in relation to the justice information system, under 1993-94 'Specific Targets/Objectives' it is stated that there will be completion of the single computer centre for the JIS and Motor Registration Section and installation of an automated tape library in the JIS/MRS Computer Centre. Is JIS going to replace its IDMS system and Culinet software used for JIS and Motor Registration? If so, when and at what cost?

**Mr Taylor:** At the moment we have no plans to replace the IDMS software. Both JIS and Motor Registration are using that software quite successfully. One of the issues further down in the specific targets is the commencement of what we called the processing scenario review which will examine the operation of JIS in some depth to see whether that software is suitable to take us through to the year 2000—certainly for the next five years. At this stage we are not sure whether IDMS will do that or not, but it is premature to say that we will be going to any other software. It will certainly not happen within the next five to seven years.

**Mr MATTHEW:** I draw the Attorney's memory to a statement that was made by Mr Rohde of Court Services to this Committee earlier this afternoon when he said in part:

> By re-engineering our systems we are planning to re-engineer them using Oracle database systems, which is a far more modern system than the old IDMS we currently use on the mainframe.

He said later:

> The Culinet software has a limited future life and there is no doubting that. JIS attended a Gartner Group conference in Brisbane last year. The database software we are using was predominantly sold in Adelaide five or more years ago and has served the department well.

He then said:

> The IDMS organisation, Computer Associates, is not continuing to invest in the mainframe versions of IDMS and all of the industry experts have suggested that we should be moving away from that.

Bearing that in mind, if industry experts have advised that people should be moving away from IDMS and the Court Services Department has made that decision, why is it that that same decision has not been mirrored by JIS for themselves and Motor Registration?

**Mr Taylor:** There are two reasons for this. One is that we have a larger investment in IDMS than Court Services. We have more systems using that software, so it is a more major decision for us to move away from it. Courts administration already has some investment in the Oracle software for part of that processing platform. So, it is not such a traumatic situation, whereas it is for JIS. Also, whilst Computer Associates is no longer putting major emphasis into the enhancement of the IDMS software it is still supporting that software and will continue to do so, certainly for the next five years, so we have a guarantee of support from the organisation and we do not see the need to move so quickly away from the software. We want to make sure that we get value for money out of the investment that we have made in JIS and its software, so we believe there is certainly a five-year life, maybe more, in the IDMS software.

**Mr MATTHEW:** That brings about a further concern. I am aware that there was considerable effort and money expended to build a bridge between the Court Services system and JIS after, for some strange reason still not fully explained today, a decision was made to separate Court Services out of the original JIS project. That having occurred, that bridge had to be built. With Court Services now moving to a different system again, does that necessitate any changes to that recently developed bridge? If so, what is the projected cost of those changes to JIS and to the Courts?

**The Hon. C.J. Sumner:** That was and has been fully explained in these Committees on a number of occasions.

**Mr MATTHEW:** They tell me that he wanted his own toy.

**The Hon. C.J. Sumner:** You can say that the Chief Justice wanted his own toy, if you like, but he had an issue of principle that he thought was important about the independence of the judiciary and the fact it was inappropriate for the independent judiciary to be involved through the JIS in an integrated computer link-up which attracts offenders through the arms of Executive Government and the judiciary. You can argue whether that was a reasonable decision or not, and perhaps it can be revisited at some stage. I merely take issue

with the fact that it was not fully explained, because it was fully explained on the basis of the principles enunciated by the Chief Justice at the time. The honourable member may not be interested in the principles of the independence of the judiciary—

**Mr MATTHEW:** It was a nonsense argument.

**The Hon. C.J. Sumner:** You may say it was a nonsense argument, and that is fair enough; you are entitled to that opinion. I am happy to convey that opinion to the Chief Justice for you.

**Mr MATTHEW:** I am happy to convey it personally.

**The Hon. C.J. Sumner:** That may be. I know there are differences of view as to whether or not it is a nonsense argument. It is possible that this issue could be revisited at some point, but the decision was made for the reasons that I have outlined. I merely take issue with the fact that the honourable member says it was not fully explained, because it was fully explained.

