HOUSE OF ASSEMBLY

Thursday 15 September 1988

ESTIMATES COMMITTEE A

Chairman:
Mr D.M. Ferguson

Members:
The Hon. H. Allison
Mr S.J. Baker
Mr M.R. De Laine
The Hon. B.C. Eastick
Mr T.R. Groom
Mr K.C. Hamilton

The Committee met at 11 a.m.

Attorney-General's, $14 786 000

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

Departmental Advisers:
Ms C. Branson, Crown Solicitor, Attorney-General's Department.
Mr M. Abbott, Manager, Support Services.

The CHAIRMAN: I declare the proposed payments open for examination. I refer members to pages 49 to 52 of the Estimates of Payments and pages 108 to 122 of the Program Estimates.

Mr S.J. BAKER: The Program Estimates at page 113 deal with the Ombudsman. The 1988-89 specific targets include an attempt to improve and monitor the turn around time for completing investigations by the Ombudsman. What is the current turn around time?

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

Mr S.J. BAKER: I have concerns about the Ombudsman's ability to investigate complaints. When my colleagues and I have asked a question or asked for an investigation, on occasion the Ombudsman has written back saying, 'I am sorry. Because this is a Cabinet or ministerial matter, the complaint cannot be proceeded with.' Will policy be pursued by the Ombudsman so that anything that forms part of a Cabinet submission or decision by Government will not be subject to investigation by the Ombudsman?

The Hon. C.J. Sumner: That is not a matter of policy; it is a matter of law. If Parliament is not happy with the law, I suggest that it considers taking action. The legislation is clear: Cabinet matters are precluded from decisions of the Ombudsman.

Mr S.J. BAKER: Under the Act as it operates at present, Cabinet documents cannot be subject to the scrutiny of the Ombudsman, but there are many briefing papers and dockets which do not form part of those submissions but which are part of the background prior to submissions being put to Cabinet and which, I understand, should be available to the Ombudsman.

At what point does a matter become *sub judice* (if you like) as far as the Ombudsman is concerned? The Minister will appreciate that the final decisions and recommendations of Cabinet can constitute a brief summary and have little to do with some of the background material. Surely it is possible for the Ombudsman to be satisfied that justice has been done in relation to the background material, without delving into the Cabinet submissions.

The Hon. C.J. Sumner: Section 21 of the Ombudsman Act (and this copy looks as though it has not been amended) states:

(1) No person shall be required or authorised by virtue of this Act—
(a) to furnish any information or answer any questions relating to the proceedings of the Cabinet or of any committee of the Cabinet;
or
(b) to produce or inspect so much of any document as relates to any such proceedings.
(2) For the purposes of this section a certificate issued under the hand of the Minister certifying that any information or question or any document or part of a document relates to the proceedings referred to in subsection (1) of this section is conclusive evidence of the fact so certified.

So, the principle that has been embodied in the legislation since 1972 is that no person shall be required or authorised by the Act to furnish any information or answer any questions relating to the proceedings of the Cabinet or of any committee of the Cabinet, or to produce or inspect so much of any document as relates to any such proceedings. Presumably, that is the section on which the Ombudsman would rely in saying that matters that are the subject of Cabinet proceedings or documents relating thereto ought not and cannot be investigated by him.

This principle has been supported by the Parliament since 1972, and I would expect support to continue to be given by the Parliament. I think it would be quite intolerable if elected members of Parliament, and the Cabinet that is formed from the Parliament, were to be subject to investigations by the Ombudsman. We are responsible as members of Parliament and the Government to the Parliament; we answer questions in the Parliament and the matter is dealt with at that level. The Ombudsman deals with administrative acts below the level of Cabinet.

'Administrative act' is defined (and it looks as though this copy of the Act has been amended although it is not up to date) as meaning that the Ombudsman can investigate an administrative act which includes a recommendation made to a Minister of the Crown but does not include matters which have properly been the part of the proceedings of the Cabinet or of any committee of the Cabinet. That is the rule. It is not a matter of policy: it is a matter of law.

The CHAIRMAN: The Chair is having difficulty with the way in which the debate is going and how it lines up with the Estimates. We have now delved into a debate which could be taken up in the Parliament, either during Question Time or by way of substantive motion. The Committee is dealing with the Estimates, and I ask members to come back to the Estimates before the Committee.

Mr S.J. BAKER: I accept that ruling, Mr Chairman. I certainly will not be pursuing that matter further. If we are talking about Estimates Committees, obviously we are looking at the functioning of the Ombudsman's Office, its accountability to the Parliament and a whole range of other questions. Naturally, we want it to function as efficiently and effectively as possible under the Act. Indeed, there is money supplied for that purpose. Therefore, I would have thought that observations about the operations of the Ombudsman's Office were very pertinent to the Estimates.

In reflecting on the point the Attorney has made, and not pursuing the matter, my concern is that by a ministerial certificate sensitive areas (which do not necessarily form part of Cabinet documents or submissions) can be suppressed and not made available to the Ombudsman. However, I appreciate the difficulty of dividing up what belongs where in these circumstances.

The Hon. C.J. Sumner: I am not aware of any certificate having been given.

Mr S.J. BAKER: I note that on page 114 of the Program Estimates reference is made to the broad objective of the Legal Practitioners Complaints Committee and the Legal Practitioners Disciplinary Tribunal. How many complaints have been received? What are the major areas of complaint? How many of these complaints have been resolved and how have they been resolved?

The Hon. C.J. Sumner: Over what period?

Mr S.J. BAKER: The 1987-88 period.

The Hon. C.J. Sumner: I do not have that information. I will see if I can obtain it. There are certain confidentiality provisions relating to the Legal Practitioners Complaints Committee. I will provide to the Committee whatever statistical information can be made available.

The CHAIRMAN: I inform the Minister that the deadline for inclusion of material in *Hansard* is 7 October.

Mr GROOM: I congratulate the Attorney-General on the very fine way in which he handles this portfolio and the management of the department. Consequently, my questions are really not of a probing nature, but more information seeking. On page 116 of the Program Estimates I note in the specific target/objectives for 1987-88 legislation included the Jurisdiction of Courts, (Cross-Vesting) Act: can the Attorney outline the benefits that will flow from the passage of that legislation?

The Hon. C.J. Sumner: That legislation has passed, has been proclaimed and is in operation. What will have to happen throughout Australia is that the courts and Attorneys will have to monitor its effect. However, in essence, it should provide a benefit to litigants by ensuring that they do not get involved in disputes between jurisdictions, where in our Federal system we have Federal courts seized of some matters and State courts seized of others.

This cross-vesting proposal will ensure that the one court can deal with both State and Federal matters at one time, in the one process. There are procedures in the Act for deciding which court it is that should hear the whole of the matter. Essentially, it depends on where the substantive issue arises; that is, under Federal law or under State law.

If the substantive or major issue is under Federal law, a Federal Court would hear it but, if it had some State implications, the Federal Court could also make a decision on those State issues and deal with the whole of the cause of dispute. Its purpose is to avoid litigants getting involved in sterile jurisdictional disputes.

Mr GROOM: On page 117 of the Program Estimates it is noted that major expenditure variations include the increased level in compensation payments to victims of crime, in addition to other proposed expenditures in the interests of victims of crime. What are the reasons for the major expenditure variations as outlined and the future policy directions with regard to victims of crime?

The Hon. C.J. Sumner: Over the past few years the Government and I have given considerable attention to this issue. That attention has been recognised not only throughout Australia but also internationally. As a result of my recent visit to the World Society of Victimology Symposium in Jerusalem, I was elected to the executive of that body. I think that that should be a credit to South Australia, because it reflects the initiatives which we have taken in this State as far as support for victims of crime is concerned, and that support is ongoing. The processes that we set in place with our 17 principles of the rights of victims are still being pursued and implemented.

Apart from the compensation payments, which were increased to $20 000 last year, payments have been made in this area, and last year we provided $92 468 for a Victims of Crime Study, which has been carried out by the Office of Crime Statistics. That study will produce a report which will look at what victims see as being their needs in the criminal justice system. There is a further allocation of $50 000 this year to enable that study to be completed. Last year a $37 000 grant was provided to the Victims of Crime Service, which represents victims of crime. This year that amount has been increased to $100 000. Three additional staff (two solicitors and one support staff) have been appointed to the Crown Prosecution Office to provide assistance to victims at that level of the court proceedings, to ensure that the rights of victims and the 17 principles are fulfilled, and to ensure that material relating to the impact of the crime on the victim is properly put before the court.

A pamphlet, which should be available shortly, has been produced and it will be distributed to all victims as they come into contact with the police. The Criminal Injuries Compensation Fund receives 20 per cent of all fines, moneys from the levy and any moneys resulting from confiscation of criminal profits, so in the future the amount of money available for victims should be able to be increased. Obviously, we will have to await the future status and size of the fund. But I am hopeful that the fund can be built up as a result of the initiatives that have been taken.

Mr GROOM: It concerns me that the Crown does not offer employment to young solicitors undertaking the graduate diploma course until late in the year and a number of people have spoken to me about top young people who would like employment with the Crown. What happens is that the major firms, very early in the year, offer employment, so people who might be tempted to seek employment as a solicitor with the Crown tend to opt for what is offered immediately and to take the jobs that are available. Does the department experience any difficulties in recruiting young solicitors and, if so, would competition with the major firms be of any assistance to the department? I am not confident about the quality of my information: I have heard only from a few young people saying they would have sought employment with the Crown had it been offered earlier in the year.

Ms Branson: It is true that the Crown is handicapped when competing with major firms. The main reason is that the Crown has an establishment of positions and without a vacancy in its establishment it is not able to offer permanent employment. We cannot assess early in the year what vacancies in our establishment might be available late in the year. It is a problem to which we have addressed our minds and about which we have spoken with the Commissioner of Public Employment and the Under Treasurer, and we are considering whether there are ways that we can address that problem. It is a structural problem, as suggested.

Mr S.J. BAKER: Further to my question about the Legal Practitioners Complaints Committee, in the statistical table that the Minister will prepare will he also detail the number of complaints outstanding as at 30 June 1988 and the areas involved? Further to that, what resources does the complaints committee have at its disposal and who are the members of the committee?

The Hon. C.J. Sumner: The Chairman of the Legal Practitioners Complaints Committee is Mr B.T. Lander, Q.C. The members are Mr J. Broderick; Ms C. Clancy; Mr G.G. Holland; Mr G.M. May; Ms M.L. Moran; and Mr A. Raphael. The Chairman is paid $3 964 per annum and the members are paid $3 319. The staff are funded by the Law Society. Joan Whyte, a lawyer, is Secretary and she has assistance to carry out investigations.

Mr S.J. BAKER: Does the Law Society pay for the bills or does the Attorney provide funding?

The Hon. C.J. Sumner: The Law Society pays for the complaints committee Secretary, but there is payment from the Guarantee Fund for investigations. If a complaint is received about a legal practitioner, the committee, or Ms Whyte and the people she engages, carry out the inquiry. If the matter appears to be serious, the committee approaches the Attorney-General for funding from the Guarantee Fund for private counsel, perhaps, to be briefed if the matter requires further inquiry and investigation. The committee's fees are paid from the Guarantee Fund, which is established under the Legal Practitioners Act. That is how it operates.

The Legal Practitioners Disciplinary Tribunal, to which complaints that the committee feels are justified are sent, comprises: Mr K.P. Duggan, QC (Chairman), Mr K.J. Ward (Deputy Chairman), Messrs Anderson, Angel, Canny, Eriksen, Herriman, Montgomery, Wicks, Williams and Worthington, and Ms Nelson. They are paid a retainer of $3 857 per annum and $111 per session. The Secretary is Mr Austin of the Supreme Court.

Mr S.J. BAKER: How many cases were taken to the disciplinary tribunal during 1987-88 and what were the results?

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

Mr S.J. BAKER: In terms of the Commonwealth Films Censorship Board, I note on page 115 mention of the States' receiving an equitable portion of the fees collected. Can the Attorney-General detail the share which South Australia receives, how much it received in 1987-88, and how that compares with the other States and Territories?

The Hon. C.J. Sumner: We do not have that information in that much detail, but it can be provided. These things are usually done on a population basis.

Mr HAMILTON: Changes were made some years ago to provide for appeals against the severity of sentences handed down by the judiciary. Can the Attorney-General provide information, particularly statistical information, about how successful that has been? This is a topic of conversation within the community with statements that the Government is not doing enough in terms of imposing penalties.

The Hon. C.J. Sumner: There are two issues. One is the matter of Government policy and the legislation passed by Parliament with respect to penalties. For the most serious offences in this State, there are very severe penalties: mandatory life imprisonment for murder and life imprisonment for rape and armed robbery. In addition, the courts can refuse to set non-parole periods if the matter is considered to be serious enough. That means that very severe sentences can be handed down by the courts within the scope of the legislation that currently exists.

Of course, in recent times the courts have indicated their abhorrence of certain crimes. The sentence in the Von Einem case was a 36 year non-parole period, which means the earliest possible release for that individual would be after 24 years, and recently other heavy sentences have been handed down as in the murder case of Miss Mathewson. That is a recent case where a long non-parole period was handed down. The courts have the capacity within the legislation to impose severe penalties if they think it is justified.

Further, the Government promoted increases in penalties for drink driving offences and causing death by dangerous driving. We saw significant increases in those penalties. The Government also promoted and had passed by Parliament significant increases in penalties under the Summary Offences Act a couple of years ago. The Government has been vigilant in ensuring that the penalties set down by Parliament are severe and adequate to meet the most serious case that might come before the courts, which then have the authority to determine the particular sentence depending on the circumstances, for example, whether it is a serious example of the offence with a lot of aggravating circumstances and harm to the victim, perhaps dealing with a multiple offender, or whether the matter was of a less serious nature involving a first offender.

The court must take into account a whole range of factors in determining an appropriate sentence within the guidelines or limits laid down by Parliament. I have already indicated that the courts have responded to Crown appeals in some cases, and I refer particularly to the Von Einem case where a significant increase in penalty was obtained as a result of the Crown appeal. Increases have been obtained in respect of armed robbery and I hope that, as soon as we can identify a case that can be reasonably argued, there will be a case taken before the Full Supreme Court on what should be the appropriate penalty in serious cases of rape. As I have said publicly, the level of sentence there is still too low. A test case will be mounted at the appropriate time in that area.

The courts have responded to Crown appeals in certain areas, particularly serious murder cases and armed robbery, by increasing the penalties. Another cause for the increase in penalties is the amendments to parole laws made in 1986 which ensure that judges when imposing sentence must take into account that one-third of the sentence can be remitted for good behaviour by the prisoner in gaol. That is considered an essential part of the sentencing procedures for prison authorities, because it enables them to have greater control over the behaviour of prisoners and to prevent the sort of things that occurred when the previous parole laws were in place before 1982.

Since Crown appeals were introduced in early 1982 there have been 121 appeals. Of those 121, 60 have been allowed in whole or in part, 37 dismissed, 20 abandoned, convictions quashed or leave refused and four are pending. As to Crown appeals against sentence, that is not a matter directly involving the Government. The Government does not make decisions about whether Crown appeals are to be taken, either relating to the leniency of the sentence or otherwise. Members will recall that I made a statement to the Council recently in which I outlined the role of the Attorney-General and the Crown Law officers with respect to the criminal justice system. I made it clear that the Attorney and Crown Law officers in that area act independently of the Government and cannot be instructed by either Cabinet or anyone else in deciding to take a Crown appeal or any other action—to prosecute, to lay an information in a case or not to proceed with a case, and so on. They are not decisions taken by the Government.

It is essential that those decisions be taken by the Attorney-General acting as the Attorney-General with his independent constitutional role in the criminal justice system. The Attorney-General acts on the advice of the Crown Prosecutor usually, or the Crown Solicitor or the Solicitor-General, depending on the circumstances of the case. It does not mean that the Attorney automatically accepts that advice, although in the majority of cases the matters are conducted by the Crown Law officers and it is only the important ones that are personally drawn to the Attorney's attention.

I want to make that clear in answer to the question: the Government has done its bit by promoting amendments to the parole laws, to which I referred, by ensuring that penalties are adequate in the general law for serious offences and by increasing penalties where we considered it was appropriate, that is, introducing legislation to increase pen-

alties for offences such as causing death by dangerous driving and many summary offences.

The Government has done its part by ensuring that it puts before Parliament penalties that are adequate, and Parliament has passed that legislation. The courts have responded in some cases at least by increasing penalties significantly and perhaps there will be further test cases if the Crown feels the level of sentence is inadequate. In my role as Attorney-General I have instituted 104 appeals since December 1982. The 121 appeals is the total, including a period when Mr Griffin was Attorney-General.

Sentencing is one important aspect of the criminal justice policy, but it would be wrong to see it as the only thing that has to be done in the general area of criminal justice. I have mentioned the Government's initiatives concerning victims, together with the general crime prevention initiatives of the police which have been supported by the Government, for example, Neighbourhood Watch and the like. Sentencing is an important aspect of any criminal justice policy, but it ought not to be seen as the only thing that can be done.

Mr HAMILTON: I assure the Attorney that that information will be disseminated throughout my electorate. I have noted some pamphlets being distributed in the community suggesting that the Government is going a bit soft on crime, and they contain a statement that there has been quite a dramatic increase in rape in South Australia. It has been suggested to me that there are more degrees of rape in South Australian law than in any other State, and that that is reflected in the number of cases being brought before the appropriate authorities. Will the Attorney-General comment on this matter?

The Hon. C.J. Sumner: The general question of comparative criminal statistics in Australia is very difficult because the reality is that most of the statistics, because of different definitions of offences, reporting and police procedures, are not comparable between the States. However, attempts are made to give an idea, essentially based on police reports, of the crime rates in respective States, but those figures have to be treated with the utmost caution for the reasons I have mentioned.

For instance, one can be reasonably sure that one can get a comparison in relation to murder, which is similarly defined throughout Australia. I should say that South Australia has a murder rate that is certainly no greater than the national average, and in recent years I think it has been less than the average. For instance, it is certainly much lower than comparable States in the US and other western industrialised nations. If the honourable member wants a comparative table of that, I can provide it for him. This is one area where a comparison between States is possible whereas in other areas it is not possible.

One of the real problems we have in trying to have a rational debate in this area is that crime statistics are often not comparable. A recent example was where South Australia appeared to have a higher theft rate than other States, but when one looked into it one saw that in this State all lost property was included in the statistics whereas in other States it was excluded. If one just took the bald figures it showed that South Australia had a higher crime rate for theft than other States.

Another problem area was in relation to children's appearances. In South Australia all appearances, whether they are before the courts or the aid panels, are recorded, whereas in another State (to which these statistics were being compared) those matters are dealt with by cautions and are not recorded, and it appeared as though South Australia had a higher rate than some other State.

With those qualifications it would be fair to say that generally the crime level in South Australia is no worse than anywhere else in Australia, and in some areas I believe it is significantly better. It is certainly no worse than most western industrialised countries, apart from Japan and Switzerland. The problem of the increasing crime rate is one which all western nations have experienced in recent times, the United States particularly and also Western Europe and the United Kingdom. In that international league (if you like) South Australia compares reasonably well.

That is not a matter that should give rise to complacency, and it has not done so in this Government. The information to which the honourable member refers is presumably from a Liberal Party pamphlet. Of course, that is something that will go in every Liberal Party pamphlet. The Liberal Party will see it, as it did in 1979, as good politics. Members will recall that in 1979 it made the promise that it would make the streets of South Australia safe for everyone's daughters. Of course, we know that from 1979 to 1982 there was a significant increase—

Mr S.J. BAKER: There has been a lot more since. You should look at the statistics since then.

The CHAIRMAN: Order!

The Hon. C.J. Sumner: The point I am making, which is valid, is that this is an issue that is of major concern not only to Australia and South Australia but also to western industrialised nations. I am saying that the Liberal Party came to office in 1979 with a large number of promises in the area of law and order and made a big play of it during the election campaign—wearing stockings over their heads and so on—with specific commitments about reducing the crime rate. The fact is that it was not reduced; it increased very significantly during that period. If the member for Albert Park would like those figures I will certainly provide them for him.

No matter what the Liberal Party puts in its pamphlets and no matter what political play it attempts to make about it, it is a difficult problem with which we as a community have to grapple. The Liberal Party's making statements about these issues will not resolve the crime problem, whether or not it gets into Government. It might help get it elected, but if it has any intellectual honesty it would know that just getting it elected will not solve the crime problem in this State, or anywhere else for that matter. That is certainly the experience throughout Australia and the western industrialised world.

We have a social phenomenon that has to be addressed by legislation in a number of ways. The Government has done this in relation to penalties and the rights of victims of crime (where, throughout Australia, we are recognised as being the leader and, internationally, as having done very well in looking at the rights of victims of crime). We have provided an adequate Police Force and have the highest number of police per capita than any State in Australia. We have supported police crime prevention initiatives, such as Neighbourhood Watch and the like. To suggest that we are going soft on crime and that we have done nothing is wrong. We have done a number of things, but obviously more needs to be done. I assure the honourable member that the Liberal Party, using this issue in pamphlets that it distributes in electorates, will not resolve the problem of crime. It needs a much more dedicated community effort than just that, and the Liberal Party should know that from its experience in Government between 1979 and 1982.

Mr HAMILTON: I would appreciate a list of Government initiatives since 1982 in terms of increased penalties, as well as the other statistics. With respect to juveniles who have been arrested or taken in for various crimes in the

community, I think it is fair to say that in my nine years in the Parliament I have heard from members of the Police Force and the public that the kids of today seem to be able to go out and commit crimes—particularly if they are under the legal age—they are taken before the courts, they get a slap on the wrist and they repeat the offence. It is not an uncommon statement. This issue has been directed to me on a number of occasions. It is not unusual to have it raised three or four times a year either while I am door knocking, in a pub or in a senior citizens club. Can the Attorney comment on this issue?

The Hon. C.J. Sumner: The present system dealing with juvenile offenders has been in place, with some modifications, since the early 1970s. It has been supported by both the Liberal and Labor Parties. The previous Liberal Government did not change the system of dealing with juvenile offenders. Therefore, I think it has been accepted that the present method of dealing with juvenile offenders has been a reasonable one. It is also fair to say that of those who go through the juvenile system a very small proportion reoffend. Again, I can provide the precise statistics for the honourable member. About 87 per cent of those dealt with in the juvenile system do not reappear. Therefore, on the face of it, the figure is quite reasonable.

However, I believe that there are some issues that need looking at in the Children's Court system. I have already announced a review of some aspects of the administration of juvenile justice in this State, in particular the questions of secrecy provisions and penalties. I have been of the view that, particularly in some cases of vandalism and the like, children should be made aware of their personal responsibility for their actions a little bit more than perhaps has happened hitherto. That inquiry is investigating whether community service orders can be extended for juveniles in appropriate cases; for example, where vandalism has occurred the child would have to spend some time at the school or wherever doing community work over a period of time.

It has been well established in criminological literature around the world that locking children up, unless it is absolutely necessary, is counter productive because you force the children into a criminal culture which only makes the situation worse and makes them more prone to violence and criminal behaviour. Therefore, clearly, detention for juveniles has to be a last resort. I think that is accepted by any thinking person in this State. Certainly, I hope it is accepted by anyone who has examined the issue in any detail. Of course, that does not mean that in some cases detention cannot be and should not be proposed. However, it should be very much a last resort.

Given that we do not want to imprison or incarcerate juveniles more than we have to, given that we want them to take more personal responsibility for their actions, I think there is a case for amending the provision. The review that I have established is currently going through that and I expect it will report on at least some aspects of its inquiry in the near future.

Mr HAMILTON: I would appreciate the provision of that statistical information.

