HOUSE OF ASSEMBLY

Tuesday 20 September 1994

ESTIMATES COMMITTEE A

Acting Chairman:
Mr I.P. Lewis

Members:
Mr M.J. Atkinson
The Hon. Frank Blevins
Mr C.J. Caudell
Mr J. Cummins
Ms A.K. Hurley
Mrs D.C. Kotz

The Committee met at 11.2 a.m.

Courts Administration Authority, $43 611 000

Witness:
The Hon. K.T. Griffin, Attorney-General.

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

Advisers Representing Authority:
Mr J. Witham, State Courts Administrator.
Mr A. Bodzioch, Deputy State Courts Administrator.
Mr M. Church, Senior Finance Officer.
Ms P. Schulz, Manager, Public Relations.

Departmental Advisers:
Mr K. Kelly, Chief Executive Officer, Attorney-General's Department.
Ms K. Lennon, Executive Director, Operations, Attorney-General's Department.
Ms L. Stapleton, Chief of Staff, Attorney-General's Department.
Mr D. Cranwell, Manager, Administration and Finance, Attorney-General's Department.
Mr H. Gilmore, Manager, Resources, Attorney-General's Department.

The ACTING CHAIRMAN: I declare open for examination the proposed payments for the Attorney-General. I refer members to pages 64 to 69 of the Estimates of Receipts and Payments and pages 125 to 151 of the Program Estimates. I formally welcome to the proceedings the Chief Justice, as this is the first occasion on which an opportunity for the Chief Justice to appear before the Estimates Committee has been provided. Does the Attorney-General wish to make an opening statement?

The Hon. K.T. Griffin: Yes, Mr Acting Chairman. Obviously, the Chief Justice is not an adviser, but he joins me as the Chairman of the Courts Administration Authority. As this is the first occasion on which the Estimates Committee has had the opportunity to consider the estimates of the Courts Administration Authority, it may assist the Committee if I describe briefly the establishment of the Courts Administration Authority and, in particular, detail the respective roles and functions of the Courts Administration Authority and the Government with respect to the budgetary process.

The Courts Administration Authority Act 1993 established the State Courts Administration Council, also known as the Judicial Council, as a body corporate and as an administrative authority independent of control by Executive Government. The Courts Administration Authority Act confers on the Judicial Council powers to provide the participating courts with administrative facilities and services to enable the courts properly to carry out their judicial functions. The Judicial Council consists of the Chief Justice of the Supreme Court, the Chief Judge of the District Court and the Chief Magistrate of the Magistrates Courts. A member of the council may also appoint a judicial officer of the relevant court to be an associate member of the council.

The participating courts, for the purposes of the Courts Administration Authority, are the Supreme Court, the District Court, the Youth Court, the Environment, Resources and Development Court, the Magistrates Court, the Coroners Court and the Industrial Court as from 1 November 1994.

Turning to the budgetary and financial provisions relating to the Courts Administration Authority, section 25(1) of the Courts Administration Act provides that is the obligation of the Judicial Council to prepare and submit to the Attorney-General a budget showing estimates of its receipts and expenditures for the next year, in effect, a draft budget. Section 25(2) provides that the budget is to conform with any requirements of the Attorney-General as to its form and as to any information it should contain. Pursuant to section 25(3) of the Courts Administration Act, it is the responsibility of the Attorney-General to approve the draft budget submitted by the council and the Attorney-General may do so with or without modification. The approval may be subject to conditions.

Accordingly, the above provisions make it clear that it is the Attorney-General who holds the responsibility to approve the courts' budget and, in this process, the Government, the Cabinet and the Department of Treasury and Finance play significant roles. These processes do not take place in a vacuum and the whole issue of the proper identification of the level of resources for the judiciary is an on-going process.

Very detailed and significant discussions and negotiations have occurred throughout this calendar year between the new Government and the Judicial Council. The Chief Justice and the staff of the Courts Administration Authority have met with the Acting Premier and Treasurer, with me and with senior officers of the Department of Treasury and Finance and the Attorney-General's Department to discuss the Courts Administration budget, the Government's savings measures and other requirements. In addition, I have regular monthly meetings with the Chief Justice, the Chief Judge and the Chief Magistrate and issues of resources for the courts and related issues of judicial administration are raised at those meetings.

The previous Government negotiated a set of budget protocols with the Judicial Council and, for the information of the committee, I table a copy of those protocols. While the protocols have assisted in the budget negotiating process to some degree, I will be proposing to the Chief Justice and to the council at the conclusion of the Estimates Committee process that the protocols be revised in light of the practical experience in dealing with the first full budgetary cycle for the Courts Administration Authority.

As to the financial and accounting obligations of the Courts Administration Authority, the Courts Administration Act requires the Judicial Council to ensure that proper accounting records are kept of all its receipts and expenditures and the council's accounting records must conform with the Treasurer's instructions issued under the Public Finance and Audit Act 1987. The council is obliged to ensure that expenditures are not made out of money under the council's control without proper administrative authorisation and that proper control is maintained over the council's property.

The moneys required by the Courts Administration Authority for the purposes of the Act are paid out of moneys appropriated by Parliament. Accordingly, although the Courts Administration Authority is constituted by statute as an administrative authority independent of control by the Government, it is the Parliament in accordance with its pre-eminent constitutional role that controls the appropriation of money to the Courts Administration Authority and, of course, this also involves the Estimates Committee in the exercise of its proper role and function in the scrutiny of the expenditure.

In this connection, I draw the attention of members to the provisions of the Courts Administration Act 1993, section 29, which deals with the responsibility of members of the council and the State Courts Administrator to attend, at the request of a parliamentary committee, before the committee to answer questions about the financial needs of participating courts or the expenditure of money by the council, or any other matters affecting the administration of participating courts. It is important to remember that section 29, subsection (2), provides that a member of the council or the administrator cannot be required to answer questions about the exercise of judicial as distinct from administrative powers or discretions. The Chief Justice of the Supreme Court, the Hon. Mr Justice King, together with Mr John Witham, the State Courts Administrator, and his officers, are in attendance before the Committee today.

In accordance with convention and with House of Assembly Standing Order 268, subclause (4), as Minister I have the responsibility for answering questions. However, as appropriate in relation to the Estimates, I will certainly be inviting the Chief Justice, the State Courts Administrator and other officers to answer questions when the provision of factual information or other information may be required in accordance with obligations specified by the Courts Administration Act. There may also be issues respecting the judiciary or policy that may need further explanation, and that certainly is something that is in the province of the honourable Chief Justice.

