HOUSE OF ASSEMBLY

Thursday 22 June 1995

ESTIMATES COMMITTEE B

Chairman:
Mr H. Becker

Members:
The Hon. Frank Blevins
Mr M.J. Atkinson
Mr C.J. Caudell
Mr M.R. De Laine
Mrs D.C. Kotz
Mr J.P. Rossi

The Committee met at 11 a.m.

Courts Administration Authority, $50 011 000

Witness:
The Hon. K.T. Griffin, Attorney-General and Minister for Consumer Affairs.

The Hon. J.J. Doyle, Chief Justice, attended on behalf of the Courts Administration Authority.

Departmental Advisers:
Mr J. Witham, State Courts Administrator.
Mr A.J. Bodzioch, Deputy State Courts Administrator.
Mr T. O'Rourke, Manager, Resource Management Division.
Mr I. Rohde, Manager, Information Services Division.
Mr M. Church, Senior Finance Officer.

The CHAIRMAN: Good morning, everyone. The proceedings are relatively informal and there is no need to stand when asking or answering questions. The Committee generally decides the approximate time for consideration of proposed payments to facilitate changeover of departmental advisers. I have asked the Minister and the Opposition spokesperson whether they have agreed on a program and I assume that there is such an agreement. We will deal with that shortly. From time to time, there may be changes to the Committee and I may interrupt and advise if there is a changeover. 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 submitted no later than Friday 7 July.

I propose to allow the lead speaker for the Opposition and the Minister to make an opening statement if desired of about 10 minutes and certainly no longer than 15 minutes. There will be a flexible approach to giving the call for asking questions based on about three questions per member alternating from one side to the other. Members may also be allowed to ask a brief supplementary question to conclude a line of questioning before switching to the next member. However, there has been a tendency for a member to ask a question and then ask anything up to four or five supplementary questions. I will have to begin to rule against that as I take that as an abuse of the privilege of the Committee.

Subject to the convenience of the Committee, a member who is outside the Committee and who desires to ask a question will be permitted to do so once the line of questioning on an item has been exhausted by the Committee. An indication to the Chair in advance from the member outside of the Committee wishing to ask a question is necessary and preferably with the agreement of that side, be it Opposition or Government.

Questions must be based on lines of expenditure as revealed in the Estimates of Receipts and Payments (printed paper No. 9). Reference may be made to other documents, including Program Estimates and the Auditor-General's Report. Members must identify a page number or the program in the relevant financial papers from which the question is derived. I remind the Minister that there is no formal facility for tabling documents before the Committee. However, documents can be supplied to the Chair for distribution to the Committee. The incorporation of material in *Hansard* is permitted on the same basis as applies in the House that is, that it is purely statistical and limited to one page in length.

I will ask the Minister to introduce advisers prior to commencement and at any changeover. All questions are to be directed to the Minister and not to the Minister's advisers. The Minister may refer questions to advisers for a response. For the benefit of departmental officers, a diagram showing facilities available to them is available from the attendants and at the rear of the Chamber. I also advise that, for the purpose of the Committee, some freedom will be allowed for television coverage by allowing a short period of filming from the northern gallery. All television stations have been advised by the Speaker of the procedure to be followed. I now declare the proposed payments open for examination, and I refer members to pages 69 to 71 of the Estimates of Receipts and Payments and to pages 151 to 161 of the Program Estimates and Information. Does the Minister wish to make an opening statement?

The Hon. K.T. Griffin: It would be appropriate if the Chief Justice should make a statement to the Committee. The Chief Justice is here by invitation as Chairman of the State Courts Administration Authority. It is his first appearance. Last year was the first appearance of any Chief Justice before an Estimates Committee, by his predecessor, and I have no doubt that it will be to the advantage of the Committee also to be able to ask questions through me to the Hon. the Chief Justice on this occasion. I did make an opening statement last year to draw the Committee's attention to the fact that the Courts Administration Authority is an independent statutory body established by statute. It is responsible for the administration of the courts. It is not, of course, responsible for the decisions which justices and magistrates take, exercising their judicial responsibility, but it is responsible for administration.

Whilst members of the authority are with me today, again I make the point that I made last year, that it is me as Attorney-General who is the subject of questioning. The Program Estimates are the Government's Program Estimates, which are prepared in consultation with the authority. The budget is the Government's budget, which has been developed over a period of time with officers of the authority. The former Chief Justice and the new Chief Justice had no say in it because of the timing of his appointment. But it is important to recognise that the budget is approved by the Attorney-

General under the Courts Administration Authority Act before it is actually part of the Government's budget subsequently approved by the Government. I now invite the Chief Justice to make a statement.

The Hon. the Chief Justice: As the Attorney said, the authority is independent of the Government, but of course it depends upon an appropriation by Parliament for its funding. The budget which is presented before you is based upon detailed discussions between the Attorney and his officers and officers of the Courts Administration Authority. As you would appreciate, broadly the authority provides administrative facilities and resources to all participating courts throughout the State, but it is not concerned with the internal running of particular courts. Of course, there is a line to be drawn in that area at times, but the authority's particular function involves the provision of administrative facilities and services to all courts. The authority has an overall staff of about 660 people, so it is a substantial organisation.

I welcome the opportunity to attend here today to do my best to explain how the public money is used within the authority, and what it does. I personally welcome the opportunity to listen to your questions. As I see it, the courts exist to serve the people, and members of Parliament are very important representatives of the people. The authority sees as an important feature of this exercise today the chance to explain to each of you, where an explanation is requested, what it does. but I hope also that some of your questions will expose areas in which it could do better than it does, because no doubt you hear things from your constituents. While at times I might have to say that I cannot answer that question, that it is really a matter of the internal running of the court, the authority is anxious to hear from you if there are areas where it can lift its game and provide better services to the people of the State. Personally speaking, I genuinely welcome the chance to appear here today.

The main objectives of the authority are: to support the judiciary; to help make the courts accessible to the community; to ensure that people who deal with the courts get the best level of service; and, internally, it is trying hard to achieve best practice as an administrative body. At the outset, I would like, literally, just to touch on about six or seven things that the authority sees as major features of the coming year so that you will get an understanding of that. First, I refer to the redevelopment of the Adelaide Magistrates Court, which is a major capital works program that is very important for the functioning of the courts, because the Magistrates Court is the court with which most people will have contact if they are going to have contact with the courts. So that is a major and important project.

There is the continued implementation of the new juvenile justice system, which is getting off the ground and which will have a full year of operation during this coming financial year. There is an ongoing review of the workings of the Coroner's office, and that has involved the provision of counsel to assist the Coroner so that he can conduct his inquiries more efficiently. There is a program for the upgrading of holding cells in court premises. There will be a continued focus on case management in criminal and civil law and appeals, and that is concerned with the rate of disposition of cases in the courts. We have undertaken some market research to inquire into how our customers—if I can call them that—perceive the authority, and we will follow through on that in the current year in terms of areas where we should improve our performance.

We are working towards service level agreements within the courts, which will stipulate the level of service which customers can expect. I know that 'customers' is not quite the right term, but it is hard to know what to call people who deal with the courts—they are not really customers or clients, but I am stuck with that terminology. We are working towards a complete re-engineering of our computing system. That is a very important project for us because, like many entities, the authority depends very much on its computing system. In particular, we anticipate that that will be done in partnership with private industry. The other feature that I would like to mention is that we hope that part of the deal we strike will make provision for on-licensing to other courts of our computing systems with the return of revenue to the authority and hence to the State. So, that is a particularly interesting development.

We will be involved in national benchmarking, which will enable true and accurate comparisons of efficiency to be made around the country. We are some way down the track already in the criminal area, and based on those figures the South Australian courts seem to be performing quite well. We will be involved in enterprise bargaining, and we are introducing performance management for staff. I think those are the main things for the coming year which I wanted to highlight. As I said, we genuinely welcome the opportunity to be here, both to give you information and to learn from you.

The CHAIRMAN: Would the member for Spence like to make an opening statement?

Mr ATKINSON: No, I will go straight into questions if I may. What is the estimated cost of carrying out recommendation 1 of the Senate Standing Committee into Legal and Constitutional Affairs report entitled 'Gender Bias and the Judiciary' where it says:

> All courts give consideration to ensuring that all relevant materials, including judgments and jury directions, are lodged in electronic form with the State library in each jurisdiction.

Why will this recommendation not be carried out in the coming financial year?

The Hon. K.T. Griffin: No final decision has been taken on that. Quite obviously, it is desirable to have access available to judgments. They are fairly well accessible now through the court libraries, which can be accessed particularly through members of Parliament, to whom most people seem to go for assistance of this sort. Honourable members will know that if they need a judgment they only have to ring my office, and provided there is no suppression order or any other difficulty with it we will generally make that available. That applies equally to members of the public. But, as I say, we have not made any assessment of the costs of doing it. I answered a question in the Legislative Council about that some months ago and I will refer to that in due course—I will dig up the answer and let the Committee have it. One has to question, though, whether having this information so accessible in every library around the State is providing the best use of resources when most of the judgments of the courts are not of particular interest to the community. There are some key judgments, which, quite obviously, are, and one has to determine whether the expenditure we will make on making them all accessible in this form is a good use of public money. I will ask the Chief Justice if he would also like to add to what I have had to say.

The Hon. the Chief Justice: I endorse generally what the Attorney has said. Although I do not know the cost of it, I am not sure that it would be a sensible use of public money,

bearing in mind that we have to strike priorities. Even within the court itself we have not yet moved to a system which provides for the complete, as it were, transmission of judgments electronically. I inquired into this quite recently to find out what does happen when a judgment is delivered. So, internally, at the moment, we do not have the systems for a complete electronic system. But, apart from that, the point of the question seemed to be gender bias, and while I can understand that members of the public would like to scrutinise what judges are saying I would question how many people would go and comb through every judgment. While we are on that topic, for what it is worth, to the extent that there is a problem of gender bias—which I personally see as a community problem rather than applicable peculiarly to judiciary—the more important thing is education, in terms of attitudes, rather than spending a lot of money disseminating the material so people can read it. Those who really want to study it will get access to it, anyhow. Personally, if we are talking of using the limited funds available, I would focus more on material directed to members of the judiciary rather than wider dissemination of what they have said.

Mr ATKINSON: In that connection, what gender awareness programs will be provided for the judiciary this financial year and what will they cost?

The Hon. K.T. Griffin: It is a very sensitive issue, both constitutionally as well as in terms of the substance of the issue. I have been very careful to ensure that the executive does not seek to give directions to the judiciary because the judiciary is independent. But, on the other hand, I have said on a number of occasions that I am certainly very much in favour and very supportive of those activities which result in development of educational opportunities, not just limited to issues of gender, but a whole range of other issues, including an updating in the law that there is regular professional type development.

We have tried to give an emphasis to that through the Australian Institute of Judicial Administration, although some of it is within the hands of the members of the judiciary themselves. The Australian Institute of Judicial Administration is an independent body. It has representatives of the judiciary, courts administrators and members of the Executive as members. I am a member of it myself. It has a much more objective life and approach than the Executive providing lessons for judges. I will just defer to the Chief Justice, who may want to add to the observations which I have made.

The Hon. the Chief Justice: Yes, I would like to because I sensed that my last answer might produce further questions. Within the last month or so since my appointment, I have asked Justice Margaret Nyland, who is the only woman judge on the Supreme Court, to convene what I have loosely called a judicial continuing legal education committee. We have not given it a precise title yet. I anticipate that it will have at least one member from the magistracy and one member from the District Court, and I have asked her to develop a program of continuing education for the judges. I would anticipate that, within that program, the issue of gender awareness will arise, but, of course, there are other issues, even in that area, such as cultural awareness and just keeping the judges up to date with current developments within the law.

There is no specific costing and I cannot even promise that, in the first 12 months, there will be a session on gender awareness. However, we have established the committee and the fact that it is chaired by a Supreme Court judge indicates the sort of priority that we are giving to continuing judicial education. I would be disappointed if, somewhere in the committee's program, in the next year or so an issue like that does not surface.

Mr ATKINSON: I take it that attendance at this continuing legal education would be voluntary?

The Hon. the Chief Justice: Yes, I would hope to program it in such a way that everything is done to encourage members of the judiciary to attend; in other words, for sessions to be on days when courts are not sitting and at times when members of the judiciary will be able to attend. I do not think it would be appropriate or productive to make attendance compulsory. There will be an element of peer group pressure, but no more than that so, if a particular member chooses not to attend, I will not drag him or her along by the scruff of the neck.

The Hon. K.T. Griffin: Constitutionally, an important issue is involved. The judges are independent. They cannot be directed in terms of what they do or do not do necessarily by the Chief Justice, the Chief Judge or the Chief Magistrate. That is part of our constitutional system. Some may fault it, others may applaud it. However, it is an essential ingredient in the constitutional framework which we have that the judiciary is independent, and that means that the judges themselves are independent and the extent to which so-called disciplinary matters can be advanced is almost non-existent.

I do not want to do anything more than endorse what the Chief Justice has said. There may well be peer group pressure, but I think also that community concerns will become apparent to members of the judiciary. Justice Lander made the observation, as I think the Chief Justice did, too, on the presentation of their commissions, that they are part of the real world. They go to football matches and they have families, particularly teenagers and young adults who keep parents' feet on the ground. They are therefore not insensitive and they have a range of other interests which keeps them in touch with the community. In that context, I am sure that they are not insensitive to the sorts of issues that the honourable member raises.

Mr ATKINSON: I should just like to agree with the Attorney's answer. The Opposition supports his approach to this. I defer my third question to the member for Price.

Mr De LAINE: Page 158 of the Program Estimates states that only 21 per cent of criminal matters in the higher courts are meeting the target of disposal of matters within 90 days; page 159 states that only 60 per cent of civil matters in the District Court are meeting the target of disposal of matters within nine months of service, and also that only 73 per cent of civil matters in the Supreme Court are meeting the target of commencement of trial within 52 weeks of first appearance. What are the reasons for the failure to meet established time frame standards in the criminal and civil jurisdictions?

The Hon. K.T. Griffin: The issue of delays and waiting times is a complex matter of definition as much as output and, in a moment, I will ask the State Courts Administrator, Mr Witham, to deal with issues of definitions as well as identifying the matters that the honourable member raised. The first point that needs to be made is that, according to all the information I have, South Australia is probably the best placed of any of the State jurisdictions in relation to so-called waiting times or when matters come on for trial.

The determination of waiting times and delays is a relatively new development. I know that when I was shadow Attorney-General we used to get every year a list of waiting times and delays, but it has been refined quite significantly since then. It still is in a process of development and refinement because, within the framework of determining what is

an appropriate standard, it is all very well to look at the number of cases, but part of the equation must also be what sort of cases. For example, personal injury cases arising out of road traffic accidents frequently can be dealt with more expeditiously than a complex building dispute. A complex building dispute that spreads over two weeks is one case, and how do you weight that in determining the standards? Also the issue of whether or not we meet the particular standards is difficult to resolve, and that is still a matter that is in the process of development.

In some areas there have been improvements on past years. However, in other areas there have been what appear to be deteriorations in the periods. To some extent, in the criminal area that may be related to the issue which this Government addressed at the end of the last financial year, and that is with four judges of the District Court accepting separation packages in accordance with procedures which were approved by the Chief Justice, as well as other issues relating to that. Mr Witham might like to develop that. There are some tables which we can make available and which identify some comparisons.

Mr Witham: Traditionally, most courts would measure delays by taking account of the time between when the parties were actually ready to proceed and the commencement of the trial. So, typically, a court would say, 'The parties are now ready; we can list a trial in three months time; our delay is three months.' However, in many courts around the country the actual time from when the matter was lodged until that matter was brought to trial could be several years, so the community's perception was that court delays were years and not a matter of a few months. So, we were talking in quite different terms.

Nowadays, most courts are switching to case flow management, which involves the setting of standards for the disposal of cases and which also has standards for various components of the process. Using that methodology an analogy would be that, if you make an arrangement with a builder to build your house in six months and the builder actually takes seven months, you would not claim that there had been a delay of seven months: you would say it was the difference between the standard on which you had agreed and the actual time it took.

That is the current measure of delay which we use, and which most courts use nowadays. In the Supreme Court this year we talk about delay in terms of the delay that is measured as cases are coming out of the system. As cases are disposed of we look at how old they are and whether those cases are meeting the standard. In 70 per cent of cases that are measured under that system we are meeting the standard. This is in the civil jurisdiction. But there were some cases that actually entered the system before case flow management was introduced. So it is not a terribly clear picture, but it will improve over time.

In the District Court we have had case flow management there for several years and until fairly recent times we were improving our achievement of the standard. Last year we were achieving the standard in 74 per cent of cases, and our target is 90 per cent. This year it slipped back to 60 per cent, as the honourable member mentioned, but that was the result of a number of developments. First, there was some impact initially with the reduction of the number of judges in the District Court. Two District Court judges had to be taken from the civil jurisdiction, and obviously that has an impact. But there have been other causes. A number of judges have been away sick for quite lengthy periods and in total, through sickness, we have lost the equivalent of one judge for the whole year.