The Hon. H. ALLISON: I refer to page 115 of the Program Estimates proscription of publications and public performances. I note that for the sake of achieving uniformity throughout the Commonwealth, the States have delegated to the Commonwealth Film and Censorship Board their powers of classification of commercial films, but subject to powers reserved to the Attorney-General to alter classifications. If the Federal Government backs away from the Federal Attorney-General's undertaking to ban X-rated video and not allowing the non-violent erotica (NVE) category, what would the State Attorney-General's position be?

The Hon. C.J. Sumner: I do not think it is a matter of the Federal Government's backing away: it is a matter of whether the Federal Parliament will agree to the Federal Attorney-General's proposition. Irrespective of what that decision is, we have made our decision here and that will stand.

The Hon. H. ALLISON: I refer to 'Law Reform/Law Policy' at page 116 of the Program Estimates. The Attorney-General has suspended the Law Reform Committee. Will that committee be revived, and what steps will be taken to establish an independent law reform structure in South Australia?

The Hon. C.J. Sumner: The Law Reform Committee will not be revived in this financial year. There are enough initiatives dealing with law reform before the Government at the moment which will keep us fully occupied for the foreseeable future.

The other problem that I have with law reform in Australia at the moment is that there are some six or seven agencies: there is the Federal Law Reform Commission and all States—except possibly Tasmania, which I think abolished its Law Reform Committee recently—have law reform mechanisms. Some of them have also had various specialist law reform inquiries, such as a sentencing report that was recently produced in Victoria.

So, there is an enormous amount of work going on in law reform around Australia. Not much of it is coordinated and a lot of it overlaps. There is a fairly significant waste of resources in the work being done on law reform around Australia at the present time. What I hope to do is to work towards achieving some rationalisation of that law reform process. As far as South Australia is concerned, as I said, the Law Reform Committee will not be reconstituted in this financial year. However, if there are particular matters that require inquiry, funding can be made available to independent consultants or academics if necessary to produce a report on the reform of the law that might be necessary. In addition, of course, we will be monitoring the output from these other six or seven law reform bodies throughout Australia to see whether anything in what they are saying is relevant to this State.

The Hon. H. ALLISON: Is the Attorney saying that he does not propose to examine any law reform topics during this financial year?

The Hon. C.J. Sumner: Every day of the week law reform topics are dealt with in my office. Some of them are still being processed as a result of Law Reform Committee Reports and others arise from community concerns about issues, so there is certainly a legislative and reform program. Because of the very vigorous program over the past five years, a lot of the laws have been updated and rewritten and I envisage that that process will continue, albeit perhaps not at the same pace as has been the case previously. However, a large number of issues are still being dealt with and, if particular issues of law reform arise, we can obtain funding to get reports from private consultants or lawyers on particular aspects of law reform.

I think it is fair to say that the South Australian Law Reform Committee, which did some very good work, was as successful as it was because of the chairmanship of Mr Justice Zelling. To a substantial extent he carried the Law Reform Committee and he has now retired as a Supreme Court judge.

The Hon. H. ALLISON: Again referring to page 116, on which interdepartmental, intergovernmental and public committees is the Attorney-General represented? How fre-

quently do they meet, what are their reporting dates and when were they established?

The Hon. C.J. Sumner: I am not sure whether or not that information is readily available, but I will take that on notice and provide whatever information is available.

Mr De LAINE: I notice that on page 117 of the Program Estimates under the program title of 'Payments to victims of crime' the statement is made 'to maximise the recovery of moneys owing to the fund'. Is there a problem in relation to recovery and, if so, what is the extent of the problem?

The Hon. C.J. Sumner: The basic problem is that most offenders are impecunious and do not have the assets to repay the money which is paid by the State to the victims of criminal activity, but in recent times we have taken some steps to increase the amount of recovery. In the 1982-83 financial year only $12 430 worth of recoveries were made, but in 1986-87 that amount increased to $102 812 and in 1987-88 the amount recovered was $91 556. That is as a result of some initiatives which were taken.

Mr Abbott: We have done a number of things to increase the rate of collection. First, we have installed a computerised debt recovery system which does expedite the invoices to debtors. Secondly, we have a new form of recovery debt information similar to the Dun and Bradstreet service which we have implemented. The recovery of moneys on a year to year basis largely depends on those debtors who decide to pay in a lump sum. If we receive a lump sum recovery, the figures look very good. We normally have to recover a large debt (which can approach $10 000) in instalments sometimes as low as $10 a month and then that debt takes a long time to extinguish.

Mr S.J. BAKER: In relation to page 116 of the Program Estimates, to what committees does the Attorney-General provide a nominee?

The Hon. C.J. Sumner: That would involve a number of committees: the Youth Affairs Reference Group, the No-Fault Motor Vehicle Accident Compensation Review, the Review of Courts of Summary Jurisdiction in conjunction with the Chief Magistrate, the Computerised Legal Information Retrieval System Advisory Committee, the Law Foundation of South Australia, the Justice and Consumer Affairs Committee of Chief Executive Officers, the Review of Certain Aspects of the Children's Protection (Young Offenders) Act and the Interdepartmental Committee on Authorised Trustee Investment Status.

Mr S.J. BAKER: In relation to payments to victims of crime, in answer to a previous question the Attorney said that the proposed allocation for 1988-89 (page 117 of the Program Estimates) is $1.521 million, but the summary of payments at page 109 shows a proposed allocation of $2 million. No employment is shown against those lines. What is the reason for the difference, or have the employees been allocated elsewhere?

Mr Abbott: Expenditure on victims of crime comes out of the Criminal Injuries Compensation Fund which is financed by a number of initiatives mentioned by the Attorney previously. Three staff are attached to the Criminal Prosecutions Section, which forms part of the Crown Solicitor's Office. Those staff are shown in the program Legal Services to the State. The payments are reflected on page 112 of the white book which shows the source of funding. Part of the special Acts payments on that line, in addition to the amount for the salaries of the Solicitor-General, Attorney-General, and Ombudsman, is money appropriated for the Criminal Injuries Compensation Fund. So that is where the allocation of funding is picked up. But the payments do not show within the budget papers because the payments come out of a deposit fund, namely, the Criminal Injuries Compensation Fund.

Mr S.J. BAKER: Supplementary to that, can we have provided for *Hansard* a breakdown of the total costs and appropriate sourcing?

The Hon. C.J. Sumner: I believe I have already provided this material. Do you want the levy breakdown? Do you want the movements in the Criminal Injuries Compensation Fund?

Mr S.J. BAKER: According to one description here, $1.521 million involves payments to victims of crime. Will that be the total cash payout involved in the 1988-89 budget, or is there staffing and overhead costs in that? Further, can we have a breakdown of the difference between the $1.521 million and the $2 million shown on the summary expenditure line?

The Hon. C.J. Sumner: The best way of doing this is to look at the 1987-88 actual movements in and out of the Criminal Injuries Compensation Fund. The receipts comprise the following levies: Court Services Department, $795 002; Department of Correctional Services, $620; Police Department, $436 390; and Corporate Affairs Commission, $1 565, making a total of $1 223 577 collected from levies (that is, levies on court appearances from the various departments that collect that levy). Compensation recoveries last year amounted to $91 156; and transfer from appropriation (that is continuing the pre-existing contribution from general revenue), $1.313 million. Total receipts into the fund that year were $2 637 733.

Out of that, compensation payments were $1 497 817; *ex gratia* payments, $17 524; debt recovery costs, $7 474; victims of crime study, $92 468; grants to Victims of Crime Inc., $37 000, and to the South Australian Institute of Technology for a victimology course run in that institution, $7 200; and Crown Prosecutions staff, $17 846, making total payments of $1 677 329 out of the fund. So there is a closing balance of $963 748 in the fund. The figures for the 1988-89 year are only proposed.

Mr S.J. BAKER: That is what I am trying to establish.

The Hon. C.J. Sumner: Obviously they are estimates which one would not want to be pinned down to because it depends on the level of fines, activities, etc. What we have estimated there for receipts is $1.48 million from the levy; $120 000 from compenstion recoveries; and $1.521 million transfer from appropriation, totalling $3.121 million. Out of that we estimate compensation payments of $1.745 million but that, of course, is probably a guess because it is just not possible to estimate, we can only really go on what happened the previous year and make some adjustments. Debt recovery costs are estimated at $10 000; victims of crime study, $50 000; grants to VOCs, $100 000; a pamphlet that has been produced, $5 000; and the total cost of the Crown Prosecutions staff, $95 000.

Mr S.J. BAKER: How many people were involved in the *ex gratia* payments that the Minister mentioned, and what were they for?

The Hon. C.J. Sumner: I do not have those details. Some circumstances arise where *ex gratia* payments are made, but the individuals concerned are not necessarily put to full proof. I do not have the details before me and I am not sure whether it is appropriate to indicate the individuals, but I will ascertain the number involved.

Mr S.J. BAKER: During 1987-88, you mentioned a figure of about $92 000 for the victims of crime survey, and you have just informed us that $50 000 will be spent during 1988-89: can the Minister detail the nature of the survey, the sort of questions that are being asked, who are actually being surveyed and when the results will be published?

The Hon. C.J. Sumner: The purpose of the survey is to provide a reasonable data base as to victims' attitude to their treatment in the criminal justice system and therefore provide a basis from which policy can be changed or developed. We are looking at how victims view the criminal injuries compensation and the treatment there and we are also looking at how victims see their treatment in the criminal justice system generally from their initial contact with police right through to the handling of the case in court.

The Office of Crime Statistics is carrying out the survey. A two-year study into the needs of victims of crime was commenced in December 1986. This is to assist in establishing the most appropriate services of crime victims to ensure the implementation of the 1985 United Nations charter on the rights of victims of crime. The survey involves a range of questions of crime victims to establish typical experiences as they move through the various branches of the criminal justice system and systematically to document their needs and wishes. The final report should be available in early 1989.

Mr S.J. BAKER: Can the Minister list the items of legislation that will be consolidated this year, the list of regulations that are set to expire by 31 December this year and the likelihood of those regulatory renewals?

The Hon. C.J. Sumner: The following Acts were consolidated during the last financial year:

City of Adelaide Development Control Act 1976
Criminal Injuries Compensation Act 1978
Industrial Conciliation and Arbitration Act 1972
Industries Development Act 1941
Land Agents, Brokers and Valuers Act 1973
Planning Act 1982
Second-hand Motor Vehicles Act 1985
Shop Trading Hours Act 1976.

The consolidations section of the office is currently working on 30 Acts. It is expected that the following Acts will be consolidated and published in the first half of the 1988-89 financial year:

Administration and Probate Act 1919
Local Government Act 1934
Payroll Tax Act 1952
Electricity Trust of South Australia Act 1946
Motor Vehicles Act 1959
National Parks and Wildlife Act 1972
Prices Act 1948
Road Traffic Act 1961
Summary Offences Act 1953.

It is expected that the following Acts will be consolidated and published in 1989:

Evidence Act 1929
Real Property Act 1886
Trustee Act 1936.

I have a list of the regulations that will automatically expire at the end of the year and will have them inserted in *Hansard*. The list comprises only regulations under the Attorney-General's portfolios and do not contain any that expire on 1 January 1990.

Expiry Date	*Name of Regulation(s) and Date When Made*
1 January 1990	None
1 January 1991	Film Classification Regulations (24.2.72, as amended)
	Abortion Regulations (CLCA) (8.1.70, as amended)
	Crown Proceedings Regulations (14.12.72)
	Land Acquisition Regulations (28.6.70, as amended)
	Real Property Act (Solicitors and Land Brokers Charges) Regulations (30.5.74, as amended)
1 January 1992	Children's Protection and Young Offenders Regulations (28.2.79, as amended)
	Classification of Theatrical Performances Regulations (11.5.78)
	Cremation Regulations (9.3.78, as amended)
	Regulations as to payments to witnesses and others at criminal prosecutions (CLCA) (19.1.78, as amended)
	Fences Act Regulations (20.4.78, as amended)
	Subordinate Legislation Regulations (11.5.78)
	Police Offences Regulations (28.6.79)
1 January 1993	Administration and Probate (Interest Upon Pecuniary Legacies) Regulations (17.6.82)
	Administration and Probate (S. 118m) Regulations (24.1.85)
	Supreme Court (Probate Fees) Regulations (9.2.84)
	Classification of Publications Regulations (29.3.85)
	Electoral Act Regulations (22.8.85)
	Legal Practitioners Regulations (25.2.82, as amended)
	Local Court (Fees) Regulations (28.1.82, as amended)
	Members of Parliament (Register of Interests) Regulations (4.8.83, as amended)
	National Crime Authority (State Provisions) Regulations (6.6.85)
	Summary Offences Regulations (4.7.85)
	Summary Offences (Traffic Infringement Notices) Regulations (26.11.81, as amended)
	Supreme Court (Fees) Regulations (22.9.83, as amended)
	Trustee Regulations (4.9.80, as amended)
10 April 1993	Criminal Investigation (Extra-territorial Offences) Regulations
4 September 1993	Criminal Injuries Compensation Fund Regulations
26 February 1994	Crimes (Confiscation of Profits) Regulations
9 July 1994	Commercial Arbitration Regulations
30 July 1994	Bail Regulations
	Unclaimed Goods Regulations
29 October 1994	Criminal Law (Enforcement of Fines) Regulations
3 December 1994	Legal Practitioners (Professional Indemnity Insurance Scheme) Regulations
23 December 1994	Criminal Injuries Compensation Regulations
16 June 1995	Summary Offences (Dangerous Articles) Regulations.

Mr S.J. BAKER: In relation to legal services, it is noted that there has been a significant increase in the commercial operations of the Government. Does the Crown send out work from the commercial section to the private profession? If so, on how many occasions? What sort of jobs are involved? Do they belong in the local arena or do they have some interstate flavour?

Ms Branson: It is unusual for commercial work to be briefed out from the Crown Solicitor's Office. However, some matters have been too demanding in time to be handled entirely within the office. A large arbitration matter that went on for approximately 12 months was one such matter and counsel were briefed in the private South Australian bar. The solicitors' work in the commercial section is handled entirely in-house.

Mr S.J. BAKER: Another comment in 'Issues and Trends' concerns the time taken on child welfare related cases. How many cases involved the Crown in 1987-88 and in which courts? What is the comparison with 1986-87?

Ms Branson: In the last financial year, 78 matters involving applications for children to be declared in need of care were handled within the Crown Solicitor's Office; counsel from the Crown Solicitor's Office appeared in the Family Court to protect the interests of children; and the office also handled eight affiliation cases. In the previous financial year, the office received instructions in 87 in need of care matters in the Children's Court and instructions in 14 affil-

iation matters. All those matters are heard in the Children's Court.

Mr GROOM: In a press release on 14 September 1988, the Minister announced, among other things, some key budget measures, including $20 000 to provide support for the first time for the Marion Community Legal Centre and the provision of $50 000 for a pilot mediation service in the Noarlunga area. Can the Minister outline briefly how that pilot mediation service will operate and the benefits that both areas will receive from the establishment for the first time of the Community Legal Centre at Marion and the provision of this pilot mediation service?

The Hon. C.J. Sumner: The Community Legal Centre at Marion is already established but, to date, it has not received State funding, only Federal funding. This allocation will enable the centre to receive State funding so that all community legal services throughout South Australia will receive both a Federal and a State component of funding. A mediation service operates in Norwood, and funding for that has been increased by approximately $6 000. The Noarlunga mediation service will do similar sort of work and will receive $40 000 in this financial year. In addition, a committee will be established to monitor the operations of the Norwood and Noarlunga services to try to assess how effective the services are in mediation, the extent to which they resolve issues that might otherwise go to court, and exactly what it is that they handle in terms of case load and the profile of clients. That should provide a basis for ascertaining whether the mediation services are working effectively and, of course, whether there is any case for their expansion.

The Hon. H. ALLISON: Page 119 refers to a growth in bail reviews. How many bail reviews have there been and how do they compare with the 1986-87 statistics?

The Hon. C.J. Sumner: For the financial year ended 30 June 1986, there were 54; 30 June 1987, 64; and 30 June 1988, 71.

The Hon. H. ALLISON: How many applications have been made in 1987-88 under the Controlled Substances Act and the Crimes (Confiscation of Profits) Act? With what success would these applications have been made?

The Hon. C.J. Sumner: The Leader of the Opposition has a question on notice in the House of Assembly and we are trying to get information, but it is not easy. I will take the question on notice and either provide the reply that will be given to the Leader of the Opposition or provide these details, whichever comes first. We may not be able to track them down at all.

The Hon. H. ALLISON: As to the increasing number of trials involving children as witnesses, which is adding to the workload of the criminal prosecution section, how many trials were there in 1987-88 compared with the previous year involving children as witnesses? What sort of issues would have been canvassed in those trials?

The Hon. C.J. Sumner: It would be impossible to give that statistical information: it is not kept. Children could be in a large number of cases which do not necessarily involve the children as victims. Where they are victims, say, in child abuse cases, I do not know that we have the capacity to separate the figures. Of course, it is an area of concern. The community generally is more aware of child abuse and child sexual abuse and the Government has taken action through its Child Sexual Abuse Task Force and the establishment of the Children's Protection Council and a number of reforms such as law reform where we have put to Parliament last year and earlier this year matters dealing with child witnesses and their competence before the courts.

It is an increasing area because of increasing concern, but also because of increasing reporting. That is another factor about which one must be careful in the use of crime statistics because most criminologists would say that there is a 'dark' figure in most criminal activity, it being the unreported crime. In sexual cases that has been notoriously high. In rape cases the dark figure is that only 30 per cent of cases are reported. It is fair to say that the dark figure of child abuse cases is also high. If we increase community awareness and concern on these issues, we get an increase in reporting which does not necessarily indicate an increase in the rate of offending.

In child abuse cases we would see an increase because of a greater awareness of the issue and a greater propensity towards reporting them. As the Crown Solicitor points out, the point of the remark in the papers is to indicate that it requires more work for the department and for its officers if they are dealing with child witnesses because they take more time of the officers concerned.

The Hon. B.C. EASTICK: How many prosecutions were taken on behalf of the National Crime Authority and briefed out to private counsel? What was the cost of that briefing out? I refer to the resource variations identified at the bottom of page 119.

The Hon. C.J. Sumner: All the NCA prosecutions were briefed out to the private bar as was requested by the NCA and agreed to by the South Australian Government. In the last financial year $54 771 was paid in NCA prosecution fees and there will be some matters in this financial year as well.

The Hon. B.C. EASTICK: In the light of the public statement by the Police Commissioner today, it would appear that he is at odds with the Attorney and the NCA relative to statements about corruption. If there is this variation of opinion as to where the true thrust of corruption or anti corruption lies, will it be possible for the Anti Corruption Committee to function satisfactorily, because the Commissioner is one of the component parts of that committee?

The Hon. C.J. Sumner: The anwer is 'Yes'. It will function well. There is no problem between the Government and the Police Commissioner. The South Australian Government and I in our ministerial statement indicated our full support for the Police Commissioner and the South Australian Police Force. Indeed, the Police Commissioner's memo in the newsletter—*Police Post*—that goes out to the force quoted extracts from that statement which indicated support by the Government for the South Australian Police Force.

The report on the South Australian police prepared by the NCA was tabled, as far as we were able, by the Government in Parliament. The Government believed it should make available to the public and Parliament what the NCA said. Having done that, we now find the Opposition somehow is trying to suggest that the Government has had a lack of resolve and is trying to criticise the circumstances arising from this issue. If we had not tabled the report, the Opposition would be criticising us for being secretive about the matter, but we put it out even though it was critical to some extent. We put out and tabled the NCA report.

The Government cannot be criticised in that way at all. We now have the Leader of the Opposition making a somewhat belated statement that the Government had a lack of resolve on these issues. I have already responded to that in Parliament and said emphatically that that is not the case. The NCA has never indicated to me as the Minister on the inter governmental committee, to the Premier or to anyone else that there had been a lack of resolve on the part of the Government in this area. The actual words of the NCA are available in the report tabled.

Members can draw their own conclusions from the report, but it certainly is not the Government that has had any lack of resolve in this area. I indicated before that, shortly after coming into office, we were confronted with the question of whether to support the establishment of the National Crime Authority. I participated actively on behalf of the Government in that anti corruption measure and supported, on behalf of the Government, the establishment of the NCA.

At the earliest possible moment we made available the details of the NCA's inquiries in South Australia by tabling the report some two or three weeks after it was received. We immediately announced the action we would take to deal with what was said in that report. There is absolutely no dispute between the Police Commissioner and the Government on this issue. We have agreed to proceed by way of a ministerial committee which will be backed up by officers. In due course, a report indicating what the Government intends to do will be made public.

The Hon. B.C. EASTICK: Supplementary to that, would the Attorney have us believe that the statement appearing in the *Advertiser* this morning which suggested a difference of opinion between the Minister of Emergency Services and the Commissioner does not exist?

The Hon. C.J. Sumner: I have not seen what the Minister of Emergency Services said. All I am saying is that the Government has made the material available to the public, and you can all draw your own conclusions as to what the NCA had in mind. I suggest that the Government has not had a lack of resolve; that has never been suggested to me by the NCA in my dealings with it. Further, I believe that the police have taken initiatives in this area which are to be commended. Nevertheless, the report of the NCA speaks for itself. The important thing is that, having tabled it, we have set in train an agreed course of action between the Government and the police to try to resolve the issues that were identified in it.

The Hon. B.C. EASTICK: How many meetings of the new committee have been held? What is the scheduled program for future meetings? Is it to be weekly, fortnightly, monthly, or whatever?

The Hon. C.J. Sumner: The ministerial committee only met once, I think, to get it going and charged the officers' committee (which is chaired by the Deputy Crown Solicitor, Mr Kelly, and has Mr Alexandrides of the office of the Minister of Emergency Services and a police officer on it) with the task of collecting all the relevant information on this topic from around Australia. Mr Kelly, in particular, has been talking with the NCA and has, I think, also had discussions with Mr Fitzgerald from Queensland, discussions with someone from the Hong Kong corruption authority who was in Australia, and with the New South Wales police, because it had some kind of anti-corruption unit in its Police Force. That fact finding officers' committee will proceed to collect all the information that it thinks will be needed, and it will then produce that to the ministerial committee which will decide the next course of action.

The Hon. B.C. EASTICK: Supplementary to that, would it be expected that the group will interface on a regular basis with the new anti-corruption commission which was created in New South Wales?

The Hon. C.J. Sumner: We are not talking about allegations of actual corruption at this stage but about establishing a mechanism to deal with allegations of corruption. Presumably that legislation can be examined. I am not in favour of establishing that sort of permanent royal commission into corruption, which was established in New South Wales, and at this stage it is not something the Government supports unless significantly more information is provided to us or to the police to indicate that that is warranted in South Australia.

However, we have decided that an anti-corruption unit, with its terms of reference to be determined, will be established, and once that occurs it will be able to relate to the body in New South Wales. We are not going down that track, and as I understand it the Opposition does not support an inquiry such as that in any event. No doubt it will have a chance to vote on it in the Legislative Council in the reasonably near future if the Leader of the Democrats (Mr Gilfillan) proceeds with his intention to introduce a Bill to establish such an independent commission.

Mr HAMILTON: Page 114 of the Program Estimates states:

> The provision of a mechanism to ensure that legal practitioners in this State maintain the highest standards of professional behaviour. To assist the Legal Practitioners Complaints Committee and the Legal Practitioners Disciplinary Tribunal in ensuring the accountability of the legal profession to the public.

My constituents make various allegations about legal practitioners (be it in relation to workers compensation or whatever) such as they are not acting in their best interest, they cannot get through to their office, or that in some way they are not very interested in their case. What number of complaints have been received against legal practitioners? Is this an upgrading of mechanisms that currently exist? How will it operate?