For the information of the Committee, I advise that in my capacity as Minister and pursuant to Treasury circular No. 231, which deals with the preparation of budget papers, I settled and approved the form of the program estimates for the Courts Administration Authority that are considered by the Estimates Committee.

You may ask, Mr Chairman, why I also have officers from the Attorney-General's Department present during this section of the Estimates Committee hearing. I can inform the Committee that, because the Courts Administration Authority is an independent authority, it is important for the Attorney-General, as the Minister responsible to approve the budget, also to have available advice and information from within Government against which the proposals of the Courts Administration Authority may be assessed and to assist in the interchange of information between both the Minister and the courts.

I should say before closing that the arrangements which have been put in place have been agreed and the negotiations which have occurred have been amicable. There have had to be accommodations made on both sides. However, for this first occasion of the budgetary discussion between the Government and the Courts Administration Council, it has been fruitful.

The ACTING CHAIRMAN: Does the member for Spence, who will lead the Opposition, have an opening statement?

Mr ATKINSON: No, Mr Chairman. I would like to get straight into questions.

The ACTING CHAIRMAN: I point out to all members that the precincts of the Committee are considered to be somewhat the same as the precincts of the floor of the House of Assembly. Accordingly, members of the House of Assembly may come into the area of the table, which is regarded as the table of the House, and the area bounded by the tables on the other three sides of the rectangle. However, I ask all members of the Legislative Council to observe the same practice as would otherwise be the case were they to be in either of the Chambers in the Parliament. In the event that there are no other seats anywhere else and a member of the Legislative Council wishes to speak with a member of the Committee, a message can be conveyed to that member of the Committee by an attendant.

Mr ATKINSON: I must say that the ruling appears to be inconsistent with past practice while we have been here.

The ACTING CHAIRMAN: I am not aware of that. I have been a member of the House of Assembly over a period involving 14 Estimates Committees. During the preceding 13 years in which I have participated in Estimates Committees examinations of the votes, in no circumstances has a member of the Legislative Council been able to come onto the floor of the Chamber or into the precincts where members of the Committee have been sitting.

The Hon. Frank Blevins interjecting:

The ACTING CHAIRMAN: Order! The member for Giles will address the Chair if he has anything to say.

Mr ATKINSON: May I address the Chair on this point?

The ACTING CHAIRMAN: You may.

Mr ATKINSON: The seating arrangements here are quite different from the seating arrangements in the House of Assembly and the Legislative Council. It is not clear to me what the precincts of the Committee are in this building, with which we are unfamiliar. However, I know that the Hon. Jamie Irwin, a member of the Liberal Party, has sat behind Government members in this Committee since we have been sitting here. Therefore, the Chair's ruling appears to be discriminatory against the Opposition.

The ACTING CHAIRMAN: That is not something of which I have any knowledge. My ruling is based on the way in which Estimates Committee proceedings have been conducted over the 14 years during which I have participated in them. I have ruled accordingly.

Mr ATKINSON: I refer to the Program Estimates, page 161, Courts Administration Authority, and to the broad objective of providing the community with a suitable avenue for resolution of disputes between parties. The Opposition is worried about delays between the final hearing of a case and delivery of the judgment. In particular, we are worried by reports that we have received from constituents about these delays. In one case in the Industrial Commission on wages underpayment the judgment is still outstanding more than 12 months after the final hearing of the case.

Litigants are reluctant to complain about delays for fear of prejudicing their case. What procedures does the Courts Administration Authority have for dealing with cases in which the judiciary do not deliver judgments within a reasonable time?

The Hon. K.T. Griffin: That is a matter which is within the responsibility of the judicial officers responsible for delivering judgments. It would be a good opportunity for me to invite the Chief Justice to make some observations and respond to that question.

Justice King: In answering that question it is necessary for me to refer to the role of the Judicial Council. In doing so, perhaps I should note the historic nature of this occasion today because it is the first occasion on which the Chief Justice, as head of the judicial arm of the State, has met with this committee of the legislative arm of the State, namely, the Estimates Committee. It is only the second occasion on which the Chief Justice has met with any committee of the Parliament, the previous occasion being the meeting between myself and the Legislative Review Committee when the Courts Administration Act was under consideration.

The Attorney-General has referred to the role of the Judicial Council. I would simply remind the Committee that our constitutional arrangements are based upon the separation of powers, the relevant aspect of which is the independence of the judicial arm of the State from the political arms—the Legislature and the Executive. It is important to bear in mind that the budget which is before this Committee for consideration is the budget of the Executive arm, the Executive Government, for the courts' administration. As the Attorney has pointed out, the Judicial Council submitted its budget. It was reduced by the Executive Government to the tune of $5.2 million, which is about 9 per cent. It is important for me to point that out because the budget which this Committee is considering is not the Judicial Council's budget but the Executive Government's budget for the running of the courts, and there is a marked disparity between the two with important consequences.

The Judicial Council, as has been pointed out, is responsible for the supply of administrative facilities to the courts. It has no role as such in the management of the judiciary of the respective courts so, in the strict sense in the capacity in which I am here today, I am not really in a position to answer the question that was put, but I would like to take the opportunity of answering it if the Committee will indulge me to that degree. The Industrial Court does not come within my area of responsibility, and I have no knowledge of the particular case or cases to which the honourable member refers.

As a general proposition I would like to explain this. Each of the courts has performance standards. In the Supreme Court the standard which we endeavour to observe is that no more than 60 days will elapse between the reservation of a judgment and the delivery of that judgment. Different standards apply in the different courts, but all endeavour to deliver judgments as soon as practicable.

As to the means of redress, where a judgment is not delivered within a reasonable time, the judicial heads of all the courts make the legal profession aware that any complaint about a delay in a reserve judgment should be communicated to the judicial head of that court, and the judicial head of that court will exercise discretion in the way in which he handles the situation and will ensure that it does not operate in a way which could prejudice the litigant.

It is important that litigants before the court should realise that they are free to approach the judicial head—and they should be encouraged to do so—if there are any delays in the delivery of reserve judgments. So, the course to be adopted by the litigant in the position of the member's constituent is to approach the judicial head of the Industrial Court and draw his attention to the problem, and I have no doubt that he will take whatever steps he can to redress it. I might say that in the Supreme Court, the District Court and the Magistrates Court—I cannot speak for the Industrial Court—the judicial heads have information supplied to them regularly which enables them to determine whether any judgment has been unduly delayed, and they can then take that up with the particular judge or magistrate involved.