Whilst the number of cases coming to the courts has reduced, and in fact that was the basis upon which the Government made its decision to cut back on the Judiciary, there was an unexpected development in that the proportion of cases that actually go to trial has increased, from around 10 per cent, which was the fairly traditional proportion that went to trial, to the current position of about 13.9 per cent. Again, there are some reasons for this, and one of them is that SGIC, as an example, is now trying to settle matters outside the court system. This is a terrific initiative. It keeps cases away from the courts. But, of course, the other side of the coin is that, if you are taking away cases that were likely to settle and are just settling them at an earlier stage, by definition those that continue to come to court are less likely to settle. So a higher proportion of cases have actually been going to trial.

A combination of these factors has meant that we have slipped back a bit on our standards, but there have been a number of reasons. Judge Boylan, who was one of the sick judges, has now retired. When he is replaced it will bring the court back up to strength and there is a good prospect of improving our standard there. As the Attorney said, the standard is not a hypothetical one but one which we strive to achieve. It is an extremely good standard, and there are very few courts, not just in Australia but anywhere in the world, that would actually achieve that.

The Hon. K.T. Griffin: Mr Chairman, I have circulated two schedules. Is it appropriate that they be incorporated in *Hansard* as part of the response that I and Mr Witham gave?

The CHAIRMAN: Yes. I treat that as purely statistical information and we will have it incorporated in *Hansard*.

WAITING TIMES

	1992-93	1993-94	1994-95
1. SUPREME COURT	Weeks	Weeks	Weeks
1.1 Civil	14	11	9
(Measured as the lapsed time between the final pre-trial conference and the trial date)			
Time Standard: percentage of cases within 52 weeks of issue of summons	na	na	70%
1.2 Criminal*			
(Measured as the lapsed time between the date of arraignment to trial)	14-16	19-20	18-20

WAITING TIMES

2. DISTRICT COURT	Per Cent	Per Cent	Per Cent
2.1 Civil (Time standard: 90% of cases be disposed of within 9 months of service of summons)	85%	74%	60%
2.2 Criminal* (Measured from date of arraignment to trial)	Weeks 14-16	Weeks 19-20	Weeks 18-20
3. MAGISTRATES' COURTS	Weeks	Weeks	Weeks
3.1 Civil (Measured as the lapsed time between filing of defence and trial)	General 19 Minor 16	General 16 Minor 10	General 18 Minor 11
3.2 Criminal (Measured as the lapsed time between a matter entering the trial list and the commencement of trial)	Weeks Summary 4 Committal 8 Children's 8	Weeks Summary 4 Committal 4 Children's 8	Weeks Summary 4 Committal 4 Youth 4

* The Criminal Registries of the Supreme Court and District Court were combined in July 1992 to achieve greater efficiencies in the listing of trials.

TRIAL PERIODS (in weeks)
COURTS PRESIDED OVER BY MAGISTRATES
AS AT 28 APRIL 1995

	SUMMARY	COMMITTAL	CIVIL—General (incl. Pl)	CIVIL—Minor
MAGISTRATES COURT ADELAIDE (CIVIL)			4 + 4 + 10 = 18	11
BERRI/Renmark/Waikerie			May Circuit	
MAGISTRATES COURT ADELAIDE (CRIMINAL)	4	4	4	4
Ceduna/Yalata	4	4	4	4
Leigh Creek	June Circuit			
Millicent	4	4	4	4
Mount Gambier	4	4	4	4
Peterborough	May Circuit			
Port Augusta	4	4	4	4
Port Pirie	2	2	2	2
CHRISTIES BEACH	6	6	6	6
Kadina/Maitland	June Circuit			
Kingscote	August Circuit			
Victor Harbor	June Circuit			
ELIZABETH	8	4	8	4
BERRI/Renmark/Waikerie	4	4	4	4
Clare	May Circuit			
Pinnaroo	June Circuit			
Tanunda	4	4	4	4
HOLDEN HILL	12	12	12	8
Port Lincoln	June Circuit			
PORT ADELAIDE	5	5	5	5
Coober Pedy	July Circuit			
Mount Barker	12	12	12	12
Murray Bridge	6	6	6	6
North/West	August Circuit			
Roxby Downs/Woomera	July Circuit			
Whyalla	2	2	2	2

All the courts inset from the margin are not full time courts. Consequently the trial periods for these courts include an inbuilt delay of several (up to 12)weeks between magisterial visits.
The figures for civil may be broken down as follows: period from close of pleadings to conciliation conference, plus the time lapse from then to date of trial.

The Hon. K.T. Griffin: I ask whether the Chief Justice wants to make an observation on this matter.

The Hon. the Chief Justice: I shall comment briefly, because this is a topic pretty dear to our hearts. Looking at it constructively, if you envisage the cases as a stream, as it were, going through the pipeline, that stream can vary, as Mr Witham indicated, for all sorts of reasons that have nothing to do with us. If we focus on our responsibility, it occurred to me that one could say that there are probably five factors that bear on the rate at which we can process that stream. First is the number of judges, because we have to have a judge to hear the case. The second factor is buildings and staff. At times, for instance, we might have more judges available than there are courts set up to hear criminal trials and it is conceivable that at times you might find the reporting resources are stretched in such a way that, although you have judges and criminal courts, if we take criminal cases, you do not have reporters.

The third factor relates to the legal profession and the prosecuting authorities. In some areas, we are encouraging them to change their practices, but their practices and their resources are relevant. If they cannot get cases ready, we can complain as much as we like, but if they simply cannot get them ready, they cannot. The fourth factor is the parties themselves. In a given area, if the parties want to have a really protracted dispute, it is very hard for us to stop them having one. The fifth factor is what I would call reality. For example, no one charged with murder would say, 'Well, I want to be heard in a week's time.' No one with a major building dispute would say, 'I want my case heard in a month's time.'

In the area of standards, one of the difficulties is, as the Attorney-General said, how do we identify the time within which cases should be heard, as it were, in an ideal world? There is no point having a different standard for every type of case. That would simply confuse people with detail. Standards are averages across the system. I am making the point that this is a complex issue, but I have described the five areas that impact on our ability to process that stream of cases through the pipeline.

Mrs KOTZ: In referring generally to the Program Description, my question picks up on a comment made by the Chief Justice in his opening statement relating to the juvenile justice system and its current implementation. The Attorney-General will be aware that, as a member of the Select Committee on Juvenile Justice that prepared the recommendations which are currently being implemented, I do have an ongoing interest in the area. From the Program Description, I understand that additional resources have been made available for the family care meetings which concern the child protection area of juvenile justice. What resources have been made available and what effect will they have? I would like to add another part to that question in relation to the juvenile justice system itself because I understand that a review is being undertaken of that system. Can the Attorney-General give us a timeframe for that review? When is a report expected?

The Hon. K.T. Griffin: We have made $30 000 available for the review. It is being undertaken over the next few months. It probably will not be completed until some time early next year. It has been recognised that there are some resource difficulties and in the budget we have $176 000 for two areas. That is in addition to the $30 000 for the review. Through the courts, we are going to appoint two extra care and protection coordinators, clerical support. There will be a part-time Aboriginal youth justice coordinator based in Port Augusta. That coordinator will be employed for family conferences in Whyalla, Ceduna, Yalata, Port Lincoln, Roxby Downs, Marree, Leigh Creek, Port Pirie, Peterborough and Port Augusta.

It was fairly obvious just from our initial examination of what was happening with family care meetings and the other workload that, in the northern country region, there was a significant increase in the family conferences in the second half of last year. The figures are interesting. During 1994 there were 224 conferences. That represents 15 per cent of the total workload of the youth courts family conference team. It is important to have an extra person and the Aboriginal worker will complement the work of the existing youth justice coordinator in that northern region, remembering that the population is diverse as well as scattered. The review is being conducted under the auspices of the Juvenile Justice Advisory Committee chaired by Justice Duggan of the Supreme Court. There has been close consultation between Justice Duggan, me and my officers in relation to the conduct of that review.

Mr CAUDELL: I have a question for the Attorney-General which deals with the transfer of the Sir Samuel Way Building basement cells from Correctional Services to the Courts Administration Authority. I refer to page 158 of the Program Description and the heading '1994/95 Specific Targets/Objectives' which states:

> The operation of the Sir Samuel Way Building basement cells was transferred from Correctional Services to the Courts Administration Authority in November 1994.

What has been the benefit of that transfer of responsibility?

The Hon. K.T. Griffin: There was a great deal of concern about the fact that Corrections Officers were supervising prisoners in a courts complex. It had been a difficult issue to resolve, but it was finally agreed that the officers from corrections would be transferred to the courts and that the courts would have responsibility for dealing with prisoners in that complex. There was an exchange of $458 000 from the Department for Correctional Services to the Courts Administration Authority. There is a saving of approximately $230 000 and that came from reducing the number of officers involved in the basement cell operation. Correctional Services subsequently transferred six full-time equivalents. All the staff were consulted and I understand that there was no difficulty in undertaking the transfer.

The Hon. the Chief Justice: I want to make another point. In a recent discussion with the Sheriff who is responsible for these matters, he made the point to me which would not emerge from the figures that there has been a further benefit in terms of his staff having a bigger pool of staff in the building in that, because they are multiskilled and trained to do all sorts of things, if there is less need for cell staff, he can move them to security or other functions within the building and vice versa. I gather from him that he believes that there has been that benefit which would not show up in the raw figures. He has a slightly bigger pool and he can be more flexible in staffing arrangements.

Mr ROSSI: Page 158 of the Program Description states under the heading '1995/96 Specific Targets/Objectives' that:

> The recommendations of the FINES Committee report will be implemented once the legislation has been passed.

Last year, the Attorney-General released for consultation the FINES report and I understand that a draft Bill has recently been released for consultation. What are the major features

of the scheme proposed by the FINES report as it relates to the courts system?

The Hon. K.T. Griffin: I do not think that I need to deal with that point at great length except to say that the FINES committee made a recommendation to Government about streamlining the processes, particularly in relation to expiation notices. The committee will remember that there are several steps with an expiation notice. The expiation notice is issued with 60 days. That is an absolute period within which the payment may be made. There is no provision for extension. If the fine or expiation fee is not paid, it goes by way of summons to the courts. According to the FINES recommendations, legislation is being drafted which will be introduced in the not too distant future and I hope that it will streamline that process and others so that the expiation notice provisions will allow an extension of the period for late payment. There will be perhaps a $20 fee for late payment and there will be notice of failure to pay to the person to whom the notice is directed. It will be indicated that the late payment fee will enable the matter to be resolved. If it is not paid by the final date, it will automatically be transferred to the courts system and be recorded as a conviction and a fine unless the defendant wishes to have the matter heard in court and it will then go to the enforcement process. That will have some significant savings in most areas of Government.

There was a consultative committee which comprised representatives of the sheriffs and the Magistrates Court division which also looked at some other areas of this, particularly in relation to enforcement of warrants for sale of land, although that is not directly covered by the fines system. As I said, there are a number of defects in the system. Members have probably had a number of representations from constituents who complain about having their expiation fee rejected after they have paid it on the due date, and this hopefully will get some of that off their backs.

Mr De LAINE: In relation to performance standards, I refer to Program Estimates (pages 158 and 159). To what extent did the Government's decision to get rid of four District Court judges in 1994 effect civil and criminal waiting times in that jurisdiction?

The Hon. K.T. Griffin: When we made the decision, on the basis of lodgements, it was clear that there was a declining workload within the District Court. We looked at it carefully. Of course, there was some disagreement from the Chief Judge of the District Court. I have already made that known publicly. I think we made it known at the time, but I do not resile from the position the Government took. We were satisfied that, on the basis of the assessment we had made, the court would be able to more than adequately cope with a reduction in four judicial positions. We also took into consideration, particularly over the past year, that several of the judges had been ill, as well as the fact that Judge Noblet came across from the Commercial Tribunal to work in the District Court full-time and that Judge Newman had come across from the Youth Court to the District Court. So there had been an increase in the judicial resources, at least initially.

As Mr Witham said earlier, Judge Boylan was ill for a period of time and has now retired. A replacement will be made there in the not too distant future. I have been following my usual practice of consultation, including with the shadow Attorney-General and, in a sense, Judge Newman is still on sick leave. In terms of resources, we made an assessment that there would not be a significant impact on workload. Of course, when Judge Boylan's replacement is made, that will bring the bench up to what we suggest is a reasonable strength to enable it to meet reasonable standards. As Mr Witham said, there was a 20 per cent reduction in matters lodged in the civil jurisdiction; the actual level of trial activity did remain constant. There is still a backlog of matters.

I will add one other thing to what he said earlier. The DPP established with our concurrence a committal unit on a trial basis and that worked very effectively. It is now expanding. Significant funds are available in this budget to enable that to expand across the whole metropolitan area, and hopefully across the whole State eventually. Whilst that has filtered out a lot of the cases from those which ultimately go to trial before a jury in the superior courts, the immediate effect of that is that more cases are coming on for trial, because it is only those which have been through the filtering process which are likely to go to trial which get actually there, where previously you would have a lot of cases which would be withdrawn because the charge was inappropriate, the evidence was inadequate or the defendant ultimately wanted to plead guilty or, for some other reason, a *nolle prosequi* had to be entered on the day of the trial.

So there are all sorts of things which have now been very largely filtered out of the system—not completely, because things always go wrong and you can never predict everything. But at least we have been able, through the DPP's initiative, to get a lot of cases out of the lists that would otherwise be in the lists, but it has meant a greater level of cases being ready for trial and actually getting to trial than previously. That will be a blip for a couple of years, but ultimately it will settle down to a reasonable level of activity. So I do not see a major problem with it. We are very carefully watching it on the basis that, if there is a major problem, then we will have to address it in the future, but at the moment it does not seem to be a matter of sufficient concern to warrant any action. You have to realise that, if you put a judge on in the District Court, it is not the judge's salary so much as the support staff and other consequences, and I think we worked that out at about $350 000 a year, and in the Supreme Court it is about $480 000 a year, so we will not make those decisions lightly. But we are conscious of the need for a proper level of service to be maintained.

Mr De LAINE: How frequently are Supreme Court judges presently being utilised to hear matters which would normally be heard in the District Court?

The Hon. K.T. Griffin: I will ask the Chief Justice to comment on that. For some several years now there has been a combined criminal list between the District Court and the Supreme Court, so that enables proper management of criminal cases. But if I may, I will invite the Chief Justice to make some observations about the way in which the lists are conducted.

The Hon. the Chief Justice: We do not have a precise figure on that. The criminal list is run on a combined base; in other words, we have a single list of cases and then we have a pool of District Court judges and Supreme Court judges who are made available to hear cases. Supreme Court judges are hearing cases that are within the District Court jurisdiction limits. I cannot tell you precisely what the ratio is. To be quite honest, I am not sure whether that figure is kept. I will check on that, but I am just not sure. My own view is that that is a matter worth reviewing, but of course if we have fewer Supreme Court judges helping out in the criminal area then there is just the need again for a District Court judge. One obvious question is, 'Well, would that be cheaper, and is that the way to go?' Obviously, if it is cheaper

overall, then it is the way to go, and I would accept that. I am reminded by Mr Witham that it is linked to an issue I have been considering, that is, in the Supreme Court all these things tend to have tails on them.

The masters of the court hear a certain proportion of civil cases, and I have independently been considering whether we should have judges rather than masters, where masters do sit, which would mean of necessity we would bring a judge out of probably District Court criminal cases, but it may be that in turn we would be able to make a master available to the District Court to do some work there. Within the system, we are actually working as flexibly as we can, and making sure that between the two courts we cooperate and get the best use of resources. We do not keep people rigidly within the Supreme Court. I acknowledge that there is an issue there, bearing in mind the greater cost of a Supreme Court judge, if they are hearing District Court cases, whether we should not cut back on that. I will check to see whether we have a precise figure, but I suspect that we do not.

The Hon. K.T. Griffin: If there is a precise figure, we will make that available to the Committee.

The Hon. FRANK BLEVINS: I want to address my question to the Chief Justice and congratulate him on obtaining that high office—a very good appointment by the Government. As the Attorney said earlier, it was interesting to have the former Chief Justice here last year at the Committee. Without a doubt, he was absolutely fearless in denouncing the Government for the cuts that had occurred in the budget, giving the courts all kinds of problems. He earned a considerable amount of respect—even more respect, if that was possible.

However, I had a few words with him about country magistrates. I hope that the new Chief Justice will be more sympathetic to the needs of people who live outside the metropolitan area than was the former Chief Justice who considered the social life of magistrates, etc. not to be of sufficient quality to warrant their being there. Would the Chief Justice consider it proper if the Government decided, for example, to put a court and a magistrate on every main street in South Australia, if it so desired and if it was prepared to fund them?

The Hon. K.T. Griffin: I will make a comment and refer the matter to the Chief Justice.