The Hon. C.J. Sumner: The Legal Practitioners Complaints Committee has been in existence for some years now and examines complaints from the public about legal practitioners. I will obtain information about the number of complaints for the honourable member.

Mr HAMILTON: In the Federal *Hansard* of November 1981 a question was asked about what would happen if a member of Parliament gave legal advice to a constituent and the implications that would have on those who do not have that professional competence. It is not uncommon for constituents to ask for advice, and I often have to say that I do not have the professional competence to do so.

The Hon. C.J. Sumner: Members of Parliament need to be very wary about giving advice that might have legal implications, and clearly it is something that members of Parliament should avoid doing. Obviously, they have to advise their constituents about certain issues such as social security matters, pension entitlements, housing trust rents, and many other things that the honourable member is probably more aware of than I am, having spent most of my political career in the relative tranquillity of the Legislative Council.

However, going beyond that sort of information is something that members of Parliament should be very careful about. If they get into an area involving legal issues, they should seek an avenue to get that advice through the Legal Services Commission or from private lawyers. Members should not take on the responsibility of giving advice which has legal implications.

Mr HAMILTON: Page 113 of the Program Estimates states that the Ombudsman is to maintain a public awareness program about his role by undertaking regional visits, speaking to groups, etc. Can the Attorney-General give the Committee more detail about that program? I have found that, particularly in places like the West Lakes shopping centre and other areas within, or close to the border of my electorate, it is invaluable to my constituents to have these visits by Government departments, be it a visit by information caravan or by some other mechanism? The provision of leaflets and pamphlets is also a method that I use

often. I extract excerpts and place them in my tri-monthly newsletter to my constituents.

The Hon. C.J. Sumner: I refer the honourable member to the Ombudsman's report for 1986-87. That report deals with visits to country centres made by the Ombudsman as part of the outreach program. In addition, for the first time the Ombudsman saw fit to publish information about his office in a number of the languages of ethnic minorities in the community. Of course, the Ombudsman is independent from the Government. He is an officer of the Parliament. This line only appears in the Program Estimates because the money for the operation of the office is provided by the Attorney-General's Department. The staff, not the Ombudsman himself, are public servants employed by the Attorney-General's Department.

That is the real relevance of these matters appearing in our estimates. Issues of policy and what the Ombudsman does should be taken up by the Parliament. If the honourable member has a suggestion to put to the Ombudsman as to what he could do to improve his outreach work, I am sure the honourable member could ask the Speaker to communicate those views to the Ombudsman, or the honourable member could communicate those views himself. In relation to the Ombudsman the honourable member has as much authority as I do, and possibly more.

Mr S.J. BAKER: Page 120 of the Program Estimates states: 'Specifications for JIS provisions, probation, parole statistics finalised, Law Codes application developed'. What is the 'Law Codes application'?

Mr Abbott: A law codes project or system has been developed within the Justice Information System to assign a computerised code to various sections of legislation. At this stage the legislation that has been coded relates to the Criminal Justice System, which puts a code against each relevant section or, in some cases where there are two offences in one section, there are two unique codes. The system also has an explanation as to what that code relates to because it could be slightly different language to what is stated in that section of the legislation.

The offence codes will be used in several Justice Information System projects, one of which will be the warrants system, whereby a coding will be put in when a warrant is issued pursuant to an individual section. The other advantage of the law code is that it will assist in the tracking and compilation of statistics by the Office of Crime Statistics. In stage 2 of the law codes project a code will be developed for penalties in various Acts. It is hoped that this coding will also be used by the Courts Services Department computer system. The coding is a fairly major undertaking, bearing in mind that ultimately coding will be required for all legislation that comes within the justice system: State, Commonwealth and, in some cases, interstate legislation.

Mr S.J. BAKER: The statistics line refers to a number of reports: the final report on the Bail Act; further data collection on homicide, which I presume will show that families kill each other off; a draft report prepared on parole; and an interim crime victim study report. Can the Attorney-General provide a list of dates pertaining to when those reports will be published?

The Hon. C.J. Sumner: I have already indicated that the victims of crime report will be available in early 1989. In relation to the cannabis expiation notice scheme, those statistics have been released. Therefore, the actual statistics are publicly available, but the analysis still has to be written up and I would expect that to be done in the reasonably near future—I would hope by the end of the year. I am not sure about the draft report on homicide.

Mr S.J. BAKER: I would appreciate it if the Attorney could provide more complete details for inclusion in *Hansard.*

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

Mr S.J. BAKER: The Auditor-General's Report states that the expected cost of the development of the Justice Information System is likely to exceed $30 million and it could go as high as $50 million. I understand that the original costing was about $14.5 million. What is the present projected all-up cost of the Justice Information System and what areas of saving have been predicted by departments so that there will be some offsets in the system?

The Hon. C.J. Sumner: It is not possible to indicate what the total all-up cost might be. It depends on what applications are made to use the Justice Information System. Over time a number of things could be added or deleted. There are some savings, but it is fair to say that they are not as great as have been anticipated in the report of the private sector consultants (Touche Ross) when they undertook the feasibility study. I think it is important to realise that this project was commenced by the previous Government, with the enthusiastic support of the then Attorney-General (now the shadow Attorney-General).

The initial work started in 1978 and it had the enthusiastic support of the previous Government, including the then Attorney-General, Mr Griffin. On 31 May 1982 Mr Griffin returned from a five weeks overseas study tour during which he met with experts in America, Canada, England, Germany and Switzerland to discuss the relevant aspects of existing Justice Information Systems in those countries. He said on his return from this visit that the Justice Information System would be implemented in conjunction with the Government's Data Processing Board and would involve input from at least five departments. When this Government was elected, it proceeded with the system. I think that the most important part of that was the commissioning of private sector consultants (Touche Ross) to undertake a feasibility study into the Justice Information System.

I believe it is fair to say that the savings which were identified have not been, and are unlikely to be, forthcoming. However, that does not mean that the Justice Information System will not provide benefits to the agencies concerned in terms of efficiency, a more effective way of handling information, a more effective way of dealing with security and privacy and improved response time for police in particular in a number of areas. If completely implemented, it should assist, for instance, with the Government's victims of crime policies, that is, it should provide a base and more effective way of advising victims about what is happening to their cases. At the insistence of the Chief Justice, the Courts Department was removed from the Justice Information System and it is proceeding with the development of its own system, which will interface, where appropriate, with the Justice Information System.

Mr S.J. BAKER: Will the Attorney-General provide an indication of each segment of the Justice Information System, its cost to date if it has already started and the total projected all-up cost for each item in the system?

The Hon. C.J. Sumner: The honourable member is aware of the amount which has been spent on the Justice Information System to date, because he referred to it in his previous question. I said that the total all-up costs would depend on what additional applications there might be for the system. There could be a large number which at present are not contemplated. I am happy to provide the sort of information requested by the member for Mitcham. To

date, the Justice Information System has had its computing mainframe and other hardware successfully installed. It has established a State-wide network of approximately 400 terminals. The following applications for the Justice Information System have now been implemented or completed prior to the loading of the data (and that loading is proceeding at the present time): the stolen vehicle system; a warrant system; electronic mail; award maintenance and inquiry, which is the Department of Labour; national wage rate calculation system, which is also the Department of Labour; publication of award system, which again is the Department of Labour; law code system; and an internal security system. In addition, substantial progress has been made within agencies refining existing manual systems in anticipation of their automation.

As I said, the matter has not proceeded as rapidly as had been anticipated or projected by the private sector consultants (Touche Ross) when the feasibility study was undertaken, and neither have the full savings, which were anticipated by that private sector report of Touche Ross, been realised.

However, had the Justice Information System not proceeded in this form, considerable expenditure on computerisation within individual Government departments would have been necessary and that would not have provided the advantages of the integrated system which the JIS produces. It is all very well to look at it in terms of overall cost, and that is legitimate but it is also important to look at it in terms of what the cost of implementing these information systems within individual departments would have been, given that the previous Liberal Government and this Government felt that there was a need to upgrade the information systems within those departments and to make them more efficient and effective. That was the aim; it could be done by individual departments computerising, or by an integrated Justice Information System. Obviously, the cost of individual departments computerising would have been significant. So, although the cost of the JIS is significant, has proceeded more slowly than anticipated and has not produced all the savings that were identified in the private sector report prepared by Touche Ross, it is a system which has produced benefits in terms of the management of information within those agencies.

The courts withdrew from the JIS system essentially for constitutional reasons. The Chief Justice said he would refuse to participate in a justice information system which involved the executive arm of Government and it was on that basis that the Government took the decision to allow the courts to proceed with the development of a separate computer system. This, I might add, is proceeding and it will interface with the JIS in the sense that information which the courts want to release to the JIS can be released and the courts can receive information from the JIS. One effect of the excision of the courts from the system was to slow the process to some extent, but not greatly. I do not believe it has had a major impact on the overall proposal.

Mr S.J. BAKER: I thank the Attorney for guaranteeing to provide the information that was requested. I do note his attempt to make Touche Ross and the former Liberal Government the bunnies in the process and I do remind the Minister that, with computer applications it is the quality of the people on stream at the time which determines whether the project is put in place efficiently and effectively or whether it fails due to the inadequacies of the system.

The Hon. C.J. Sumner: I was not trying to make anyone bunnies in the system; I was attempting to outline the process.

Mr S.J. BAKER: The Attorney should work out where the expenditure has taken place.

The Hon. C.J. Sumner: I was attempting to put the history of the project in some kind of context and it goes back initially, I believe, to 1978 when a working party was established. It was taken up enthusiastically by the former Attorney-General, Mr Griffin, who even went to the extent of an overseas trip to investigate these matters in 1982.

Mr S.J. BAKER: Perhaps we should never have changed Government. We might have had an efficient system, is that what the Attorney is saying?

The Hon. C.J. Sumner: I make no criticism of that. The system was then picked up by the incoming Government and a crucial part of the decision making was the feasibility study that was requested of Touche Ross. What I have said is that it has not been possible to achieve the savings which were identified in that report as being possible to the fullest extent.

Mr S.J. BAKER: One of the problems that was identified is staff turnover. I appreciate that there is a difficulty in this area and we discussed this in the Estimates Committee yesterday in relation to the Department of Labour and DPIR when we were talking about shortages in the computer software generation and computer operations areas which would obviously have affected the Justice Information System. Can the Attorney provide details of the number of staff on stream as at June 1987-88 and the staff turnover?

The Hon. C.J. Sumner: I think it is fair to say that two areas for which I am responsible—legal officers and computer staff in the JIS—are areas where the demand for staff outstrips the current supply and that is a problem. I do not believe we have the figures of staff turnover in the JIS. There were 44.5 full-time equivalents as at 30 June 1988, but exactly how many is probably beside the point. It is one area in which I believe Governments throughout Australia do have problems.

Mr S.J. BAKER: Will you supply the turnover figures?

The Hon. C.J. Sumner: If we can get them, yes.

Mr S.J. BAKER: What is the security system that has been incorporated; is it a package system or something that has been developed in-house? How can we guarantee against illegal entry and entry either by staff misusing the system or through people outside the system using it for personal gain?

Mr Abbott: Although I am not a technical expert I believe that the security system is basically a package system with the abbreviated title of RACF, but I will investigate and table that information.

Mr S.J. BAKER: Who is on the security committee and what are the responsibilities of that committee?

The Hon. C.J. Sumner: We will obtain that information regarding members of the committee.

Mr S.J. BAKER: The Minister has already detailed the six systems in use or being loaded. Can he detail the further eight major projects to be implemented in 1988-89, given that there are to be 14 projects?

The Hon. C.J. Sumner: The eight projects for 1988-89 are: central index client files (Community Welfare); substitute care (Community Welfare); prisoner movements (Correctional Services); community correctional clients (Correctional Services); registration of dangerous substances (Labour); warrants part B (Police); public awards and variations (Labour); and national wage case rates (Labour).

Mr S.J. BAKER: Networking is mentioned in the Program Estimates. Which parts of the system will be available to whom? The Minister said that there are 400 terminals. I do not know whether they are entry terminals only or whether they allow access to whatever information is con-

tained on the file. Of those 14 projects, can the Minister detail who shares in what, that is, which agencies share those facilities and have access to them?

The Hon. C.J. Sumner: The agencies that share the information are those that are entitled to it. The Department of Labour would not be able to access the warrant system.

Mr S.J. BAKER: So there is no interchange between agencies of any parts of those systems.

The Hon. C.J. Sumner: There will be some interchange provided that people have an interest in that information. An agency that has no interest in the information will not be able to access it from any of the 400 terminals. There are passwords and keys involved in getting into the particular information to which an agency is entitled. If the honourable member wants to know exactly what the structure will be, I can get that information.

Mr S.J. BAKER: Thank you.

The Hon. B.C. EASTICK: Can the Minister indicate whether the total sum appropriated to this particular purpose this year has been formally approved by Cabinet for expenditure this year or is it subject to final acceptance?

The Hon. C.J. Sumner: Because I have been away for a couple of weeks, I am not sure of the position but I do not think that the additional expenditure has been approved formally. It is expected that what is indicated in the budget papers will be approved.

The Hon. B.C. EASTICK: Does the Government have any fall back position in relation to this whole system if money is denied in 1988-89 or subsequently?

The Hon. C.J. Sumner: I do not think that money will be denied in 1988-89. The system is such that there must be an ongoing commitment to it in this financial year, at least. Not to commit money this year would have consequences that would not be sustainable. They would not be able to load the systems that I have indicated will be loaded or to get the systems operational, let alone proceed to any more. As I recollect, the formal decision relating to the allocation for this financial year may not have been made but the allocation is in the budget and I expect that it will be made for this financial year.

For next financial year, consideration must be given to the status of the project at that time. Given that savings have not been as great as expected, the system will be examined to see what budgetary allocation might be appropriate for the next financial year. That examination will take place well before decisions are made about commitments for next financial year.

The Hon. B.C. EASTICK: Expectation is one thing; delivery can be entirely different. In 1987-88, because of the difference between the money put forward on a variety of programs (not only in the Attorney-General's lines) and the delivery, I am somewhat sceptical. In relation to security, and the Attorney-General's offer to provide my colleague with details of the form of security, is the Attorney-General personally aware that the Department of Correctional Services computer system is being operated by some of the inmates of the institutions? If that circumstance were to continue, a rethink of the security component of this exercise or even an entirely new approach would possibly be required.

The Hon. C.J. Sumner: That is an offhand comment about a matter of which I am not aware. The honourable member says that inmates are operating the system; I do not think they are operating the JIS system and I am not sure what other computer system the Department of Correctional Services has that prisoners might be operating. The honourable member has not told me which equipment they are alleged to be using. I can only suggest that the honourable member ask the Minister of Correctional Services.

On the general question of privacy and security, one of the major concerns that it was hoped the JIS would address was improved security and privacy by providing access to information only to those people who are entitled to it. That is the general statement that I have already given, that departments that have no interest in information on the JIS do not have access to it. It is as simple as that. A considerable amount of work has been done on security and privacy within the system. Departments that have legitimate access to material manually would also have access to it through the JIS.

The Hon. B.C. EASTICK: Does the system already in existence have a fail-safe mechanism in relation to stored material which prevents basic information from being attacked by sabotage, criminal access or amateur access? Is is protected from accidental damage by users or accidents from other sources, be they physical or otherwise, for example, natural disasters of fire, flood or earthquake?

The Hon. C.J. Sumner: I am not an expert on the technology, but the answer is 'Yes'.

Ms Branson: There is a complete back-up system in operation and the material is stored on a separate site apart from the JIS accommodation. A complete demolition of the JIS site would not result in the loss of the information.

Mr S.J. BAKER: In view of recent publicity in the Auditor-General's Report about sick leave at the Royal Adelaide Hospital, I seek details of the number of sick days taken by staff during 1987-88 for each portfolio area, including the number taken without medical certificates and the number without medical certificates that occurred either on a Monday or a Friday.

The Hon. C.J. Sumner: I do not know whether that information can be made available because the work involved is significant. I will take the question on notice and see what can be done.

Mr S.J. BAKER: I would have thought that with all the computer information it would be at the Minister's fingertips. How many cars are involved in the change from Government number plates to private number plates, which normally involves chief executive officers?

The Hon. C.J. Sumner: One.

Members interjecting:

The CHAIRMAN: Order! Members are entitled to ask any question as long as it relates to the estimates.

Mr S.J. BAKER: Will the Minister take it as read that my questions about sick leave and changed registration plates apply to each of the forthcoming portfolio areas, and will he give the same undertaking in regard to those areas?

The Hon. C.J. Sumner: Yes.

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

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

Attorney-General, Miscellaneous, $9 917 000

The CHAIRMAN: I declare the proposed payments open for examination. I refer members to page 56 of the Estimates of Payments and pages 108 to 122 of the Program Estimates.

The Hon. B.C. EASTICK: As to the legal aid contribution of $9.314 million, have there been significant changes in the criteria used to determine access to those funds in the preceding year, or is action contemplated to vary the conditions of access to assistance? Much work in this area is associated with Commonwealth activity and funding.

The Hon. C.J. Sumner: The commission determines its guidelines on the allocation of legal aid to people within a certain budget. It gets its budget from both Commonwealth and State sources. The most important potential development in this area is an attempt by the Commonwealth to renegotiate the funding arrangement between the Commonwealth and the States. The negotiations are ongoing and have not yet concluded.

The Hon. B.C. EASTICK: Not to the advantage of the States!

The Hon. C.J. Sumner: The honourable member has been in Parliament long enough to be fully aware that Commonwealth-State negotiations are designed to get the Commonwealth to pay less and the State to pay more, which is not an unusual situation in recent times. It is trying to introduce a uniform funding basis throughout Australia of 55 Commonwealth:45 State, which has been agreed in New South Wales and Victoria. It seeks to impose that on Western Australia and South Australia. We have a much more favourable proportion of Commonwealth funds than 55:45. It has been 76:24 in recent years based on the history of the State legal aid system and the Commonwealth contributions from the old Australian Legal Aid Office. They merged into the Legal Services Commission. As a result of those and subsequent negotiations it was agreed that the appropriate cost sharing formula would be 76:24. Initially it was 65:35 and subsequently 76:24.

The Commonwealth wants to alter that to our detriment back to 55 Commonwealth and 45 State. It is looking for uniform funding arrangements throughout Australia. We reject that because we believe that each State's arrangements should be determined on the basis of the history of legal aid services in that State.

The Hon. B.C. EASTICK: At a time when the Government is promoting social justice, I instance the plight of parents who, having been granted access to their child or children, lose that access because of the contempt by the other parent of the order made in the Family Court. They may have to find at least $500 to obtain access, having already spent up to $5 000 to be represented in court. Has the Government considered the provision of legal aid in this area? Is the Government contemplating alternative ways of approaching that in the broader sense of legal aid rather than that confined to this line?

The Hon. C.J. Sumner: I understand the general problem that the honourable member has raised. The Legal Services Commission can only provide a certain amount of legal aid. Clearly, neither the Federal nor State budget is inexhaustible in this area. There is a major problem with the delivery of legal services for those people who do not qualify for legal aid and who do not have the wherewithal to pay for legal services, and that is really the great bulk of people in the community.

We have done some work on a legal insurance scheme and will continue with that work when we know the results of the scheme which is being developed and which, I think, will be released in New South Wales. This is a legal insurance scheme whereby people can insure for future legal costs and is not legal aid. It will pick up the people in the middle, that is, between those who are entitled to legal aid and those who can readily afford legal fees.

I do not know whether or not a legal insurance scheme is viable. This matter has been looked at over a number of years in Australia, and some schemes operate successfully overseas. I believe that New South Wales will be launching one in the near future. We will monitor that and if it looks as though it might be an answer we will see what we can do to promote it in South Australia.

The Legal Services Commission obtains a certain amount of money from State and Federal sources and it determines its guidelines as to how the money will be allocated. The commission is independent of Government in its decision making and I suppose the only pressure a Government can bring to bear is a financial one. The amount of money is limited and, if it was to fund everybody's legal aid, the costs to the taxpayer would be unbearable. Already I think some $80 million at the Federal level goes into legal aid around Australia. Over the past five years in this State there has been a significant increase in access to legal aid; four additional regional offices have been opened and generally the service has been improved, but that does not mean that it is ideal.

The Hon. B.C. EASTICK: What were the perceived advantages of the $45 000 expenditure last year and the proposed $93 000 expenditure this year on the mediation services?

The Hon. C.J. Sumner: I think I answered this question previously by saying that we are continuing funding to the Norwood mediation centre and are providing funding to a Noarlunga mediation service. An Attorney-General's committee, comprising someone from the Legal Services Commission, will monitor the work it is doing. The Norwood service has been in operation now for some time and, on the face of it, is a successful operation.

As I said previously, we want to ensure that the money is well spent. We want to get a profile of clients in the mediation service and see where their referrals come from, to what extent it is reducing the workload on the courts, and what other benefits there might be. That assessment was carried out by a community dispute resolution committee which was established some time ago and which produced a report on mediation services. That report, which was made public, recommended that the services provided by the mediation services be monitored, and that is what we will do; but we are doing it as part of an increased package of funding. So, two services will be monitored over the next 12 months.

Mr S.J. BAKER: One would assume from the vote that the number of legal aid requests is decreasing, with about a $500 000 reduction in real terms. Will the Minister provide statistics of requests for legal aid and the cases for which legal aid was granted for the years 1986-87 and 1987-88?

The Hon. C.J. Sumner: I refer the honourable member to the annual reports of the Legal Services Commission. I will obtain that information in relation to 1987-88 as that report has not been finalised.

Mr S.J. BAKER: An amount of $12 000 is proposed during 1988-89 for the report on Aborigines and criminal justice. Who will be doing that work, or is that perhaps a Fitzgerald inquiry spin-off?

The Hon. C.J. Sumner: The Justice and Consumer Affairs Committee of Cabinet deals with issues relating to the justice system. One specific issue before the committee has been Aborigines in the criminal justice system. They are grossly over represented in arrests, imprisonment and in every possible aspect. This was identified in terms of the crime rate in South Australia as one of the major problem areas. Therefore, a task force on Aborigines and the criminal

justice system has been established to report to the Justice and Consumer Affairs Committee of Cabinet. The task force has already done some work which has led to a proposal for a formal scheme with respect to cautioning for juveniles in the Hindley Street area. It is a pilot project designed to try to keep people out of the criminal justice system if possible. It is hoped that the Justice and Consumer Affairs Committee of Cabinet can continue to receive input from the Aboriginal task force. That allocation is to enable that to continue and to fund any projects that might be suggested.

Mr S.J. BAKER: I meant, of course, the royal commission into Aboriginal deaths and not the Fitzgerald report.

The Hon. C.J. Sumner: That has nothing to do with it.

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

Court Services, $30 298 000

Chairman:
Mr D.M. Ferguson

Members:
The Hon. H. Allison
Mr S.J. Baker
Mr M.R. De Laine
The Hon. B.C. Eastick
Mr T.R. Groom
Mr K.C. Hamilton

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

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

The CHAIRMAN: I declare this vote open for examination.

Mr S.J. BAKER: What was the state of the court lists as at 31 August 1988 in all jurisdictions? In other words how many cases are awaiting trial? What are the average delays in the various jurisdictions? What is happening in relation to appeal delays, specifically in criminal and civil cases in the Supreme Court and the Appeals Tribunal?

The Hon. C.J. Sumner: I will provide the honourable member with copies of the relevant information.

Mr S.J. BAKER: What strategies will be put in place to reduce, for example, the waiting period for courts of summary jurisdiction?