Mr ATKINSON: As a supplementary to that, can the Attorney or the Chief Justice say whether or not there is a list of judgments, or a means of monitoring judgments that are overdue, according to the standards of the particular court and, if there is such a list, can it be provided to the Parliament?

Justice King: Certainly in the Supreme Court I have information as to the date on which judgments are reserved and the dates upon which they are delivered. I cannot speak for the other courts as to whether they keep lists of that kind. However, I would regard that sort of information as confidential. I do not think it is fair to the parties to litigation—and remember there are at least two parties to every piece of litigation—that information of that kind should be furnished. If a litigant has a complaint, there is a proper means of communicating that complaint, but I do not regard that sort of information as public information.

The Hon. K.T. Griffin: In relation to the Chief Judge and the Chief Magistrate, I will follow up the question that the honourable member raises and, if it is appropriate to at least bring a framework back, I will endeavour to do so.

Mr ATKINSON: The Opposition wants to explain that we do not want the names of the parties whose judgments are delayed. We are interested in only the anonymous statistics as to how the court system is performing.

Justice King: Those statistics can be obtained, and I am very happy to supply them.

Mr ATKINSON: The Opposition understands that a magistrate in the Magistrates Court has been off work since August 1993 and has 92 outstanding judgments that have been waiting more than 12 months since the final hearing of the case. What does the Attorney propose to do for those litigants?

The Hon. K.T. Griffin: When my Party was in Opposition, I had constituents raise the question of delays in the presentation of judgments and, as a matter of follow-up, I always wrote to or telephoned the chief judicial officer of the court concerned. I acknowledge that some constituents and their legal representatives have been reluctant to allow me to do that for fear of prejudicing the case, but my experience has been that a follow-up with the chief judicial officer has always borne some fruit. In respect of the magistrate, I am not aware of the circumstances to which the honourable member refers. I would be prepared to take that up with the Chief Magistrate, who would be equally concerned about long delays, and supply an answer to the Committee. It may be that the Chief Justice would wish to add to that.

Justice King: The only thing I would add is that I would very much like to have that information, too. I have the ultimate responsibility under the Magistrates Act for the magistracy, and if there is a case of that kind I would like

very much to have the particulars of it. I would be much obliged if the honourable member would supply me with the details.

Mr ATKINSON: Does the Chief Justice regard the cause of delays in judgments beyond the courts' own standards to be a result of a lack of resources, or is there some other reason?

The Hon. K.T. Griffin: I am happy to refer that question to the Chief Justice. There are probably a number of reasons why there are delays in the completion of judgments: one of them may impinge, to some extent, upon resources and the extent to which judicial officers can be out of court to undertake what is in some cases the difficult task of writing a judgment, but there may well be other reasons. Not ever having sat in that position, I think it is more appropriate that the Chief Justice elaborate.

Justice King: Incidentally, I thought it might be of interest to the Committee to note that section 29 of the Courts Administration Act provides:

> A member of the council or the administrator—

and I am the Chairman of the council—

> must, at the request of the parliamentary committee, attend before the committee to answer questions on various topics.

The section seems to contemplate that questions can be directed to a member of the council. I am in your hands, Mr Chairman, and no doubt the proceedings will be conducted as you rule. I felt that I ought to draw attention to that provision, because strictly speaking I am here today at the request of the Committee to answer questions on these topics.

I can only say that at the moment in the Supreme Court there are no delays. To my knowledge, on my last return, there is no judgment of any Supreme Court judge that has been delayed more than the 60 day performance standard. I cannot really comment on other courts. It would be necessary to have particulars. I do not believe that any delays in the Magistrates Court would be due to lack of judicial resources. But there may be temporary factors as the Attorney has pointed out: a magistrate might have a reserve judgment and his program might preclude him from writing it for a considerable time. That is due not to a general lack of resources but to the program of a particular magistrate. There are more difficulties in the District Court. As members would be aware, the judicial strength of the District Court has been reduced substantially by 4, from 22 to 18, and that may well have an effect in that court. One would have to know particulars of the delay in order to ascertain the cause.

Mr CUMMINS: Has the Courts Administration Authority employed a publicity informations officer? If so, what was the need for such an officer, and what role and function will the person play?

The Hon. K.T. Griffin: That question is more appropriate either for the Chief Justice or, if he wishes, the State Courts Administrator.

Justice King: Nowadays it is an important function of a courts administration to communicate with the public, to endeavour to let the public understand what the courts are doing and how their matters are being handled, to be available to the media and to explain the operations of the courts. After all, the courts belong to the public. The public not only needs access to the courts but needs to know the functions of the courts and how they operate. Under contemporary conditions, it is absolutely essential that there be free communication between the media and the courts, and the public and the courts. In a nutshell, that is the function of the public relations officer or manager, and her presence in the Courts Administration has been a great asset in that regard. Moreover, amongst her functions is contact with the various volunteers who assist in facilitating public access to the courts and contact with community organisations and other people who are interested in the operation of the courts. The presence of that officer has been an important function and has been a great improvement in the freedom of communication between the Courts Administration and the public.

Mr CUMMINS: I note that the Review of Library Services of the Courts Services Department South Australia Report 1993 recommends that the two libraries be amalgamated and there be one manager of both libraries. There have been complaints from the legal profession, of which I am a member, in relation to library hours. I note that library hours have now changed. However, there is an hour when practitioners cannot get access to the library—between 2.15 and 3.15 during the day. Why can the two libraries not be combined and the savings in costs not be used to extend the hours of operation?

The Hon. K.T. Griffin: Again, that is a matter for the honourable Chief Justice. It is certainly an issue that I have not yet raised with the Chief Justice, but at some stage it will be on the agenda. It ultimately is a matter for the Courts Administration Authority to make its determination about both opening hours and the existence of the two libraries.

Justice King: It is a real and a serious problem. The library is an essential resource not only for the judiciary but for the legal profession. It is the means by which legal materials get before the courts. It is very important that the profession should have maximum access to the library. It has been a matter of great disappointment that it has been necessary to restrict the hours of access. The reason is simply this: nowadays the loose leaf system of law books means a greater amount of work for the library staff. They have simply not been able to cope with that work and keep the library open for the normal span of business hours.