The Hon. Frank Blevins interjecting:

The Hon. K.T. Griffin: The questions are to be directed to me, and I will refer them.

The Hon. Frank Blevins: I thought it was different when the Chief Justice was here. I thought that was established last time.

The Hon. K.T. Griffin: There is no need for the honourable member to be upset. I will invite the Chief Justice to comment. I am not trying to stifle the debate. I made clear last year and I make clear this year that the questions should be directed to me as Minister.

The CHAIRMAN: Order! The rules of the Committee are that the question should be directed initially to the Minister, and the Minister can direct any of his advisers to answer. That is what I said at the beginning, and I intend to enforce that. I will leave it to the Minister.

The Hon. Frank Blevins interjecting:

The Hon. K.T. Griffin: The Chief Justice is not an adviser; he is here at my invitation. I have no difficulty with inviting the Chief Justice to respond to the question. The only point that I want to make before I do so is that the waiting time for matters to be dealt with in Whyalla has improved since the Chief Magistrate made his decision to remove the resident magistrate in that area.

The Hon. the Chief Justice: I want to be sure that I have the question right. The question is whether, if the Government wanted to put a magistrate on every street corner and was prepared to fund it, I would regard that as a proper decision. If the Government thought that was a good use of public money and was prepared to provide it and if we could find the magistrates, I would say, 'So be it.'

The Hon. FRANK BLEVINS: The Chief Justice certainly understood my question. Is there anything in the Courts Administration Act or any other Act that would create a huge constitutional crisis? Would it be a proper decision of Government and not cause the Chief Justice any grief?

The Hon. the Chief Justice: My answer assumed that there had been consultation with the Attorney and that I was satisfied that we would not be, as it were, degrading the standard by appointing so many magistrates. All sorts of issues would need to be considered. As I see it, the Government has a responsibility to decide what it will do with public money. If the Government said that the critical issue is having a magistrates court on every street corner, I do not think it would be for me to say that it could not do that. I would ask certain questions such as, 'How will you fund this?' However, if in the end the Government wanted to put in the money, that would be one thing. I think it may be slightly different when it is an issue involving scarcity of resources and how best they can be deployed. Perhaps then I would express firmer views. If the Attorney said, 'We want to cut something out,' I might say quite firmly, 'The judiciary sees that as a core function and strongly resists that.' I am sorry if I seem to be hedging a bit, but it would depend very much on whether it were a matter of cutting out something or saying, 'That is Rolls Royce treatment for the people of the State, but if the Government wants to do it we would be happy to assist.'

Mrs KOTZ: I refer to page 158 of the Program Estimates. The 1995-96 specific targets and objectives refers to the introduction of a telephone call centre in the Magistrates Court. What are the benefits of this system and how will it operate?

The Hon. K.T. Griffin: One of the good things about many Government agencies is that they want to provide a service to the public, and the Courts Administration Authority is no exception. One of the frustrations has involved where you get information about matters conducted in the Magistrates Court or issues which relate to the Magistrates Court? Do you telephone Christies Beach, Whyalla or some other location? The Courts Administration Authority is about to establish a central Magistrates Court division call centre. It is designed to handle approximately 80 per cent of incoming calls. I understand also that it is intended to ensure that it applies across the State and not just to the metropolitan area, so that, if you telephone from the country, at the cost of a local call you will get access to information from expert staff at the facility.

I understand that each registry in the Magistrates Court division undertook a survey of incoming telephone calls during a period of five working days during October 1994. That survey revealed that 9 844 calls were taken, of which 2 057 were from the country and 7 787 from the city and metropolitan areas. With 80 per cent of calls being handled by the call centre, the Courts Administration Authority takes the view that some significant cost benefits, greater efficiency and a better corporate image for the courts will be achieved.

I will ask the State Courts Administrator whether he has anything to add.

Mr Witham: As well as providing an improved service, which was our primary concern, it will also be more efficient and will result in a cost saving of about $63 000 a year. I think that is a useful contribution.

Mr CAUDELL: I refer to page 163 of the Program Estimates. The 1995-96 specific targets and objectives refers to the 'consideration of proposals for mandatory continuing legal education for practitioners'. Does the Attorney-General agree with this proposal and the need for mandatory continuing legal education?

The Hon. K.T. Griffin: The whole issue of education for legal practitioners is in a state of flux at present but, as part of the COAG program for the development of a national uniform admission system, it is still very much under consideration by Government, the judiciary and the Law Society in conjunction with interstate Governments. The Law Society has put forward a proposal for the introduction of mandatory continuing legal education for legal practitioners. Some might think that that is not a bad idea. I have no difficulty with continuing legal education. The issue was raised with me recently, and I have not reached a conclusion on the matter, but my initial reaction is that it would be difficult to establish a regime in which you could give proper credit for education that is gained not necessarily within a formal environment but within a less formal environment by way of practical experience and so on.

Whilst we might set up a system, as the Real Estate Institute has set up—if one wants to belong to the Real Estate Institute one has to accumulate a number of points each year from continuing education—I think there are some difficulties with that system because it focuses only on a formal education and on attendance, and not on experience. It is an issue that, quite obviously, concerns this State because of the significant number of law students going through the two law schools, many of whom cannot find work or cannot find a position in the appropriate course to gain the necessary qualifications for admission. It is something that we do have to address as a Government with academic institutions as well as through the Supreme Court.

The Hon. the Chief Justice: As the court is the admitting authority for practitioners and renews their practicing certificates, it makes the ultimate decision. This is an area where we would consult very closely with the profession. I want to make clear that this is not something that we are specifically pushing, but if that is the way the profession thinks we should go then I guess the court would be sympathetic. It impacts on us in particular, in that as the admitting authority we may then have to scrutinise whether people have done the CLE they should, and so may have resource implications for us in checking whether they have attended the courses, and so forth. So, it is really just consideration of proposals and it is a matter where, by and large, we would not exactly defer to what the profession thinks but we would certainly be very loath to depart radically from what it thought.

Mr ROSSI: The member for Spence in an earlier question referred to electronic data transfer, and page 166 of the program description refers to the continuing work with AUSDOC to be the first State to provide a range of electronic data services between the courts and the legal profession. What stage has this project reached and what will be the benefits of the system?

The Hon. K.T. Griffin: In a moment I will ask Mr Bodzioch to comment on it. I want to preface what he might say, though, by an observation. The courts in this State are very much up with, and in many cases ahead of, data developments in other States and in other jurisdictions around the world, and I commend them for that. The re-engineering project, which was referred to by the Chief Justice in his earlier remarks, will provide an opportunity to demonstrate that expertise.

A system has been established after a pilot program of exchange of court orders, and other documents, and access to information in the Courts Administration Authority by legal firms which will facilitate the conduct of legal business and make the whole system more efficient. I ask Mr Bodzioch to briefly identify what developments have occurred.

Mr Bodzioch: Last Friday there was a launch of the product. It is a joint venture between AUSDOC (under their banner of EDX) and the Courts Administration Authority to provide a suite of electronic services between the courts and the legal profession aimed to provide benefits to both the courts and the legal profession, and ultimately to benefit the community. The range of services include electronic mail between courts and the legal profession; the electronic sending of customised cause lists to the firm without their leaving their office; and the provision of an ability to send an order to a court and have it settled or ratified, if you like, and sent back to the law firm. These are some pretty significant initiatives. They are not done anywhere else in Australia. It may be that they are not done anywhere else in the world at the moment. They are quite significant achievements, and we are very proud of them, mainly because there are some savings for the courts by the way of productivity and savings for the legal profession which will be handed on to the community at the end of the day. So, it is about reducing the cost of access to the courts and to justice generally.

Mr ATKINSON: Is there a prospect of remands being requested or even guilty pleas to simple offences being disposed of by means of facsimile communication between legal practitioners and the courts? I notice in the second column of the Program Estimates, page 166, there is an objective described as the provision of a range of electronic data services, to which the member for Lee has referred. I wonder whether it could go this far.

The Hon. K.T. Griffin: Certainly, no consideration has been given to it from the Government perspective. One has to be very careful about the way in which we use facsimiles. My predecessor had some difficulties with the facsimile release of persons who had been arrested on a warrant of commitment for failure to pay fines, and there developed practice of facsimile release between arresting police officers and the correctional services institution. There are some difficulties in that.

However, I should say that there is already a wide range of opportunities for the use of magistrates by telephone, telephone reviews of police bail and telephone restraining orders—a number of which were introduced by my predecessor, and the Government of which he was a part, and which I supported. There are, as I say, a number of services which enable a citizen or a police officer to make contact with magistrates for the telephone disposition of particular processes. We are looking at video conferencing between the Remand Centre and the courts, on the basis that we can deal more effectively with remands by that method rather than by the physical transportation of prisoners.

That is currently the subject of examination by Government, along with a number of other issues about the transportation of prisoners, because there are difficulties in the way in which that system presently operates. There are great inefficiencies in it and, if we can improve it, say by video conferencing, we will be prepared to address that issue.

The only other point I need to make is that there are some developments in relation to computing between various agencies—the Electoral Commissioner, local government and fines enforcement, where I have already indicated that if an expiation fee is not paid even after the reminder it will be transmitted electronically to be recorded as a conviction and then processed through the enforcement system.

The Hon. FRANK BLEVINS: What are the average waiting times from lodgment of appeal notice to hearing of appeal in the following jurisdictions: the Court of Criminal Appeal, the Full Supreme Court in respect of civil matters; appeals in the Supreme Court heard by a single judge; District Court reviews on minor civil actions; the Workers' Compensation Appeal Tribunal; and the Full Industrial Court? I expect that there will be some considerable variation in the Attorney's response. What are the reasons for these variations in the waiting times?

The Hon. K.T. Griffin: I will undertake to obtain answers and refer the questions back to the committee in the usual way. The Industrial Court is a participating court under the Courts Administration Authority. It may be a little more difficult to obtain the information, though, about that court, but I will endeavour to do so and provide the Committee with the answers in the appropriate fashion.

Mr De LAINE: I should like to take this opportunity to ask a question about a court case that was adjourned continually and, in the final analysis, was dismissed through lack of evidence. I have written to the Attorney-General about this matter and I will be informing him of the circumstances. My letter to him concerned possible compensation for the people who were charged, given that the charges were dropped. However, I should like to ask a question in a broader context. It may be the tip of the iceberg, but it seems to me that this type of thing has a destructive influence on courts administration, especially when added to the waiting time for the hearing of cases. I wonder whether any machinery can be put in place to filter out those cases that are adjourned continually through lack of evidence? Is there any machinery that takes care of that situation?

The Hon. K.T. Griffin: I presume that the honourable member's question relates to a criminal matter.

Mr De LAINE: Yes.

The Hon. K.T. Griffin: There are a variety of circumstances in which that can occur. There are some instances in which the court may decide that it is appropriate to make an order for costs against the Crown. It is able to do that and it does happen periodically, but more so in summary matters, not indictable matters where it is entirely a matter of the discretion for the Attorney-General and the Government of the day.

I have generally resisted *ex gratia* payments of compensation or costs unless there is a specific failure on the part of the court. If, for example, a magistrate dies or a magistrate or a judge is so ill that he or she cannot continue and there has to be a rehearing, as a matter of policy, all Governments of both political persuasions have been prepared to listen sympathetically to applications for compensation for costs thrown away.

However, in circumstances in which a matter is dismissed because there is no case to answer on an indictable matter, we would not normally make any *ex gratia* payment of costs or compensation. If there is a matter which is dismissed subsequently because there is insufficient evidence or for want of prosecution, again, the same would generally apply. I have looked only in passing at whether a policy ought to be developed in relation generally to *ex gratia* payments relating to these sorts of matters, and more broadly within Government, but that has not been progressed particularly far at this stage, just to see whether a body of principles can be established to ensure that there is consistency of approach.

All I can do in relation to this particular matter is say that I will have specific matters referred by any member of Parliament examined by officers within my department. I usually accept recommendations, but I do bring an independent mind to bear on those recommendations which are made and, if I do not agree or if there is some doubt, they go back. So, it is not a mere rubber stamp. I do not think I can take that question much further, unless the honourable member wishes me to elaborate on something more specific.

Mr De LAINE: I thank the Attorney-General for his answer, but it related to the issue with which I am dealing by letter with him. The point I was trying to make concerned the time-wasting part of the exercise as far as the courts are concerned. That is the context of my question here. Can some sort of mechanism be put in place to prevent this from happening—to avoid messing the courts around?

The Hon. K.T. Griffin: There is already provision in the Supreme Court Act, the District Court Act and the Magistrates Court Act where, in some circumstances, costs can be awarded against a legal practitioner by the court, particularly in circumstances of delay which is the responsibility of the legal practitioner. I would be reluctant to move to some mandatory time limit which is reinforced by statute because there are so many circumstances which might apply in a case that to apply a blanket rule might create injustice.

It really depends on who is at fault. Defence counsel might say, 'I am not yet ready. I have a witness who is in the UK and I need that witness. The witness will not be back for three months.' Who knows what the reasons might be?

The DPP is pretty much up to the mark when required to meet the time frame set by a court. The courts exercise a great deal more control now over the management and disposition of cases, even criminal cases, with status conferences and things like that, and they will undoubtedly further refine them. I have had some informal discussions with the Chief Justice, but just in relation to whether more discipline can be brought to the system of dealing with criminal cases as they move up to the point of coming on for trial. It has just been raised in that context and nothing further.

So, I have a reluctance to suggest that I will look at mandatory time limits or some other rules which are inflexible. The courts are conscious of time wasting, and the DPP certainly is. I think that the private legal profession is, too, but some adjustments may need to be made through the courts, more than anything else, to ensure that matters are speeded up.

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

State Electoral Office, $2 243 000

Departmental Advisers:

Mr A. Becker, Electoral Commissioner.

Mr A. Waters, Administrative Officer.

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

The Hon. FRANK BLEVINS: At these hearings last year, I pointed out to the Committee the question of nepotism, 'mateship' and other undesirable practices that occur whenever we have elections. I was referring in particular to returning officers, who seemed constantly to employ their mates. For instance, when someone from the local council is the returning officer, you will find all local council officers. You see the same old faces, election after election, and they are people who certainly do not need the money which is on offer. It seems to me that the majority of the work could be done by someone with an hour's training, if that. It requires very little training to cross a name off a role and count votes afterwards.

Some indication was given that that was seen as a problem and that something would be done about it. We have had a by-election since then, but I am not sure whether the department has been able to act so promptly. Has any progress been made in cutting out this very undesirable state of affairs that exists and bringing in a more equitable system where, rather than bringing in people who to the best of my knowledge have a very good salary during the week and who work there only to top it up on a quiet Saturday, we could give the unemployed or people who are not waged for one reason or another the work?

The Hon. K.T. Griffin: I remember the honourable member's question. It is an important question that needs to be addressed. My recollection is that the Electoral Commissioner made some observations about it; he has the responsibility for oversight of this, and I will certainly ask him to comment. One of the difficulties I recollect he raised is the issue of training for the job, particularly in the more senior positions of oversight, in relation to the conduct of an election. That can be a difficulty, particularly if one seeks to engage a person who at a particular time might be unemployed but subsequently employed and even move away from the area. The Electoral Commissioner is much more familiar with the difficulties than I, and I will invite him to comment upon that and also to indicate, as a result of last year's questions by the honourable member, where the matter is at present.

Mr Becker: We noted the honourable member's comments last year. Obviously we do not encourage patronage and nepotism, but I would like to draw the honourable member's attention to a couple of issues. The first one deals with returning officers themselves. By and large they have used their own premises at home from which they run their elections. That of course has saved the State quite a bit of money but, on the other side of the coin, it means also that they do not want people they do not know wandering through their home, answering the phones and so on during the election period. We are looking at the approach that Victoria has taken for the returning officers, and that is to try to have central areas where you might have two to three returning officers operating out of a hired premises. In those circumstances obviously you can employ people by application, so we are certainly taking that on board.

In relation to the polling booth managers and so on, it quite often happens that in respect of some of the smaller polling booths in the outerlying areas of the State it is difficult to find people to put into those places. So there is the situation where occasionally you will find that a husband and wife will be running a polling booth or something like that. We do not encourage that and we certainly try to ensure that those sorts of things are kept very much to a minimum.

In relation to training, if you are training a person to watch a ballot box you can do that fairly quickly and probably within half an hour. However, if you are trying to train someone to do declaration voting, you are talking about four or five hours, so it varies from job to job. Of course, the polling booth manager has to be appropriately trained and we are setting up packages for those. We are looking at this issue. I am reluctant to go straight to the CES and say that we want 4 000 people to run the election, as I am sure that it would have difficulty in trying to supply those people.

We do not often get unemployed people who are on the dole working at polling booths because the payments actually affect their dole. However, as the honourable member pointed out last year, there are wives and so on in the community who could use the money and who are not on the dole, and they are certainly people who should be entitled to have a go. I accept all that, and obviously we are looking to ensure that those things can occur. Obviously we take the names of people who ring us before an election and so on and refer them to the returning officers, and I would suggest that in most cases they do get jobs. However, as a general rule, we tend to find that people will come and address the particular issue only once the election has been announced or has been running for a couple of weeks, by which time many positions have been filled.