The Hon. C.J. Sumner: When the honourable member examines the material in relation to waiting lists he will see that the lists are in reasonably good shape in both courts of summary jurisdiction and the Supreme Court. They are not the areas of difficulty. Obviously, some improvement can be made in courts of summary jurisdiction; however, on the whole they are at containable, if not acceptable, levels. Again, the Supreme Court is in reasonable shape. I suggest that the situation is much better here than anywhere else in Australia. The real problem is in the civil jurisdiction of the District Court.

Mr S.J. BAKER: One of the items mentioned on page 128 of the Program Estimates is a review of the criminal monthly sessions as opposed to continuous sittings of the criminal courts. What is actually proposed? Does it involve night sittings of the courts? What is being done with this particular item and what is the outcome of the review?

The Hon. C.J. Sumner: This proposal eminated from the Supreme Court.

Mr Byron: Historically the sessions were held on a monthly basis and, if the session finished, some time elapsed before the next session began. Now, by administrative arrangement there is a continuous sitting. It is a very simple change.

Mr GROOM: On page 128 of the Program Estimates, under '1988-89 Specific Targets/Objectives', reference is made to the introduction of alternative hours for magistrates courts sittings. What is involved in this proposal?

Mr Byron: The proposal is to have a night court pilot scheme for courts of summary jurisdiction. That will be introduced at the Para Districts court on a trial basis. After that is completed there will be an evaluation to see whether a recommendation will be made to the Government for it to continue.

Mr GROOM: In relation to computerisation of the administration of the jury system for improved management, what is involved in this alteration to the jury system?

Mr Byron: It is simply the computerisation of the jury lists for administrative convenience. In the past they were drawn up manually, but it will now be done on a mini computer. Eventually it will find its way into our computing program.

Mr GROOM: What is involved in the information fed into the computer? Is it exactly the same information that was fed into the manual system—names, addresses and occupations?

Mr Byron: Yes.

Mr GROOM: I refer to page 129 and particularly to the statement under 1988-89 specific targets to 'implement new legislation to give the District Court its separate jurisdiction'. The Attorney-General might recall that last year he answered a question from me relating to a State administrative appeals jurisdiction and the Minister linked his answer to the possibility of the District Court's being given some jurisdiction. Many people feel that, unlike the Federal system which has administrative functionaries making decisions at State level, there is no such adequate review of administrative decisions at the State level. What is involved in the separate jurisdiction of the District Court and is any progress being made in relation to the State administrative appeals section?

The Hon. C.J. Sumner: We want to achieve a separate District Courts Act. I believe that, in the long term, we have to get to a situation where a Supreme Court deals with criminal, civil and appeal matters; a District Court deals with criminal, civil and appeal matters, including administrative appeals, planning appeals and the like; and summary courts deal with criminal and civil matters, perhaps with a common code and rules running through each of those jurisdictions, where appropriate.

The District Court was constituted under the Local and District Criminal Courts Act as part of the Local Court, so ultimately I hope to get to a situation of the Supreme Court, of the District Court separating out the civil parts of the District Court from the Local Court, and to have a separate Magistrates Court dealing with civil and criminal matters. That is a long-term project, but I think we need to go in that direction.

Ultimately, the judiciary in the various courts must see themselves more as a corporate entity as a whole rather than as separate and distinct courts. That does have some implications for court lists and how one deals with the problems of delay in one court. If there is a delay in the Magistrates Court, should we not be able to put in District Court judges and vice versa? There must be more flexibility

in the courts and they have to see themselves more as one entity rather than as separate organisations.

The Hon. B.C. EASTICK: Would the costs be reduced?

The Hon. C.J. Sumner: They should be. I suggest that, if the courts saw themselves more in this overall corporate sense, they would be able to deal with problems with lists by shifting resources or appropriate people from one court to another. I have no objection to the Supreme Court's doing District Court work. Part of the problem in the District Court at the moment has been caused by the changing of jurisdictional limits. The District Court's limits were increased and, over time, that forced work out of the Supreme Court and into the District Court.

The Supreme Court received the benefit of the jurisdictional changes, but the District Court had to cope with an additional workload. If a situation arose where the Supreme Court lists were in good shape and the District Court's lists ran into trouble, the courts should be prepared to say, through the Chief Justice, 'Although you are Supreme Court judges, you two judges are directed now to hear cases in the District Court for a few months to overcome the problems.' Likewise, I think that District Court judges should be prepared to sit in the Magistrates Court. Before judges' appointments are confirmed, they are now sent a letter which says that they are required to undertake the directions of the senior judge and to preside in any jurisdiction in which they are required to sit, which includes the Magistrates Court.

I think it is reasonable to have a pool of people in the magistracy. That may not be possible in every case, but all people who are recognised as being competent to do the work of a District Court judge and to receive acting appointments as District Court judges should go into that pool. Mr Geoff Anderson is now in such a scheme, and there probably will be a couple of others, also. I think it is appropriate that certain people in the District Court be identified to sit, if necessary, so as to relieve the problems in the Supreme Court. Those in the higher courts ought to be prepared to sit in the lower courts, and we ought to be able to identify a pool of judicial officers who can also sit in a higher court. That involves the courts seeing themselves as a more corporate entity rather than their own individual bailiwicks. It would introduce into the system much greater flexibility and, because of greater efficiencies, it ought to save money.

The other thing which I think is necessary and on which we are working is the establishment of a pool of able and qualified people (perhaps retired judges or senior practitioners who are nearing retirement). This pool of judges could then act to rectify any problem with the lists. This system has worked exceptionally well in the Coroner's jurisdiction. Mr Ahern is the Coroner, but there has been a Deputy Coroner (Mr Toby Gordon) for a number of years. He was the Chief Executive Officer and permanent head of the Law Department for many years. He was the Crown Solicitor for a number of years and was a highly regarded, competent lawyer, who retired at the age of 63 years. He had a number of years of working life left in him. He did not want to go back to work full-time, but we have not had a problem in that jurisdiction, because he has been prepared to act as the Deputy Coroner when called on to do so. Instead of having to take someone from the Magistrates Court and put them in as Acting Coroner, when the Coroner goes on long service or annual leave, Mr Gordon is there and can do the job. When there is a conflict or a problem with additional workload, Mr Gordon is brought in.

I hope that a system like that can be developed. Perhaps some judges would be prepared to retire a little earlier than might otherwise have been the case if they knew that they could join a pool of this kind and could be used to give greater flexibility to the system. Of itself, that will not resolve all the problems with court delays, but one of the reasons for the problems in the civil jurisdiction of the District Court was that in 1988 seven judges were absent at various times, principally because of ill health. If there is a problem relating to the absence of judges, a flexible system with a pool of qualified officers seems to be an advantage. We estimate that 14 months of judicial time has been lost, and that is quite a significant amount of time.

I hope that the shadow Attorney-General agrees with me (and I think that he does) when I say that a judicial court system cannot be run by having only one strategy which is that, as soon as the lists get long, new judges are appointed. We adopted that strategy in the 1970s and early 1980s. The lists grew, so during the budget process we said, 'The lists are getting longer. I need another judge.' We just cannot operate like that. We have to look at alternative strategies to deal with the lists and a number of things, including pretrial conferences and a better listing system, have been looked at.

I believe that, as a result of this, the productivity of the judiciary particularly in the District Court, has improved, and the estimate is that it now deals with twice as many cases as compared with three years ago. That is a significant improvement. But if people adopt the mentality, 'The lists are long, therefore the only solution is to appoint more judges,' there are no incentives to implement better working practices and more efficiencies within the system. I do not feel that is an approach that we can take in the future.

The population in South Australia has not increased dramatically over the past 10 years, and yet the amount of legal work going through the courts has increased much more than has the population. So there has been an increase of criminal and civil legal work, for whatever reason, and it seems to me that we cannot adopt the automatic response 'increased lists, more judges'. There have to be other ways of doing it. I have outlined some of the strategies. I am hoping to obtain greater flexibility within the courts by having a pool of supernumerary judges or whatever we like to call them.

When work has been done on the separate Central District Court legislation, attention will be given to that matter, but I am not making any commitment as to what the structure of that administrative appeals system will be.

The Hon. B.C. EASTICK: In relation to action within the courts to improve productivity (if we can use the term in its broadest sense), I take it that the Attorney is completely in accord with the court's probably sitting beyond 4.30 p.m. if it can complete its work by 4.45 or 5 p.m. If that is the case, has he taken the opportunity to have dialogue with his colleague, the Minister of Correctional Services, to ensure that those prisoners or remandees who appear before the courts will have access to their rooms in the Adelaide Remand Centre after 4.30 p.m., given the recent problems associated with remandees and prisoners in the Adelaide Watch House not being received at the Adelaide Remand Centre after 4.30 p.m.? That would seem to me to be completely incompatible with the aims of the Attorney; the court will not be able to work for an additional 10 to 15 minutes, even if it is able to complete its activities, because of a breakdown in inter-relationship.

Mr Byron: This matter was raised with me three or four weeks ago and the Sheriff has put into place with the Department of Correctional Services an arrangement whereby prisoners may be returned after the designated hours. That is a different problem, of course, to the over-crowding situation which I believe has impacted on this particular issue.

I originally come from another State and I can say categorically that magistrates, particularly, work very long hours in South Australia, I would think they work longer hours than any other magistrates in this country.

The Hon. B.C. EASTICK: The Program Estimates (page 178) refers to '... accounting procedures following issue of warrants having a monetary penalty and the life of warrants in regard to the collection of outstanding moneys.' What specific recommendations have been proposed and implemented, and what is the cost of implementation?

Mr Lemmey: Warrants involving a monetary penalty currently have a life of 15 years. The proposal is that we reduce the life of a warrant to seven years. The basis for that proposal was arrived at after consultation with the Police Department warrants section. If a warrant is not served within the first 12 months of its life, the possibility that it will ever be served becomes very remote, because people change their addresses or because of other reasons. We are likely to get money back on a warrant in the first three years of its life, otherwise it just sits in the system and is never actioned. A person will be found after that time only if they are pulled over for some other offence and a check of the warrants is made. There is no other way to do it. There is no cost involved with that; there will be system savings.

As far as the accounting procedures for the issue of warrants is concerned, at the moment there is double and sometimes triple handling of paper in that the court issues the warrant to the police and retains the record in its own accounting system; the police then account for that warrant in their warrants section and they have the sole execution rights over the warrant but do not account for it. So it is felt that, as they have the sole execution rights, they should also account for the warrant; in other words, the money side of it. That has been agreed in principle with the Police Department and we are currently working on transferring that procedure to that department.

The Hon. B.C. EASTICK: The third specific target/objective for 1988-89 is (page 178 of the Program Estimates) 'to further reduce delays in the criminal courts where necessary by revising court procedures and by the provision of additional resources'. The Attorney has already indicated the new procedures that he is contemplating. That is a little at variance with his suggestion that he would not necessarily make available additional resources and that he was seeking to achieve better cost effectiveness of the system which is already available but which can be adjusted to assist. It is the latter point which seems to be out of kilter with the earlier statement.

The Hon. C.J. Sumner: I did not say that no additional resources would be made available; they will be. In fact when we get on to that topic I will distribute material and members can question it. Significant temporary resources are being made available in this financial year to try to get on top of the issue and, in fact, some permanent resources have also been made available. We are not saying that under no circumstances will any more assistance in terms of resources be given to the courts; what we are saying is that that cannot be the only way to deal with the issue, and this paper outlines the additional resources that will be available.

The Hon. B.C. EASTICK: By way of supplementary question, if we accept that the human resource area is the least likely to be increased, what other specific resources is the Attorney referring to that can be made available to assist in the achievement of this target?

The Hon. C.J. Sumner: Does the honourable member mean additional judges?

The Hon. B.C. EASTICK: No, resources other than human resources, such as better computerisation or different court procedures?

The Hon. C.J. Sumner: A courts computing system is being developed. The court of summary jurisdiction (Magistrates Court) is reviewing its procedures. The Chief Magistrate has some views as to how procedures could be more streamlined and operated more effectively. The new District Court Act should provide a more contemporary framework for the procedures in the District Court. A lot of work is being done within the courts. Judges are much more aware of the need for so-called judicial administration than they were just a few years ago. I do not think that it has gone far enough: there is still a great need for more work to be done. Courts need to see themselves not as a collection of individuals but as having greater corporate responsibility for the operations of the whole system.

To be fair, the judges have responded, particularly the Senior Judge of the District Court (Brebner SJ) who is working very hard in this area and is to be commended for it. Additional appointments have been made, both permanent and temporary, which are outlined in this paper. There is also constant attention to procedures within the court. As I said, a review of the Magistrates Court is being undertaken at the moment and the recently promulgated new Supreme Court rules are designed to make the system simpler. Pretrial conferences have been designed to get matters out of the lists as quickly as possible when they are settled.

Mr S.J. BAKER: What is the position regarding night sittings in the Magistrates Court? Does the Attorney-General intend to make the Magistrates Court sit longer? If so, will that extend to other courts?

The Hon. C.J. Sumner: Although the Attorney-General has some powers, they do not extend to directing the courts to sit at any particular time. That is a matter for the courts. The Chief Justice, in conjunction with the Chief Magistrate, has done a lot of work on improving the sitting times of magistrates. There has been a dramatic change in the approach to sitting times. The technology to deal with court procedures has also improved in recent times. Going back 15 years, the magistrates clerk was both the clerk and the recorder and everything was typed up manually. There was no relief for the reporters. Some of that still goes on. The court system has become more efficient and enabled people to sit longer hours. I do not have any details, and it is not a matter for me. I am not sure what the honourable member wants, but I can write to the Chief Justice.

Mr S.J. BAKER: I am interested in what is being proposed for the Magistrates Court because a change is signalled in the Program Estimates.

The Hon. C.J. Sumner: A lot of work has been done on improving the productivity of the Magistrates Court. The Chief Magistrate and the Chief Justice have been very diligent on that. A pilot study will be instituted to see whether night courts are worthwhile, but there have been mixed results from the operations of night courts both here and in New South Wales. Some years ago, a trial was conducted in Whyalla but the demand for the use of night courts did not seem to be there, so it was discontinued. In New South Wales, night courts have not been all that successful, although another series of night courts has begun and I understand that they are working a bit better. We will start in a small way with a pilot scheme this financial year.

Mr S.J. BAKER: There is much evidence available—a lot of it anecdotal—about courts awaiting the arrival of prisoners. What initiatives are to be taken in 1988-89 to ensure that there are no hold ups in the court system because of the failure to deliver prisoners on time?

Mr Byron: There has been a problem, particularly with the Magistrates Court, in getting prisoners to court on time. At the request of the Chief Magistrate, I took up the matter with the Executive Director of the Department of Correctional Services. The Chief Magistrate and the Supervising Magistrate at the Adelaide Magistrates Court follow a procedure whereby they let me know if there are any problems. We have set up an ongoing liaison committee between the Department of Correctional Services, the police and the courts to try to nip these sorts of practical problems in the bud. Both of those initiatives have resulted in vast improvements, but I understand that the system is still not perfect.

Mr S.J. BAKER: With respect to access to legal advice, what provisions are in place at the Remand Centre, particularly with morning sittings, for lawyers to have discussions with their clients?

The Hon. C.J. Sumner: That is a matter for the Department of Correctional Services. I cannot answer that.

Mr S.J. BAKER: My next question relates to the significant increase for the third year in a row in the number of District Court actions. Has the Minister any information on what is expected to be the throughput or workload of the District Court during 1988-89?

The Hon. C.J. Sumner: We can probably provide that information, at least historically if not for this year.

Mr S.J. BAKER: One of the 1988-89 specific targets for the administration of justice in the civil jurisdiction is to 'implement recommendations arising from the 1978 legislation relating to enforcement of judgments and debtors assistance following Cabinet approval'. What are the recommendations for the enforcement of judgments? What is proposed for this very vexed problem?

The Hon. C.J. Sumner: There are two parts to the package. One is the streamlining of the enforcement of judgments and the other is a debt repayment scheme, which has not been implemented. The question of the debts repayment scheme is being looked at, and obviously the Government and Parliament will have to make a decision in the near future about whether to continue with that legislation on the Statute Book or repeal it. That is now being examined by a committee on debt established under the chairmanship of the Commissioner of Consumer Affairs (Mr Neave). It is unsatisfactory for the legislation to remain on the books unproclaimed, so we will have to make decisions about that as soon as we can. It will not necessarily mean that the enforcement of judgment aspects of it will not go ahead, although I understand that the Chief Justice has now taken the view that many of these matters are being dealt with in the rules of court, the new Supreme Court rules, that there is no need for much of the Enforcement of Judgments Act, and that it would be inappropriate for Parliament to intervene.

That is not something that I necessarily agree with because it seems to me that Parliament is supreme in our system and there may be a public interest in how court judgments are dealt with or enforced that might legitimately be the subject of legislation. That is another issue that has come up recently. We have to unscramble the debts repayment part and the enforcement of judgments part and we have to consider whether to proceed with the debts repayment legislation.

One factor there is that the Department of Community Welfare has improved its debt counselling service, and the elaborate system under the debts repayment scheme may not now be justified. We have to look at the enforcement of judgments aspect, doing away with the UJS system, which is part of it.

The Hon. H. ALLISON interjecting:

The Hon. C.J. Sumner: Yes, that is right. That all needs to be looked at, together with the comments from the Chief Justice as to how the Supreme Court aspects and the enforcement of judgments should be dealt with. In response to the question about the output of the District Court civil jurisdiction, the number of cases dealt with is as follows:

	No. of cases
1983	3 178
1984	3 153
1985	4 252
1986	5 851
1987	7 293
1988 (to 30 June)	3 546

The figures show a significant improvement from 1983 and then a sign of levelling out.

Mr S.J. BAKER: What initiatives is the Minister taking in the small claims area, which has been targeted for 1988-89?

The Hon. C.J. Sumner: A small claims report was produced and is the subject of drafting by Parliamentary Counsel as part of the overall courts package. There is a separate District Courts Act and the like.

Mr S.J. BAKER: What specific initiatives does the Minister intend to pursue?

Mr Byron: An initiative already taken includes the increase in the jurisdiction. One of the other initiatives, the thrust of the report, is that these matters should be kept out of court so that, at various stages, before the procedure of any process and during the pre-trial stage, we try to encourage people to mediation to see whether they can sort the matter out on the basis that it is cheaper for them, the court and the taxpayer if they can do that. There are three stages where that can occur. That is the principal thrust.

Mr S.J. BAKER: I refer to page 130 of the Program Estimates and the disposal in criminal and civil jurisdictions of appeals. The 1987-88 target is to maintain or improve the number of matters dealt with by the court and reduce the time between lodgment and hearing. What was the time between lodgment and hearing that motivated the target, and what is the achievement level as a result of that target?

The Hon. C.J. Sumner: We do not have the figures. There is not a major problem with Supreme Court criminal appeals. I am not sure why the statement appeared in that form. With a criminal appeal there is a delay of one or two months. The Chief Justice takes the view that the appeals jurisdiction should be kept up to date, and it is.

Mr S.J. BAKER: Should we scrap that target?

The Hon. C.J. Sumner: Is it a motherhood statement? We are trying to improve things all the time.

Mr S.J. BAKER: What is the current average waiting time in each of the jurisdictions?

The Hon. C.J. Sumner: Effectively there is no waiting time for appeal matters in the Supreme Court. There has to be a month or two depending on the availability of counsel, and so forth but, effectively, there is no delay, although I will provide information if that is not the case.

Mr S.J. BAKER: Administrative appeals can be in a variety of areas. Does the Government intend any change to third party appeal rights or procedures? If it does, what does the Government intend to do? There are third party appeals in the area of planning.

The Hon. C.J. Sumner: I know of no proposals in this area. That would be a matter for the Minister for Environment and Planning, because those appeals are established under the Planning Act.

Mr S.J. BAKER: You have no knowledge of anything that will change the rights of third party appeals or procedures in your jurisdiction?

The Hon. C.J. Sumner: Unless you can be more specific, I know of nothing like that.

Mr S.J. BAKER: What plans has the Minister to improve administrative appeal procedures, given that there are 32 jurisdictions and that there will be implementation of standard procedures?

The Hon. C.J. Sumner: This relates to the question asked by Mr Groom about the administrative tribunal, which will be dealt with as part of the whole restructuring package. Some initiatives are being taken in the interim and Mr Byron will comment further.

Mr Byron: In anticipation of some legislative changes, we are taking administrative action to set up a joint registry of the District Court and the appeal tribunals. One of the steps that will be taken is to have a uniform application procedure for all these appeal jurisdictions.

The Hon. B.C. EASTICK: The document that the Attorney-General made available to members seems to be dated compared to the one made available last year. For example, page 4, dealing with the Children's Court, indicates a particular position as at 30 June 1988, and we are now beyond 31 August 1988. Will the Attorney-General provide an update on this document?

Mr Byron: All these figures are up to date as at the end of August. The date 30 June 1988 contains a typing error and should read: 'A temporary magistrate additional to normal strength has been appointed until 30 June 1989'.

The Hon. C.J. Sumner: The waiting times and the rest of the documents are up to date as at 31 August, comparable with last year.

Mr S.J. BAKER: Page 132 of the Program Estimates, under 'Performance Indicators' contains a number of matters dealt with during 1986-87 and 1987-88. Into what areas of discrimination did these matters fall?

The Hon. C.J. Sumner: We do not know those details. If it is possible to provide them, we will.

Mr S.J. BAKER: Page 132 of the Program Estimates refers to finalising and implementing rules: what is intended there?

The Hon. C.J. Sumner: They are the rules for the operation of the Equal Opportunity Tribunal. They will be made by the tribunal and promulgated in due course.

Mr S.J. BAKER: Page 134 of the Program Estimates states:

> There is an increasing demand for information concerning details of accidental deaths.

Does that mean that the Coroner is asking that more inquests be held, or is the public asking for more investigations to take place?

The Hon. C.J. Sumner: It is more demand from the public for details of accident reports prepared by the Coroner's Office.

Mr S.J. BAKER: It is responding to public demand?

The Hon. C.J. Sumner: Yes.

Mr S.J. BAKER: Would that increase the number of inquests or does it relate only to post-mortems?

The Hon. C.J. Sumner: The investigations have already been carried out by the Coroner but solicitors and insurance companies want details of the Coroner's report. It is a matter of material being made available to the public.

Mr S.J. BAKER: I find that comment at odds with the statistics on inquests and post-mortems.

The Hon. C.J. Sumner: The two are not related. There is an increase in demand for the information which the Coroner prepares.

Mr S.J. BAKER: Are there any delays in relation to inquests?

The Hon. C.J. Sumner: Obviously there are delays in relation to having material prepared, but I understand there are no delays in relation to hearing time, although there may be a delay of a month or two.

Mr S.J. BAKER: How many court reporters use the CAT system now? In which courts are they used, and in which courts will they be used? What extension is proposed for 1988-89? What is the cost per page of the CAT system as opposed to other forms of reporting? What is the alternative cost per page from private contractors? Is the tape service still used, and at what cost per page?

Mr Witham: Computerised transcription is currently used by 32 court reporters. It is used primarily in the Supreme and District Courts. In 1988-89 we will be acquiring a further 20 CAT units and the system will be extended on a trial basis to the Magistrates Courts (which will have four units). In fact, the CAT system will replace one of the taped courts. This is being done because CAT has proven to be very cost-effective. In fact, it has been the major contributing factor in a $2.5 million actual cost saving since 1981-82.

We have not done our standard costing for this year. We normally do a standard costing for each year. That is updated at the end of the year to reflect the actual cost which, typically, is not the same as the standard cost. I can only give the standard costs for the various methods. I can assure the honourable member that in every case the actual cost is marginally lower. The transcription cost for CAT is $7.87 per page. The next cheapest form is our own in-house tape service at $8.15 per page. That is followed by the private contractor at $8.53 per page and, finally, the manual court reporters (Pitman writers) at $10.74 per page.