**Mr Taylor:** We deliberately designed and programmed the interchange facility in a modular fashion so that, if either party changed its database software, we would have to modify only one program at the particular end to make the transfer effective under another database. If the Courts Authority changes to Oracle, they would have to modify only one program, the extract program. I do not know about the cost, but it would be tens of thousands rather than hundreds of thousands of dollars, so it is not a major exercise.

**Mr MATTHEW:** I refer again to page 68 of the Program Estimates. Under the 1993-94 Specific Targets/Objectives, it refers to the 'Commencement of the merger of the JIS and Police Department computing facilities'. I preface my question with an assumption that this target/objective is talking about what has become known as OSI or Operational Systems Integration. I understand that, as the result of a consultancy undertaken by Access Computing at a cost initially of $65 000, a recommendation was made that all police systems should be integrated into JIS, but, in so doing, those programs written by JIS should be written in another language. I was concerned when the report was originally handed down, and I questioned the estimate at the time, about the cost of $2.3 million to the Police Department, and I notice that this year there is an admission that that cost will be in excess of $4 million. As we have the Court Services Department moving away from Culinet software, the Police Department, the major user of JIS, moving away from Culinet software and an admission by the manager of the information systems area of Court Services that IDMS is an outdated system and that Computer Associates, the owner of the software, is not continuing to invest in mainframe versions, have we not, in purchasing the Culinet software and IDMS, purchased one big lemon which has cost the taxpayer many millions of dollars, contrary to all advice that was given to the Attorney-General and Opposition questions that were raised in the Parliament at that time?

**The Hon. C.J. Sumner:** My answer to that is 'No'. I do not see any reason why I would oppose all the advice that I was given at the time on whether to purchase a particular software package. It just belies description that all the advice given to me would be one way and I apparently, out of some kind of flight of fancy, decided to choose another one. It is a stupid remark to make, and the honourable member would know it is stupid. It does not do much good for the deliberations of the Committee or anything else for him to make such assertions. As the honourable member knows, the Government acted on what it considered to be the best advice at the time.

**Mr Taylor:** The software that was purchased at the time was up to date. It was very robust and it was and still is being used in major installations throughout the world. It is a function of the speed of technological change that the basis of that software is now somewhat out of date and has been superseded by other software. However, it does not mean that the software cannot still carry the load that JIS puts on it. We anticipate that we can put that load on it for the next five years or more. Certainly technology has changed in that time.

**Mr S.J. BAKER:** How does the Government propose to overcome the conflict between the DPP acting against prisoners and others in the correctional system and at the same time remain accountable to the same Minister who is responsible for prisoners?

**The Hon. C.J. Sumner:** There is no conflict.

**Mr S.J. BAKER:** As a supplementary, I understand that the reason why we have traditionally tried to separate Correctional Services from the Attorney is that, on the one hand, the Attorney is responsible for the laws of the State and the administration of justice and there was deemed to be a need to separate those who were receiving justice from those who were inflicting justice. Our understanding was that never the twain should meet. It may be because the previous Minister made such a hash of it, but we are still mesmerised by the fact that the Attorney now has Correctional Services. Irrespective of his capabilities, we believe that a conflict is involved.

**The Hon. C.J. Sumner:** There are a number of Attorneys around Australia who are responsible for Correctional Services. Certainly the Western Australia Attorney, Mr. Berenson, under a previous Government, was responsible at various times as Attorney-General and Minister for Correctional Services. I think there are also other examples where that is the case. I am advised that in Victoria Correctional Services are now in a large Justice Department. There is a separate Minister for Correctional Services, but they are still in the same department.

In Western Australia still the Attorney-General is also the Minister for Correctional Services. In Tasmania, Mr Cornish is the Attorney-General and Minister of Justice, and the Justice Department includes correctional services. So, I understand the point that the honourable member is making, with respect. The Courts Administration Authority is independent. The DPP is largely independent, although subject to direction from the Attorney-General in the exercise of the Attorney-General's independent constitutional functions; that is not subject of direction from executive Government. There would have been no objection in my view in having the police in a broader Justice Department as well, particularly in the light of the changes that have been made to courts administration and the establishment of the DPP.