The Hon. FRANK BLEVINS: By way of supplementary, has the Electoral Commissioner considered putting an add in the various local papers six months or a year before an anticipated election to get some sort of response and hopefully a pool of people who are quite capable of doing this kind of work? About 50 per cent of the population in my electorate are quite capable of doing it, is not on a wage at the moment and is unlikely to ever have a wage and it would be an interest apart from anything else. Also, you mentioned that people would be roaming through the home of returning officers on a Saturday afternoon, but that happens now: all the scrutineers work in the homes of returning officers. I am not sure whether you think that these people who would act as polling booth clerks and so on are considered to be undesirable. Anyway, I will look forward to a further progress report next year, Sir, when I am sure that—

Mr Caudell: And the year after.

The Hon. FRANK BLEVINS: I will not be terribly concerned the year after about Mr Becker or his polling booth clerks. I will stop calling him 'Sir'. Mr Becker assured me last year that he would do something about it; he has assured me again this year that he will do something about it, and next year I will look forward to discussion on the topic.

The Hon. K.T. Griffin: It is an important issue. I ask the Electoral Commissioner whether he has anything further to add.

Mr Becker: We are aware of the issue and we are looking at the situation. I know that is easy to say, but it is not quite as simple as one would think. We do trust the scrutineers that candidates appoint. It is a bit different when you have them in controlled circumstances rather than leaving them in charge of a phone when the husband or wife is out all day; you really want to know who those people are.

The Hon. K.T. Griffin: Quite obviously not a lot could have been done between last year and this year's Estimates Committees except in relation to the by-election. Of course with by-elections you need to move very quickly, and a

returning officer who has a framework in place cannot be blamed for drawing on that framework to properly manage the conduct of the election in that short period that is frequently available for a by-election. The most I can say is that it is an issue which we recognise is important and which the Electoral Commissioner recognises is important and, in developing the appropriate guidelines for the conduct of the next general election, it will be addressed. I am not altogether convinced that public notice six or 12 months before an election or at some other time is necessarily the most effective way to deal with the issue. I can foresee a cast of thousands or tens of thousands all putting up their hand, and someone has to vet them, assess them and make decisions about them. The amount of time and effort involved in that may well outweigh the benefits to the community of the sort of process to which the honourable member was referring.

The Hon. FRANK BLEVINS: The Electoral Commission already advertises for the people who go around checking the roll.

The Hon. K.T. Griffin: I can only reinforce the fact that I recognise the fervour that the honourable member displays in pursuing this. It is not an issue that will be forgotten and it will be acted upon.

Mr ATKINSON: I refer to the enrolment of people who have just become Australian citizens. It is my practice, when I get a list of new citizens from the local government authority in my area, to do up letters to the new citizens welcoming them to Australian citizenship and there is a postscript on the letter that they are now entitled to enrol. I enclose in the envelope an enrolment form and I bicycle out to visit them before the citizenship ceremony. I am informed that the Commonwealth, when handing prospective citizens the application for citizenship, have them enrol provisionally, but this enrolment is only effective for Commonwealth elections.

I understand that, after those people become Australian citizens, they automatically become enrolled as Commonwealth voters and the letter 'C' appears next to their name on the monthly accumulated roll, but they do not automatically become State voters. I understand that the divisional returning officer then advises those people that they are also entitled to claim enrolment for State purposes and they are requested to complete a further enrolment form. It seems that a lot of people who have become Australian citizens do not enrol to vote at all, or did not before the provisional enrolment form for prospective citizens was invented. Now, despite what I think is a good Commonwealth initiative, there is no automatic enrolment for the State roll. First, what is the State Government doing to ensure that new Australian citizens obtain the franchise?

The Hon. K.T. Griffin: Under the State Act enrolment is not compulsory, but under the Federal Act it is compulsory. There is a distinction and we have maintained that principle for many years under the State Electoral Act. I will ask the Electoral Commissioner to deal with the mechanical processes by which such an enrolment might occur.

Mr Becker: The member for Spence set it out quite well and everything he says is true. We do not put them automatically on the roll, because it is voluntary. We do not have legislation to cover it, either. The main purpose of the Commonwealth legislation was to ensure that those people who had gone to a citizenship ceremony prior to an election but after the close of a roll, had they provisionally enrolled before, would be caught and therefore able to vote at the Commonwealth election. We do not have that facility. There would not be many involved, but as a consequence our registrars now have to write to those people and say, 'You are now entitled to State enrolment, do you wish to enrol?' It is amongst a basket of recommendations that we will be putting to the Attorney for consideration in Act amendments next time we open up the Act, which I dare say will be early next year.

Mr ATKINSON: By way of supplementary question, is it the policy of the Brown Liberal Government that people who become Australian citizens should be encouraged to obtain the State franchise or is it the Liberal Party's policy that they ought not to be encouraged and be advised that it is purely voluntary?

The Hon. K.T. Griffin: There is no formal policy by the Government. The law is that enrolment in this State is voluntary. I take the view that all people ought to be encouraged to both enrol and exercise their vote, but that they should have a choice as to whether or not they enrol and whether or not they should vote. Of course, I cannot encourage them not to vote as the law stands presently if they are on the roll, but I can encourage a change in the law. The Electoral Act will undoubtedly be the subject of some fine-tuning amendments between now and the next State election. Provisional enrolment is one of the issues that we certainly will address. Voluntary enrolment so far as I and the Government is concerned will remain.

In terms of new citizens, at the moment there is no mechanism, as I understand it, which will enable the State to formally address the issue of enrolment other than identifying their enrolments from the Commonwealth electoral roll and doing a mass follow up. I would have thought that individual members who take the opportunity to write to new citizens and those who come onto the roll, even at the Commonwealth level, would welcome the opportunity to make contact with them. It is better for it to come from the members than from a Government official.

Mr ATKINSON: My third question is about the Australian Labor Party's complaint about the publication *Expressway* published by Mr Mike Quirke, late of the Premier's office, using Government funding.

The CHAIRMAN: Which line?

Mr ATKINSON: I will come to that. The Australian Labor Party has complained to the Electoral Commissioner that the publication *Expressway* may breach the Electoral Act and we have not yet received an answer, although we complained more than two months ago. Is the tardy response to our complaint about the *Expressway* propaganda sheet is owing to lack of resources or some other reason?

The Hon. K.T. Griffin: It is not a propaganda sheet but a proper publication of Government to inform the citizens of the south exactly what is Government policy in relation to the building of the Southern Expressway. It is an initiative that this Government has taken, which the previous Government and Governments of similar persuasion declined to take over many years. This Government has taken an initiative and as a Government it is entitled to indicate to the public, which is affected by such a decision, what that decision is. It is entitled to put up signs on the route of the expressway, entitled to run an information FM station and entitled to do all those things which are designed to provide better communication to those who may be affected by the decision.

It is no different from publishing brochures in relation to equal opportunity, the operation of the courts, industrial relations or any other area of Government. Communication with electors is important whether the Government is Labor

or Liberal. I would not have seen the Southern Expressway as something that falls into the category of anything other than proper information being disseminated to those who might be affected by a Government decision. I would have thought that the honourable member would be favourably disposed towards more and more information, just as he raised the issue of State enrolment for new citizens. The fact is that they have to get information. If it is the Government that provides them with that information, it seems quite a proper use of Government funds. In terms of the complaint that the Australian Labor Party has made, my understanding is that that was made to the Electoral Commissioner who is independent in the exercise of his discretions and responsibilities.

Mr ATKINSON: You just told him how to exercise them.

The Hon. K.T. Griffin: No, I did not. The shadow Attorney-General and I generally have a reasonable relationship, but I object to that reflection. I have in no way sought to become involved in the decision that the Electoral Commissioner makes about that issue.

Mr ATKINSON: You just talked about its merits.

The Hon. K.T. Griffin: Of course I talked about the merits of the case. I am entitled to do that because the honourable member made a gratuitous assertion that it was propaganda. I am entitled to respond to that. As I understand it, the Electoral Commissioner referred the issue to the Crown Solicitor and is awaiting advice. For fear that that may be regarded as a misrepresentation of the position, I ask the Electoral Commissioner to comment to the Committee.

Mr Becker: The Attorney-General has certainly had nothing to do with this complaint and nor should he. A few years ago, the former Attorney-General, Mr Sumner, read into *Hansard* the guidelines that we observe. If a complaint is made to me, it is referred to the Crown and I act on Crown advice. That is where it is sitting at the moment.

Mrs KOTZ: I believe that the pamphlet was a beautiful piece of educational information. I compliment the Attorney-General on the educational information that is being presented to our southern constituents. The question that I want to raise with the Attorney-General relates to the second question of the member for Spence along the lines of voting and, in this instance, voluntary voting. Reference is made on page 174 of the Program Estimates to the continued follow up of non-voters from the last by-election. What is the estimated cost of pursuing non-voters from the last by-election and from State elections generally?

The Hon. K.T. Griffin: The problem of non-voters is a matter of constant concern to this Government as we have a policy of giving people a choice as to whether they go to the polling booth and cast a valid vote. The figures from the 1993 election indicate that there were 54 522 non-voters after the rolls were scanned electronically. Ultimately, a number of those made excuses which the commissioner considered reasonable for non-voting. Expiation notices were issued and there was a follow-up with summonses. My figures show that 5 850 instructions for summonses were sent to the Crown Solicitor's Office and ultimately 5 756 were issued.

The total cost of the follow-up does not really take into consideration a number of other procedures involved for 1993. The gross cost was $279 000. Less the expiations and fines, that figure was reduced to $238 000. The figure, including the courts, is a gross figure of $557 000. That is a huge expense.

Members interjecting:

The Hon. K.T. Griffin: Well, it depends what you are trying to do. For example, in relation to the 1989 election, a man was arrested on a Saturday afternoon at his home for not having paid a fine for failing to vote. He was estranged from his wife and had custody of the children when he moved to New South Wales before the 1989 election. The summons was served at the address where he had been enrolled. That was an old address. The man was subsequently jailed on the Saturday until the following Monday. The Electoral Commissioner was not informed until the Monday.

In fact, that man was not guilty. However, the service of the expiation notice and the service of the summons resulted in him ultimately being committed to prison. On the advice of the Crown Solicitor, compensation was offered and accepted. There are other instances of people being wrongly convicted in respect of which they have ended up in jail. In the 1989 State election, the cost of following up, which I recollect excludes court fees, was $279 000.

When I was in Opposition, I recall asking my predecessor on several occasions how many pardons had been granted. From the 1989 election, 1 700 South Australians have been pardoned over the past five years. That means that there is a request for pardon which goes from the Electoral Commissioner to the Attorney-General. There is preparation of a Cabinet submission. It goes to Cabinet and if Cabinet approves it, it goes to the parliamentary counsel to draft the pardon and it then goes to the Governor-in-Counsel and it is then gazetted. A significant bureaucratic process is involved with pardons. Twenty more are still in the pipeline from the 1989 election and they will be processed soon. They have come in over a period of time and we have allowed them to accumulate. However, they will be processed very soon, within the next couple of weeks.

The system is now a little different. When someone says that he should not have been convicted, a process is now available to allow the matter to be relisted for hearing in the Magistrates Court. The matter is reheard and the Electoral Commissioner gives instructions to withdraw the summons. So you have a bureaucratic process which in my view and the Government's view can be avoided by merely changing the law to allow people to exercise a choice. On the 1989 election figures follow-up, you have a substantial saving in the 1993 election of over $500 000. I would suggest it is more than that because of these other processes of revisiting ones where there has been a conviction. It may be $1 million over the past two elections, plus the by-elections have to be brought into that, too.

Mrs KOTZ: I must admit a certain amount of curiosity about the case the Attorney identified. Perhaps we could look at the related cost factors that that individual case itself may have incurred. I do not know whether anything was done along the lines to pick up the costing on that, going through from the point of arrest, to the prison detail, to the court. Was any compensation awarded in that case?

The Hon. K.T. Griffin: Compensation of $1 000 was paid in the case to which I referred. But there is a cost. There is the cost of the police officers who arrested the offender and transported him to the watchhouse or Yatala, and then there is the quashing of the conviction. A cost is involved. I will endeavour to identify how many others there may have been through the system since the 1989 election and try to get some clearer identification of the costs that might be involved in that process.

Mr CAUDELL: In Program Estimates (page 174), reference is made to the additional funding of $60 000 in

1995-96 for the appointment of an information technology specialist. What will be the benefits of employing an information technology specialist to the office?

The Hon. K.T. Griffin: We recognise that there are some issues that arise in relation to the joint rolls agreement, as well as providing service to local members. We have made available $60 000 for the appointment of an additional person who is specialist in IT.

Mr Becker: Of course, the real difficulty that we have today in the whole electoral game right around the country is the fact that the advances in information technology are so significant that they can have a big effect on the way in which we operate and obviously on the costs involved in running elections and maintaining office procedures, and so on. Over the past few years, it has become very clear to us that we are desperately in need of a person with IT skills. Consequently, we requested that we do something about it in this budget. Obviously, there are a number of issues, without going into too much detail, we would need to put to that person to help resolve the difficulties we have, and they are to do with things such as the non-voter systems, the link between the electoral role and the digitised cadastre, and so on. Whilst we have been operating especially on a consultancy basis with Southern Systems in the past, it has become clear to us that we need to deal with a person who does know something about electoral matters, as well as something about information technology.

Mr ATKINSON: I will put two questions on notice. In Program Estimates (page 173) there is a reference to elections being conducted by the Department for the Arts. What elections were these, how much was the department charged, and was payment received from the department itself or individual arts organisations? How much has been budgeted for assistance with local government boundary redistributions for the coming financial year, and is this expected to be one of the major projects in which the State Electoral Office will be involved in the coming year?

The Hon. K.T. Griffin: I am happy to take those questions on notice; it may be that that might be the best way of answering them. Quite obviously, the Electoral Commissioner is involved in conducting a number of elections for agencies, both inside and outside Government. I encourage that, particularly with respect to the Local Government Association. It makes sense, economically, for them to have their roles actually held by the Electoral Commissioner and for elections to be conducted. Costs are obviously involved and they are issues we must look at from time to time. We will undertake to provide the answers in the appropriate way.

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

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

Attorney-General's, $27 629 000

Additional Departmental Advisers:

Mr K. Kelly, Chief Executive Officer.

Ms K. Lennon, Executive Director, Operations.

Mr H. Gilmore, Director, Corporate Services.

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

Mr ATKINSON: The Government has announced a royal commission to be held into the truth or otherwise of the spiritual beliefs of some Aboriginal women in the Goolwa area on the very same day as the Federal Minister for Aboriginal Affairs announced that there would be an inquiry at the Federal level with broader jurisdiction and authority. What is the estimated cost of the Royal Commission into the Hindmarsh Island Aboriginal Women's Business?

The Hon. K.T. Griffin: The terms of reference, which were gazetted last week, are very clear: they relate to the fabrication of issues relating to women's business—and the emphasis ought to be put on 'fabrication'. We have currently approved $1 million to fund the royal commission. The Royal Commissioner is a former District Court judge who has had a very prominent career in the Public Service and the judiciary with a number of firsts: the first woman to be appointed to the District Court in 1977; the first woman solicitor in the Crown Solicitor's Office in 1966; and, somewhere between those two dates, the first woman member of the former Public Service Board. She has been appointed and she is already undertaking work.

Counsel assisting have been appointed: Mr David Smith, the senior counsel, is not a QC but is a very capable junior solicitor, and Ms Andrea Simpson is also counsel assisting. Office accommodation is currently being tidied up, and that will be available within a few days, and all the other associated support services are being put in place.

Mr ATKINSON: The Attorney originally proposed that all witnesses who appeared before the royal commission could be represented by one counsel assisting, and the Opposition said that that was unsatisfactory. I understand that two counsel assisting have now been appointed, and that they will represent all witnesses who wish to have legal representation. Does the Attorney agree that having two counsel assisting tends to imply that there are two sides to the argument, that it is a black and white issue, whereas there may be many shades of grey in respect of the Hindmarsh Island bridge issue, and that any witness who wants independent legal representation ought to be entitled to it within reason and that that should be decided by the Commissioner and not by the Government?

The Hon. K.T. Griffin: I do not agree that the appointment of two counsel indicates a black and white division. The object of appointing two counsel is that together they could undertake the necessary research and support for the Commissioner. We recognise that some issues might have to be addressed on the basis of a woman counsellor interviewing women witnesses, although that is nothing more than a recognition of what may happen in real life. We looked at counsel assisting on the basis of their experience and their capacity to do the job.