Mr S.J. BAKER: I refer to 'Support Services' on page 135 of the Program Estimates. I acknowledge that perhaps different jurisdictions are involved, but given that the number of pages of transcript produced in 1987-88 was less than that in 1986-87 (for example, 96 541 pages were produced in 1987-88 for other agencies as against 97 219 pages in 1986-87), is the demand decreasing in other areas and increasing in the courts areas, or is it decreasing across the board?

Mr Witham: It is decreasing only in reporting for other agencies and primarily in the Industrial Court where there has been a concerted effort to reduce transcript requirements. The President of the Industrial Court ruled that transcript which is not commenced until 11 o'clock on the second day of the sitting (perhaps something may settle overnight) is now not transcribed.

Mr S.J. BAKER: In relation to word processing requirements, what action is to be taken as a result of the review?

Mr Witham: The review included quite a comprehensive look at word processing requirements throughout the courts. It identified that there are approximately 140 existing or potential users of word processing. The report quite changed our proposals for networking of our computing facilities, because we realised that a lot of those 140 users would be connected to the mainframe computer for our normal computing developments. We have introduced what is called the local area network which is linked to the centralised word processing system, and that same network will provide access to the main computing system. That was quite a cost saving, so we will be able to introduce word processing facilities to quite a large body of users at no additional cost.

Mr S.J. BAKER: How many machines are currently in the courts area?

Mr Witham: That is a rather difficult question. We have a large number of Glass typewriters—about 50 or 60, but I

am not certain of the number. About six microcomputers are used for word processing and other things.

Mr S.J. BAKER: In relation to the accommodation building strategic plan, what accommodation changes will be made in the Courts Department? What are the recommendations and what will be implemented?

The Hon. C.J. Sumner: The plan deals with improvement in courts and not the Courts Services Department's offices. The strategic plan was made public and is in the Parliamentary Library. Two or three years ago I asked the department, in conjunction with the Department of Housing and Construction, to look at the needs of courts over the foreseeable future. A comprehensive and large review was undertaken, and that identified the problems. That review now forms the basis for our capital works planning for the future. Stage 1 of the Supreme Court has been finished and Holden Hill will be finished shortly.

Mr S.J. BAKER: So we are talking about part of that previous review?

The Hon. C.J. Sumner: No, only one review was undertaken a couple of years ago, at my request, to try to put in place an overall picture of court needs for the foreseeable future. That is still the base plan and we are picking particular projects from that for priority.

Mr Byron: This year funding has been made available to provide a fourth courtroom at Holden Hill, to complete the court at Coober Pedy, for detailed planning for a new Adelaide Magistrates Court, for Port Adelaide Court, for preliminary planning relating to major upgrading at Port Augusta, for a new court at Christies Beach, and for a new court at Para Districts.

Mr S.J. BAKER: Why has there been under-utilisation of the CLIRS system and will that system be pursued?

The Hon. C.J. Sumner: I am not sure whether or not this will be pursued. This matter has been dealt with more by the Attorney-General's Department rather than the Courts Services Department, but CLIRS has not been as well used throughout Australia as was anticipated, and that affected the viability of the whole thing. In recent times there have been some projected ownership changes. I need to get a precise update with respect to CLIRS. It is still operating and, in fact, the system is sold to private lawyers and also to the Government. We make information available to put on the CLIRS system. But, in essence, I believe the demand for it amongst the private sector and probably the public sector as well has not been sufficient to put its economic viability beyond question.

Mr S.J. BAKER: Is that because the data base is so incomplete as to be not as useful as was first envisaged?

The Hon. C.J. Sumner: I do not believe so. I feel it is possibly a matter of cost but I will obtain an updated report on CLIRS, the current ownership, the anticipated future and, indeed, the rate of use in both the private and public sectors.

Mr S.J. BAKER: I note that a target for 1988-89 is 'Major resource variations—discontinuation of court administrators development plan'. Is that a self-improvement course that will be scrapped?

Mr Byron: It was recognised some time ago in South Australia that courts staff, for one reason or another, had been neglected in terms of their development and the opportunities for development. The department has tried a number of strategies to improve this situation and, in the past couple of years, a record number of people have participated in tertiary education. There was a vacuum at the lower end, and we tried to pick out people who could go into an intensive development program for a period of approximately 10 months. We were overwhelmed with applications; there were about 30 applicants and we could place only 12 people. Whilst the program was a resounding success in that all but one of the people who took part have since gained promotion, we could accommodate only 12 people. While it was good for those people, we were not spreading our resources equitably across the department.

We are currently considering a proposal and, if the recommendation is favourable, we intend to commence a two-year court administrators certificate course. This is being undertaken in conjunction with the South Australian Institute of Technology and we have had a fair amount of interest from the TAFE colleges. So that will occur partly in-house and partly through the institution. The first year will be fairly basic and the second year will be more advanced. It will involve a mixture of management and legal matters and because of some of the responsibilities that we hope to give to clerks of court over the next few years, it will be a requirement that they pursue and pass this certificate course before they can be promoted to those key positions. We were reluctant to discontinue the program; it was great for those who participated, but it just did not spread our limited resources equitably across the staff.

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

Works and Services—Court Services Department, $2 621 000

The CHAIRMAN: I declare this vote open for examination (page 176 in the Estimates of Payments and pages 123 to 136 in the Program Estimates).

The Hon. B.C. EASTICK: I note that $245 000 has been allocated for the purchase of motor vehicles but that there was no expenditure in the previous year. Is this a new arrangement or is it just fortuitous that there were no purchases in 1987-88?

Mr Byron: We turn over our motor vehicles on the same basis as every other department; vehicles must be purchased when necessary. It was fortuitous.

The Hon. B.C. EASTICK: No vehicles were purchased last year?

Mr Byron: Yes.

The Hon. B.C. EASTICK: This department is about the only department that falls into that category.

Mr Lemmey: I believe that only two or three vehicles were turned over last year.

The Hon. B.C. EASTICK: Where is the cost shown? The Courts Services Department shows no expenditure at all in 1987-88 in that regard.

Mr Lemmey: I believe the reason for that is the change in accounting practices of the Treasury. Previously, that cost would not have shown against the department; that allocation would come under the general pool situation. This year for the first time that sum has been allocated against the department.

The Hon. B.C. EASTICK: That is true costing.

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

Electoral, $1 430 000

Chairman:
Mr D.M. Ferguson

Members:
The Hon. H. Allison
Mr S.J. Baker

Mr M.R. De Laine
The Hon. B.C. Eastick
Mr T.R. Groom
Mr K.C. Hamilton

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

Departmental Advisers:
Mr A. Becker, Electoral Commissioner.
Mr K. Griffiths, Senior Administrative Officer.

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

The Hon. H. ALLISON: The Program Estimates (page 141) indicates that one of the broad objectives goals, is that the department, as required by the Minister, conduct local government indicative polls. How many polls were conducted in 1987-88 and are any polls proposed for 1988-89? Will the results be released publicly?

The Hon. C.J. Sumner: No, none have been done.

The Hon. H. ALLISON: That document under 'Issues and trends' states:

During 1987-88 departmental staff conducted or assisted in the conduct of ballots on behalf of 21 organisations.

Can the Minister make available statistical documents showing the names of the organisations for which those ballots were undertaken?

The Hon. C.J. Sumner: That can be done.

The Hon. H. ALLISON: The Program Estimates states:

The number of elections to be conducted in 1988-89 is expected to exceed the number conducted in 1987-88.

Is that simply predictive or are the names of the organisations known?

The Hon. C.J. Sumner: No, that is just an estimate.

Mr S.J. BAKER: I turn to page 142 of the Program Estimates. There is a great deal of interest in the current numbers in each electorate. Because of the recent referendum, I assume that that information is available, so will the Minister provide it for the State electorates?

The Hon. C.J. Sumner: I have that information and will have copies of it circulated.

Mr S.J. BAKER: Has the Government received any responses to the memo that was sent by the Commissioner regarding anomalies that are created over the long period between redistributions? What recommendations will follow?

The Hon. C.J. Sumner: Some time ago, the Chairman of the Electoral Districts Boundaries Commission wrote to members, including the Speaker and the Leader of the Opposition, pointing out the situation. The Government does not intend to change the current system. Obviously, some electorates will be out of kilter but that will always happen in any system. Although the starting point is 10 per cent above or below the quota, over time the Electoral Districts Boundaries Commission cannot make an absolute mathematical calculation about how many people will be in an electorate, so some of them get out of kilter. At this stage, there is no proposal for a redistribution before it is needed.

Mr S.J. BAKER: I merely confirm that there will be no alteration to the current practice and that, should Governments run their four-year terms, the next redistribution will be in 1994.

The Hon. C.J. Sumner: The next election will be held on the current boundaries and the Government has not made any decision to alter the situation.

Mr S.J. BAKER: The next item concerns publicity and education activities to ensure that people are aware of their rights and responsibilities. I note that the State Electoral Department and the Federal Electoral Commission have been much more prominent in the public arena. What publicity and education programs are proposed for 1988-89? The Electoral Commissioner has already visited a number of schools and I have heard some very good reports about those visits. Beyond that activity, what else has been planned?

Mr Becker: There are a number of things. Every member received a fact sheet folder. They are being reproduced, because a number of members have asked for more of them. They are also sent to every school, together with the Australian Electoral Commission brochure 'How it works'. That has not yet been distributed, except in cases in which these fact sheets have been provided. Next year, the department hopes to run another stand at the Royal Show and to continue the school information program by going to schools and talking to the students. Other than that, there are no plans for public education, because a lot of work must be done between now and the next election in educating our own people and training our own polling staff. A significant amount of money has been allocated to that end and to produce two or three videos, the scripts of which are being drafted at the moment.

Mr HAMILTON: I do not think that I received a fact sheet folder, and some of my colleagues are of a similar opinion. Can that be checked to see whether that is the case? Have all schools in the metropolitan area received a copy of the booklet, 'How it works'? If not, what is the program?

Mr Becker: The fact sheet folders, including the booklet 'Voting and You' and the 10 fact sheets, were sent to every school and were supposed to have gone to every member. The brochure 'How it Works' will go out with the Commonwealth material, when that is available, to every high school and primary school throughout the State.

Mr HAMILTON: What sort of response was received from the public about the stand at the Royal Show? What kind of comments were made about alterations to the electoral system?

Mr Becker: This year, the department's stand at the Royal Show did not eventuate because the Commonwealth, given the referendum, was reluctant to join in. Local government had been invited to join in as well but, when the Commonwealth pulled out, local government pulled out. The State Electoral Department did not have the funds to run it on its own, so the matter was allowed to lapse. Reaction to last year's Royal Show booth was generally favourable and the department learned a few things. For example, we do not need to waste money putting in on-line terminals for one week at the show, because it takes too long for people to process information through a terminal. In addition, the terminal cannot be put up front because someone could walk off with a keyboard. The size of the stand was also criticised and the stand booked for this year was three times the size of the stand at last year's show. A significant number of people were interested in the display and a lot of hand-outs, artefacts, paraphernalia and show bags were given out to kids and parents.

Mr HAMILTON: Rates of pay for polling officials were reviewed: how was that executed? Was there an increase in the rate? What is the current structure?

Mr Becker: There are several layers of polling official: assistant returning officer; deputy returning officer, where there are four or more tables; and assistant presiding officer. We used to have presiding officers where votes were not

counted at a particular polling place, but from now on we will only have assistant returning officers because every place will be a counting centre. We also have polling clerks and doorkeepers. We are reviewing the whole structure, which is part and parcel of the review of all the polling places throughout the State.

I imagine that most members would have been invited to comment on proposals made in that respect. The review of polling officials' rates of pay was simply trying to link up with changes in the clerical award, trying to set them at levels which could be relatively easily revamped at the time of an election.

Mr S.J. BAKER: I would have thought that the detection of non-voters was simple in theory in that you contact those who did not vote, but in the 1988-89 targets you wish to resolve the method by which non-voters will be detected. I seek further explanation.

Mr Becker: I am not sure why we talked about 'resolution'. The roll scanner has been in operation for the Federal election in 1987, the referendum, and the New South Wales and Western Australian State elections, and it will be used in the Victorian State election. We still have to set up things specifically for South Australia. One cannot just take the system as it is and put it into place. The Commonwealth has bought all the equipment and we suggest that it should run that through to the full reporting stage, and our involvement will be minimal. We would contract that work out but retain the statutory responsibility.

Mr S.J. BAKER: What strategy is the department using to ensure that rolls are as clean as possible close to an election? Reference is made to the habitation reviews.

Mr Becker: The habitation reviews are the doorknocks conducted in the past by the Commonwealth, at its expense. Under the joint rolls agreement which came into operation on 1 July this year, we will be paying half the cost of those habitation reviews from now on. At present we are reprinting all the claim forms. We are just arguing with Canberra as to their format, and hopefully that will be resolved within a week. The claim forms will be printed within the next five or six weeks and it is intended that the next review will commence within a month of that. Elections and referendums have a roll cleansing effect so, with the habitation reviews on top of that, by this time next year we will have clean rolls.

Mr S.J. BAKER: I seek information about the funds to be made available for computerised rolls in selected electoral offices. Which seats have been selected for this experiment?

The Hon. C.J. Sumner: I do not have that information. It is not a matter within my responsibility: we are just providing the information, not the computers. The Minister of Housing and Construction has Cabinet responsibility for that.

Mr S.J. BAKER: What information will you be supplying for these computers which will be available only to certain members?

Mr Becker: Our information is only technical, apart from providing floppy discs, which will come from GCC. We will act as the agent and advise members on how to access the information.

Mr S.J. BAKER: Will the information that you provide on floppy disc include items such as age, occupation groupings and sex?

The Hon. C.J. Sumner: That information has been deleted from the rolls, both at a national and State level, because it was considered not to be consistent with accepted privacy principles. The only information contained on the roll is the name and the address. What will be available to the members on the pilot study will be what is on the roll and not the full panoply of information that the Commissioner has in order to assess the validity of enrolment applications.

Mr S.J. BAKER: There are codes on those sheets.

Mr Becker: It is on some of them, not all. It is not appropriate. There is the postal address, occupation and country of origin as well. That is not necessary for the maintenance of the roll.

Mr S.J. BAKER: Page 143 of the Program Estimates, dealing with support services, refers to a 'review system of registered declaration voters'. What changes do you propose?

Mr Becker: The register of declaration voters in the past has been very small (only a few hundred). We intend closing, with the support of members and local government, etc., a number of polling booths in country areas. We then have to cover those people, and we would have to do that either by the remoteness of their residence or with mobile polling places. We expect that that will expand the register quite significantly.

Recent amendments to the Act now enable people whose religious conviction precludes them from attending a polling place on polling day to go on a permanent register. Conservatively, we are looking at 5 000 to 6 000 people. This means that the register will not be able to be maintained manually and we would need to link it up with a computer system. Currently we are looking at the possibility of putting a status code on the system at the GCC so that we can produce labels, and so on, to these registered declaration voters by using the facility at Conyngham Street.

Mr S.J. BAKER: In relation to the electoral visitation program (electoral office officials who visit nursing homes and other institutions), will a computerised system be in operation to automatically check other parts of the system, for example, people who live in nursing homes and hospitals against those who are listed on the roll and are not picked up through the polling booths? What new ideas will you inject into the electoral visitation program?

Mr Becker: At this stage not a lot is going on in that area. We are expanding the program to pretty well include all nursing homes, hostels and institutions that have more than eight or nine people who are capable of voting. That will take us up to about 270-odd institutions, which puts a fair strain on the resources. When we first started doing it we had only 50 or 60 institutions.

The system being developed is certainly not computerised and there is no intention of computerising it in respect of trying to keep track of those residents, purely and simply because they may not be there the day we go there, they may have moved in only the day before, or they may be of sound mind one day and not the following.

Mr S.J. BAKER: Many of my rural colleagues see difficulties in relation to people casting votes if smaller country booths are closed. I also understand that certain members are fighting to stop the closure of metropolitan polling booths, where access is not such a great problem as in country areas. Will the Minister provide details of metropolitan electorates that have been fighting against the closure of very small booths?

Mr Becker: We have received comments from all but a couple of House of Assembly members. By and large, they agree with some of our ideas on closure and disagree with others. Some of the obvious ones they have no argument about, for example, Gartrell Memorial, a new place down in Victoria Street in the electorate of Bragg, and the Rose Park Primary School in the middle which is no more than 100 yards from the other two. So, one can close two booths and open up the Rose Park Primary School, which would

be cheaper than using the two church halls. However, some members are reluctant to close booths and we need to try to accommodate their questions about such matters as the elderly being too unfit to move to a different polling place. In such a situation we may have to look at either retaining a booth or some other method of coping with their infirmity.

Mr HAMILTON: In relation to habitation reviews, what staff is utilised in this area? Is it full-time or casual staff?

Mr Becker: Casual staff.

Mr HAMILTON: On what basis are they paid?

Mr Becker: At a rate per dwelling. Unfortunately, I do not know the rate, but I could find it out.

Mr HAMILTON: When people have come to me in the past and said that their names have been crossed off the roll I wonder whether they have actually been said to be home. What cross-checks and balances are there?

Mr Becker: We have some doubts about the effectiveness of using the habitation review. In relation to the payment per dwelling, when people are not at home a card is left in their letterbox asking them to reply within 21 days with all the names of the people who we think are living in that place. In relation to the time taken, it is probably little different from going to the front door, knocking on it and being able to tick off three residents' names, because one happens to be home and says that the other two are still living there; whereas if they are not at home it might take longer. In terms of actual time and payment per household it is not a problem that has concerned us in the past.

There could be circumstances where someone might go to the end of the street and ask, 'Does Mrs Bloggs still live next door?' and so on. If they receive a 'Yes' reply, they might not walk down and knock on the door and find out that Mrs Bloggs is, in fact, no longer there, was not there that day or that the person they asked does not know that she has moved. Then, the person concerned may be in a situation of not receiving any advice from the department and, consequently, after a period of three or four months, the name will be removed from the roll. We need to get that positive information back to be able to keep the rolls clean. We have to look seriously at some alternative to habitation reviews.

Mr HAMILTON: I have a large area of retirement villages for elderly people in my electorate, especially in the Delfin Island area: has provision been made for voting in retirement villages? It is analogous to nursing homes, which have large numbers of elderly people who are perhaps not as mobile as they would like to be. Has the Electoral Commissioner looked at this particular area? I emphasise that I am cognisant of the cost factors. However, has that issue been investigated and, if so, what sort of conclusions have been reached?

Mr Becker: The specific issue has not been looked at any more than we have looking at, say, Helping Hand at North Adelaide where we have previously run a polling place. That is now being reviewed to determine whether it will be a viable proposition next time. If we do not use electoral visitors, there are very few options other than postal voting or, if people are infirm, the register of declaration voters.

The Hon. B.C. EASTICK: Is the Attorney-General aware that, with respect to enrolment, South Australian electors are being coerced into joining the House of Assembly roll with no option to opt out as the Act provides.

The Hon. C.J. Sumner: They have the option to opt out—That option exists—they cannot be coerced. They have the right not to enrol.

The Hon. B.C. EASTICK: Is that option being actively drawn to their attention?

The Hon. C.J. Sumner: I understand that it will be.

The Hon. B.C. EASTICK: Not 'will be'. Is it?

The Hon. C.J. Sumner: I do not have the form in front of me at the moment. It is a long time since I have seen a form.

The Hon. B.C. EASTICK: I draw attention to the two page kahki application form and the three page green application form, (which have been in existence for quite some time) and the Electoral Commission document 'Enrolment to Vote'. They give no indication whatsoever that South Australian electors may opt out of enrolment for the House of Assembly roll. Whereas earlier enrolment forms clearly indicated that there was an opportunity by marking the appropriate spot for that exemption to apply. Indeed, when this matter was drawn to the Attorney's attention in debate in the Legislative Council on an earlier occasion, a fairly clear indication was given that what was perceived to be an error in the current forms would be corrected. However, to the best of my knowledge that has not yet been corrected.

The Hon. C.J. Sumner: The matter is being addressed.

The Hon. B.C. EASTICK: In documentation associated with the Electoral Department there has been a clear indication of assistance given by the Electoral Commissioner to local government and the inter-relationship with the Commonwealth in respect of what one might call generally mutual activities particularly surrounding a common roll. There is currently before the Federal Senate the Electoral and Referendum Amendment Bill 1988. Is the Government in full support of the intent of that Bill which will have implications as far as the States are concerned?

The Hon. C.J. Sumner: I am not sure what the Bill is.

The Hon. B.C. EASTICK: It has 13 clauses and, more specifically proposed new section 91 provides:

(3) Instead of providing a copy or copies of the latest print of a roll to a party or person referred to in paragraph (2) *(a)*, *(b)* or *(c)*, the Electoral Commission may, if the party or person requests that the copy or copies be provided in a form other than a printed form, provide a tape or disk of the Roll.

(4) Instead of providing a copy of the latest print of a roll to a person or organisation referred to in paragraph (2) *(d)*, the Electoral Commission may, at its discretion, provide a tape or disk of the roll.

(5) So far as practicable, the Electoral Commission shall, after each general election, provide to each registered political Party a tape or disk of the habitation index for each division.

Has that matter been drawn to the attention of the South Australian Electoral Commissioner, because it will have an impact on general activities?

Mr Becker: The amount of information that is supplied to people by the Commonwealth in relation to electoral matters is considerably greater than the information provided by the States. In the past the Commonwealth has printed about 350 copies of microfiche roll, compared with eight of ours. For the past five years we have provided tapes to the political Parties, and that does not require amendment to our legislation—it is an administrative function. As far as I can gather, the Commonwealth is documenting everything in that piece of legislation. It really should not have a great effect on us at all, except to put pressure on us in terms of policy as to who should have access to that information.

The Hon. B.C. EASTICK: Proposed new section 91 (9) of the Commonwealth Bill causes me some concern. It provides:

(9) The Electoral Commission may, at the request of the secretary of a department or the chief executive officer of an authority of the Commonwealth, provide the secretary or chief executive officer with a microfiche of a roll, together with such other information (being particulars of the occupations, sex or dates of birth of electors) in the possession of the Electoral Commission as the Electoral Commissioner directs.

This would certainly appear to go much further than the information which has hitherto been made available and is at variance with the general thrust of information given previously by the Attorney in answer to a question from the member for Mitcham. I do not have any argument with that situation other than the fact that this measure is currently before the Parliament of Australia and could conceivably have an adverse effect on South Australians.

The Hon. C.J. Sumner: The Government has not considered that Bill. I do not know who introduced it or when it was introduced.

The Hon. B.C. EASTICK: It is a current Bill. The date 29 April 1988 appears on the Bill. I can obtain further information for the Attorney.

The Hon. C.J. Sumner: There is no proposal before this Government to introduce similar legislation. If the honourable member thinks it is a good idea, the Government will look at it for him.

The Hon. B.C. EASTICK: It impacts upon the people of South Australia and could be utilised against the general principles previously espoused by the Attorney-General.

The Hon. C.J. Sumner: I would like to establish the rationale for it. I understand that the Commonwealth parliamentary select committee on electoral matters decided that the only information which should be made available, at least generally to the public, from electoral information collected for enrolment purposes was the name and address of the elector and that the information relating to occupation and sex that used to be provided was to be deleted. Now the electoral roll contains just that information. I assume that the Commonwealth feels that there are some circumstances where certain agencies should have access to more information.

I am not sure whether or not that is the Taxation Office or the Department of Social Security for the purposes of tax or social security fraud. However, I anticipate that the honourable member would not object to information held by the Electoral Commissioner being made available to another department for the purposes of ensuring that the law was enforced, even though it constitutes an exception to the normal privacy principle, which is that information collected for one purpose ought not be made available for another purpose. That is the general principle, but obviously there are some exceptions. In the Government's consideration of this privacy issue, we felt that the rules relating to privacy would be overridden in the case of investigating a criminal offence, for example.