Of course, it is a matter of resources. In the draft budget, which the Courts Administration Council submitted to the Government, we sought an amount of money which would enable us to increase the staff in the library and restore the hours. The Government did not see its way clear to do that, and the result is that we are not able to attend to it in that way. It is true that a committee of administrators who looked at the problem thought that the solution might be an amalgamation of the libraries, as mentioned by the honourable member. This issue was examined by the Judicial Council and the view was finally arrived at that an amalgamated library would not adequately serve the needs of the District and Magistrates Courts. They have special needs. They need to be kept acquainted on a constant and regular basis in particular with decisions of the Supreme Court which are binding on them and which affect their decisions. Other materials need to be circulated amongst the magistrates and the District Court judges. It was felt that an amalgamated library, although it has attractions from the point of view of economics, simply would not meet the needs of those two courts. For that reason, the council did not feel able to accept the recommendation of the committee.

Mr CUMMINS: In recent years, there have been no problems in relation to complex commercial litigation, including prosecution. It seems there is need for high-tech courtrooms to assist in the conduct of large and complex trials. What action, if any, has been taken to follow this line?

The Hon. K.T. Griffin: Could I say, first, that this issue has been raised with the Government, which is supportive of development of a high-tech courtroom. In fact, some discussions are occurring already between the Courts Administration Authority and the Attorney-General's Department, including the Crown Solicitor, about the systems that ought to be put in place, recognising that the Government will be a significant litigant in relation to at least three of the State Bank cases, which will involve masses of documents. So, there is a need to have compatibility between the systems used in the proposed high-tech courtroom and the Crown Solicitor's Office as well as the legal profession, but that matter is being addressed in discussions between administration officers on both sides of the courts, on the one hand, and the Attorney-General's Department, on the other.

There is no doubt that, in the light of some of the developments that are occurring interstate and overseas, there is a need for the development of that sort of technology and courtroom facility to assist the conduct of trials. I am informed of a case in New South Wales that was scheduled to go for about 18 months using conventional processes. It is now predicted to go for only 12 months, and that will cause a significant saving when it is taken into account that it costs, I think, about $10 000 a day to fund a court during the conduct of a trial. I may have overtaken a number of the things which the Chief Justice may wish to say, but if he has anything to add I am pleased to invite him to do so.

Justice King: I agree entirely with what the Attorney-General has said. The Judicial Council desires to proceed with the establishment of a high-tech courtroom as soon as possible. It sought funds to the extent of $220 000 in its draft budget to the Government. The Government did not feel able to include that in the budget on this occasion. I hope that the discussions to which the Attorney-General refers will be fruitful and that, before very long, we will have our high-tech court.

Mr ATKINSON: My question is directed to the Chief Justice. In his previous answer he seemed to say that all courts maintain records which would indicate whether judgments were delayed beyond an acceptable time. However, he then appeared to say that only the Supreme Court did this. Can the Chief Justice clear up this point?

Justice King: As I have indicated, the management of the judiciary in each of the courts is a matter for the judicial head of each court. I have no responsibility nor has the Judicial Council for the management of the judiciary in the various courts. I am responsible only for the Supreme Court. I know what we have in the Supreme Court, and I have answered that. I cannot say for certain whether the District Court and the Magistrates Court have separate records of reserved judgments and delays—I could ascertain that information if it is desired—and I have no knowledge of the Industrial Court because, of course, that does not come within the ambit of the Judicial Council, although I gather it will after 1 November. If the honourable member would like me to obtain that information, I would be more than happy to do so from the judicial heads of the District Court and the Magistrates Court.

The Hon. K.T. Griffin: I will be pleased to supply that information to the Committee in the usual manner.

Mr ATKINSON: It seems to me that this is important information. The Courts Administration Authority is before us this morning and, amongst other things, it is responsible for the magistracy. Does someone in the array of officials before us have this information and who is responsible to the Committee for the magistracy? If there is a magistrate who has had 92 outstanding judgments for more than 12 months, surely someone here would know whether that were so and could tell us something about it.

The Hon. K.T. Griffin: I would like to make a couple of initial observations before referring this question to the Chief Justice. The magistracy is not before the Committee, the District Court is not before the Committee, and nor is the Supreme Court in respect of its judicial decision making. The Courts Administration Authority, because it is a statutory body responsible for the provision of resources to the courts, has that responsibility. There is no suggestion that we will not provide the information. The Chief Justice has indicated that he will endeavour to obtain that information, and I have confirmed that I am prepared to supply that information to the Committee.

This is one of the difficulties that Governments face, and they all relate to this question of the accountability of judicial officers. I have raised this matter publicly on occasions: whilst not wishing to have the executive arm of Government impinge upon judicial decision making and the way in which the judiciary undertakes its business in a judicial context, we need to give careful consideration to the ways in which judicial officers may be accountable for that sort of behaviour. I am not proposing any particular form at the moment. I am sufficiently concerned about it to indicate that, with the focus upon accountability and the courts, the Government, together with the courts and the Parliament, in particular, must give attention to devising mechanisms by which these sorts of issues can be resolved more satisfactorily than, say, through the Estimates Committee process. I will endeavour to obtain the information in relation to those matters, and the Chief Justice has indicated that he will endeavour to obtain it also.

Justice King: Members of all courts are responsible to their judicial head for the performance of their duties. If a situation of the kind which the honourable member mentioned has arisen, it ought to be looked into immediately. I hope that, privately, he will communicate to me anything that he knows about the identity of the magistrate concerned or anything else that will help me to clear it up. I am not aware of this situation. I know that, at one time, there was a real problem with one magistrate due to various factors, but I am under the impression that that was largely, if not entirely, cleared up. If there is still a problem, I would like to know in private who it is and the circumstances so that I can get to the bottom of it and see that it is cleared up.

Mr ATKINSON: I will provide the Chief Justice with the name of the magistrate concerned but, if the magistrate has been off for more than 12 months and if there are 92 outstanding judgments, I would have thought that someone would know something about it.

Justice King: I can tell the honourable member categorically that no magistrate has been off for more than 12 months. If there are 92 reserved judgments, I am very surprised that I have not heard about it from some source, but if it is a fact I would like to hear about it as soon as possible.

Ms HURLEY: In May 1994, the Senate Standing Committee into Legal and Constitutional Affairs issued a report entitled 'Gender Bias and the Judiciary'. The report made a number of recommendations. Recommendation 1 states:

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

Recommendation 9 states:

That all courts make arrangements to keep the media informed by making as full and accurate accounts of their operations as practicable.