I come back to the initial preamble of the honourable member. I did not at any stage say that there would not be any person separately represented. The Premier indicated in the early stages of the consideration of the royal commission that he hoped that people would feel confident to deal with counsel assisting who would adequately represent their interests and recognise that we did not want the royal commission to become a feast for the legal profession. The newspaper represented that as a firm position that no representation would be allowed. That is an inaccurate representation of what the Premier said.

In any event, first, the Royal Commissions Act allows the Royal Commissioner to make a judgment and then a decision about who should or should not have the right to appear as a party and, secondly, the Royal Commissioner has some responsibility in determining the extent to which those who are represented will be able to give evidence or make their representations.

If one goes back to the State Bank Royal Commission one may remember that the Leader of the Opposition, then a Liberal, was granted approval to be represented, but only in relation to term of reference number one, or one and two, but not all the terms of reference. That is a judgment which the Royal Commissioner will make in this one: first, who is entitled to make representations and, secondly, on what areas, that is, what scope.

In respect of those who feel more comfortable being separately represented, that is a matter for them. Quite obviously, from what I have read in the newspaper, the Aboriginal Legal Rights Movement will represent some persons who may give evidence. Others may be separately represented and funded perhaps by the Commonwealth or by Commonwealth funds indirectly.

We have not made any decision about whether the State should or should not pay for the representation of parties. We have indicated that our preference is for people to deal with the council assisting. I recognise, and the Government recognises, that if people want to be represented they have a right to choose the means and the people by whom they are represented. So, we are not seeking to preclude that. However, the issue of who pays for it is another matter and the preference of the Government is not to pay for other people to be represented, although that is not a decision that we have been called upon at this stage to make.

Mr ATKINSON: The Opposition shares the Government's desire to get to the truth of this matter, although the Opposition believes that can best be achieved by a Federal inquiry with which the full range of witnesses would cooperate. The Opposition is curious as to why the Government would call this royal commission when it is determined that the bridge be built, in any event, no matter what the royal commission finds. So, from the Opposition's point of view, we wonder why the State would want to have a parallel inquiry with the Federal Government when the outcome of the State inquiry will make no difference to the position on the ground. What action will the Government take in the event that, first, the royal commission finds that the controversial spiritual beliefs of the Ngarrindjeri women are genuine; secondly, the royal commission finds that the beliefs of the Ngarrindjeri women are based on a fabrication; and thirdly, the royal commission finds that it cannot determine the truth or otherwise of the spiritual beliefs put forward by some of the Ngarrindjeri women? What are the funding implications in each case for the action that will be taken by the Government?

The Hon. K.T. Griffin: From the honourable member's introductory remarks, I think he may not appreciate that the first inquiry by the Federal Minister for Aboriginal Affairs was as to the merits, and then the court case was as to the process: it was not related at all to merits. I am not sure of the context in which the second inquiry will occur, except that, from what I read in the newspaper, the Federal Minister has indicated that he will, if he is unsuccessful in the Federal Court appeal, then have another inquiry—presumably into similar sorts of issues—by Justice Mathews.

There is no guarantee of the extent to which that will be public or the extent to which information that is made available to that inquiry will be able to be tested. That is different from a royal commission or commission of inquiry with the powers of a royal commissioner—they are the same outcome—which does have authority to investigate widely and to have its hearings in public or in private.

The terms of the commission are specifically directed towards encouraging the Commissioner to have regard to the fact that, in some instances, evidence may need to be taken in private, as opposed to in public, but there is a capacity in the commission to ensure that the claims and counterclaims are properly tested, particularly with the composition of the commission and the fact that it does have council assisting.

I think the honourable member said that there had been some determination that the bridge will, in any event, be built. I must confess I was not sure of the basis upon which he made that assertion, if I interpreted it correctly. I do not think that—

Mr ATKINSON: It is your Government's intention to have the bridge.

The Hon. K.T. Griffin: We have indicated in the terms of reference that part of the focus of the inquiry is to determine whether or not there was a fabrication and whether there is material of such importance that it might well affect a decision about whether or not the bridge should be built. One has to recognise that what happens down the track is very much dependent upon, first, the Commonwealth, because the State cannot do anything ultimately if, under the Commonwealth legislation, the Federal Minister prevents it.

However, if the Federal Minister determines not to proceed, then the Government will have to reassess the issues and the priorities in respect of a bridge because circumstances would have changed. Part of the preamble of the commission does relate to gathering information upon which we can make a proper decision about whether or not the bridge should be built in the circumstances that the way is cleared for that purpose.

The object of the Government in convening the royal commission was to endeavour to provide a focus at which evidence could be given, claims tested, counterclaims tested and the truth determined, not in relation to the conduct of the Federal Minister—because constitutionally we do not have the power to do that and we have acknowledged that—but in terms of the issues which directly affect the Government and that area of the Lower Murray, because, ultimately, it may well have some repercussions in respect of other developments in the area, and it is important to determine what are the facts.

The other issue which is important is that there is significant division within the Aboriginal community in the Lower Murray region. We have all read the media reports about it and I do not intend to make any comment about them. But, as a matter of principle, the Government took the view that, if only for the reason that we needed to establish the truth because of that controversy, our inquiry was an important one to hold.

The Premier has indicated (and he has reflected the view of the Government) that we will abide by the decision of the Royal Commissioner. If the women's business is genuine, if it is fabricated, or if the Royal Commissioner says, 'Well, I cannot determine the truth or otherwise of the claims,' we must accept that. But we are looking very much to this royal commission at least to give people an opportunity to put their

points of view, explore the issues, have them tested and then for the Royal Commissioner to make some determination.

Mr ATKINSON: Is the Attorney-General telling the Committee that, if the Royal Commissioner were to find that the spiritual beliefs of the Ngarrindjeri women about that area were genuine, the State Government would desist from its previously stated policy of wanting the bridge built?

The Hon. K.T. Griffin: The Government has previously said in relation to the bridge that it was bound by a contract which the previous Government had entered into. We came to office and there was a contract. There was also a developing controversy, much of which was based on information which had not been available or made known to the previous Government. We had a contract which was legally binding, and we were proposing to honour that contract. That is the policy issue: that we were proposing to honour the contract. Who knows what will happen if, in three or six months' time, the Federal Minister removes the stop order or it is removed for him and he does not seek to make another one and the royal commission in South Australia says it was fabrication. We will have to revisit that.

There are issues of law relating to the contractual arrangements entered into previously which have to be further examined to determine whether the frustration of the contract is in a sense rescinded and the contract revived. It may be a perverse outcome, but it is one of those issues that is not clear legally, and we will have to get appropriate advice on that. If the royal commission determines that the women's business is genuine, under its terms of reference it will have to give some consideration to the significance of those beliefs, in the sense that, as members will see from the preamble, they are so significant that the area cannot be disturbed, if we decided that a bridge should go ahead in all the circumstances.

Mrs KOTZ: The program description at page 136 shows that a specific target for 1995-96 is the need to implement and evaluate new directions in crime prevention over the next three years. Will the Attorney-General outline the new directions in crime prevention in South Australia and how those directions will be implemented and evaluated?

The Hon. K.T. Griffin: Crime is controversial. I do not think that crime prevention is controversial except in relation to the evaluation which occurred by Latrobe University about which I made a ministerial statement in the Legislative Council, which was tabled in the House of Assembly. I do not want to revisit that except to say that that evaluation did not give us a clear indication as to where we should be going in crime prevention; nor did it give us a proper evaluation of what had occurred over the past five years. As a result of that, we took the view that we should audit all the programs of the Crime Prevention Committee in the Attorney-General's Department and audit all other agencies' crime prevention or community safety programs. We have done that for the Crime Prevention Unit which, of course, extends beyond exemplary programs involving the liquor industry and motor vehicle industry to the local community crime prevention committees.

We have also looked at Police and all its programs, including community safety programs, and we are auditing quite rigorously programs in Transport, Youth Affairs, Education and TransAdelaide. We want to endeavour to get a coordinated approach across Government to the issue of crime prevention, not to take it over in any one agency but to ensure that each agency knows what the others are doing and that we make use of the available resources. This budget contains a commitment of $1.6 million for the Crime Prevention Unit, and that will be continued, properly indexed, over the two years after this next financial year. That will be used to fund local crime prevention committees, recognising that as a Government we have to put resources into them to provide for full-time or part-time coordinators, and that is where the major emphasis will be.

We are continuing with the exemplary programs commenced by the previous Government with the liquor industry and with motor vehicle theft, and we are having discussions with other private sector bodies with a view to working in partnership with them to develop other crime prevention initiatives. One of the interesting developments overseas is that the private sector is involved quite extensively in sponsoring crime prevention and, in this State, it has not been so obvious that the private sector is involved in that sponsorship, but we hope to encourage the development of that. In fact, next week we have a meeting in South Australia of all the Ministers from the States and Territories who are responsible for crime prevention to develop a nationwide, coordinated crime prevention strategy, not to take over what is happening in each of the States or to regulate it, in the true sense of the word, but to ensure that we each share resources, that we each know what the other is doing and that we identify a proper evaluation process.

It is recognised that crime prevention programs need to be evaluated, not to the point of exhaustively analysing them, but at least to identify the goals, establish how we are to measure whether we have achieved the goals, and to undertake the measurement process during the course of the program and at the end of it. That is important to recognise. I make no apology for the fact that we are building upon the previous Government's crime prevention strategy. We have changed the directions to some extent, but not away from the essence of the program, which is to identify the causes of crime and to address them at the community level, recognising that although the other arm of detection, apprehension of offenders and process through the criminal justice system is important, if we are to have any significant impact upon crime levels and community perceptions of crime, we have to work at the community level and on crime prevention, rather than just make ourselves feel good about keeping the watch on other people's property. Therefore, it is important that we go down that line. In passing, I make the comment that I am surprised that the present Leader of the Opposition is not pursuing that line, which was so well advocated by the previous Government.

Mrs KOTZ: Is the Attorney-General prepared to say what level of funding will be made available to local crime prevention committees in the future? What will be the role of the committees in crime prevention strategy? How will the Crime Prevention Unit facilitate that?

The Hon. K.T. Griffin: The Crime Prevention Unit has four people in it and that is about the strength that it will maintain. It will have a changing role. It will essentially be a coordinator of funding, resources and information. It will certainly maintain contact with local crime prevention committees, which I think are valuable because they bring together at a community level local government, the police, other Government agencies such as Education, Family and Community Services and Youth Affairs, and private sector organisations. The police are involved as part of that team. They really have a very good focus at the local level on issues such as domestic violence, graffiti, vandalism, vehicle theft, shop theft and so on.

It is very much my view that we ought to be making the funds available on an assessment of the level of crime within particular communities. The minimum that we think is reasonable for funding is $50 000 per year for local crime prevention communities in country areas and $55 000 per year in the metropolitan areas, and we will be looking to spend more money and time on evaluation and training. Within the budget an amount is set aside for both evaluation and for training. We are proposing that those communities which are not funded will be encouraged to be involved in training and that they will provide support and actually encourage local communities through their local government bodies to be very much involved in tackling crime issues at a local level.

Mr CAUDELL: In its justice statement the Federal Government announced the Safer Cities Program and it stated that this program:

> . . . aims to prevent crime by identifying problem areas and then assist in developing responses to prevent or reduce that crime.

The Federal Government initially announced funding of over $1.2 million over four years. Given that the program description refers to the strong community based emphasis on the South Australian program, what impact does the Attorney-General believe the Federal Government's initiative will have in this State?

The Hon. K.T. Griffin: It is important to recognise that for the first time the Commonwealth acknowledges that crime prevention is an important issue within the community, although I must say that I am somewhat disappointed by the approach it is taking. As far as I know, there was no consultation with any of the States about the development of Safer Australia and the particular section dealing with tackling crime; certainly there has been no consultation with the States about the Safer Australia Board; and there seems to be an indication within the statement that funding is going to be made available to community projects without necessarily any consultation with the States or Territories or even going through them.

It seems also not to have identified the fact that there is already a well-developed body of research in both this State and other States and also a well-developed body of experience which draws very much on the crime prevention experience of the various States. So far as the Commonwealth involvement is concerned, that is a matter for Premiers and Chief Ministers who are meeting I think at the end of June. Personally I think the Commonwealth ought to be involved but it ought to accept some responsibility also for those issues which are within its area of responsibility, such as unemployment and drug abuse, and tackle those causes of criminal behaviour rather than seeking to superimpose something which does not appear to have been particularly well thought out.

In this State, both under the previous Government and under this Government, there has been a very well-developed crime prevention program which the Commonwealth may have sought to build on in conjunction with us rather than seeking to deal directly with local communities for projects which it thinks might demonstrate some emphasis upon crime prevention. The danger for the Commonwealth is that, if it gets into this area and does not distinguish between community safety and crime prevention and other concepts which I think are important to distinguish, it will ultimately end up in a situation where it is confused and it is sending the wrong signals to those who seek to deal directly with crime prevention issues and who would otherwise have thought that they were on a path which demonstrated some fairly clear objectives.

From the State's perspective, if the Commonwealth is going to get involved it really ought to do it in conjunction with the States and not in isolation from the States. It ought to do it through the States, some of which, including South Australia, have a fairly well-developed crime prevention program, and it ought to do so on the basis that it does not seek to duplicate what is happening or send signals to the community which are somewhat confused.

Mr ROSSI: I refer to Program Estimates (page 136) which specifies the objectives in 1994-95 and it refers to the provision of a comprehensive framework under which native title can operate in South Australia. Will the Attorney-General say what is the time frame for commencement of the South Australian native title scheme and will he outline the benefits for the community from this scheme?

The Hon. K.T. Griffin: Again, South Australia has been showing the lead to other jurisdictions around Australia in relation to native title. Members will be aware that we have now passed four pieces of legislation through the State Parliament. Each of them has gone to a deadlock conference but we have ultimately reached a conclusion which I think is satisfactory and which all Parties accept as representing a good compromise for implementation of native title and resolution of native title issues in this State. I have had some discussions with the Commonwealth Special Minister for State, Mr Gary Johns, because under the Commonwealth Native Title Act we do have to get the approval of the Commonwealth. I do not like having to go to the Commonwealth to get approval for things such as which court is appropriate to deal with native title issues but, under the Act, I have to do that.

We have had some discussions about recognition of our Environment, Resources and Development Court as the appropriate tribunal for dealing with native title disputes in this State, and the alternative right to negotiate regime under Part 9B of the Mining (Native Title) Act. During the course of the development of the legislation, we had extensive consultation with all interest groups in this State, including the Aboriginal community and its representative agencies, and during the course of the consideration of these my officers were available to the Opposition and to the Australian Democrats—and I met with them as well—in order to ensure that we had people who understood what was going on and who would accept ultimately the way in which we got out of the native title difficulties.

In terms of the time frame, we had hoped to have all of our package of legislation effective by early July. I would think that that is probably about a month too early but, notwithstanding that, I am optimistic that in the near future we will have that in place. That will mean, as I said earlier, that South Australia will be in the forefront of administration and legislation to deal with native title issues and will be the best suited to deal with issues affecting those who wish to develop and particularly to mine, more so than in other States, and I think that that is a very commendable position for this State to be in and does augur well for the future. We will introduce other legislation into the Parliament to deal with a whole range of other pieces of legislation which need to be modified, but I would not expect that to be available for several months. However, it is by no means as difficult as the package of Bills that have already been passed.

Membership:

The Hon. M.D. Rann substituted for Mr De Laine.

The Hon. M.D. RANN: The other night at the farewell for the former Chief Justice, Len King, which the Attorney-General and I attended and which the Attorney-General addressed, the Attorney-General mentioned a scheme that I promoted which was to invite the Chief Justice to send a judge and a magistrate to the northern suburbs to meet with the people. I was very pleased to get that endorsement from the Attorney-General for that action.

I wrote to the former Chief Justice and said that a lot of people were confused and concerned about sentencing and that there was a great deal of feeling that judges are out of touch with the community and that a lot of misunderstanding exists about the way courts do their business and the way the legal system operates. I wrote to the former Chief Justice and he sent out a judge and a magistrate and they addressed a meeting of about 200 Neighbourhood Watch committee members and others interested in crime prevention. The result was extraordinary. Both the judge and the magistrate thought that it was an extremely useful 2½ to three hours and they felt that it was very useful for them to get that sort of feedback. Certainly the response from 99 per cent of the audience was equally positive about the dialogue.

Given the Attorneys-General's generous mention of this initiative in the local northern suburbs, will he join with me in suggesting to the new Chief Justice that, as a crime prevention initiative from the courts, we encourage more of these meetings in the southern suburbs, the west and in country areas? It would be a very useful experience for the judges and also very good for the citizens to understand how the court system works.

The Hon. K.T. Griffin: The honourable member made some reference to my inviting him onto the Committee. It may have been a remark that I made earlier that prompted him to come to the Committee, but it is not within my power to invite any member to come and join the Committee.

The Hon. M.D. RANN: But you are glad that I am here.