**Mr S.J. BAKER:** How would the DPP operate: while it is prosecuting defendants in the Remand Centre, it may also be appealing against the sentences of prisoners or prosecuting prisoners for crimes while in custody for breaches of parole or bond conditions. You have Caesar to Caesar in that situation. They are performing a particular role at the same time that the Attorney is responsible for the correctional services system, where there would seem to be some obvious areas of conflict. On the other hand, you might say, 'Look, let us let the prisoner out,' and on the other hand you have the DPP saying, 'Let us keep him in for longer because he has just transgressed within the prison.'

**The Hon. C.J. Sumner:** I think the honourable member better take a lesson or something, or perhaps do some law subjects. What you have just said is gobbledegook; it makes no sense whatsoever. Perhaps you would like to explain more specifically what you have in mind. I am sorry, because I do not want to be offensive to the honourable member, but what I have just heard is gobbledegook.

**Mr S.J. BAKER:** I will be more specific. As Minister of Correctional Services you are responsible for the administration of that system. There could well be a conflict with a prisoner whom your departmental head has deemed appropriate for release, whilst on the other hand you might be getting advice from the DPP about a further prosecution. I thought the explanation was fairly clear.

**The Hon. C.J. Sumner:** I am sorry, it is not clear. First of all the DPP exercises responsibilities independently to the large part, albeit subject to some direction by the Attorney-General in the exercise of the Attorney-General's constitutional functions as independent functions responsible for prosecution. But, the two things do not link up.

If a prisoner is entitled to be released under the law then he or she is entitled to be released. If the DPP is prosecuting the prisoner then the prisoner is prosecuted. I honestly do not understand what the honourable member is talking about.

**Mr MATTHEW:** If you have on remand a prisoner who is, therefore, under the custody of the Department of Correctional Services and therefore under your authority as Minister and at the same time that person is being prosecuted by the DPP, therefore once again by a person reporting to you, you have a conflict. You have custodial supervision, effectively through your ministerial authority of a remand prisoner, and your DPP is also prosecuting.

**The Hon. C.J. Sumner:** There is no conflict there at all.

*Mr Matthew interjecting:*

**The Hon. C.J. Sumner:** You ought to take some legal lessons, too. Do not tell me whether there is a conflict or not and say, 'Of course there is'. I do not know what courses you have done in conflict of interest or legal principles—obviously not very much. There is not a conflict.

If a prisoner is on remand being prosecuted by the DPP then he is on remand. He has been put into a remand centre, remanded for trial and that is where he stays.

*Mr Matthew interjecting:*

**The Hon. C.J. Sumner:** Do you think we let out remand prisoners?

**The CHAIRMAN:** The Chair will intervene at this point on two grounds: first, I think we are going around in circles—

*Mr Matthew interjecting:*

**The Hon. C.J. Sumner:** You do not know what you are talking about; that is the fact of the matter. Get your facts straight and sort it out and stop coming here with a lot of gobbledegook. If Mr Griffin wants to ask the questions get him to ask the questions himself, instead of having to do it through you people who do not know what you are talking about.

**The CHAIRMAN:** In terms of the notional time, I would ask the committee on this, if the Attorney can restrain his mutterings.

**The Hon. C.J. Sumner:** I can't. A joke is a joke.

**The CHAIRMAN:** Do you want to move to the Electoral Office at this point?

**Mr S.J. BAKER:** I would prefer to go on for just a little longer.

**The CHAIRMAN:** Very well, but can we move to a different topic, so that we can make some progress?

**Mr S.J. BAKER:** I would be happy to move to a different topic. We will let Mr Griffin and the Attorney-General battle that one out between themselves. I now refer to Mabo. How much resources are being—

**Mr Atkinson:** How 'many' resources.

**The Hon. C.J. Sumner:** 'How much money' or 'how many resources'.

**Mr S.J. BAKER:** How much resources, which is money and people, are being devoted to analyse the Mabo decision?

**The Hon. C.J. Sumner:** You should take English lessons as well.

**An honourable member:** Where did you go to school?

**The CHAIRMAN:** Order! The committee is getting cranky.

**Mr S.J. BAKER:** It will get very cranky very shortly.

**The CHAIRMAN:** I do not think the Deputy Leader is able to absorb correction at this late stage. Let him get his question out.