What funds have been allocated for carrying out this recommendation, and when will it be implemented?

The Hon. K.T. Griffin: The Government is examining those recommendations, as it is in relation to a number of Federal parliamentary and Government reports. The first recommendation is somewhat puzzling, because it is not really clear what it is intended to do. The honourable member's question regarding the second recommendation has, I think, largely been answered by the Chief Justice in relation to the appointment of a press and public relations officer by the Courts Administration Authority.

Justice King: I cannot add anything further to that. All judgments are published and are available to the media and to anybody else who wants to obtain a copy and pays a modest fee. The suggestion of electronic communication to the State Library has not been taken up by anyone with me or the Judicial Council. I do not know what the technological problems may be with that, but it is simply not an issue that has arisen as far as the council is concerned. There is no problem in principle about it: if the technology is there and the State Library wants the judgments, there is no problem about communicating with it in that way.

The Hon. K.T. Griffin: One has to look at the question of priority. All judgments are published. It is a question of whether a public need exists to have them lodged with public libraries. There are arrangements between public, law and parliamentary libraries for interchange of information through library loan services throughout Australia. It may be that that is a more cost efficient way of doing it and also satisfactorily meets the needs of the public. It is one of those issues that have not been accorded a high priority, although as a Government we have not made any final resolution of the recommendation.

Mrs KOTZ: The previous questions asked this morning and the answers given relate to delays within the court processes. I also refer to this concern. I am aware that in the District Court four judges have accepted separation packages. The Program Estimates, at page 160, under '1994-95 specific targets and objectives', states:

Monitor the impact of the reduction of judicial strength in the District Court on the criminal lists.

Will the Attorney-General tell the Committee what mechanisms will be put in place to undertake this monitoring exercise?

The Hon. K.T. Griffin: As the Chief Justice has said, from the courts perspective they will be monitoring this issue of delays in light of the separations of the four District Court judges. Members need to be reminded that there was a question last year to the then Attorney-General about the whole issue of judicial strength and he indicated, as I recollect, that the then Government was monitoring the case load and was looking to make reductions in judicial strength in the District Court. Before the end of the financial year the present Government examined the lists, both civil and the joint criminal list between the Supreme Court and the District Court. We took the view that an offer should be made to four judges of the District Court to take separation packages. The lodgements in the civil jurisdiction in the District Court over the past three years showed that the monthly average had fallen significantly from 239.08 in January 1992 to a 128.83 monthly average for the first half of this financial year.

There was a drop in the number of criminal trials and the number of criminal trials waiting. We took the decision that these offers should be made and followed a procedure in accordance with the resolution of the Supreme Court judges as to the way in which that should be undertaken. It was obvious in the budget negotiations that, although we had anticipated that there would be some support staff savings, some of that had already been taken into consideration by the Courts Administration Authority in developing its budget and it was not available to be counted as further savings in respect of this current year.

The question of waiting times can probably be best illustrated by a table showing waiting times in the various jurisdictions, which I wish to incorporate in *Hansard*. It is the usual information for which Attorneys-General are asked by the Opposition about waiting times and it has been done since Estimates Committees were first established.

WAITING TIMES

	1991-92	1992-93	1993-94
1. SUPREME COURT	Weeks	Weeks	Weeks
1.1 Civil (Measured as the lapsed time between the final pre-trial conference and the trial date)	17.5	14	11
1.2 Criminal* (Measured as the lapsed time between the date or arraignment to trial)	19-27*	14-16	19-20
2. DISTRICT COURT	Per cent	Per cent	Per cent
2.1 Civil (Time standard: 90 per cent of cases be disposed of within nine months of service of summons)	65	85	74
2.2 Criminal* (Measured from date of arraignment to trial)	Weeks 21*	Weeks 14-16	Weeks 19-20
3. MAGISTRATES' COURTS	Weeks	Weeks	Weeks
3.1 Civil (Measured as the lapsed time between filing of defence and trial)	Limited 1-30 Small Claims 1-12	General 19 Minor 16	General 16 Minor 10
3.2 Criminal (Measured as the lapsed time between a matter entering the trial list and the commencement of trial)	Summary 1-9 Committal 1-8 Children's 8	Summary 4 Committal 4 Children's 8	Summary 4 Committal 4 Children's 8

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

Justice King: As is well known, the decision to reduce the judicial strength of the District Court was a decision made by Government and not by the judiciary. Indeed, the Chief Judge of the District Court has made public his view that it should not have occurred as he needed his full judicial strength. Time will tell, but I have to point out that in the document tabled the delay in the joint criminal jurisdiction of the Supreme and District Courts is around the 20-week mark. We regard 12 weeks as being the appropriate standard, so there is an unacceptable delay currently in that jurisdiction. The result of the reduction in the judicial strength of the District Court is that two fewer criminal courts will be sitting. It is difficult for me to see how that can do other than result in a progressive increase in the period of delay, unless something changes in the equation, such as the number of cases to be tried.

It is our experience that cases are not declining in numbers in the criminal jurisdiction and, in fact, the length of cases, unfortunately, is increasing. There was some decline in lodgements, but they seem to be more than compensated for by the length of cases—they tend to be more complex. The reason for that is that under the previous legislation package in 1992 there was a transfer of jurisdiction from the District Court to the Magistrates Court. The cases transferred tended, naturally, to be the shorter and less complicated cases. The cases now tried in the District Court tend to be harder, longer and more complex. Certainly the situation needs to be monitored. I would be very alarmed if the result of what has occurred is that there is any further drift in the delay in the criminal jurisdiction in particular.

The Hon. K.T. Griffin: There is a erratum to the program description on page 160 under the program title 'Administration of justice in the criminal jurisdiction', subtitle, 'Issues/trends', wherein it should state:

The time between arraignment and trial in the higher courts is now 19 to 20 weeks, which is approximately seven weeks over the published standard of 90 days. The effect of a reduction of judicial strength in the District Court on the criminal list will be monitored.

The ACTING CHAIRMAN: Members will note that the item is dot point 3 under the sub-title 'Issues and trends' on page 160.

The Hon. K.T. Griffin: During the course of the discussion of the Estimates relating to 'Attorney-General', there may well be some questions raised about a committal unit in the Office of the DPP. In conjunction with the police, that is in its early stages, but the predictions are that that will facilitate consideration of the criminal list by resolving some otherwise debatable issues at the time of trial. In terms of the workload in the civil jurisdiction, some discussions Government has had with SGIC, responsible for the compulsory third party bodily injury insurance claims, indicate that there is a much greater emphasis by SGIC on settling and at a much earlier stage.