The Hon. K.T. Griffin: I am very pleased. I think that I can anticipate some of the questions and I will be happy to answer them. I have not failed to acknowledge the contributions made by members of the Opposition or by the previous Government in relation to a number of initiatives. I am sure that the members of the current Opposition will recognise that when I was in Opposition I did participate on the then Government's Coalition Against Crime Committee. I had some reservations about aspects, but I acknowledge that the direction was a correct one and I have indicated, on occasions where it has been appropriate to do so, that I am not afraid to say that I picked up the idea from the then Government, the now Opposition. I acknowledged that in Canberra two weeks ago in speaking at a major Institute of Criminology conference on crime prevention. There was some surprise in the audience that a Government would be prepared to at least pick up and if not run with at least modify and then run with a program of a previous Government. I am always prepared to acknowledge initiatives which come from whatever source.

In terms of the reference made by the Leader of the Opposition to his letter to the Chief Justice, again I made reference to the program when I spoke at the retirement of the former Chief Justice. The new Chief Justice already indicated at his press conference—his first press conference at all rather than as Chief Justice—that he was very much in favour of meeting with members of the public, had no difficulty with getting out into the community and would certainly encourage judges to be there talking at the sorts of meetings to which the Leader of the Opposition referred. In a sense it is a pity the question was not raised this morning because the Chief Justice was here and could have expanded on it himself. I have no difficulty with the idea, and think that it is important.

In fact, I participated in a forum at Noarlunga three or four weeks or more ago with Justice Mulligan of the Supreme Court when we discussed issues of sentencing, crime prevention and so on. During Law Week two or three weeks ago three of the judges of the Supreme Court participated in a public program which enabled them to be questioned about their attitudes to crime, sentencing and the nature of the task.

The Committee may remember that last year I arranged three legal open days for all members of the Parliament and their staff at all of the agencies for which I have responsibility. I gather it was very well received and, although we do not have so many of them this year, there is another coming up in August. Members will be informed of that soon. It is intended to spend half a day in the courts. This arose from the first open day I arranged last year which took in, among other things, the courts. It was a quick visit and the views expressed by members and staff was that a longer period should be allowed for that sort of initiative. There will be a legal open day in August. We are busily putting that together and members will get notice of it. It will be open to members and their staff and it will be focused on the courts.

The Hon. M.D. RANN: I want to try to involve myself in this Committee in a bipartisan way. There was some mention in the media at the beginning of last year about February or March, when the *Advertiser* ran a front-page story about concerns about the proliferation of the carrying of knives by young people, including kids as young as nine years, in the Hindley Street area. Various police were interviewed about their concerns about the growing incidence of the carrying of knives, including people being apprehended and the growing percentage of the number of people found to have knives on them. I am aware that laws exist to prevent the carrying of offensive weapons, but knives have their place in our community. If you have a knife and you work in a butcher's shop, that is appropriate. If you have a knife and are working at the end of a wharf as an angler, that is appropriate.

In terms of police concerns about the use of knives, when I raised it in Parliament after the front page *Advertiser* article and after comments from the Bank Street police, the Minister of Emergency Services said that he was having talks with the Police Commissioner and senior officers and I understood (although I am not sure and do not want to cause offence) that it was about ways to look at the laws to tighten up on the carrying of knives in public places and places of entertainment. I waited about six months and asked the question again because the message was that it was being dealt with as a matter of emergency. The Emergency Services Minister said that it would be raised at a meeting of Emergency Services Ministers and it was on the agenda because it needed national action. We checked and it was not on the agenda and was not discussed at that meeting.

It is now 18 months since the police raised those concerns. I understand that it is a difficult area and I introduced legislation previously, despite what the Attorney-General said earlier, when I was Minister for Youth Affairs, on the use of graffiti instruments such as spray cans. We know that spray cans have their place in our society. People use them if they have put a nick in the car. If someone is going home from a

hardware store, that is also legitimate. We changed the law with bipartisan support, indeed from the Attorney, in relation to intent in carrying a spray can. If someone was found at 3 a.m. in the Salisbury Primary School with a bag load of empty spray cans, the police would have a legitimate reason to ask them about the reason for their being there and their intent. To sum up, what action is being taken to consider the law in relation to the carrying of knives? Does the Attorney-General believe that we should toughen up and tighten up the area in line with police recommendations? Would that toughening up involve a similar change to the law in relation to intent?

The Hon. K.T. Griffin: The Leader of the Opposition has raised that matter on a number of occasions. Whenever he raises it, I answer it, at least in the public arena. On each occasion when he has suggested a bipartisan approach, I have said that if he would like to make some submissions to me about what he would like to do—

The Hon. M.D. RANN: I was talking about intent.

The Hon. K.T. Griffin: With respect, that really is the first time that that point has been made.

The Hon. M.D. RANN: It has been included in a number of press releases and in statements in Parliament.

The Hon. K.T. Griffin: There is no reason for the honourable member to be offensive about this. I am trying to put the facts on the record. The Leader of the Opposition has raised the matter on numerous occasions. On each occasion when he has suggested that there should be some bipartisan consideration of the issue, I have indicated that, if he would like to give us a proposition which we could consider instead of making a general statement about there being too many knives around, I would be happy to look at it. I extend that invitation now. If, in the light of his comments prior to asking his question, that is the basis for a reform or change of the law, then I am prepared to give careful consideration to the issue.

It is correct that the police from time to time make observations about changing the relevant provisions of the Summary Offences Act 1953. The provision in that Act relating to dangerous articles was amended, as the honourable member said, during the lifetime of the previous Government. As a result, certain articles were prescribed as being dangerous articles. There is a list of those articles and I do not have it at my fingertips.

So far as the issue is concerned, I suppose that one could ban the carrying of all knives. The difficulty with a blanket ban is that if people carry a pocket knife, as I certainly do on occasions when I am not in this job and when I need to cut string and things like that—

The Hon. M.D. RANN: In the Liberal Party room.

The Hon. K.T. Griffin: No, I do not have to worry about carrying a knife in our Party room. I suppose the other Party room does not have to worry about it because there is a lot of space between members.

Young people and older people frequently carry knives for various legitimate reasons. The difficulty is that if we ban the carrying of knives, everyone carrying a knife is entitled to be questioned and will commit an offence by carrying a knife. Certain knives, such as long knives and flick knives, are banned in any event. We must consider the consequences of taking a blanket approach to banning all knives. Everyone with a reasonable disposition will—

The Hon. M.D. RANN: No-one has suggested that.

The Hon. K.T. Griffin: It is very difficult not to move to that position from the honourable member's proposition.

The Hon. M.D. RANN: When we had a problem with graffiti, we dealt with the matter in a bipartisan way. We realised that we could not ban spray cans because there are legitimate reasons for carrying them. However, there are also illegitimate reasons for carrying them. We thought about it and, on the advice of people in youth affairs, Attorney-Generals and so on, I introduced legislation which this Attorney-General endorsed and voted for. That basically changed the law in relation to intent. That is what I said before, what I said last year and what I have said on various radio programs on which the Attorney-General has appeared. We should look at the intent laws as we did with spray cans and apply the same laws with respect to knives to help the police go about their duty. I am simply asking for that to be considered.

The Hon. K.T. Griffin: I am happy to consider it. However, on the run, I doubt whether it will solve the problem. The legislation relating to graffiti did not solve the graffiti problem.

The Hon. M.D. RANN: No, but you supported it and it has helped. People have said that graffiti declined for about two years after that legislation.

The Hon. K.T. Griffin: Well, I do not—

The Hon. M.D. RANN: Surely you would not have supported the legislation if you did not think that it would work.

The CHAIRMAN: Order!

The Hon. K.T. Griffin: My recollection is that we supported the legislation because we could see some merit in making the issue clearer. With respect, I do not think that merely translating that approach with regard to the carrying of graffiti implements to knives will make any difference to the carrying of knives. My recollection is that the provision relating to graffiti is exactly the same in relation to knives—

The Hon. M.D. RANN: No, it is not. We will check it out.

The Hon. K.T. Griffin: I am happy to consider the honourable member's question, but I cannot give him a conclusion on the run. My tentative view is that I do not think that that approach will address the issue of preventing people from carrying knives for nefarious purposes or when a moment of passion causes them to strike out. As I have said, it has not stopped people carrying spray cans.

However, we have other initiatives as a Government which we are looking to implement this year which, hopefully, will change social attitudes as much as anything else. That is partly the issue with respect to knives. It is as much a social issue which must be addressed as a criminal issue. However, I am happy to consider the honourable member's proposition. It is a concrete proposition which I can examine and I undertake to get back to the committee with an answer on it.

The Hon. M.D. RANN: My point is that when the matter was raised sometime around last March, with a great deal of fandango and fanfare the Minister for Emergency Services said that there were urgent talks on the matter. Nothing much has happened. That is why I have been putting forward fairly positive ideas. I do not pretend to be an expert on these issues just as I did not pretend to be an expert on the graffiti issue. However, I went out and talked to practitioners, the police, lawyers and youth workers. No-one pretends that any one measure will solve all the problems. My plea is that we should try. There is a problem out there which the police have identified. We should at least consider it and I appreciate the fact that the Attorney-General has said that he will look at it.

Anyone who attends Neighbourhood Watch meetings or community forums will be aware of the frustration in the community (it does not matter which Government is in power) in respect of break-ins. At the moment, there are three or four different laws and penalties relating to home burglaries. As a Parliament, we had a Juvenile Justice Committee which set out a range of very sensible initiatives which are now law. The Attorney-General, Chris Sumner, Martyn Evans and many others participated in that. Thankfully, there are times in the committees of this Parliament when we can work in a bipartisan and constructive way to try to tackle social problems. Would the Attorney-General be willing to consider or interested in a similar approach to the issue of break-ins which would include social issues in terms of whether break-ins are drug induced? Would he also consider penalties?

The Hon. K.T. Griffin: The honourable member has raised these issues publicly on occasions but, with respect, they are very narrowly focused. I have commented publicly on what he has been proposing. I would suggest that the issue of the structure of the relevant section of the Act really has no bearing on whether or not there are break-ins, because the penalties are still very tough. It does not matter whether you change from three different circumstances in which different penalties might be imposed to one, or do something else. This is the concern. The focus is upon penalties, and that is important.

The Hon. M.D. RANN: No, I said the social issues as well.

The Hon. K.T. Griffin: I know you did this time; you haven't in the past. It is important to focus upon detection, apprehension, punishment and, where appropriate, imprisonment or other penalties. The fact of the matter is that, if you focus only upon penalties, it really does nothing to address the causes of crime. That is the whole argument that Chris Sumner raised back in 1989 before the 1989 State election: unless you address the causes of crime, you will never have a hope. If you deal only with issues of penalties, you do not have a hope of trying to solve the problem and bring the community along.

The Hon. M.D. RANN: There was no bipartisanship then, was there?

The Hon. K.T. Griffin: There wasn't in 1989 but there was subsequently. I presume that members who have crime prevention committees within their areas would be working in conjunction with them. If the Leader of the Opposition has some suggestions to make in relation to crime prevention, and the social issues relating to break-ins, certainly we are prepared to give careful consideration to them and have discussions with him about it. But if a constant focus is on penalties, penalties, penalties, then all I can say is that it just will not be the answer in the context of a crime prevention program.

The Hon. M.D. RANN: So we have a lead on this issue, having watched you perform for 17 years.

The Hon. K.T. Griffin: No, that's not correct. You know it is not correct.

Mrs KOTZ: In the program description at page 138, reference is made to an increase in funding of $473 000 for the committal unit in 1995-96. What has been the impact of that committal unit on the criminal justice system, and what are the benefits of the committal unit?

The Hon. K.T. Griffin: I did indicate this morning just in passing that the DPP had established with my concurrence—and I suspect with the concurrence of my predecessor, although I am not aware of it—that a pilot project be established and placed with the police prosecution section—officers of the DPP and lawyers who had some training in the practice of the criminal law. So there was a trial project where two officers from the DPP worked with police prosecutors and examined all the serious cases which came in and at a very early stage give advice not just to police prosecutors but to police investigators: for example, 'We need more evidence on this. Can you go out and add to this statement?' or 'In relation to this charge, you shouldn't charge this, you should charge that. This one can be dealt with summarily. That one can be dealt with by way of indictable offence. We'll talk to the lawyers for the defence and try to get issues resolved at an earlier stage.' It is a matter not of plea bargaining but of just trying to resolve some of the matters that would enable the DPP to make a decision that, say, 'This one ought to proceed, or that one ought not to,' or 'This one ought to proceed on a different basis.' That was successful. All the interstate and overseas experience was that, if that were to be developed, there could be a saving of something like 20 per cent in the number of matters being committed to the higher courts for trial. On the figures I have from the DPP, that has been established.

So a 20 per cent reduction in matters is a saving for police in terms of the number of police who have to go along to courts and hang around waiting for the trial or the hearing to come on. In terms of police having to revisit investigations in terms of the courts, no longer would they empanel a jury and find that the trial drops out at the last minute, or that the charges have to be changed at the last minute. Matters come up for committal which should never go to committal on the basis that there is insufficient evidence to proceed. In some of the more sensitive cases such as child abuse cases where there is insufficient evidence, the DPP exercises a discretion at a much earlier stage. Whilst police prosecutors have tended to say, 'Well, look, we'll run with this,' and when it gets to trial finally it is withdrawn. So there are savings for the courts in the longer term.

In the short-term the difficulty is that the list is so filtered that it has meant that more cases are going to trial and the judges are working longer. In the short-term, there was something like $200 000 additional costs in jury fees last year, but in the longer term it will have distinct advantages. It has advantages for all victims. Victims know at a much earlier stage that the evidence is insufficient, or they think, 'We cannot go this full distance, because there is a particular technical problem or whatever.' There is counselling by the DPP, and matters come to a head at a much earlier stage.

As a result of all that experience, we have decided that we should make available further funds, totalling $473 000 in this year's budget, and the DPP will put on extra staff. As I said this morning, we will cover all suburban courts and ultimately country courts. A social worker will be involved in the liaison between the unit and victims. Generally it will improve the efficient operation of the whole of the prosecution of serious criminal offences.

Mr ATKINSON: Mr Peter Boyce, on page 3 of the report he prepared earlier this year as head of the Police Complaints Authority, stated:

> In June 1994, a submission went before Cabinet in relation to increasing the authority's funding to restructure it in accordance with the recommendations made by the Attorney-General's Department. This submission was strongly supported by the Attorney-General. It was also supported by Treasury to the extent that there was a need to resolve the authority's position.

What were the details of the Police Complaints Authority funding submission which went to Cabinet in June 1994, and why was it rejected?

The Hon. K.T. Griffin: There was a request for $320 000 on the basis that it would help to fund some additional staff. As it turned out, the Attorney-General's Department made available $160 000 to enable three additional officers to be appointed to assist in meeting the workload of the Police Complaints Authority.

It is not really appropriate for me to explore what discussions occurred in Cabinet about the reasons why money should or should not be made available, but I should say that the decision that I have taken is to advertise for a new Police Complaints Authority. We are presently shortlisting the applicants. The Acting Police Complaints Authority, Mr Tony Wainwright, who has been seconded from the Crown Solicitor's Office, is exercising responsibilities. I have taken the decision that the work of the Police Complaints Authority can continue satisfactorily until the new PCA is appointed, and when that occurs we will revisit the issue of resources to determine whether or not additional resources are required.

At present, we are looking at making amendments to the Police Complains Authority Act which will among other things enshrine the informal arrangements entered into last year by Mr Peter Boyce with the police that the police will exercise more self-discipline relating to the assessment of complaints. So, an informal resolution process will be in place with the Police Complaints Authority exercising an audit responsibility. That informal process needs to be reflected in legislation. I think it is perfectly legal, but it is important to reflect it specifically in legislation. Some further changes may be necessary, but until we get the new PCA in place it is inappropriate to make decisions without at least having the benefit of his or her advice.

Mr ATKINSON: An independent review carried out by the Attorney-General's Department's in 1994 indicated a need at that time to increase the level of staffing to 18 full-time employees. On page 4 of the report, which was tabled in Parliament in April this year, the Police Complaints Authority chief said:

> The authority once again finds itself in the position where no more than reactive bandaid measures are being offered. These are, of course, totally inadequate. There has been a complete failure by the Government to fulfil its obligation to adequately resource and fund the authority. Effectively, it is maintaining a body which is inadequate and ineffective as an independent oversight agency of complaints against the police.

What is the current level of staffing of the Police Complaints Authority in terms of both professional and non-professional staff; what changes are anticipated in the coming financial year; and to what extent have requests made to Cabinet on behalf of the Police Complaints Authority in June 1994 been satisfied in the budget allocation for the coming financial year?

The Hon. K.T. Griffin: My understanding is that the authority currently has 12.5 full-time equivalents. I think the judgment made by Mr Boyce was unduly harsh upon himself when it is remembered that he had had a pretty difficult time in cleaning up the backlog left by his predecessor. The previous Government had made some funds available temporarily to enable that backlog to be caught up. The backlog was very substantial, but the temporary appointments that were made were inadequate to resolve the issue completely.