**Mr S.J. BAKER:** I would like it left as it is.

**The CHAIRMAN:** 'How much resources'.

**Mr S.J. BAKER:** What resources are being invested in the scrutiny of the Mabo decision, taking advice on the Mabo decision within South Australia, and indeed how much does it cost? What procedures are being followed by which consultation can occur between the Commonwealth, other States and the Territories, and what is the likely timetable for legislation in South Australia?

**The Hon. C.J. Sumner:** I understand that those questions have been answered substantially by the Premier in a recent ministerial statement, but quite significant resources obviously had to be devoted. I cannot you give a dollar cost; I do not think anyone could. What I am about to tell you is that significant resources have had to be devoted to this issue within Government as a whole.

As far as I am concerned we have probably had almost two officers working on it full-time since the issue arose. I am not saying that they are not doing anything else but two lawyers in the Attorney-General's Department have devoted by far a majority of their time to this issue since it was raised, participating in the preparation of the reports which have now been tabled in the Parliament, advising the Premier and other Government departments, and in participating in the negotiations with the Commonwealth.

**Mr S.J. BAKER:** On page 66 you talk about measurement of complaints for summary prosecution laid within four weeks of the receipt of full instructions. You said there is an aim there for 80 per cent performance. Can the committee be advised exactly how close we are to that 80 per cent aim?

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

**Mr MATTHEW:** Page 68, on the Justice Information System, under '1992/93 Specific Target/Objectives', states:

> Post-implementation reviews on all JIS applications were carried out with a consolidated review report to be produced in July 1993.

Has that review report been completed and received by the Attorney and, if so, can it be tabled?

**The Hon. C.J. Sumner:** I will consider whether it can be tabled. In the meantime, Mr Taylor might be able to provide information.

**Mr Taylor:** The report has been received by the Attorney. It has been agreed to and authorised by the various CEOs of the departments and now it is up to the Attorney with the board of directors to decide on some of the recommendations that come out of it. It effectively documents the benefits that the JIS has achieved against the Cabinet decision of July 1989

of the minimum viable JIS. The post implementation reviews have demonstrated that those benefits estimated at the time have been exceeded in most areas.

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

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Electoral, $4 861 000

**Departmental Advisers:**

Mr Andrew Becker, Electoral Commissioner, Electoral Department.

Mr Alan Waters, Administrative Officer.

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

**Mr S.J. BAKER:** On page 90 of the Program Estimates only $864 000 is made available for the production and maintenance of the State electoral roll. As I thought that this would be a year of reasonably heavy expenditure because there would continue to be roll cleansing and that the expenditure in comparison with last year would be higher given the needs that are somewhat different from the Federal election, why is there not a larger allocation this financial year?

**Mr Becker:** Household reviews are conducted only every two years and the last household review was completed almost before the last Federal election. They are expensive exercises and, as that review was completed about March, together with the cleansing effect of the election itself, the roll should not be in too bad a state anyway now and, consequently, the review is not being conducted before the next election.

**Mr S.J. BAKER:** Any roll rigging can take place from now on because there will be no household review, is that the implication?

**The Hon. C.J. Sumner:** Only by people who think that way, and the honourable member is the only member who has raised that matter.

**Mr S.J. BAKER:** What allocation has been made available for the review of electoral boundaries post the forthcoming election? Does the amount shown in the estimates include provision for that?

**Mr Becker:** It is not in our budget and comes under special Acts. It is hard to say. We have just appointed a judge as chairman of the boundaries commission. We have only an acting Surveyor-General at present, the commission has not met and we have no idea what planning we will do for the next redistribution. The sum of $300 000 is allocated for special Acts. It may be pushed off in the following year. If we complete the boundaries commission too soon the boundaries will be way out of kilter by the time of the next election.

**Mr S.J. BAKER:** At page 93 of the Program Estimates the third bullet point under the 1993-94 specific targets /objectives is 'To consider the implications of responding to the requests from local government associations for assistance in conducting their elections.' What are the implications?

**Mr Becker:** That point should relate to local government authorities and not associations. It does not matter how many times one reads these things, errors creep through. During the last local government elections we conducted five elections and we had inquiries and requests from several more authorities. In the circumstances, with our rather limited resources we believed that we could not take on more than five local government authorities and, as a consequence of the last election and the difficulties experienced by local government authorities in running their own elections—particularly authorities having proportional representation—we had to provide them with a tremendous amount of assistance in training and the like and a few of them are considering that next time they should come to the department to conduct their elections.