I have not read the second reading explanation of the Bill, but we do not have before us any proposal to do something similar. The Electoral Commissioner may need to examine it and I will ask him to do that in the light of the privacy principles which have now been promulgated by the Government and which will be overseen by a privacy committee. Presumably, if the police rang the Electoral Commissioner and said, 'Have you got the full information on this particular person?', he probably would have just provided it, because there were no rules. Rules relating to privacy in Government have been promulgated and, therefore, they could be looked at by the Ombudsman if a complaint were made, or they could be the subject of a complaint to this privacy committee.

In the light of the fact that administrative rules now exist relating to privacy in Government, although they are not backed by legislation, they still have some force within Government and perhaps the rationale behind this legislation should be examined. The extent of it would have to be the subject of debate, but I think that the point raised by the member for Light is legitimate. We would have to determine the limits of privacy in relation to this information and make the principal decision as to whether or not information ought to be made available as an exception to the privacy principle in circumstances where perhaps law enforcement measures are being taken.

The Hon. B.C. EASTICK: As a consequence of the report of the 1987 local government elections and the review committee which recently reported to the Minister of Local Government, is it likely that a greater workload will be placed on the department, or will there be an improvement in the relationship between his department and local government?

Mr Becker: I was on that working party. I do not expect any significant impact upon us. We have always had a fair input into local government but, until such time (and I think that I am foolish to suggest this) as we follow the Eastern States and actually get the Electoral Commissioner to run local government elections, I do not think it is likely to have a great effect on us. We already have a fair amount of input in terms of the boundary changes and the redistribution. We also provide assistance at election time but, hopefully, there will not be a major impact.

The Hon. B.C. EASTICK: Is the department concerned that there are different criteria for the conduct of local government, State and Federal elections and, as a result, the public can be confused about the Australian electoral system?

Mr Becker: Yes, it does cause us concern and that is why we have produced something separate from the Commonwealth. However, we are starting from a long way back. In our schools we do not have anything like the educational systems which they have, for example, in the United States where people start using voting machines and begin to understand all about their constitution right from the first day of school. Hopefully, at some stage, we will get to the situation where people will understand the difference between State, Federal and local government. At the present time I am sure that most people believe that there is one Electoral Office. We receive calls concerning Commonwealth elections, and vice versa; and we also receive calls about local government elections. In fact, we received a significant number of calls around election times. It is obvious that the people do not realise to whom they are speaking. We will enter into those programs, even to the point where we have considered the possibility of running small seminars for members of Parliament candidates, because we are not convinced that, even at that level, they have a complete understanding of the electoral system.

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

Public and Consumer Affairs, $22 244 000

Chairman:
Mr D.M. Ferguson

Members:
The Hon. H. Allison
Mr S.J. Baker
Mr M.R. De Laine
The Hon. B.C. Eastick
Mr T.R. Groom
Mr K.C. Hamilton

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

Departmental Advisers:

Mr C. Neave, Director-General of Public and Consumer Affairs.

Ms J. Tiddy, Commissioner for Equal Opportunity.

Mr S.J. BAKER: On page 149 of the Program Estimates mention is made of the upward trend of complaints and inquiries over the last two years. Will the Attorney provide figures particularly on the number of complaints of discrimination by category and the number of inquiries in 1987-88 compared with 1986-87?

The Hon. C.J. Sumner: In 1987-88, 7 267 complaints were received in the commission compared with 4 265 in 1986-87. The breakdown of the complaints is contained in the annual report of the Commissioner. We will provide that information and the breakdown for 1987-88 by 7 October.

Mr S.J. BAKER: At the same time, will the Attorney inform the Committee how those areas were resolved, whether they were unfounded or resolved by conciliation, and whether appropriate action was taken?

The Hon. C.J. Sumner: Yes.

Mr S.J. BAKER: I note reference to the analysis of complaints and I presume that there have been gaps or changes of legislation have been deemed necessary. Certainly there have been some conflicts over one case in the Federal jurisdiction where it was at odds with the State Act. Will any recommendations or requests be placed before the Federal Attorney-General as a result of this review of complaints, and further, what changes to the current Act are envisaged as a result of complaints received and the analysis thereof?

The Hon. C.J. Sumner: I do not believe that there are any major proposals before the Government on amendments to this Act except one, that is, dealing with the question of discrimination on the grounds of intellectual impairment. It was announced in the Governor's speech that a Bill would be introduced in this session of Parliament. There are no other issues of a major legislative kind that are before the Government at present. If the honourable member is referring to the controversy about the sexual harassment case, the judgment of Mr Justice Einfeld, I have already answered a question on that in the Legislative Council. That was a decision made by the Chairman of the Federal Human Rights and Equal Opportunity Commission on the basis of the Federal Sex Discrimination Act.

That Act provides that, in order to establish discrimination based on harassment some economic detriment to the individual who was harassed must be established. The South Australian legislation however has created harassment as a ground of discrimination *per se*. So the legislative framework is different and we in South Australia do not see any major problems with the impact of that decision on South Australian law.

Mr S.J. BAKER: To follow on from that, given that there is now cross vesting of powers, I presume our Commissioner can now hear complaints on behalf of the Commonwealth?

The Hon. C.J. Sumner: No, the Commissioner can receive complaints. Under arrangements with the Commonwealth there is 'one stop shopping' for the receipt of complaints of discrimination on the grounds of race or sex in South Australia. So there is one place to which citizens can go whether they are complaining of discrimination under Federal law or under State law. The Commissioner's office acts as the initial contact point and as the conciliator for both types of complaints. If it is a complaint that is appropriately dealt with under State law, the Commissioner feels there is justification in the complaint and it has not been resolved by conciliation, she can lay a complaint before the South Australian Equal Opportunity Tribunal. However, if it is a matter under Commonwealth law, she would refer the matter to the Human Rights and Equal Opportunity Commission.

Mr S.J. BAKER: I note that in 1988-89 guidelines for conciliation conference procedures will be developed. How many conferences were held during 1987-88 compared to 1986-87, and where were the perceived difficulties in the conduct of those conferences which led to the determination to change those procedures?

Ms Tiddy: I do not have information on the number of conferences that were held, but I can say that there is a very high rate of conciliation. The reason for wanting to give information to both complainants and respondents is simply a natural justice argument: we believed it was important that people be reasonably prepared by the conduct of formal processes. Complaints are resolved informally and in a formal compulsory conference sense so we were simply looking to give people more information so that they felt more comfortable and to faciliate further conciliation.

Mr S.J. BAKER: My next question relates to some things that are happening in the equal opportunity area and public profiles on two items. One relates to schools competitions, what research was done prior to implementation by the appropriate schools authority under, I believe, some guidelines or directions on the sort of girl only joint competition situation that arose in a number of areas. What evidence, I guess from overseas studies, is available that that policy would assist girls to participate in sport more than they do at the moment?

Ms Tiddy: The Commonwealth Sex Discrimination Act was proclaimed in 1984 and built into it was a clause relating to sport for children under 12 years. It stated that children under 12 could not be discriminated against. The matter went before the Human Rights Commission, which at that stage was chaired by Dame Roma Mitchell, and an exemption was granted for 18 months so that separate competitions could continue. The Directors-General of Education determined that, for primary school sport, competitions would be organised into open events and girls only events. It had nothing to do with me and there has been a great deal of misinformation about that. I did not support the decision of the Directors-General.

Whilst it complied with both the State equal opportunity legislation and the Commonwealth legislation, it was bound to cause a furore because people would say that it discriminated against boys. The idea was that the special measures section of State and Commonwealth laws would apply, allowing girls only competitions. It was aimed at redressing the problem that everyone foresaw that, if there was an immediate move towards mixed sport in primary schools, girls would be disadvantaged.

Mr S.J. BAKER: So there was an inherent recognition that joint participation in certain competitive areas would disadvantage girls.

Ms Tiddy: Yes, there certainly was and that is still there. There is no debate about that.

Mr S.J. BAKER: Should there be a complete relaxation of these discrimination guidelines in primary and secondary schools?

Ms Tiddy: The issue does not relate to secondary schools. It is a question of an exemption in the legislation that states that, where strength, stamina and physique are relevant, separate competitions can be held. Clearly, strength, stamina and physique are relevant post-puberty, which is in secondary school. The issue is whether it is relevant for pre-puberty children or children of primary school age.

Mr S.J. BAKER: In other words, it is relevant where there is a recognised difference in strength.

Ms Tiddy: The question is whether it is relevant and the research is equivocal as to whether there is a difference in strength between males and females at that age. There are just as many arguments for as against.

Mr S.J. BAKER: That is where the dilemma has risen.

Ms Tiddy: Yes.

The Hon. C.J. Sumner: It is fair to say, though, that participation of girls in sport in schools has not been at the same level as participation of boys and that attention has been given in schools to boys in sporting events to a greater extent than has been given to girls. That is a fact of life. Whatever the argument might be, the policy is designed to ensure that girls have equal opportunity in schools to participate in sporting activity. The bias has been towards support for boys and participation by boys in sport. The policy is designed to try to overcome those problems.

Mr S.J. BAKER: I am sure that all members are aware of the difference in participation levels and the extent to which resources are devoted to the male sex to the general exclusion of the female sex at that age. The problem is how to address the problem and how to get more girls participating in sport at all levels, rather than looking at the law which, in the process, by forcing open competition, may achieve the opposite. That is what the debate centres on, not whether girls need more assistance in sporting participation. I noted comments about the Magarey Medal count. Does the Minister intend to write to all of the clubs and ask them to allow spouses to attend such events?

The Hon. C.J. Sumner: The Commissioner does not plan to take any action. No complaints have been received, but, if a complaint were received, it would be examined.

Mr S.J. BAKER: It would be interesting to see what determination would be made because many sports are single-sex sports.

The Hon. C.J. Sumner: It is ridiculous to suggest that women are excluded from football. Presumably, clubs could bring along women as officials. It is not that a particular sex is excluded. However, most footballers and most football administrators are men. There is no prohibition on the Sturt Football Club's electing a female as its President who would be present at the Magarey Medal count.

Mr S.J. BAKER: My next question concerns what falls within the province of equal opportunity. Some time ago I wrote to the Commissioner concerning a case in which action had been taken in the Federal industrial jurisdiction, which had subsequently flowed into the State industrial jurisdiction. The outcome of the case was that, in clear, unequivocal terms, a number of women were prevented from working. The Commissioner said that it was political because it belonged in the industrial union area and was outside her province. If because of sex, disability or ethnic origin a person or group is severely disadvantaged because of a ruling made by Parliament or an industrial court, does that mean that everyone accepts that rule or is there a responsibility on the Commissioner to take that matter further?

The Hon. C.J. Sumner: If the discrimination is on the ground of sex, race or physical handicap, under the legislation, where discrimination is alleged, the Commissioner can take action, receive the complaint, and examine it. The Equal Opportunity Act covers all areas unless another Act specifically excludes its operation. The most recent Act has coverage across the board, and its operation would have to be excluded by a specific provision in the law dealing with an area that wanted to be excluded from its operation. It is the general law. The real issue is how to characterise the complaint of discrimination. If it is a complaint of religious discrimination, the Commissioner has no jurisdiction; if it is a complaint of political discrimination, she has no jurisdiction. It has to be charaterised as a complaint relating to sex discrimination, race or physical handicap.

Mr S.J. BAKER: But discrimination relating to sex and the availability of work could come within the ambit?

Ms Tiddy: The letter that you wrote to me was about some women who were unhappy with the Outworkers Award, and we considered they were complaining of discrimination on the grounds of a political belief, that is, they did not like the award, but there were a number of other women who were highly supportive of the award. It was that kind of issue.

The Hon. C.J. Sumner: Your complaint would have access to the Equal Opportunity Tribunal. Just the fact that the Commissioner decides on her judgment that it is not a case for discrimination is not the end of the matter. It would still have to be characterised in order to bring it within the jurisdiction of the Act. It would have to be characterised as a complaint of discrimination on the grounds specified in the Act. The Commissionr might say 'No' on her assessment, but that does not mean that the remedies are finished. It could be pursued before the Equal Opportunity Tribunal.

Mr S.J. BAKER: I seek an outline of the four *Fair Go* publications to be printed in 1988-89.

Ms Tiddy: We developed the *Fair Go* series and we are simply adding to it in terms of the grounds and the areas covered by the legislation, one of which is specified in terms of accommodation, and there are some updates on the current publications which talk about race discrimination, sex discrimination and people's rights and responsibilities in those areas. I can provide more detail.

The Hon. B.C. EASTICK: Have there been any contradictions between the South Australian Equal Opportunity Act and the Commonwealth legislation to suggest the need to amend our Act so that it stands squarely with the Commonwealth Act? Does the Commonwealth Act cause any difficulty for the Commissioner?

The Hon. C.J. Sumner: I am not aware of any problems. There is different coverage. The South Australian Act goes further than the Commonwealth Act, which relies for its constitutional validity on the external affairs power and on giving effect to the international covenant on the elimination of all forms of racial discrimination, in one case, and also the covenent on the elimination of discrimination against women. That Act deals with race and sex discrimination.

The South Australian Act can go further as it has no constitutional limitations on its coverage and covers physical impairment, and it will cover intellectual impairment as well. They are slightly different approaches in both Acts, but this has not created major problem.

The Hon. B.C. EASTICK: Under the Commonwealth Act it is necessary for organisations above a certain size to provide a designated officer. Will there be an attempt by the State to liaise with that officer so that the officer will be completely aware of the different responsibilities between the Acts? Tertiary education centres have been advised by the Commonwealth that they must have a designated officer by a certain date provided by funds allocated for academic and other activities; otherwise they will fall short of the Commonwealths expectations. Members sometimes experience people beholden to a Commonwealth base making suggestions that are not compatible necessarily with State law. Action now might enable the best of both worlds to be achieved.

Ms Tiddy: I believe that you are referring to affirmative action legislation. We have no cooperative arrangements with the Commonwealth to assist in any education pro-

grams involving that legislation. We have a consultative committee of all the education institutions, so there is good liaison. There is also a private sector committee made up of affirmative action coordinators in South Australia, and we participate in those activities as well. We have ongoing liaison, although we have no formal cooperative arrangements with the affirmative action agency.

The CHAIRMAN: We will now deal with the Ethnic Affairs Commission.

Additional Departmental Adviser:

Mr A. Gardini, Acting Chief Executive Officer, South Australian Ethnic Affairs Commission.

The Hon. H. ALLISON: Pursuant to the South Australian Ethnic Affairs Commission Act, the Commission comprises a full-time Chairman and Deputy Chairman and up to nine other members. We note that for some time there has not been a Deputy Chairman. Why, and what amount of salary has been saved by the non-appointment?

The Hon. C.J. Sumner: It depends on what level the Deputy Chairman's position was determined at. When there was a Deputy Chairman I think it was an EO1 position. That money has been diverted into other activities of the commission. The reason for the non-appointment is to make money available for other activities.

The Hon. H. ALLISON: In the foreseeable future is it envisaged that an appointment will be made?

The Hon. C.J. Sumner: Obviously, we will have to examine that issue. There is a statutory position for a Deputy Chairman. There is no intention to make an appointment this financial year, principally because two years ago, when we took this decision, there were very strict guidelines on the expansion of activities and we felt that the money was better spent by diverting the salary of the Deputy Chairman into other activities in the commission.

The Hon. H. ALLISON: Page 11 of the 1987 Ethnic Affairs Commission annual report states that the commission is still not regarded as an equal partner with other Government agencies and that the commission's endeavours to move to the central role envisaged by its constitution are hampered by the organisational cultures still prevailing in the public sector. Does the Government intend to take steps to rectify what would seem to be a serious criticism?

The Hon. C.J. Sumner: A considerable amount of the Ethnic Affairs Commission's charter is to involve itself with the public sector generally and to try to make the consideration of multicultural issues a mainstream concern. As the honourable member is aware, I have taken the view that multiculturalism is a policy which ought to be applicable and available to all Australians, irrespective of ethnic minority, origin, or place or birth (that is, whether born in Australia or overseas). There is something in the policy of multiculturalism for all of us.

The honourable member would know that that is not a view that is universally accepted. In fact, I am not sure whether it is now a view accepted by his Party, at least at the Federal level. But, in getting that position through, you are talking about changing attitudes in the public and private sectors. The recent debate on immigration and multiculturalism would indicate to the honourable member, I am sure, that those attitudes are not changed overnight, either in the community or in the public sector, particularly if one of the major political Parties is not now, in effect, supporting the policy of multiculturalism. John Howard has removed any positive reference to multiculturalism from his Federal policy on immigration and ethnic affairs. In fact, I do not think that ethnic affairs is mentioned in the Federal policy of the Liberal Party now, and multiculturalism is mentioned not in a positive way.

The view of the Labor Party is to support a policy of multiculturalism as a policy which is for all Australians; it is not a policy for ethnic minority groups alone. We can all learn something from a multicultural society. However, in order to get that accepted, it requires changes in approach and understanding within the public and private sectors. What I have tried to promote while I have been Minister, is a view that ethnic affairs ought not to be seen as something at the margins of Government or, indeed, of community activity—as something the Ethnic Affairs Commission does for the ethnics, as it were, just keeping them happy with grants relating perhaps to some folkloric activity.

What I have tried to see is ethnic affairs and multiculturalism as a part of the mainstream private and public sector community activity; and that is the brief that the commission has been given. It obviously reflects in its report some resistance to that position—resistance that is not surprising in the light of current debate. Nevertheless, it is proceeding and I think that is occurring with some degree of success.

We have had specific ethnic affairs management commitment plans developed in the Education Department. The honourable member will know that *Education For a Cultural Democracy* was produced as a joint document between the Ethnic Affairs Commission and the Education Department, and has been implemented to a considerable extent. We have ethnic affairs management commitment plans for the Children's Services Office, tertiary education institutions, the Department for the Arts, the Office of the Commissioner for the Ageing, the Department of Personnel and Industrial Relations, the South Australian Police Department, the Department for Community Welfare, the South Australian Health Commission, and the Department of Public and Consumer Affairs, all designed to ensure that the notions involved in multiculturalism are applicable throughout the public sector, and in those departments in particular.

There has been the migrant workers task force, which is currently being assessed. The Ethnic Affairs Commission this financial year is seeking management plans from the Department of Labour, the Occupational Health and Safety Commission, WorkCover, the Department of Employment and Training, the Department of Recreation and Sport, and the Department of Local Government (Public Libraries Branch).

In addition to the joint Ethnic Affairs Commission/department task forces in the area of education, there have been task forces in the areas of health, community welfare, labour (as I have mentioned), and one has just been established in local government. So, what they are talking about is an attitudinal matter within Government which is reflected also in the private sector. The whole structure of the Ethnic Affairs Commission is to try to overcome those attitudes and, as I said, essentially to see multiculturalism as a policy for all Australians, irrespective of race, origin, or birth place.

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

The Hon. H. ALLISON: The commission assisted with a feasibility study into the development of a socio-economic data base in South Australia. What is the status of that study?

Mr Gardini: I do not know what the status is so far. As far as we know it is still in the feasibility stage. There is no indication of what the next step will be.

The Hon. H. ALLISON: The proportion of the migrants currently being attracted to South Australia is considerably less than the 10 per cent that was previously the norm. In general terms it is felt that South Australia should be entitled to about 10 per cent of everything that happens in Australia on a pro rata population basis. I recently checked the statistics for Mount Gambier, which experienced a fairly heavy influx of migrants in the 1950s. The current ABS statistics show that only 1 per cent of the people currently living in Mount Gambier are migrants. None of them have any difficulty speaking Australian or English-Australian.

Adelaide attracts only about 4 per cent of overseas migrants settling in Australia. That proportion also applies to the percentage of skilled and wealthy Hong Kong migrants who have been coming to Australia recently. The Minister of State Development and Technology gave us that figure in the House. Is the Minister concerned about what would seem to be a relatively low migrant intake into South Australia? Are any steps being taken to ensure that South Australia receives a higher proportion of migrants?

The Hon. C.J. Sumner: The Department of State Development and Technology operates a scheme to attract business migrants and has had some success in that area. In terms of the general question of attracting migrants, there are two issues. First, there is the overall level of intake which will be increased this year to 150 000—or, at least, if the Fitzgerald inquiry report is adopted that will be the figure. However, whatever the precise figure there does not seem to be much doubt that the number of people permitted to migrate to Australia will be increased, and it has been steadily increasing over recent years. Secondly, with respect to whether South Australia receives a reasonable proportion of that migrant intake, the honourable member mentioned a figure of 4 per cent. I believe the figure is more than 4 per cent.

Mr Gardini: The only figure we have is 4.5 per cent for the first six months of the year. It is probably a bit higher over 12 months.

The Hon. C.J. Sumner: In terms of attracting migrants one can obviously target business migration, and we have done that. The general question of development of migrant intake depends on initiatives relating to State development generally. I am sure the honourable member is as aware as I am of the initiatives that the Government has taken over the past five years. They are quite significant initiatives to try to get the South Australian economy on a broader base.

The problem before the 1930s was that the South Australian economy was almost exclusively rural based. In the post-war period the then Premier, Sir Thomas Playford, embarked on a policy of industrialisation and manufacturing industry was brought to South Australia. That occurred, I might add, behind high tariff walls nationally, and also with certain subsidies. Of course, that meant that once those tariff walls were reduced, or the subsidies withdrawn, the industries became less competitive. That was a problem not only in South Australia—it was Australia-wide. Our manufacturing industries were not able to maintain a competitive position in the world.

Nevertheless, the Playford initiatives did result in a significant industrialised manufacturing sector in South Australia. However, the economy was still essentially rural based with that supplement from the manufacturing sector. The Government has tried to diversify the South Australian economy. It has that aim in the same way that the Federal Government has the aim of diversifying the Australian economy and making it more productive internationally. That has been the main thrust of the Federal Government's economic policies over the past five years—to ensure that Australia does become a more productive, entrepreneurial and competitive society in the world environment. Similarly, the policy in South Australia has been applied to that end with some success.

However, one cannot change the structure of an economy such as South Australia's overnight. Certainly, there are a number of good signs such as Technology Park and the centre for manufacturing; and the motor vehicle industry seems to have now rationalised and is able to be efficient and competitive. Therefore, the policies relating to migration—apart from being able to target particular areas like business migration, as the Department of State Development and Technology does—are really bound up with the general question of development of the State.

The Hon. H. ALLISON: Page 18 of the Ethnic Affairs Commission 1987 annual report indicates that the ethnic affairs grant scheme, which provided about $80 000 last year for 60 grants, is to be reviewed. Has that review taken place and can the Minister give any indication of the outcome?

The Hon. C.J. Sumner: That grant will be increased to $90 000 this year. Of that, $20 000 will be allocated to the Multicultural Arts Trust, which is specifically for art activities. There has been an internal review of the criteria, but it did not result in any major changes except for an increase in the amount.

Mr HAMILTON: 'Issues/Trends' at page 150 of the Program Estimates states:

> One of the Ethnic Affairs Commission's most important roles is to ensure that mainstream organisations provide programs and services to the whole community and recognise the rights of ethnic groups to full participation. This leads to increased demands for interpreting and translating services from State Government agencies, particularly in the human services area.

Further, under the heading '1987-88 Specific Targets/Objectives' appears the following statement:

> Increased utilisation and registration of NAATI Level 3 contract interpreters/translators.

How successful have those programs been and is additional information available as to the increase in the number of awareness courses on the use of interpreters, including WorkCover, crisis care, community welfare and schools? As the Minister would be aware, especially at the Hendon Primary School, there is what I consider to be an Education Department program that works successfully especially with the Yugoslav community in that area in terms of community involvement through the schools.