On the other hand, we have put in place some additional full-time equivalents to assist in dealing with the problem—so they are permanent. Additional resources have been made available from time to time from the Attorney-General's Department. All staff are on the establishment on the Attorney-General's Department, but those additional staff are under the control of the Police Complaints Authority. In terms of the current year, if I have not answered all aspects of the question, I will, if necessary, bring back more detail. I think I may have missed some aspects, but I am happy to pursue that further.

Mr ATKINSON: I wish to put the following questions on notice. The Brown Liberal Government has withdrawn the $30 000 grant to Parents Against Child Sex Abuse through the Department for Family and Community Services. What programs does the Government have for victims of child sex abuse? Will the Justice Information System be outsourced as part of the EDS deal? How much will training costs be and how much staff time will be spent on training throughout the Attorney-General's Department as a result of the decision to have word processing done on Word for Windows rather than Word Perfect?

How many Dietrich applications were successfully made in the current financial year; what was the average cost of legal services provided per application; and what was the source of funding for successful applications? How much does the Attorney estimate will be spent on providing legal services to successful Dietrich applicants in the coming financial year?

I refer to page 138 of the Program Estimates where it is stated that prosecution briefs are being sent out to the independent bar. How many prosecutions were briefed to the independent bar in the 1994-95 financial year? Is this number expected to increase in the coming financial year? What is the average cost per prosecution for these matters, and how does that compare with the total average cost of a prosecution conducted by a DPP barrister? Would it not be more economical to hire another DPP barrister rather than spend money on sending out briefs to the independent bar?

I refer to the increase in funding for the Committal Unit referred to at the bottom of page 138 of the Program Estimates. What savings for both the DPP and defendants could be achieved if prosecutions of all major indictable offences in the Adelaide region were commenced in the Adelaide Magistrates Court rather than suburban courts? How does accommodation for the DPP unit compare with private sector standards in terms of quality and space, and is the DPP office accommodation hampering service delivery?

How much has and will be spent on legal services provided by the Crown Solicitor's Office on behalf of the Health Commission in respect of the Robinson coronial inquiry, and how does this compare with the amount of legal services funding provided for the Robinson family and that provided for the directors of the Garibaldi smallgoods company? What was the actual amount spent in 1994-95, and how much is estimated to be spent on legal challenges to the capacity of South Australian unions to switch from State award coverage to Federal award coverage? How much was actually spent on South Australian intervention in the Mabo legislation challenge brought in the High Court in 1994?

For what boards, committees and councils does the Minister have responsibility within his department, and what are the roles and functions of each board and committee? Who are the members of each committee, board or council? When does the term of office of each member expire, what

is the remuneration of members, and has this changed since June 1994? Who appoints the members, and on whose recommendation or nomination is the appointment made?

What are the names, classifications, salaries and titles of all staff employed in the Minister's office? How many officers in the Minister's department have a salary or combined salary package exceeding $90 000, and what positions do they hold? How many officers in the Minister's department are now on contract of service rather than permanent employment, and at what Public Service classification levels are they serving? Of those employees on employment contracts, who, if any, are subject to performance reviews? How is performance measured, who measures it, who reviews it, 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? How many performance indicators have been established for the agencies controlled by the Minister? What are those indicators, how are they measured and who measures them? How often has the Minister been involved in a review of performance indicators and what has been the result of any performance reviews that have been undertaken?

Can the Minister summarise the extent of cuts made this year to his department's budget and say whether they will be achieved by downsizing staff or by reducing programs and services and, if so, what are the details of these reductions? What is the staff reduction target used as the basis for framing this budget for 1995-96, and what are the targets for the next three years? How many staff have accepted separation packages since January 1994? What classifications did they hold and were any classifications denied access to the scheme?

Have any fees and charges levied by the Minister's department been increased since June 1994? Were these increases subject to public notification by advertisement or public statement and, if not, why not? Will the Minister provide details of all increases since June 1994?

What functions have been outsourced since June 1994? What savings are anticipated in the 1995-96 financial year from outsourcing? Has the Minister's department been complying with the commitment given in last year's June financial statement to market test the contracting out of functions that are more efficiently conducted in the open market? Who is undertaking this market testing and how is it being done?

In view of the Government's significant program of assets sales, can the Minister detail those assets including any land controlled by his department which may be sold under this program, and will any of these disposals require legislative change? What assets were sold during 1994-95 and what were the details of all sales above $20 000? Which assets are to be sold this year, and what is the revenue projection for 1995-96 and the three year forward estimates from 1996-97 to 1998-99 for returns from the sale of assets controlled by the Minister's department?

What information technology systems are now operated by the Minister's department and what functions are carried out using these systems? How many staff are engaged to maintain and operate these systems? What did it cost the department to operate the systems in 1994-95 and what will be the cost in 1995-96?

What is the projected timetable for the department to implement the government's policy to outsource computer operations to EDS? Exactly which functions will be taken over by EDS? Can the Minister detail the annual savings that are expected to flow to his department from the Government's decision to outsource information technology requirements? How many staff will no longer be required by the department as a result of outsourcing information technology functions? Will the policy to outsource information technology requirements result in the department having to purchase new equipment and, if so, what will be the cost and how will this be funded?

How many motor vehicles are maintained by the department and of those vehicles how many are subject to home garaging arrangements and how many carry private numberplates? What will be the cost of operating these vehicles during 1995-96? Have any significant changes been made to the fleet since January 1994 and, if so, what are the details?

What consultancies have been let by the Minister's department since 1 July 1994? What was the cost of each consultancy, including the cost of expenses? What was the purpose of each consultancy? Were tenders called? Were specifications prepared? Did the consultant prepare a report and, if so, will the Minister table a copy of all consultants' reports? Did the consultant make any recommendations and, if so, have they been acted upon?

Will the Minister list all consultancy contracts with a value exceeding $100 000 made since 1 July 1994? What was the purpose of the contract? Were tenders called? Were specifications prepared? How was or is each contract supervised?

The CHAIRMAN: In my opening remarks I said that questions that are taken on notice have to be answered by 7 July. I am just wondering how many staff and how much it will cost to fulfil that contract.

Mr ATKINSON: You are a fine person to be asking that.

The Hon. FRANK BLEVINS: That is only a fraction of what your questions on notice cost; nowhere near anything you ever did.

The CHAIRMAN: That is a pretty tall order.

The Hon. FRANK BLEVINS: They were reasonable questions.

Mr ATKINSON: And all questions with firm precedents.

The Hon. K.T. Griffin: While I am not privy to whether there will be a similar raft of questions for the consumer affairs area, I am a little concerned about the time frame. Quite obviously, we have done some work on a number of those issues in preparation for the Estimates Committee, but there will need to be some further work done on a number of those and, if there are some other questions of a similar nature in relation to consumer affairs, which is now part of the Attorney-General's Department, then it would be helpful to have a longer period of time. I know you have set 7 July. We will do our best to meet it, but I think you will have to be flexible, if the Committee does not mind.

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

Attorney-General and Minister for Consumer Affairs—Other Payments, $18 955 000.

Membership:

Mr De Laine substituted for the Hon. M.D. Rann

Departmental Advisers:

Mr T. Lawson, Commissioner for Consumer Affairs.

Mr D. Schomburgk, Senior Policy Officer, Consumer Affairs.

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

The CHAIRMAN: I declare the proposed payments open for examination and refer members to page 74 in the Estimates of Receipts and Payments and to pages 125 to 149 in the Program Estimates and Information.

Mr ATKINSON: Given that there has been a steady increase in the workload of the Residential Tenancies Tribunal, as shown by the performance indicators listed midway down page 144 of the Program Estimates, will the Attorney-General give an assurance that existing Residential Tenancies Tribunal members will be reappointed if the Government's Residential Tenancies Bill is not passed by Parliament?

The Hon. K.T. Griffin: I do not think that I can give any guarantees. It is premature to deal with that issue in that way, largely because the Government's legislation is now down with the House of Assembly and will undoubtedly be the subject of a deadlocked conference. The Legislative Council, by majority, wants to retain the existing Residential Tenancies Tribunal but not some of the other features of the Residential Tenancies Act, including those issues that relate to the processing of bonds. The Government's position is the same in that respect in that we do not want the Residential Tenancies Tribunal to have the responsibility for processing bonds, and we would certainly like to ensure that that work is done administratively by the Commissioner for Consumer Affairs rather than by a tribunal, with the tribunal, or whatever body we end up with, dealing only with any disputes relating to bonds.

Obviously, we will make a decision when the legislation has finally been dealt with by Parliament about the membership of whatever body is established, maintained or whatever. I am proposing that the existing members will hold office until the end of November or until the current Act is repealed, whichever first occurs. That has not been formalised yet, but at least it maintains the *status quo* for the time being. Then the Government and I will make a decision about what happens in the future once Parliament has dealt with the Bill.

Mr ATKINSON: Assuming that legislation to pay interest on tenants' bond money will be passed by Parliament, what is the interest rate that the Attorney-General expects to proclaim for payment of interest on bond money in the coming financial year? How has this been calculated? What is the dollar amount of interest that tenants can expect to receive on the average security bond if they are entitled to the full refund of the bond plus interest at the end of their tenancy?

The Hon. K.T. Griffin: No decision has been taken. Until the legislation passes, there is no legislative authority to pay interest on bond money and, until that occurs, we have not given any consideration to what the rates will be. It depends upon a number of possible outcomes which we should not be speculating about at this stage until we see what form it takes. What we have provided in our Bill is for some measure of interest to be paid to tenants on their bond. It will not be the full tote odds because the administration costs of the residential tenancies system have to be taken into consideration. There is nothing much more that I can really say usefully until we have the legislation and we know the parameters in which it will operate.

Mr ATKINSON: Are performance indicators available for the service provided by the Office of Consumer and Business Affairs in terms of answering consumer queries, whether in person or by telephone, and, if not, why not?

Mr Lawson: We are in the process of upgrading our information technology to provide us with much better performance indicators than we have had in the past. So, at this stage I am not really in a position to answer your specific question, except to say that we have just installed a new telephone system which gives us very good indications on the number of calls received and the time taken to deal with those inquiries. It is a very good indicator of the response times in that regard.

Mr ATKINSON: The budget line for consumer services (page 129) indicates a cut of over $500 000 to services offered to or for the benefit of consumers. Would you not expect that to result in a greater waiting time for answering consumer queries in the coming financial year?

The Hon. K.T. Griffin: I will ask the Commissioner to add to what I have to say, but I would not have thought so. A number of significant changes have been made in the office, all of which are directed towards greater efficiency, including response to both consumers and business and the queries which they may have about particular areas of concern. There is no doubt that, 18 months ago, the office had a surplus of employees but, with the review of the legislation and the streamlining in management, and registration, in some instances, and licensing in others, that all means that there can be a greater level of efficiency. In addition, the Office of Consumer and Business Affairs has now moved to new premises in Chesser House, which are more conducive to proper organisation within the workplace. As the Commissioner said, it can be more easily identified from the telephone service how many people are waiting and how quickly the queue is dropping down. One of the major problems of getting service has been the telephone system within Consumer Affairs. It has not been a question of the number of people around but one of support for staff in dealing with those issues electronically.

Mr Lawson: I will add a few more technical points. The Attorney has referred to the new telephone system, which has added considerably to our capacity to respond to calls and complaints. We have also set up our consumer affairs branch on a regional basis—a north, south and western metropolitan regional basis. We have offices in each of the major regional centres and we have introduced a 13 telephone number which adds to the service for country callers when they have specific complaints dealing with purchases they might have made in the city. If they have difficulties back in their home town, they can use that 13 number, and that puts them through to the appropriate local office. We have redesigned all our forms to make them more user friendly. We have introduced a customer feedback system, and I am pleased to say that the results of that to date show that we are providing a very good service because most of the calls that we receive indicate that they have received good service from my officers.

Mrs KOTZ: I bring to the notice of the Attorney a recent edition of a newsletter that was prepared by the South Australian Retirement Villages Association, which identified a number of areas whereby residents of villages are advised to be wary of possible breaches of the Retirement Villages Act in the presentation of financial matters in budgets at AGMs by owners and managers of retirement villages.

The Attorney will recall that previously I have brought to the attention of the Office of Consumer and Business Affairs the very areas of concern that are actually mentioned in the SARVRA newsletter. That association has suggested a range of areas in which residents could be at risk due to a possible breach of these Acts. One of the areas highlighted by SARVRA is the question of taxation and the new tax ruling applied to owners of retirement villages and, in that context, all committees and residents of villages have been advised to keep a close watch on their expenditure in the village as some owners could be seeking ways in which to pass on to residents any tax which they may have to pay. Another subject raised by SARVRA concerns the administration charges which appear as part of the village budgets. Residents have been told to keep a close watch on those figures as it believes that, although it is not possible to suggest that a set percentage of the total budget should apply, if the resident committees feel that the administration cost is out of proportion to the rest of the budget, the residents have the right to request a breakdown of those items.

SARVRA also addresses sinking funds and suggests that a number of villages are concerned that funds are being invested in the owner's name rather than the name of the village. Residents are concerned that should any financial problems befall an owner, this would perhaps place the fund in jeopardy. Also SARVRA states that unfortunately some villages still are not operating according to the Retirement Villages Act 1987, and the most worrying feature is the failure of administrators to notify each resident of the forthcoming AGM in their village and, at the same time, send a full financial statement of income and expenditure within the 14 days required to notify. SARVRA goes on to state that this gives the residents the opportunity to send in written questions seven days prior to the meeting concerning items in the budget with the expectancy that those questions will be answered.

Resident committees also have been advised that if this procedure is not being followed, they have the right to draw it to the attention of the administrator, saying that the Retirement Villages Act is not being complied with and that, at the same time, residents are being disadvantaged. The last area SARVRA covers is the area of service charge and maintenance fees. It suggests that it does not matter what the villages actually call that particular fee, residents should remember that the charges can be increased only after full discussion and consultation with residents and at that meeting the increase has to be fully justified, showing clearly how it has been arrived at.

The association has picked up on a range of what I consider to be very serious alleged charges and I therefore ask: will the Attorney advise of any action his department may be pursuing to clarify the stated concerns of the retirement village residents?

The Hon. K.T. Griffin: I am conscious of the need to ensure that there is clarity in the legislation. The Retirement Villages Act was amended last year to endeavour to achieve the clarity that was necessary as well as to ensure that the rights of residents and also the obligations of owners and managers were properly identified. I also am aware that the South Australian Retirement Villages Residents' Association has had some concerns about the ongoing monitoring of the implementation of the changes, and a couple of weeks ago the Retirement Villages Advisory Committee met with the Commissioner to talk about some of these issues. I think the best way to handle this question is for the Commissioner to identify where he is going on this, and if there are still concerns following the answer—and there may well be issues that have to be followed up—we can pursue those by way of answer after investigation.

Mr Lawson: As the Attorney indicated, there was a meeting of the Retirement Villages Advisory Committee on 17 May, and the issues that SARVRA raised in that newsletter were addressed at that meeting. I chaired that committee and the issues regarding taxation and some of the other financially related matters are going to be the subject of attention of an accounting standard subcommittee of that group. A range of issues, as has been outlined, is of concern to residents, such as taxation, the way funds are treated and so on. We need to get some clarity in that area and that is why we are going to address those issues through this accounting standard subcommittee, which will comprise members of the Residents' Association, the managers and so forth, and we hope to be able to clear that up fairly quickly. In addition, the Residents' Village Association is meeting with me on a regular basis to clarify issues of concern that it may have.

Mr CAUDELL: Recently some attention has been given to the pawnbroking and second-hand dealers area. There has been a call from some in the industry and also from outside the industry for the introduction of a licensing system. In the House of Assembly I have raised previously issues such as excessive interest rates, which can be up to 300 per cent per annum and 10 per cent on an overnight basis; the fact that there is no stamp duty applicable on agreements; the fact that children have been involved in selling goods to pawnbrokers and secondhand dealers; and also the possibility of receipt of stolen goods. What action has the Minister taken to address these issues?

The Hon. K.T. Griffin: I certainly have met with pawnbrokers and secondhand dealers and I have given much consideration to the way in which we should be addressing the problems which are being identified by members of the industry in particular. I think police and the industry want licensing, but I am certainly not convinced that licensing is going to solve the problem, remembering that the previous Government actually repealed the Pawnbrokers Act and enacted legislation in the Summary Offences Act in sections 49 and 49A through to 49G to try to put in place a framework within which persons should deal with secondhand goods.

There are very wide powers of police in relation to entry and inspection, remembering that pawned goods are secondhand goods in most respects and can be adequately dealt with under the Summary Offences Act. A secondhand dealer must maintain a record of secondhand goods bought or received by the dealer and that record must contain an accurate description of the secondhand goods; serial number, if any, of the goods; a description of any mark or label on or attached to the goods identifying ownership; the date on which the goods were bought or received; the full name and address of the person from whom the goods were bought or received.