**Mr ATKINSON:** Each month I receive a useful bulletin of new constituents to my District of Spence. The bulletin gives me useful information about those who have enrolled provisionally at the age of 17, those who have moved to my electorate from electorates elsewhere in the State and people who have moved address within my electorate, but it does not tell me of people who have enrolled because they have turned 18 or who have become Australian citizens or people who have moved into my electorate from interstate. Would you consider altering the enrolment form to be able to give members that information?

**Mr Becker:** There are quite a few issues in this. The interstate ones we cannot cope with electronically yet, because we do not have a link between our State system (EAGLE) and the roll management system of the Commonwealth, but we are investigating that. We have some money to try to establish that link, which will automatically allow the information to come straight through. We can provide that information on the numbers of interstate transfers, because they are dealt with manually. We do not capture information on whether people enrol because they have turned 18 or because they have just been naturalised; that information would have to be given to us by local authorities, and only in those cases where the local authorities conduct the naturalisation ceremony.

**Mr ATKINSON:** When as a local MP I visit new constituents, as I do, I would like to know whether they have come on the roll for the first time. As things stand, we do not receive that information. I am not too concerned about whether they have turned 18 or whether they have become an Australian citizen. I can find out if they have become an Australian citizen by looking at the lists of local government, as you point out, but it would be helpful for members to know if constituents are coming on the roll for the first time in their life, because it would alter the letter which members send to new constituents. It would allow them to focus.

**Mr Becker:** That is something which will certainly be looked at as soon as we establish this link between our system and the Commonwealth system. It is quite a simple task to tell whether it is a first time enrolment and keep those statistics, but that is probably another six months down the track.

**Mr MATTHEW:** I think all members are probably aware that until 1987 the Federal roll, at least, provided occupation and date of birth data. I am not sure whether or not those data have been provided on the South Australian roll in the past. Is that information still collected by the commission and, if so, what legislative provisions would need to be made if those data were to be made to members of Parliament?

**The Hon. C.J. Sumner:** That information is not collected any more. It was regarded as contrary to the privacy principles that the Federal Government put in place and which, because of the joint roll agreement, flowed through to South Australia. Date of birth is collected, but occupation is not. Date of birth information is not made available, because of

privacy issues. In other words, you establish an electoral roll to conduct elections, not to find out dates of birth. It may be relevant to enrol people, but that information is not really relevant to anything else; therefore it is not appropriate for it to be included in the list on the electoral roll or to be made available to people who want to find out about it.

**Mr ATKINSON:** Occupation is not very helpful; many people in my electorate were listed as munitions workers, because that is what they were when they first enrolled.

**Mr MATTHEW:** Supplementary to that, has the Attorney considered the possibility that date of birth provision to MPs may provide a useful mechanism for members of Parliament to ensure that their constituents are advised of governmental matters relating to their age group, particularly for senior citizens who could benefit from extra information from their MP in that area?

**The Hon. C.J. Sumner:** The Government is not considering that. Although the date of birth is collected, the Commonwealth Government has made it clear that it ought not to be made public, and the State Government has followed that course. I do not think it is a case where the public interest justifies overriding the privacy principle, and the general principle is that information collected for one purpose should not be used for another purpose. Therefore, I think it is appropriate that the privacy principles be upheld in this case. I do not think there is an overriding public interest in the release of this information, which is provided by citizens to the electoral office for a purpose.

**Mr MATTHEW:** My next question refers to the statement on page 94 'to implement the orders of the Electoral Districts Boundaries Commission and proclamations relating to local government areas'. We are aware that that moves into State boundary areas as well. We are all aware that there has recently been a redistribution, and various State members have been confronted with varying difficulties as a result of that. At least one member of Parliament finds himself without a seat to contest at the next election. Is the Attorney prepared to confirm or deny the rumour (and that is what it is at this stage) that the current member for Gilles will be stepping into the Legislative Council in a vacancy created by him?