So, there is and has been a decline in the number of cases that are going predominantly to the District Court in that area of action. The Government is doing a number of things in seeking to ensure that a more efficient process is adopted that might have the effect of reducing either the length or the number of trials, and we are currently contemplating some other initiatives.

Mrs KOTZ: A temporary Magistrates Court was established in the tram barn in Angas Street in 1991. At page 168 of the Program Estimates, again under 'Specific targets/objectives' it is stated:

Tenders let and construction to commence on new Adelaide Magistrates Court.

Can the Attorney advise the Committee when the project will actually commence and say what is the estimated cost of the work and how many courts will be housed in the new building?

The Hon. K.T. Griffin: I will ask the Chief Justice or the State Courts Administrator, as the case may be, to give the detail on that. I am pleased to say that the new Adelaide Magistrates Court is in the capital works program, that it will start this year and that it will be completed within a reasonable time frame. I think that it is intended to call tenders in mid-January.

This project has been deferred from the capital works program for the past two years. That is unfortunate because of the temporary accommodation in the old Adelaide tram barn, but it is now moving. I think it is expected to be finished by about March 1997. The State Courts Administrator may like to elaborate.

Mr Witham: The allocation for this financial year will basically provide sufficient funds for demolition of the existing site and not much else. It is planned that the project will then flow over into the next financial year, as the Attorney has said. We believe that $13.78 million will be required next financial year and a further $10.367 million in the following year to complete the project.

Mrs KOTZ: Members of Parliament from time to time receive complaints from constituents about the way they believe they have been treated by a judge or a magistrate. The Attorney may recall a recent incident that I brought to his attention relating to a person who has from time to time sat on the bench but who in this instance was involved as a victim of a crime but was made to feel more like the offender than the victim because of the manner in which the judicial process was carried out. Are there any procedures or processes in place for dealing with complaints such as this?

The Hon. K.T. Griffin: This probably falls into two categories: first, the way in which people are dealt with through the criminal justice process; and, secondly, specific instances of complaint against particular judicial officers. I have had a few complaints over the years from people who believe that the judicial officers, more so in the magistrates' area, have been less than helpful, and not just in making the right decision but in the way in which they have been treated.

In terms of the criminal justice process, the previous Government has had in place, with the then Opposition's support, programs to support victims of crime through the process and, of course, the Victims of Crime Service has been funded by the previous Government, and the current Government provides support in a number of areas, including court companions. Throughout Government special emphasis is being placed, particularly in the police area, on ensuring that police who first deal with the alleged victim recognise the sensitivities of that person and his or her position in the system.

So, there are processes in place and there is education of various officers. The DPP is taking a more active role when it has to enter a *nolle prosequi* or to take some other action in relation to a case. During the recent NCA case there was considerable consultation between the DPP and the widow of the deceased officer about the processes and the reasons why the DPP felt that he had no option but to make the decision that he made. So, over the past 10 years a much

more supportive environment has been developed towards victims in the process.

When it comes to dealing with complaints against particular judicial officers, I have generally taken the view that if they are made to me then I expect some detail to be provided and I will take it up with the chief judicial officer from the jurisdiction. What happens from there is really a matter for them. However, the Chief Justice may wish to add to the observations from a judicial perspective.

The ACTING CHAIRMAN: Before the Chief Justice does that, my understanding of the legislation is that under the Courts Administration Act, section 29(2), a member of the council or the administrator cannot be required to answer questions about the exercise of judicial as distinct from administrative powers or discretions. Whilst the Chief Justice may, he cannot be required to answer such questions. I would not want this Committee to get the impression that any such conduct of the way in which courts conduct their proceedings can be the subject of a question directed to the Chief Justice or any other member of the courts who might appear before this or any other Committee subsequently. If the Chief Justice is willing to comment, I so allow.

Justice King: I am more than willing to add a comment, although the Attorney-General has covered the ground comprehensively. However, I would like to add one point that is sometimes overlooked in relation to the treatment of victims. At the stage at which the court is dealing with the matter in a contested case, very often it has not been established whether there is a victim, although that is not always the case. You have a person who is accused of a crime and the allegation has been made by someone who, of course, naturally regards himself or herself as the victim, but it has not been established at that point that there is a victim.

Courts have to be totally objective and impartial in their handling of the matter; the guilt or innocence of the accused person has to be determined in an objective and impartial manner. So, the court is not in a position to treat the person who is making the allegation as a victim. The court has to keep a completely open mind as to where the truth lies. That, of course, has a bearing on the way in which the proceedings are conducted.

Of course, if there is ever a complaint that a judge or magistrate has acted in a discourteous or overbearing manner, or something of that kind, that ought to be ventilated in the way in which the Attorney-General has suggested. However, very often one finds that the complaint really is that someone who comes to the court, knowing that he or she is telling the truth and therefore seeing himself or herself as the victim, finds it difficult to understand that the court process cannot treat them in that way, because the whole process is designed to ascertain whether or not that person is telling the truth.

Ms HURLEY: I should like to follow up on gender bias in the judiciary report, because I was surprised that it was not a high priority to implement recommendation No. 1. I had assumed the intention was to allow greater public access to and scrutiny of judgments and jury directions. The technology is available through computer disks, and it is a very simple process. Has the Attorney-General any estimate of when this or any other mechanism for allowing easy public access to the material might be brought forward?

The ACTING CHAIRMAN: Before I invite the Attorney to comment, I hope that the honourable member is not implying that any difference in the budget line would be required by the service if there were less gender bias.

The Hon. K.T. Griffin: It is a question of priorities. The Government has not made any decision about its policy on that or any other recommendation in the report. A number of the recommendations are being considered collectively by the Standing Committee of Attorneys at its regular meetings. My information is that while the information is available—I think it is CD-ROM—the problem is that it is fairly expensive, and that raises the question whether, in the light of the expense, it is a high priority. I am not saying conclusively that it is not. All I am saying is that some questions have to be answered in relation to whether that should be given priority over other initiatives. We are still considering that matter.

The Hon. FRANK BLEVINS: My question relates to the position of resident magistrates and the decision that the Courts Administration Authority has been permitted to take in removing them from three provincial cities. I have some sympathy with the Courts Administration Authority in relation to the 9 per cent cut in its budget as well as the removal of four District Court judges. I do not think that any other Government department has been savaged to that extent, so I am sympathetic to the problems facing the Chief Justice. I have found the Chief Justice's views here refreshing and useful and I look forward to hearing from him in future.