Then the secondhand dealer must obtain written confirmation of the information recorded under subsection (2) of section 49A from the person from whom the dealer buys or receives secondhand goods, and that information is the subject of inspection by police. The penalty for a person who fails to comply is a division 7 fine, and I will endeavour to find out what that means under the scale. Where secondhand goods are suspected of being stolen, the dealer has to inform the police and the penalty for a breach of that is a division 7 fine. I think all the fines are division 7 fines and I will inform the committee of that shortly.

We have not given consideration specifically to increasing those penalties, but we will do that as a matter of course as we review the operation of the section. Division 7 is a $2 000 fine. Under the Summary Offences Act, if a person is not a fit and proper person they can be excluded by a magistrate from carrying on the business of a pawnbroker. It is possible to prescribe mandatory codes of conduct under the Fair Trading Act, but the advice from the Crown Solicitor is that such codes cannot go so far as to contain a licensing provision; it can consist of an activity control of business premises as it relates to record keeping, information about interest and other terms and the disposal of goods which have been pawned.

A code of practice under the Fair Trading Act would normally be established to set some standards rather than to deal with licensing issues. It is important to note that pawnbrokers and secondhand dealers are presently subject to licensing in Tasmania, but it has new legislation modelled closely on our Summary Offences Act provisions, which has not yet been proclaimed. It has additional record-keeping requirements. There is a system of notification of the establishment of a business and the Tasmanian legislation does implement a negative licensing regime for both pawnbrokers and secondhand dealers.

I gather that that will be proclaimed in Tasmania to come into effect in the last quarter of this year. I have asked the Commissioner to look at whether there is any merit in upgrading our own summary offences legislation to reflect the additional provisions in the Tasmanian legislation. It may be also that a code of practice might be appropriate and I have asked the Commissioner to look at whether something can be done there. I do not want us to get back into the position, which the previous Government recognised was not tenable, namely, to license every pawnbroker and every secondhand dealer. We have a wide range of secondhand dealers now with trash and treasure markets and garage sales. With pawnbrokers you have cash converters, Laurie Tredrea and other bodies in the market, as well as established secondhand dealer shops.

The bureaucracy involved in having to provide some permit for every garage sale and trash and treasure market would be going over the top. To summarise, we are looking at a code of practice and looking at the Tasmanian legislation and that will necessarily involve the question of penalties.

Mr CAUDELL: What about stamp duty on agreements?

The Hon. K.T. Griffin: Stamp duty on agreements is essentially a revenue raising issue. There is stamp duty now of 20 cents payable on a contract for the sale and purchase of land and you pay an *ad valorem* duty on a transfer. That is there to act as a revenue raiser. I cannot see a need to require every transaction to be a written contract which is the subject of stamp duty. The bureaucracy involved in that again is going over the top.

Mr ROSSI: In my time in Parliament I have been approached by new Australians and some Australians in regard to funerals where the elderly would like to arrange the funeral costs before they pass away. Under the consumer services program reference is made to the use of a code of conduct as an alternative mechanism to Government regulations, while maintaining effective service delivery in consumer protection. A code of conduct for a pre-paid funeral industry has been developed by a working party. What is the impact of this code, has the industry been consulted about the code, and what has been the reaction of the industry?

The Hon. K.T. Griffin: A working party was established back in 1992 by the previous Government. As a result a draft code of practice was released for public comment early in January this year. The submissions are generally supportive. A draft code of practice has been approved by Cabinet and is presently with parliamentary counsel and must be promulgated by way of regulation. It is important to realise that it does not regulate the funeral industry but seeks to ensure adequate disclosure by funeral directors of the manner in which they invest pre-paid funeral funds and there are standards with which the industry has to comply in relation to investment practices. There was widespread consultation between the Commissioner, industry and consumers. The object of it is to protect people's money.

There was an Act called the Benefit Associations Act, which may have been repealed. In my practice days I recall dealing with a pre-paid funeral company which was the subject of scrutiny by the Public Actuary under the Benefit Associations Act. With this code of conduct we are seeking to make it more comprehensive and to ensure that the rules are fairly clear on what those collecting may do with the money and on what information must be given to those from whom the money is collected.

Mr ATKINSON: I will put the remainder of my questions on notice. First, will the Attorney provide a detailed cost benefit analysis of the proposal to abolish the Residential Tenancies Tribunal and transfer the jurisdiction to the proposed Tenancies Tribunal in the Magistrates Court system? Neither the Attorney nor his staff were able to answer this question last year. Specific reference is made to the proposed legislative changes under the heading '1994-95 specific targets' on page 144 of the Program Estimates. Secondly, given the increasing workload of the Residential Tenancies Tribunal, with the number of hearings expected to increase by about 10 per cent in the coming financial year, why is not the Attorney budgeting for an increase in the number of full-time equivalents employed under the residential tenancies budget line on page 130 of the Program Estimates? Will not the freeze on staff levels mean increased waiting times for parties to tribunal hearings?

I refer to the residential tenancies budget line on page 130 of the Program Estimates. How much bond money is expected to be placed into the residential tenancies fund in the coming financial year and how much interest is expected to be earned on the entire amount in the funds in the coming year? The Program Estimates indicate that the sum of $3 102 000 will be taken from the residential tenancies fund to pay for the services provided by the Residential Tenancies Tribunal in the 1995-96 financial year. Thirdly, what other allocations of money is the Government planning to make from the residential tenancies fund in the coming financial year? Finally, on page 142 of the Program Estimates reference is made to a customer service charter being introduced. Is not this the result of citizens' charter work done in the Office of Public Sector Reform under the previous Government?

Mr CAUDELL: I have a question relating to the Office of Consumer and Business Affairs and the Retail Shop Leases Act. It was announced recently that the Act will shortly come into operation. What steps have been taken to ensure that the Act is in operation on 30 June 1995?

The Hon. K.T. Griffin: Members of the Committee will recall the long drawn-out debate about shop trading hours as a result of which some commitments were given—

Members interjecting:

The Hon. K.T. Griffin: No, the honourable member knows that that is not my style. A commitment was given to bring the Retail Shop Leases Act 1995 into operation on 30 June and that will occur. Obviously, quite a lot of work has been involved in a very short period of time. That concertinaed the consultation period quite significantly in relation to regulations. However, we have managed to get to the point at which the regulations will be promulgated and the legislation will come into effect on 30 June, although we will have to suspend the operation of the mediation provisions because that will take some more time to establish.

We are currently drafting regulations in respect of which parts of the Act will apply to existing leases. That is controversial because all parties agreed that there should not be any retrospective application of the new law to change commercial arrangements. It is very difficult to determine what is and what is not a commercial arrangement. If one determines that it is not a commercial arrangement, it is difficult to ascertain the extent to which that provision depends on other parts of the legislation being brought into operation to ensure that there is a coherent application of the relevant parts of the legislation to existing tenancy agreements.

Notwithstanding those difficulties, the Act will come into operation on 30 June. As part of the arrangements that were entered into, there will be a joint select committee to deal with issues relating to shop leases. That will be a subject for debate in Parliament before the end of the session.

Mr ROSSI: With regard to the program entitled 'Births, Deaths and Marriages Registration Services', the 1994-95 target/objectives refer to improving the turnaround time for searches and production of certificates to same day for priority service and three working days for ordinary service. How is that being achieved?

The Hon. K.T. Griffin: The record in relation to births, deaths and marriages is pretty good. The system is being improved all the time and it will improve even more significantly now that the service is in its new offices in Chesser House. Perhaps I should ask the Commissioner to identify what steps have been taken to improve the operation of births, deaths and marriages and the extent to which it is now providing an even better service than it provided before.

Mr Lawson: With regard to births, deaths and marriages, the present turnaround times for what we call priority service in the office mean that counter applications are available for collection at 10 a.m. on the business day following lodgment. Applications received in the morning mail are sent out that evening by certified post. The present turnaround time for the ordinary service is five working days, although mail applications are usually on their way far sooner than that.

As the Attorney-General said, with the increased efficiency expected in our new accommodation at Chesser House, and with a faster and more reliable computer system than previously, the Principal Registrar expects to introduce a same-day service for all priority applications in by midday to be available later that day. If they arrive after midday, they will be available the next morning, and he expects to reduce the ordinary or normal service turnaround from five days to three days.

No dates have been fixed to introduce those improvements as yet as we need a settling in time with our new accommodation and time to bed down the new computer systems. However, it is expected that the improved priority service will be introduced first and then both objectives will be achieved by the calendar year 1995.

The Hon. K.T. Griffin: May I add an observation on another point? A good business guide has been published by the Office of Consumer and Business Affairs. It is a very comprehensive book which electorate staff, if no-one else, would find useful. I have some copies for members of the committee which we can make available. If more copies are requested, we will make them available. The guide is not just for business; it is also for consumers. Electorate staff will find it very helpful in finding their way around some of the important issues which will arise in relation to consumer and business affairs. I will ensure that copies are available.

The CHAIRMAN: Thank you.

The Hon. K.T. Griffin: It had been my intention to make copies available to all honourable members, but we have not reached that point yet.

The CHAIRMAN: As there are no more questions on the Office of Consumer and Business Affairs, we come to questions on the State Business and Corporate Affairs Office.

Mr CAUDELL: My question in relation to the State Business and Corporate Affairs Office relates to the registration of business names. A couple of businesses in the industry in which I have been involved have told me of businesses with similar names being registered. This arose with a South Australian company and a company in Victoria. What is involved in sorting out that problem? What is the policy situation with regard to businesses with similar names?

The Hon. K.T. Griffin: Business names are generally a vexed question and I receive many questions about them. Perhaps I should ask the Commissioner for Corporate Affairs, Mr Kym Kelly, to respond.

Mr Kelly: The prime purpose of registering business names pursuant to the Business Names Act is to provide a register for the public to search and to obtain particulars of businesses with which the public deal, including particulars of the proprietors. The requirement arises at law under the Business Names Act for such business names to be registered in cases other than where those persons are doing business under their own names.

It is important to point out that a proprietary right to an exclusive use of a name, whether it is a business, company or product name, arises from the established use of the name and not through registration. The tort of passing off commonly extends beyond mere registration to matters such as similar signage, colour of premises, stock displays and misrepresentations made in the course of business. As far as the Business Names Act in South Australia is concerned, however, the policy direction is that a subjective names test is carried out by officers of the State Business and Corporate Affairs Office before accepting names for registration. That test is different from the test applied by the Australian Securities Commission under Corporations Law which is, in effect, an identical names test.

The honourable member's question related to companies rather than business names, and it may be necessary for him to provide me or the Director of the State Business Office with more details about the situation so that we can distinguish whether it was an issue dealing with names under the Corporations Law or names under the Business Names Act of South Australia. I point out that the register that is maintained under the Business Names Act in South Australia is maintained on a computerised registry system, Ascot, which in effect is the same system that is used by the Australian Securities Commission to maintain its database of names registered as corporations under Corporations Law.

The Hon. K.T. Griffin: The Commissioner for Equal Opportunity is on her way. If members have questions on that area I can endeavour to answer them and, if not, we will take them on notice. If the Commissioner arrives in time to answer the questions, I would be prepared to invite her to do so.

Mr ATKINSON: Who are the current members of the Equal Opportunity Tribunal? How much is budgeted for their remuneration in that capacity for the coming financial year?

The Hon. K.T. Griffin: The person who chaired the tribunal was Mr Grasso, SM. His term of office expired this month. I should deal with this matter rather than the Commissioner, anyway. I will undertake to obtain the information. I make one observation about it, though: that it is now the Government's responsibility to appoint a person to be the presiding member of that tribunal. I have taken the view, although Cabinet has not yet considered it (so this is a personal position and not a Government position), that the tribunal should be chaired by a judge of the District Court with possibly a Deputy Chairperson from the magistracy. That would give some flexibility, depending on the seriousness of the matters which went before the tribunal, as to whether it should be a judge or magistrate who actually heard the matter.

That is an issue about which I am also having discussions with the Chief Judge of the District Court as well as the Chief Magistrate. It does depend to some extent on the ultimate future of the tribunal. The Brian Martin report recommended that the tribunal be absorbed into the mainstream of the courts, which would probably be the Administrative and Disciplinary Division of the District Court or maybe some other part of the courts jurisdiction. I am attracted to that, because I think there is a benefit in having tribunals making those sorts of decisions as part of the mainstream of the courts. The proposition, which, as I say, is a personal view at this stage, is that if we bring it more within the environment of the District Court we are more likely to achieve what I think is an appropriate goal. However, the Government has not yet made a decision about it.

Mr ATKINSON: As a supplementary question, the Attorney was present when the retiring Chief Justice, at a dinner to mark his retirement, made a forceful speech about what he thought was the lack of procedural fairness in quasi judicial tribunals. Would the Attorney care to comment on the retiring Chief Justice's concerns?

The Hon. K.T. Griffin: He talked in general terms and certainly made some powerful observations about quasi judicial tribunals. I do not think it is appropriate for me to reflect on any one of them in particular. I can make the general observation that I think the movement towards a specialist tribunal occurred in the early 1980s, and through the 1980s was motivated largely by a view that the courts were costly and not flexible and were, in fact, too rigid in the application of the rules of evidence and, in those circumstances, would not necessarily be appropriate to deal with matters expeditiously.

I think that has changed quite dramatically. With conciliation, mediation and status conferences all that has changed. It is partly for that reason that I think that you get a broader range of experience if you bring your tribunals within the umbrella of, say, the District Court or the Magistrates Court. I think that with this particular tribunal there would be an advantage in bringing it under that umbrella.

The only other observation I make is that the previous Chief Justice also had a concern about term appointments for members of a tribunal and believed that such a tribunal would not necessarily be acceptable under the Courts Administration Authority's umbrella. That is an issue that has not yet been resolved in relation to the new Chief Justice: it is an issue I have raised and it is something we that will be pursuing in due course. If legislation is required, then obviously every member of the Parliament will have an opportunity to look at that.

I make one other observation about the first question. The Equal Opportunity Tribunal is, in any event, under the umbrella of the Courts Administration Authority notwithstanding that there are term appointments but mainly because a judge or magistrate has been appointed as the presiding member.

On page 155 of the Program Estimates for the Courts Administration Authority the recurrent revised expenditure for the Equal Opportunity Tribunal for 1994-95 was $16 000 and the estimate for 1995-96 is $19 000 with reporting services at $5 000. So, it is not a large or particularly active jurisdiction but is an important one. That is the reason why I am having the discussions which I indicated earlier in relation to the replacement of the retiring member.

Additional Departmental Adviser:

Josephine Tiddy, Commissioner for Equal Opportunity.

Mr ATKINSON: What was the actual cost of the Martin equal opportunity report? What is the anticipated total cost of the committee appointed to review the report and, presumably, water down the recommendations of Brian Martin, Q.C.

The Hon. K.T. Griffin: That is an unfair presumption. It is not the reason for a reference group. The reference group was established specifically because Brian Martin, in his report—and I am sure that the honourable member has read it—did indicate that there were a number of areas where further consultation was required, that he had not had an opportunity to pursue as fully as he would have wanted because of the time constraints of the consultation process. He raised issues in other areas that he had not explored and recognised that even in the areas where he had made recommendations there were some important issues to be resolved that needed further consultation and development. That is the reason for the reference group. It is chaired by Julie Self, who is a senior legal officer in my office. It is also comprised of Ms Carmel O'Loughlin who is from the Office of the Status of Women; Margaret Heylen, who was Acting Commissioner for Equal Opportunity during the absence of the Commissioner; Richard Altman, who is a human resources manager at Solar Optical; and Phil McMahon, who is human resources Director at Munroes Australia. No fees are being paid. Obviously, three public servants are involved. For the other two, no fees are being paid, not even, as I recollect, expenses. In relation to the Martin inquiry—and this is already on public record because I was asked it in the Parliament—there is $36 000 based on a rate of $1 800 a day for 20 days. $1 800 a day is the low rate that the Government negotiates with QCs to represent it. In fact, Mr Martin spent a lot more time in the consultation process and in the preparation and presentation of his report.

Mr ATKINSON: Why has there been a decrease in the budget allocation under the line 'Prevention of discrimination and promotion of equal opportunity', at the top of page 128 of Program Estimates, compared to the actual expenditure this financial year, when it is stated on page 134 that there has been about a 15 per cent increase in complaints in the 1994-95 financial year?

The Hon. K.T. Griffin: I cannot have the Commissioner here without answering at least one question, I will ask Ms Tiddy to answer that.

Ms Tiddy: The difference reflects revenue raising targets that we achieved. The final figure was $2.032 million. There is a slight decrease of the allocation of $2.020 million, which reflects the recovery of a deficit that was carried over from the 1993-94 report. We are currently implementing a range of strategies to manage the increase in the number of complaints that have been received. I have just completed a review of the whole of the complaint handling in the commission. We believe that we can effect a range of efficiencies that will enable us to absorb that 16 per cent increase.

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

ADJOURNMENT

At 4.45 p.m. the Committee adjourned until Tuesday 27 June at 11 a.m.