The Hon. C.J. Sumner: The Government is committed to providing an interpreter/translating service and we have introduced a system of cross charging for those services this year which, together with other initiatives, has meant that we have been able to allocate an additional $54 000 this financial year for the employment of contract interpreters and translators. However, we are generally committed to maintaining a reasonable level of service for people who do not have an adequate command of English.

Mr HAMILTON: Has the Minister any statistical information on the involvement of people, especially in the western suburbs, from backgrounds other than Australian in terms of the use of WorkCover, crisis care, community welfare, and education facilities? Can the Minister provide a breakdown of the number of ethnic people who have used such services?

Mr Gardini: We would have difficulty in obtaining those figures for the western region, because we tend to collect statistics for the whole State.

Mr HAMILTON: Can the Minister provide information in respect of the whole State and specify the number of calls made in the area to which I referred?

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

Mr HAMILTON: On page 150 of the Program Estimates, under the heading '1988-89 Specific Targets/Objectives', appears the following:

> Supervise and provide work experience for SACAE interpreting/translating students of Italian, Greek and Vietnamese for 15 weeks.

What discussions and negotiations have taken place within the Italian, Greek and Vietnamese communities in respect of such programs and can the Minister indicate the extent of support for the programs?

Mr Gardini: The Italian and Greek programs have been proceeding for four or five years. In the final year of study, the student must complete a period of work experience. The establishment of the need for these courses goes back to the original discussions in the 1970s. I understand that the South Australian College of Advanced Education had extensive discussions with the Vietnamese community before responding to the community need for interpreters. A year ago we could not find even two accredited Level 3 interpreters, even though we advertised the positions, and we had to approach the national authority for translaters and interpreters so that interpreters and translators could be examined. As a result, seven people sat for the examination and we selected two full-time interpreters from those who passed. Because of the shortage of accredited Vietnamese interpreter/translators, the SACAE found funding to conduct a temporary course.

Mr ALLISON: Although this question may be better directed to the Treasurer, has the Attorney-General received representations, as have other members, from ethnic clubs that are concerned at the financial impact of increasing land taxes? If he has, can he say whether the Government intends to review the scale of land tax payable by ethnic clubs and other ethnic community or charitable groups?

The Hon. C.J. Sumner: There has not been an increase in the rate of land tax. The only increase in the sum payable would be the result of an increase in property values. This matter has been raised previously in Parliament. As I understand, at present the Government does not intend to provide for exemptions in this area, but I will get a comment from the Treasurer.

Mr ALLISON: On page 58 of the Estimates of Payments (Program 3), under the heading 'Promotion of Multiculturalism', $322 000 is allocated on the line 'Goods and services—Transfer to Ethnic Affairs Commission'. That is an increase from $213 000 in 1987-88. Can the Minister explain the reason for the increase?

The Hon. C.J. Sumner: This item refers to promotion of multiculturalism grants totalling $10 000 and other goods and services including the multicultural forum, which is a group of citizens who have agreed to come together to support the notions of multiculturalism. Plus, there is a component in that for accommodation. It is a matter of cross charging by Sacon.

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

Additional Departmental Advisers:

Mr D. Hassam, Secretary, Minister of Consumer Affairs.
Mr D. Kavanagh, Public Trustee.

The Hon. B.C. EASTICK: The Program Estimates (page 152) states that 'continued close scrutiny over the Adelaide Casino's operation is required.' Is the reason some concern by the department, or some criticism other than that which relates to industrial matters, which has created a suggestion that the whole process be reassessed?

The Hon. C.J. Sumner: The department does not have any role in or in relation to the industrial matters at this stage. The Casino, by its very nature, demands close scrutiny, but the department is not aware of any major problems that would require anything additional to that which has been occurring since the Casino was established.

The Hon. B.C. EASTICK: The Program Estimates suggests that there is some concern relative to the Act itself. Can the Minister give an indication of what those perceived problems are and whether, in this review of the legislation, there is any contemplation of the Government's changing its mind and seeking to provide for poker machines.

The Hon. C.J. Sumner: This review has been carried out not specifically by the Department of Public and Consumer Affairs. Our interest in the Casino is essentially through the Liquor Licensing Commissioner. The administration of the Act is committed to the Premier. I believe it was always envisaged, when the Casino legislation was passed, that there would be some examination of it after a period of operation and that is occurring. Whether that will result in any amendments it is not possible for me to say at this stage.

The Hon. B.C. EASTICK: I note the major resource variations as between 1987-88 and 1988-89. The Program Estimates refers to the increase in recurrent receipts from Casino operations (+ $908 000). What is the rate at which fees are paid and is the fee based on gross or net activities within the Casino?

The Hon. C.J. Sumner: I do not have the details of how the Government tax is calculated. The licence fee is $60 000. That is a matter for the Treasurer because, as I said, the Act is committed to the Treasurer. I will try to obtain the information.

The Hon. B.C. EASTICK: The Program Estimates (page 153), states:

> Many matters are referred to the Commissioner for Consumer Affairs by the Commercial Tribunal. Accordingly, greater emphasis needs to be provided in the areas of enforcement, monitoring and investigation of matters relating to possible disciplinary action by the tribunal.

How many such references are made and into what categories do those references fall?

Mr Neave: We cannot provide the numbers this evening, but we can endeavour to obtain that information. The Commercial Tribunal might hear a complaint and, during the hearing of that complaint, the Chairman of the tribunal might ask the department to investigate the circumstances which have arisen perhaps during the hearing or in relation to the complaint. That then involves the Commissioner in carrying out an investigation at the request of the tribunal. I am not able to say in which categories this occurs precisely but I will obtain that information and pass it on.

The Hon. B.C. EASTICK: I note from the Program Estimates that the issuing of expiation notices commenced on 24 February 1988. How many expiation notices were issued, what was the nature of the offence, how many have been paid and what amount remains to be collected?

Mr Neave: We can certainly obtain that information. By way of background, I point out that the offences which are now expiable come under the Landbrokers, Agents and Valuers Act, the Fair Trading Act, the Trade Standards Act, and several Acts administered by the department.

Mr Hassam: The following is a table showing the number of trading infringement notices.

TRADING INFRINGEMENT NOTICES

1. Land Agents, Brokers and Valuers Act 1973		
1.1 s.29	(notification of employment details of sales representatives)	35
1.2 s.35	(registration of manager to lapse when unemployed)	3
1.3 s.36	(notification of business commencement and cessation)	1
1.4 s.39	(notice to be exhibited)	3
1.5 s.41	(details to be in advertisements)	6
1.6 s.105	(return of licence etc certificates)	5
2. Land Agents, Brokers and Valuers Regulations 1986		
2.1 r.14	(notices of changes in circumstances)	50
2.2 r.16	(display of office registration certificates)	1
	Total	104
3. Second-hand Motor Vehicles Act 1983		
3.1 s.18	(information notices to be attached to cars)	96
3.2 s.19	(form of contract)	6
4. Second-hand Motor Vehicles Regulations 1985		
4.1 r.11	(display of licence certificates)	8
4.2 r.13	(display of certificate of registration of permises)	5
4.3 r.18	(perparation of contract detail documents)	1
4.4 r.25	(details to be included in advertisements)	7
	Total	124
5. Builders Licensing Act 1986		
5.1 s.18	(building work supervisor's offences)	2
5.2 s.37	(details to be included in advertisements)	33
5.3 s.38	(signs at building sites)	4
6. Builders Licensing Regulations 1987		
6.1 r.16	(notification of changes in circumstances)	27
	Total	66
7. Residential Tenancies Act 1978		
7.1 s.32	(receipts and payment of security bonds)	1
7.2 s.37	(rent receipts)	3
8. Residential Tenancies Regulations 1978		
8.1 r.8	(information sheets to be given to tenants)	1
8.2 r.9	(inspection sheets to be given to tenants)	1
	Total	6
9. Trade Standards Act 1979		
9.1 s.31(2)	(breaching information standards)	5
	Grand Total	305

Mr GROOM: I will outline a problem which has been related to me by some of my constituents. They came to see me and told me that someone came to the door asking their elderly mother in her 80s not to buy goods but to sell goods. She sold them the goods considerably under value. The family was very upset when they found out she had sold some things which she did not want to sell. In this instance the matter was rectified by the family contacting the person concerned, who returned the goods and the money was refunded.

It is really the reverse of the situation under the old Door to Door Sales Act, which, from memory, was incorporated in the Fair Trading Act. Have any similar incidents been brought to the attention of the department and, if they have, is any reform warranted in this type of reverse door to door sales situation?

Mr Neave: I am aware of the matter to which the honourable member has referred. The department has not received any similar complaints and it is not proposed to make any recommendation on changes to the law at this time.

Mr GROOM: The Program Estimates (page 154) states, 'the commercial tenancy laws need to be kept under review to ensure the needs of commercial landlords and tenants are met'. I understand that there is some sort of working party in existence or that consideration is being given to changes in the commercial tenancy laws. Can the Attorney-General outline whether that is accurate and to what stage things have progressed?

The Hon. C.J. Sumner: Some work has been done within the department on commercial tenancies and a working paper is being prepared which, at present, is in draft form. It should be finalised shortly. When it is finalised, the Commissioner will discuss it with interested parties.

The Hon. H. ALLISON: On page 153, it is stated that 'resources were reallocated to cope with increased workload generated by the Commercial Tribunal'. In what areas did the workload increase?

Mr Neave: The increased workload was primarily in administration of the Land Agents, Brokers and Valuers Act, which is also referred to in that paragraph, and also in investigating the significant cases of fiduciary default by several landbrokers over the period 1986 to 1988.

The Hon. H. ALLISON: On behalf of the shadow Attorney-General, I ask whether a copy of the completed script for a residential tenancies film is available for perusal.

The Hon. C.J. Sumner: There might be some problems with that. The South Australian Film Corporation has prepared the script to form the basis of an educational video or film that it intends to make. However, at this stage funding for the film is not available. I am not really sure that it would be appropriate to release details of a script of that kind which will be used as the basis for a future film. Someone else might take and utilise the script and there is also the question of copyright.

The Hon. H. ALLISON: The Hon. Mr Griffin wants to view it on a confidential basis only.

The Hon. C.J. Sumner: If it is on a confidential basis, I cannot see any problems with that. If he wants to use it for his own perusal and is prepared to make comments on it, the department would be happy to make it available to him. However, there would be some problems in making it available generally.

The Hon. H. ALLISON: A consumer education network has been established in the northern metropolitan area as an outcome of a successful consumer education training course. How does the scheme operate and who is involved in it?

Mr Neave: The scheme in South Australia is unique in consumer education. Community leaders in regions within the metropolitan area and in country areas are contacted. They are put through a 20 week education course, giving them in that time an overview of consumer protection legislation so that those people are able to assist the disadvantaged in the community, particularly, in an appreciation of their rights under consumer protection legislation. This is a cost-effective method of getting to the people in the community who need help with consumer protection legislation.

The Hon. H. ALLISON: Page 154 sets out the activities of the Licensing Court. How many matters have been heard by the Licensing Court and how many were outstanding as at 30 June 1988? What is the current delay in hearing matters?

The Hon. C.J. Sumner: A number of judgments remain to be delivered but Judge Hume has now returned to the District Court general jurisdiction and Master Kelly of the Supreme Court is now the Acting Judge in the Licensing Court, which duties he performs together with his duties in the Supreme Court. Acting Judge Kelly was appointed to the Licensing Court some months ago, which enabled Judge Hume to write his outstanding judgments, but he has not completed all of them and three judgments are outstanding. Acting Judge Kelly has no outstanding decisions. It is fair to say that the delay problems in the Licensing Court have now been resolved, and we have to await the delivery of those judgments.

Mr HAMILTON: With respect to the consumer education network in the northern metropolitan area, is the Minister in a position to advise about the success or otherwise of the program? If it has been a success, is it the intention of the Government to expand such an education network? If so, is there such a timetable for other parts of the metropolitan area? Such a program in my patch in the western suburbs and in the Port Adelaide and Semaphore area would be well received.

Mr Neave: It is planned to set up a similar network in the area south of the city this financial year. It is difficult to judge the success or otherwise of these programs, other than by reference to the number of inquiries received by the department. The number of inquiries has decreased over the past couple of years. Instead of coming to us, people seem to be dealing with their own complaints, which may be a result of the education program. The fall in the number of inquiries suggests that the program is effective.

Mr HAMILTON: At page 154 of the Program Estimates we have an indication of an increase in noise and behavioural related incidents emanating from licensed premises and public places resulting in complaints and applications to declare dry areas. What is the extent of such noise and behavioural problems? What is the extent as a percentage or numerically of these increased problems? How many dry areas have been declared in the metropolitan area? How many applications are now before the Minister? I am aware of similar problems in my own district.

The Hon. C.J. Sumner: Although there may be an increase in the noise and behaviour related incidents emanating from licensed premises, the number of complaints lodged pursuant to section 114 in respect of noise and disturbance from licensed premises with the Liquor Licensing Commission to the year ended 30 June was only five compared with seven in 1987 and nine in 1986.

As to licensed premises, there has been a reduction in the number of complaints. I assume that the increase refers particularly to licensed premises and public places. There have been a number of applications to declare dry areas. Some have already been dealt with. Long-term regulations have been made in respect of areas at Port Augusta, Glenelg, Port Pirie, Noarlunga, Ceduna, Thevenard, West Lakes, and Berri.

Short-term regulations have been made covering special events such as the Grand Prix street party, Hindley Street, the Australia Day barbecue at Glenelg and the New Year's Eve functions in Hindley and King William Streets. Submission from the following councils are currently under consideration:

The City of Adelaide in respect of Wellington, Victoria, Hurtle, Light, Hindmarsh and Whitmore Squares; Port Augusta in respect of a reserve at the corner of Victoria Parade and Mackay Street; Corporation of Naracoorte in respect of an area known as the Naracoorte swimming lake and surrounds; District Council of Berri in respect of the reserve areas of Vaughan Terrace; residents of Coober Pedy and the District Council of Coober Pedy in respect of all public places within a 2 kilometre radius of licensed premises in the town; Corporation of the City of Glenelg in respect of the Glenelg jetty and the beach bounded by the southern bank of the Patawalonga to a line projected onto the beach at the southern boundary of the existing dry area; Corporation of the City of Brighton in respect of the Brighton jetty and surrounds, Angus Neill Reserve, Bindara Road Reserve, Wattle Avenue Reserve and John Miller Park; Corporation of the City of Noarlunga in respect of Rotary Park at Christies Beach, the foreshore car parks at Moana and an extension to cover the whole of the year for all existing dry areas; and District Council of Waikerie in respect of the White Street median strip, the White Street off-street car park and seating around the Waikerie Soldiers Memorial Hall.

Mr HAMILTON: To which establishment at West Lakes did the complaint relate? I have tried my best to resolve a problem area in my district because of the noise emanating after 11 p.m., but certain citizens will not wear this situation. What action is being taken to overcome the problem?

The Hon. C.J. Sumner: As to the West Lakes area which was referred to as being dry, the regulation has been made and the matter dealt with. I do not know that it relates specifically to licensed premises. I will provide that information.

Mr HAMILTON: I believe the Minister is referring to the Bartley Terrace area, but it appears that a complaint about another establishment has not been lodged.

The Hon. C.J. Sumner: I will check whether a complaint has been lodged in respect of licensed premises in West Lakes and advise the member.

The Hon. B.C. EASTICK: An issue and trend is the perceived need to balance the requirements of commercial landlords and tenants, and presumably under the residential tenancies agreement there is a need to keep landlords and tenants satisfied. Based on frequent complaints in electorate offices, there is doubt whether there is even-handedness as to the treatment of landlords under commercial or residential laws. Is this causing the Minister concern in respect of the perceived imbalance?

The Hon. C.J. Sumner: With respect to commercial tenancies, most complaints come from small business tenants rather than landlords. It is not landlords who are so concerned but the tenants who complain about the oppressive behaviour of landlords. With respect to residential matters, there are some complaints from landlords, but not a large number. As to landlords who complain, they tend to be small landlords, perhaps operating one or two flats or the like.

I understand that the large commercial managers of residential premises do not complain; they tend to know how the Act works and how to operate within it. I think that most people would say that the procedures dealing with tenancy disputes under the new legislation (that is, the residential tenancies legislation, which has been in effect now for some 10 years), is far superior to that which existed previously where a dispute between a landlord and tenant was quite horrendous and had to be dealt with through the regular courts system where delays were enormous and a landlord could not get his tenant out for months. I think that the existing system is preferable. There are some complaints, but I do not think the complaints from landlords come from the larger, better organised bodies.

The Hon. B.C. EASTICK: What is the nature and frequency of complaints and into what categories do they fall?

The Hon. C.J. Sumner: I do not think we keep statistics on that, but essentially it is some landlords who do not like the way in which the tribunal decision has gone.

The Hon. B.C. EASTICK: What is intended in relation to regulations covering mortgage brokers? When is it likely that such regulations will be promulgated?

Mr Neave: The short answer is 'very soon'. As part of the normal consultative process before introducing any new regulatory proposal, copies of the draft regulations are sent to every licensed landbroker in this State for comment. Those regulations have been circulated and the responses are being studied.

The Hon. B.C. EASTICK: Is it too early for the Minister to indicate the public acceptance or otherwise of the new strata title legislation?

The Hon. C.J. Sumner: Yes. I think that the legislation is well accepted as being necessary. It is not possible to make any assessment of its operation at this stage.

The Hon. H. ALLISON: Page 155 of the Program Estimates, under 'Issues/Trends', states:

> The market leader in quarry products is seeking release from justifying product prices.

What action is to be taken by the Government in relation to this?

The Hon. C.J. Sumner: The present situation with respect to quarry products is that they are still 'declared goods' for the purposes of the Prices Act but have had their price control procedures reduced from 'justification' to 'price monitoring'.

The Hon. H. ALLISON: In relation to beer wholesale and retail prices (page 155), has the Government received representation from the liquor trades in relation to accommodating the recent excise reduction and to adjusting the rate of reduction into the retail price, taking into consideration the fact that unusually in recent years many hoteliers purchased goods at higher prices and were still carrying old stock when the decrease in price was ordered by the Government?

The Hon. C.J. Sumner: The Retail Liquor Industry Council of South Australia consulted the Commissioner of Prices on 24 August 1988 following delivery of the Federal budget and supplied costing information for proposed reductions in the price of beer. It was agreed with the Commissioner that the price of butchers, schooners and pints of beer in front bars would drop as an interim measure by 5c, 7c and 11c respectively, operative from 19 August 1988, or the next delivery of beer after 24 August 1988, whichever occurred first.

This was adopted as an interim measure because of the complexity in calculating the exact reductions in excise due to the varying alcoholic content of beers. South Australian consumers of beer gained a quick benefit from the decrease. A further decrease in the price was foreshadowed at the time and became effective on 12 September 1988 when the prices of butchers, schooners and pints of draught beer fell by a further 1c, 2c and 2c respectively.

The Hon. H. ALLISON: Page 155 of the Program Estimates mentions that a Bill to repeal minimum wine grape prices is before the Parliament. Is the Minister still pursuing this in the face of what we perceive to be steadily growing opposition?

The Hon. C.J. Sumner: As far as I am concerned it should be repealed. However, this is a policy matter that has been dealt with by the Minister of Agriculture. The Prices Act is a mechanism whereby this particular control has been introduced. In policy terms it has nothing to do with me; it is a matter for the Minister of Agriculture. Whether or not he will proceed with it is a matter for him. I support it and think that there is sufficient evidence now to show that that legislation is not serving the purpose in South Australia and in fact may well constitute a barrier to the development of the wine industry in this State.

One option, I suppose, is to leave the legislation in place but not use it, that is, not proclaim any minimum prices, which of course occurred at the last vintage. That might be an option that the Minister of Agriculture will consider, but personally I would prefer to see it repealed. It has been in existence for some 20 years, and I think the evidence is to void it. It does not have full coverage; it does not apply to cooperatives, and it has forced South Australia into having a surplus of grapes.

The Hon. B.C. EASTICK: Does the Minister acknowledge that there are two major elements in this issue: first, the direct pricing of grapes and, secondly (and most importantly to the producer), a guarantee as to the manner in which the grapes will be paid for? That later addition to the legislation, I believe, involved Governments of both political persuasions, with unanimity of purpose, desiring to make sure that growers were not held to ransom by a lack of performance by those who purchased their product.

The Hon. C.J. Sumner: I understand that point. That is the argument for keeping it in place so that you can regulate the time of the payment from the proprietary winemakers to the growers. However, as I said, the initial decision was that it should be left to the market to determine. The matter is with the Minister for Agriculture at the moment and I am not sure whether or not he has resolved to proceed with the legislation. Obviously, the question of insuring payment is one that would need to be examined if the legislation were repealed. However, I would hope that there would be other ways of dealing with that issue rather than having this legislation in place.

The Hon. B.C. EASTICK: Page 157 of the Program Estimates relates to the safety of places of public entertainment and licensed premises. It is indicated that, in both 1987-88, and again as specific target for 1988-89, a review of the Places of Public Entertainment Act would be completed. Are any changes proposed as a result of this review?

The Hon. C.J. Sumner: That review has not proceeded at a great pace, but it is ongoing. No recommendations have come from the review as yet.

The Hon. B.C. EASTICK: Has the Government sought to rationalise the difference in standards required by the department for fire prevention devices on the one hand and the Metropolitan Fire Service's requirements in this area on the other hand? It is not infrequent that one will issue a direction which the other will, in essence, countermand.

The Hon. C.J. Sumner: The Government is aware that that issue is a problem. It is a matter that is being examined in this review. I will provide what information I can on that for the honourable member. The Places of Public Entertainment Act, which has been with us for many years, is one of those Acts that do not attract a great deal of public pressure for repeal or review. It is an Act that does need updating and that is why the review has been instituted. The fact that there are other areas of greater priority means that the review of this Act has not proceeded as rapidly as it might have.

The Hon. B.C. EASTICK: What is the result of the Government's review of the possible merger of the Public Trustee and the Executor Trustee and Agency Company, which is a subsidary of the State Bank? Is that merger to proceeding and, if so, in what way?

The Hon. C.J. Sumner: A working party has made certain recommendations but I am not sure whether a formal decision has been taken by the Government. Obviously, the

Treasurer is involved in this matter. I will seek more information about the matter and advise the honourable member.

The Hon. B.C. EASTICK: Whilst the Guardianship Board is not directly in this particular area, in the public mind, the roles of the Public Trustee and the Guardianship Board seem to be a very confused issue. Has any consideration been given to the financial aspects common to both organisations being embraced in any review of the Public Trustee operation?

The Hon. C.J. Sumner: I would need more specific details of what the honourable member is referring to before I could give a response.

Mr Kavanagh: It is my understanding that the Guardianship Board sets itself apart from the administration of estates that they bring under their protection. In such a case there is a clear distinction in the roles between the duties of the Guardianship Board and the duties of the Public Trustee's Office—which is the financial administration of protected persons. The Guardianship Board, which looks after the person, feels that it cannot do that satisfactorily if it is also handling the financial aspects.

The Hon. C.J. Sumner: If the honourable member has a specific criticism or concern, I would be happy to have it investigated.

The Hon. B.C. EASTICK: I think it is easier to leave it at the moment. There is a series of events which I am quite happy to draw together and present to the Minister. Suffice to say that there is public concern about the activities of the two bodies which seem not always to be totally compatible: not necessarily because they are not compatible or that there is any intent by either party to create problems, but sometimes there is a person in the middle who is unable to distinguish where his or her responsibilities may lie. Not infrequently it involves the child who becomes an adult for the purpose of the Guardianship Board when he or she turns 16 years of age, where there might have been a financial consideration as a result of an accident, be it at birth or for various other reasons. I am not suggesting that there is not confusion in my own mind as well as in the minds of some people who come through the door. However, it certainly is an ongoing concern that does not always have an easy answer.