Resident magistrates were introduced in the 1970s by the previous Attorney-General. I understand that several attempts were made by the Chief Justice to remove them, but they were always refused by the previous Attorney-General, and properly so. I have received a letter from the Chief Justice, dated 11 March, in which he states that he agreed entirely with the Acting Chief Magistrate's decision to remove the country magistrates, and attached to the letter was a report from the Acting Chief Magistrate. I think that that report and its endorsement by the Chief Justice was highly offensive to people who live outside the metropolitan area: they are not some kind of inferior species who live in an uncivilised place.

I would like the Attorney-General and the Chief Justice to enlarge upon some of the things that were said in the Acting Chief Magistrate's report. To refresh their memories, among the difficulties that the Acting Chief Magistrate said had arisen was the question of the independence of magistrates in provincial cities: that the magistrates could be contaminated, which is not too strong a word, by knowing and socialising with people in the town, and that this could in some way influence their decisions. That is the gist of it. What examples have there been of magistrates who have been contaminated by associating with people in the three provincial cities concerned?

The Hon. K.T. Griffin: As honourable members will know, the issue is before the Legislative Review Committee, which is taking evidence. That does not mean that questions cannot be raised here, but there is an opportunity for people resident in those areas to make submissions to the committee. They have an opportunity to identify their concerns about this issue, or, if they do not have concerns, to indicate their views. I do not know when the committee is to report, but at least there is the opportunity for people to make submissions to it. I think it is appropriate to invite the Chief Justice to make some observations about the issue relating to resident country magistrates.

Justice King: I do not know whether Mr Blevins intends to raise other points in relation to this matter, but I point out that the decision to discontinue the former system of resident magistrates was made by the Chief Magistrate with my support. It is not a matter for the Judicial Council, except so far as the council was involved in certain financial implica-

tions. There were three basic reasons for the decision. The first, to which reference has already been made, is the problem of providing objective and impartial justice in a resident magistrate's situation in towns the size of those in South Australia. I will return to that. The second is the need to make maximum use of the magisterial strength available because of the reduction in the number of magistrates, in consequence of the budget introduced by Mr Blevins in the previous financial year, which involved a reduction in the long run of three magistrates, so we had to make up what we could. The third is what amounted to a breakdown in the system due to problems experienced by the magistrates.

All of those points can be elaborated upon, but the particular one raised by Mr Blevins relates to the independence of the bench. It is obvious that there is a problem if the holder of judicial office knows any of the witnesses or parties to proceedings. In the metropolitan area, if he does so to any degree he will disqualify himself and stand aside. In towns the size of those in South Australia, when a magistrate has lived there for a while with his family—he has to live a social and personal life and he gets to know people in the town and also the local police officers—it is extremely difficult to bring a totally objective and impartial mind to bear.

If a police officer is giving evidence which is denied by an accused person and the magistrate has to decide whether he believes him, it will not be easy to do it if he has been at a party with him the week before or his wife plays tennis with the police officer's wife or whatever it is. So it is a real problem and not one to be made light of. It is a basic reason why I have always felt that the resident magistracy situation has not worked well in South Australia.

Of course, it is never possible to say in any particular case that a magistrate has been influenced subconsciously by personal considerations of that kind. But the danger is there, and the perception to the townspeople is very important, also. As far as treating people outside the metropolitan area as second class citizens (or whatever the expression that was used), one of the objects of the decision was to bring to the people outside the metropolitan area the same standard of objective and impartial justice which is enjoyed by people who reside in the metropolitan area.

One can never know how those factors might influence a particular case. There are three situations which did occur and which illustrate the problems. In Mount Gambier at one time there was a magistrate whose relations with the local bar were so bad that the local profession appealed to me on more than one occasion to remove him, and in the end strongly opposed any extension of his term in the town. That is a problem. There you have in one town a magistrate whose personal relations with a small profession in that town became so bad that it affected the quality of the justice that was administered there.

On another occasion in Port Augusta a lady magistrate formed a romantic relationship with one of the solicitors in the area which she serviced. It was perfectly proper and perfectly honourable, but the difficulties for the administration of justice with regard to that personal relationship were obvious. There was another occasion in the same town when the magistrate went to live under the same roof as a lady police officer. There was no suggestion of any sexual relationship and no suggestion of any impropriety; there was nothing wrong with it except that there was the perception that the magistrate was in a close relationship—and I do not mean that in any sexual sense—with a police officer. That has to affect the perceptions of objectivity.

I simply mention those as examples of the sorts of things that can so easily arise. So that is a very important consideration. In the end the decision was made on more pressing grounds, both financial and in relation to the sheer break down in the system. Most magistrates now-a-days have their families in Adelaide, their children go to school in Adelaide and their spouses pursue careers in Adelaide, and it simply became quite impractical in the end to find magistrates who would go out to the country areas and live. Of course, no-one has the power to direct where a will magistrate live: all we can do is direct in which town he or she will sit and the times at which he or she will sit. We have no direct legal power to compel attendance, nor would I ever want one, I might say.

The Hon. FRANK BLEVINS: It is not for me to defend resident magistrates, but I think the Chief Justice has been unduly harsh on those who have been in country areas in the past. Absolutely no example has been given where the quality of justice has in any way been compromised. If there is some appearance of that, that is not a reason to take away the resident magistrate; it is a reason to fix the problem. Also, the Chief Justice made some comments about a budget that I brought down and said that this apparently gave him some difficulty with regard to the question of resident magistrates. I refer to a letter from Mr Cramond, which you endorsed, and which said:

> The proposal—

that is, the proposal to remove resident magistrates—

> is not a cost-cutting exercise. Indeed, the cost of servicing the regions by circuit will be marginally higher than the cost of residencies.

I just thought that I would straighten that one out.

Mr CUMMINS: Mr Acting Chairman, is the honourable member going to ask a question or is he replying?

The ACTING CHAIRMAN: The honourable member has as much as 15 minutes under Standing Orders in which to verbalise in the fashion which suits his purposes. When and if he asks a question is not a matter for me to determine.