**The CHAIRMAN:** That question is out of order.

**The Hon. C.J. Sumner:** I am really very flattered by the Opposition's interest in the Hon. Mr McKee's and my future. Members of the Opposition have been interested in my future for a number of years now and I am flattered by the jobs they have in mind for me. They seem very enthusiastic about my going onto the bench; enthusiastic about my taking diplomatic positions; and these are all matters to which I will certainly give serious consideration at some time in the future. All I can do is thank members of the Opposition for the support they have indicated over the past few years. I do not think it would be appropriate, nor would it be relevant, to comment on the question asked by the honourable member on this occasion.

**Mr De LAINE:** Page 93 of the Program Estimates, under 'Issues/trends', notes that the department conducts elections on a full cost recovery basis. Does it also apply the full cost recovery principle to other services it provides, such as advice and indicative polls?

**Mr Becker:** To date we have not done an indicative poll, although it has been in the legislation for quite some time. The short answer is 'No', for general advice we do not charge, although for the local government training side of things we did charge a small amount, which just covered our costs. Generally speaking, we do not. We provide advice free of charge.

**Mr De LAINE:** On page 94 under'Issues/trends' what is meant by 'disadvantaged electors' in the context of the Government's social justice policy?

**Mr Becker:** There are a number of disadvantaged electors. That includes some young people, street kids, people who do not have access to the normal community type benefits that most of us have. To give an example of the sort of things we do, a few years ago we worked with Hungry Jack's to provide a facility for kids for a whole week in South Australia, getting information out through street kids, *Streetwise* comics and all those sorts of things. The actual program for that has not been devised yet.

**Mr MEIER:** I note that page 90 of the Program Estimates refers to the operation of the State electoral system for the production and maintenance of the State electoral roll and support for electoral districts. At least one of my colleagues has approached the Commissioner asking for an electoral roll that includes constituents who are in the new boundary areas rather than the electoral rolls that I believe we are still receiving for the old boundary area.

**The Hon. C.J. Sumner:** That is the policy. A member is entitled to the rolls for his or her existing electorate and to nominate one other electorate for which he or she would like the rolls.

**Mr MEIER:** Considering my own electorate, I would have changes from Goyder that would now go to Taylor, to Light and to Custance, so there are three electorates around my area
and I would be entitled to receive the electoral roll for all four?

**Mr Becker:** You have the old and the new.

**Mr MEIER:** Does the Electoral Department have sufficient resources to provide both the rolls or has there been any difficulty?

**Mr Becker:** No. We have covered that out of last year's budget. We have done quite well out of the last 12 months. It was just prudential management, Minister.

**The Hon. C.J. Sumner:** That has been handled within existing resources.

**Mr ATKINSON:** On page 94 of the Program Estimates under 1993-94 specific targets it states:

> A campaign to make the public more aware of the redistributed electoral boundaries will be undertaken in the lead-up to the next general elections.

Would the Attorney agree that it would be easier to make the public aware of the electoral boundaries if the names bore some resemblance to the geographical areas which the electorates cover? In my area, when I say that I am the member for Spence people say 'What is that?'. If I were the member for Croydon and Woodville they would know exactly what electorate I represented.

**The Hon. C.J. Sumner:** My views on this topic are probably not very relevant. The names of the electorates are determined by the independent Electoral Boundaries Commission, of which the Electoral Commissioner is a distinguished member.

**Mr ATKINSON:** Then perhaps he would like to answer the question?

**The Hon. C.J. Sumner:** No, I don't think it is appropriate for him to answer the question in this capacity. If the honourable member wishes to make that suggestion I suggest he gets his act together and pays expensive legal counsel and appears before the Electoral Boundaries Commission and

makes the submission. The point you make is certainly an arguable one. Obviously the commission has taken a view of going away from place names to—

**Mr ATKINSON:** Dead South Australians.

**The Hon. C.J. Sumner:** Yes. To former prominent deceased South Australians, but that can obviously be revisited by the commission if submissions are put to it about it. The Electoral Commissioner may wish to comment: I do not know. I do not want to talk on his behalf. Obviously, it is a decision made as a member of the commission.

**Mr Becker:** Following the 1969-76 boundary changes we had a seat called Brighton, and Brighton was not in it. But the name Brighton was retained.

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

**The Hon. C.J. Sumner:** I indicated that the whistle-blowers legislation was to be implemented soon. I was quite right: it is 20 September, so next Monday.

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## ADJOURNMENT

At 10 p.m. the Committee adjourned until Wednesday 15 September at 11 a.m.