The Hon. C.J. Sumner: If the honourable member would like to put some information before the Government on this topic, inquiries will be made to see whether the problems can be overcome.

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

Corporate Affairs Commission, $5 182 000

Chairman:
Mr D.M. Ferguson

Members:
The Hon. H. Allison
Mr S.J. Baker
Mr M.R. De Laine
The Hon. B.C. Eastick
Mr T.R. Groom
Mr K.C. Hamilton

Witness:
The Hon. C.J. Sumner, Minister of Corporate Affairs.

Departmental Advisers:
Mr S.T. Lane, Acting Commissioner, Corporate Affairs Commission.
Mr T.J. Bray, Assistant Commissioner.

The CHAIRMAN: I declare this vote open for examination.

The Hon. H. ALLISON: At page 162, the proposed staffing for 1987-88 in full-time equivalents was 108 and the actual was 101.3. As the proposed staffing this year is 102.7 full-time equivalents, can the Minister explain the reduction from last year's proposed staffing and say in what areas it has taken place?

Mr Lane: Perhaps I could deal with this matter generally and Mr Bray could deal with it more specifically. Temporary rearrangements have been made in the office because of the uncertainty surrounding the Commonwealth takeover of company and security law. During last financial year the former Commissioner went to another State and consequential changes made then resulted in a couple of vacancies. Further, as a result of living within our budgetary constraints and deciding to redeploy some resources into other areas, it was decided to cut back on numbers.

The Hon. H. ALLISON: On page 167 of the Program Estimates, under the program title 'Industry/Occupational Licensing and Regulation', the following statement appears:

> The registration of auditors and liquidators remains a minor administrative commitment of the national scheme. Legislative changes in relation to securities industry licensing may be implemented during 1988-89.

Do those legislative changes contain anything significant?

Mr Lane: It had been hoped that significant legislative amendments could be made in the area of licensing in the securities industry, especially as regards the licensing of dealers. However, the cooperation of the Commonwealth and of the other States is required for amendments in this area. When Mr Bowen announced about 15 months ago that the Commonwealth Government would move unilaterally in this area, he indicated that he would not put through legislative amendments other than urgent ones. Unfortunately, from the point of view of many, the licensing of reps does not fall into the urgent category.

The Hon. H. ALLISON: On page 167 of the Program Estimates, the following statement appears:

> As a result of the October 1987 stock market 'crash', greater effort has been directed to the examination of financial returns . . .

Have all returns been checked and, if they have not, what is the delay in checking procedures?

Mr Lane: In South Australia we were especially fortunate not to have, as a consequence of the crash, any major problems with our dealers. Indeed, apart from a couple of insignificant problems we rode out the crash extremely well. The accounts have all been examined and we are happy with the results of that examination.

The Hon. B.C. EASTICK: The Minister and his officers have commented on the returns being checked. Have there been any spot audits and are they a feature of the normal process of the department? If so, how many have there been and how frequently are they undertaken?

Mr Lane: From time to time we carry out spot audits and we did so particularly after the stock market crash and, as I said before, the results of those examinations did not cause us any great concern.

The Hon. B.C. EASTICK: I refer to page 167 and '1988-89 Specific Targets and Objectives' which states:

> Increased examination of financial returns of principal dealers and their auditors lodged in respect of the 1988 financial year.

What differences do you expect in 1988 from what took place in 1987? Is it a new initiative, and is there any particular reason for that being highlighted in that way?

Mr Lane: It has always been my view that, given that there are auditors of such accounts, a fair level of responsibility should be sheeted home to auditors, but for a variety of reasons I do not think we have put enough emphasis on assessing the quality of the audit work in the past. We have looked at the accounts of the dealer but have not put the emphasis that we should have, or would have liked to, on the quality of the audit work. So, hopefully, that is where the emphasis will be in the coming financial year.

The Hon. B.C. EASTICK: To the point that the auditors may be scaled to work in this sphere or otherwise?

Mr Lane: No.

The Hon. B.C. EASTICK: So it is the general auditing field, but an expectation wherever they might be drawn from.

Mr Lane: Yes.

The Hon. B.C. EASTICK: On the same page, reference is also made to:

> Improved enforcement of licence conditions and examination of breaches of those conditions identified from financial returns.

In that case it refers to the organisation and not the auditor.

Mr Lane: That is correct. We license people subject to a variety of both type and number of conditions but, having imposed the conditions, there is little value in having done so unless you periodically check that they are being complied with.

The Hon. B.C. EASTICK: One might assume that, because this is highlighted and drawn out in this particular way, there is, at least in the mind, a number of breaches or failings that have been sighted on the way through. Can we have an indication of the nature of the failings that are likely to receive attention with respect to the dealers?

Mr Lane: It is a bit of a vicious circle. Until you start looking, you will not find out what conditions have not been complied with. To the extent that we have looked so far, apart from one or two exceptions, we have been fairly satisfied with what we have found.

The Hon. B.C. EASTICK: In relation to the activities of debarred solicitors who trade frequently in these areas, is there any knowledge of activities relative to those persons?

Mr Lane: There is one particular debarred solicitor who from time to time comes to our attention and we try to treat him as fairly as we do anyone else.

The Hon. B.C. EASTICK: He was involved most recently in a matter of outstanding council rates involving the District Council of Port Elliott and Goolwa in respect of a large number of people who are associated with holiday flats which they are allowed to occupy for one month in 12. Their premises are now up for sale to recoup the costs to the council for the past four years. Is the department aware of that activity?

Mr Lane: I think am aware of the individual to whom you refer, but that activity is not something with which we would become directly involved. We may, become involved if there is a suggestion of time sharing, or what is known as the offering of prescribed interest as a form of investment scheme. However, unless it fell within one of those two categories it is unlikely that we would have any direct involvement. Our charter is very much the Companies Code and the Securities Industries Code.

The Hon. B.C. EASTICK: Would it be better referred to the Fraud Squad?

Mr Lane: I do not know enough about the facts to comment on that.

The Hon. B.C. EASTICK: I refer to page 168 and 'Regulation of Companies.' The Commonwealth has indicated that it will legislate to assume responsibility for corporate and securities matters. Should this development occur, the current, arrangements would continue for at least the 1988-89 financial year. It begs the question as to whether the State Government is making any representations to the Federal committee or to the Federal Government in respect of this particular legislation, and whether the Federal and State Governments propose to refer legislation to one another in respect of the takeover of companies and security law. Can the Minister indicate what position the Government holds in this matter?

The Hon. C.J. Sumner: The State Government has made its position clear in the Parliament, at the ministerial council and in correspondence to the Federal Attorney-General. We further made our position clear to the Senate Standing Committee on Legal and Constitutional Affairs which held an inquiry into the co-operative scheme for the regulation of companies and securities. It was decided, unanimously I believe, to recommend that the scheme be the subject of Commonwealth legislation and administration. That Senate committee was comprised of Labor members, Senator Hill (the well known South Australian Liberal) and I believe a National Party member. Certainly it had Labor and Liberal members, and they recommended national legislation in this area. I gave evidence to the committee along with the Commissioner for Corporate Affairs. (Mr McPherson) opposing the proposal of a Commonwealth take over. So our position has been made clear publicly.

The situation at the present time is that the Federal Attorney-General has indicated that he intends to proceed. He introduced legislation in the Federal Parliament in May so that legislation has been publicly available since then. He has now, I believe, received an agreement from the Australian Democrats in the Senate that the whole package of Bills will be referred to a Senate select committee or the Senate Standing Committee on Legal and Constitutional Affairs, and that should occur in the reasonably near future.

Mr GROOM: I have received a number of complaints about the establishment of the Occupational Superannuation Office in the Eastern States. It was part of the Taxation Office and the local industry had ready access to it. Its establishment interstate has meant STD phone calls, plane fares, and so on. Similar complaints have been made about the Australian Film Commission which, generally speaking, has taken control of the film industry in Australia, being the recipient of Commonwealth grants. Because of the establishment of these bodies interstate, industry has developed a tendency to aggregate in the Eastern States. What does the actual takeover specifically involve for the administrative structure of the commission, and would it be to the detriment of the local industry?

The Hon. C.J. Sumner: One of the bases of the argument is that it would tend to concentrate decision making in the Eastern States to the detriment of local industry, local practitioners and the local corporate sector generally. That is one of the arguments that the Government has pushed in its opposition to the Commonwealth proposals. Exactly what the effect of exclusive Commonwealth Parliament legislation would be on the operation of corporate affairs in this State is yet to be determined because, first, the legislation has not passed and, secondly, we are not sure what arrangements the Commonwealth would offer.

It has offered to keep Corporate Affairs Commissions intact and to fund them or to enable them to operate on an agency basis in these States. Functions not covered by Commonwealth legislation, namely, building societies, credit

unions, cooperatives, associations incorporation and business names, would still be run through the Corporate Affairs Commission in South Australia and the Commonwealth would delegate the administration of Commonwealth legislation to our Corporate Affairs Commission on some kind of agency agreement. For that to happen, South Australia would have to agree. If South Australia did not agree, the Commonwealth would have to establish a separate office in South Australia to administer the legislation that it passes.

At this stage, the Government does not know what the outcome would be. Whatever the result, there would probably be a significant derogation of the capacity of officials in South Australia to make decisions and to respond reasonably quickly to industry concerns in this State. A number of compromise proposals have been put forward by both the States and the Commonwealth. The Commonwealth compromise did not amount to very much, except allowing the States to keep the funds which they currently get. Essentially, the Commonwealth wants to legislate nationally and effectively administer the scheme nationally with one Commonwealth Minister responsible, not the Ministerial Council.

Mr HAMILTON: I note on page 169 an increase of 18.9 per cent in documents processed per employee involved in the registration of business names and related documents since 1985-86. What are the reasons for that increase in productivity? Is this a positive indication that, despite what the critics may say, public servants are demonstrating increased productivity in this area?

The Hon. C.J. Sumner: That would certainly appear to be the case, but I will ask my advisers to provide further information.

Mr Bray: The Corporate Affairs Commission has always been fairly active in efforts to improve administrative systems and, with the benefit of some small computer systems, staff training and delegation down to the lowest practical levels, the commission has been able to achieve that level of productivity in that particular area with approximately six to seven full-time staff.

Mr HAMILTON: I notice on page 171 that the number of public searches processed per employee involved in general search and inquiry services to the general public has increased 15.1 per cent since 1985-86. One would hope that the media will pick that up and that those people who attack the Public Service will give appropriate recognition to these people. Does the Minister wish to respond?

The Hon. C.J. Sumner: I certainly hope that what the honourable member said is correct. These are worthwhile achievements and indicate just what we in Government know, that efforts are continually being made to improve productivity and efficiency standards. That has obviously occurred in this area and the commission is to be commended for its efforts.

The Hon. H. ALLISON: Page 168 states that the objective of commencing insolvency investigations within six months of receipt of the liquidator's report was not achieved. How many insolvency investigations were outstanding at the beginning of 1987-88? How many were received during 1987-88? How many were outstanding at the end of 1987-88? How many were resolved and in what way? What is the delay from receipt of the liquidator's report to taking action? Is the investigation in depth or is the Minister not fully satisfied with the extent of the investigation? What is the reason for the delay and what resources are necessary to bring them up to date?

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

The Hon. H. ALLISON: I refer also to the objective of commencing prosecutions within one month of receipt of the investigation brief, which has been substantially achieved, the exceptions being the more complex prosecutions. How many prosecutions were initiated by the Corporate Affairs Commission and, if possible, what were they? What success was achieved? How long between the offence and the prosecution? How long between the report from the liquidator and prosecution taking place?

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

The Hon. H. ALLISON: The third objective of taking both administrative and court proceedings to disbar delinquent directors is ongoing and has been partially achieved. How many actions have been taken and with what success? How many are outstanding and what have been the delays? What special procedures are adopted in these cases? How can it be more effective and with what additional resources?

The Hon. C.J. Sumner: The Commissioner can comment on the last question.

Mr Lane: As to the last question, the procedure that has been embodied in the legislation for two or three years allows that, if someone is the subject of two liquidators' reports in respect of two companies, power is vested in the commission to take administrative action to bar that person for up to five years from being the director of any other company. Because it is an administrative decision rather than one pursued through the courts, we have proceeded with caution and we have also had the benefit of interstate court decisions about the interpretation of this provision.

Some inconsistency has developed in the interpretation where some cases have gone or are going to full courts interstate, and we have considered it prudent to wait until the law, other than in those areas where there is no real difficulty, has become more settled, rather than jump in and come unstuck. There has been activity in the area and several decisions have been made, but there are still more in the pipeline pending further action. It is an attractive remedy on the face of it, but it has difficulties in implementation.

The Hon. B.C. EASTICK: What initiatives are taken to identify corrupt directors and others in the corporate area? I put that against the Police Commissionr's recent statement where he suggested that corruption could equally be found in the private sector.

The Hon. C.J. Sumner: If we talk about corruption and the police, it must relate to people in the general community. One must be careful about what one means in terms of corruption, because it can have many connotations.

It normally means something illegal in the context of an official, whether it be the police, the Government or whatever. In some definitions it can extend beyond that, but would then normally be referred to as illegal activity. In one sense insider trading could be considered a corrupt activity in respect of the use of information gained for personal benefit.

Mr Lane: This deals with Mr Allison's first question in respect of insolvency. The commission has made a conscious decision to increase its pro-active role rather than its reactive role. With insolvency one investigates after the bulk of the damage has been done. In terms of protecting investors and trying to become involved in companies that are still going concerns, we believe that in many ways we can achieve more in the public interest.

We have had a much higher profile in public company investigations over the last couple of years and we have had the benefit of some very useful new provisions in the legislation that enable us to take injunctive proceedings to restrain directors from engaging in illegal conduct. We have also had the benefit of putting managers and receivers into going concerns to preserve what assets exist with a view to

protecting creditors or people who may have a claim against directors or the company. That has resulted in a shift of emphasis away from insolvency type work.

The Hon. B.C. EASTICK: As the Commissioner's statement was related to comments by the NCA, simple insolvencies hardly relate to that. Are any additional resources required by the commission to enable it to adequately liaise or cooperate with the NCA in regard to organised crime in the likelihood that it is the organised crime aspect of the private sector corruption to which the Commissioner may well have referred?

The Hon. C.J. Sumner: I am not sure why the honourable member is bringing in the Police Commissioner in this context.

The Hon. B.C. EASTICK: He joined business with crime.

The Hon. C.J. Sumner: In his anticorruption strategy he said there was potential for corruption beyond the police. That is not an unexceptional statement. We know that in this State areas have been identified where there has been some corruption, but we hope not a great deal, within the Police Force. Obviously, in any anti corruption strategy one would look for potential corruption in the public sector generally, although I have said repeatedly that evidence has not been brought forward to substantiate widespread corruption in the public sector.

The question of private sector corruption could be the subject of investigation by the NCA. It would be a natural part of the Corporate Affairs and the National Companies and Securities Commission operations, but the line between illegal activity and organised crime or corrupt activity is difficult to determine. The State Corporate Affairs Commission and the NCSC carry out regulatory functions and prosecute where evidence of breaches come to light. If, as a result of their investigations, they believed there were issues that gave rise to broader general concern, that the investigations indicated a network of corruption or illegal behaviour that extended beyond State boundaries or perhaps beyond company offences, the Corporate Affairs Commission would take up the matter with the police or the NCA.

I do not think that in South Australia our investigations have revealed such instances which would warrant the matter being taken up by the NCA. If it was warranted, I am sure that the Corporate Affairs Commission would advise the NCA; likewise, the State Corporate Affairs Commission, like the State police, stands ready to assist the NCA in any of its investigations.

The Hon. B.C. EASTICK: Has the Corporate Affairs Commission been involved with the NCA at any time in the past three years, or is it currently involved with the NCA, in looking into any form of corruption in South Australia?

The Hon. C.J. Sumner: No. The Corporate Affairs Commission apparently provided a small amount of assistance in relation to some of the National Crime Authority references, but there is no National Crime Authority/Corporate Affairs investigation into corruption in South Australia.

The Hon. B.C. EASTICK: Today's *News* contains an article stating that creative accounting is to be scrutinised. The article states:

> The Institute of Chartered Accountants has set up a task force to monitor the 'creative' accounting practices of some listed companies.

Previous to that the article states:

> Creating accounting, where companies shift profits and losses above and below the line to make their results appear healthier, is to come under scrutiny.

Is this of concern to the department? Has it been asked to liaise with the Institute of Chartered Accountants and assist in any review? More particularly, is this form of activity something that has been noted by the department in any of its normal investigations?

The Hon. C.J. Sumner: I know it is a matter of concern.

Mr Lane: On the local scene we have recently embarked on the view of our whole accounts examination procedure. As the honourable member would probably know, all public companies have to lodge their accounts with both the Stock Exchange and the commission. Until recently we tended to obtain the accounts only some months after they had been lodged with the exchange, but we recently entered into an arrangement with the exchange whereby we will be provided with copies more quickly.

That was the first step in the strategy. The second step is that we have recently devoted extra resources to looking at the systems of accounts examination. In doing that we have liaised closely with the National Companies and Securities Commission, and we have also had consultation with the accounting organisations, both the Australian Society of Accountants and the Institute of Chartered Accountants in South Australia. I am happy to say that we have had a lot of cooperation from them. We feel again that we are on the right track.

The Hon. H. ALLISON: The Program Estimates (page 170) under '1987-88 Specific Targets/Objectives' states:

> Cabinet approved the drafting of amendments to the Associations Incorporation Act to streamline its operation.

Under '1988-89 Specific Targets/Objectives' it states:

> Amendments to the Associations Incorporation Act will be exposed for public comment, and proposed to the Government.

When will this occur? What are the proposals?

Mr Lane: We had initially hoped that work on amendments to the Associations Incorporation Act could have started a little earlier. It is a new Act which, as the honourable member would know, came into operation about three years ago and it encountered one or two inevitable teething problems. As recently as about a month ago an officer was specifically allocated to commence work on amendments to that Act. Given the large amount of legislative amendment work being undertaken in the office at the moment, I expect that it will be some months before specific proposals emerge. We are concurrently working on the Credit Union Act, the Building Societies Act and the Friendly Societies Act. They are at various stages of preparation.

The Hon. H. ALLISON: Is the report of the Building Societies Advisory Committee available for public perusal?

The Hon. C.J. Sumner: It has been released publicly. I released it by press release and copies are available.

The Hon. H. ALLISON: Did it deal with interest rate deregulation?

The Hon. C.J. Sumner: It did; it supported interest rate deregulation. It went to Cabinet and Cabinet decided that that particular recommendation would not be accepted. That was included in the public release I made on the topic. So, the report was released but we indicated at that time that Cabinet did not agree with the interest deregulation proposal. I will make copies available to the member for Light and the member for Mount Gambier.

The Hon. H. ALLISON: Page 170 of the Program Estimates states:

> The Cooperatives Advisory Council met throughout the year and reported to the Minister on its deliberations.

Were those reports made available publicly?

The Hon. C.J. Sumner: That reporting was just correspondence from the council to me rather than in the nature of formal reports. I do not think that they are in a form which could be made available.

The Hon. H. ALLISON: Page 170 also states:

In conjunction with interstate regulators the commission considered the desirability of uniform prudential standards for building societies and credit unions.

What are those uniform standards? Does the Minister intend to introduce uniform standards?

The Hon. C.J. Sumner: There have been a number of discussions about achieving some degree of uniformity, particularly prudential standards, for building societies and credit unions. I will take on notice the question where that is at the moment and provide an answer to the honourable member.

The Hon. H. ALLISON: Under the heading 'Significant Initiatives' it is stated that the draft Bill amending the Credit Unions Act will be exposed and recommendations will be made to the Government for revised legislation. Is the Government proposing to put building societies on the same footing as credit unions and vice versa with interest rates, or will the present distinction between them be maintained?

The Hon. C.J. Sumner: What distinction is that?

The Hon. H. ALLISON: I thought that the legislation made a distinction between the interest rates that the two are able to charge. I may be misinformed.

The Hon. C.J. Sumner: I understand that the question is whether the controls on interest rates under the building societies legislation will be translated and incorporated in the credit union legislation. I have not given this any consideration and I do not think that it is one of the proposals for amendment of the Credit Unions Act. The amendments to the Credit Unions Act have almost been finalised.

The Hon. B.C. EASTICK: Under the heading 'Targets for 1988-89' we learn that the commission's inspection program of building societies and credit unions will be expanded. What degree of expansion does that involve and does it have a resource component?

Mr Lane: We have the resources to do that work. We have already started expanding our inspection role in that area. There is a distinction between building societies and credit unions in that area of inspection requirements in the sense that there is a credit stabilisation board to oversee, to a very large extent, the functions of credit unions, whereas, in relation to building societies, there is no such board. Therefore, the commission feels a more direct responsibility in relation to those organisations. One of our officers attends, either formally or informally, Credit Union Stabilisation Board meetings.

The Hon. B.C. EASTICK: Page 171 of the Program Estimates under the heading 'Information search and inquiry services to the public on corporate affairs', I note that computerised searching of files will be introduced together with a new and less expensive microfilm system. Will this be on line to private offices? What information is envisaged in the general context of this target?

Mr Lane: At the Ministerial Council meeting in Brisbane in March this year, all Ministers agreed that a high priority should be given to computerisation in Corporate Affairs Offices around the country and to networking of those computer systems. As a consequence of that directive by the Ministerial Council, South Australia in particular has devoted a lot of resources in the past six months to assessing what, given the time and monetary constraints, would be the appropriate system for us to introduce.

We have decided that we will largely adopt the work that has been done in Victoria. We have had a great deal of cooperation from the Victorian Corporate Affairs Commission in this work and we are very close to being able to prepare a submission to the Information and Technology Unit. If we obtain its approval, we will put forward a submission to Cabinet which we hope to be able to get in before the end of this calendar year. If Cabinet approval is forthcoming, implementation would occur gradually in the ensuing six months.

The Hon. B.C EASTICK: Will it eventually become part of a nationwide hook-up?

Mr Lane: It is one of the issues in debate between the Commonwealth and the States. The Commonwealth ideally would like to have a national data base. The States are of the view that that is not necessary, that provided there is proper networking between States that is sufficient. Certainly, a high priority is being given by all State Corporate Affairs Commissions to a proper networking of these systems.

The Hon. B.C. EASTICK: Under the heading 'Specific Targets 1988-89' it is stated that 'new directions for marketing of public information will be explored during the year by conducting a market research program'. What is the general thrust of this initiatve?

Mr Lane: The information retained by the Corporate Affairs Commission is extraordinarily marketable to a variety of organisations. We have had informal discussions with about five or six such private or semi-Government type organisations, but it would obviously be imprudent to raise the hopes of those organisations too much until we know whether or not we will be computerising. But informal discussions have been held and there is enormous potential for the marketing of the material.

The Hon. B.C. EASTICK: Is there an inherent danger of vital information being sold for commercial benefit—and I am not referring here to the commercial benefit of the department so much as the commercial benefit of those who purchase and then perhaps proceed to harass the people whose name has been obtained.

Mr Lane: I believe there are two categories of information. There is that information which falls into the category of being publicly available at the moment through the records maintained by the commission, and that information can be obtained by looking at paper copies or microfiche. The second category of information is that obtained by investigators and police working within the commission. Clearly, it is not the intention that that latter category of information would ever be made available.

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

ADJOURNMENT

At 9.50 p.m. the Committee adjourned until Tuesday 20 September at 11 a.m.