The Hon. FRANK BLEVINS: Thank you very much, Mr Acting Chairman, for your protection. There are a couple of other comments in this report, which was endorsed by the Chief Justice and sent to me, that I would like to ask the Attorney-General or the Chief Justice to comment on. On behalf of people who do not live in the metropolitan area, I find these comments highly offensive. Another reason that was given for the withdrawal of resident magistrates (and I quote again from Mr Cramond's report) was:

> Quite apart from the broad question of public administration of the justice system, attention must also be drawn to the very considerable hardship caused to magistrates required to undertake resident service.

I do not know about anybody else, but I would not consider it an enormous hardship to live for a couple of years in a provincial city in South Australia, particularly if I took the job as a magistrate on that basis. For Mr Cramond to turn around and tell me, through the Chief Justice, that this causes considerable hardship and therefore the resident magistrates have to be taken away, I find offensive. So that the Attorney need give only one further answer, I point to another part of this letter that I find so highly offensive, as follows:

> The obligation to undertake community service imposes very considerable limitations on the social life of the magistrate and his family.

Leaving aside the sexism in that, I do not believe that, because they apparently do not like the social life in the provincial cities, it is a reasonable excuse for removing

resident magistrates. Again, I find that extremely offensive, and it may well be that the Attorney-General would want to dissociate himself from that. It goes on in that same vein, as follows:

> There can be an intolerable burden placed on the magistrate's children. It is impossible in a small community for the location of the magistrate's home not to be commonly known.

I would like to know some examples of where this has been a problem. The letter continues:

> The magistrate and his spouse—

again, the sexism is not mine—

> are restricted in their social and leisure activities to an extent quite unknown in the metropolitan area where the magistrate will not be instantly recognisable as he is in the country.

Over the past 20 years I have dealt with resident magistrates in the largest provincial city in this State, and I can assure you that the social life of the magistrates, depending on the magistrates themselves, has been very full. I have not heard any complaints from any spouses or partners of magistrates, etc. I wonder whether the Chief Justice would like to amend his view that he totally endorsed this report.

The Hon. K.T. Griffin: Before I invite the Chief Justice to respond, I will comment on one remark that the Hon. Mr Blevins made, quoting from the letter from the Chief Magistrate, that this was not a cost cutting exercise. I accepted that indication from the Acting Chief Magistrate and also made reference to that in the Parliament on several of the occasions when I was questioned on this issue. The Committee should know that, as a result of the changes which have been made, the information which has been provided to me is that there has been a productivity improvement equivalent to the employment of one additional magistrate. The annual cost of employing a magistrate, including on-costs, support staff, administrative services and so on, is $220 600. The cost of abolishing residences was assessed to be about $20 990. So, there is a net productivity gain of about $200 000. That is, in a sense, peripheral to the issue raised by the Hon. Mr Blevins, but it does relate to something which he remarked upon in his introductory comments to those questions.

The Hon. Frank Blevins interjecting:

The Hon. K.T. Griffin: It is not about cutting the budget: I was just pointing out in answer to the reference that the Hon. Mr Blevins had made to the letter that this was what occurred. I make an observation: I visited Whyalla, Port Augusta and Port Pirie recently and I met with a number of police, lawyers and people who work in the community, and the view which was expressed to me was that the visiting magistrate system had been working effectively, was providing a good standard of justice and, in fact, made both police and lawyers discipline themselves more effectively in the way in which they dealt with matters before the court. That is only anecdotal, in the sense that it came as a result of comments made by a variety of people, but the Legislative Review Committee has been to Port Augusta, Port Pirie and Port Pirie, and I imagine it would have had more comprehensive evidence about the community views on the effectiveness of this issue. I ask the Chief Justice whether he would like to respond.

Justice King: I would like to point out that, when reference was made by the Chief Magistrate to cost cutting, of course he was referring to the cost of servicing, travelling and so on, and there is an additional cost of some $20 000 involved in that. But the practical effect of that, as the Attorney-General has pointed out, is that we have been able to save the time of one magistrate. And, having lost three magistrates following the previous budget, that became absolutely critical: it was a very important consideration. We thought when we made the decision that we might save half a magistrate, perhaps three-quarters, but it has turned out to be a full magistrate. So, as has been pointed out, that is a very important consideration.

So far as social life is concerned, I simply want to make the point that nobody suggests that there is any hardship in having to engage in social life in provincial cities. The plain fact is that a holder of judicial office resident in a provincial city is very restricted in the social life in which he can engage because of the nature of his office, and that is the point that the Chief Magistrate made. But the overall point that I wish to make, and make very strongly, is that, so far from doing anything at the expense (to use Mr Blevins's expression) of the people of Mount Gambier, Whyalla or Port Augusta, what has been done in abolishing the resident magistrates is to provide them with a better system of justice, both qualitatively and also in relation to the time factor. There are virtually no delays now in the courts in those cities. The time intervals are so small that nobody would want to get his or her case on earlier. So, we have expeditious justice; we have an excellent quality of justice because it is provided by magistrates who have no ties with the towns and are able to deal with every matter with total objectivity; and, really, we are providing a better service to the people of those towns, doing it at less expense to the taxpayers of the State, and we have the ability to provide an additional magistrate in other areas, which enables us, of course, to control the waiting times in the courts in other areas.

Mr CAUDELL: I sit in awe sometimes when I listen to the member for Giles and his mathematics. He talks about 9 per cent reduction in the Courts Administration Authority budget. Actual total recurrent capital payments for the Courts Administration Authority in 1993-94 was $43.5 million and the 1994-95 estimate is $43 million: I think it is more like 1 per cent rather than 9 per cent. No wonder the honourable member lost $700 million just before the election. In relation to country courts, and following on from the questions asked by the member for Giles, are there plans to close any of the country courts operating in South Australia?

The Hon. K.T. Griffin: Certainly, from the Government's perspective there is no plan to do so. There were some discussions, as I understand it, within the previous Government about that possibility, but in my discussions with the Courts Administration Authority I have indicated that, if there is a lack of work in particular courts but there is still a desire and a need to provide a service, the Courts Administration Authority needs to be looking at alternative means by which the service can be provided, perhaps from outsourcing or joint management arrangements in providing administration and support services. That is not an issue that has been explored fully with the Courts Administration Authority. It has been raised briefly, but it is an issue that we will undoubtedly take up in the year ahead.

Justice King: I add two things. First, the 9 per cent is the difference between the budget as submitted by the Judicial Council to the Government and the amount which the Government has allowed and put before this Committee in the budget. There seems to have been a misunderstanding about that. Further, there are no plans to close country courts.

Mr CAUDELL: A question was put to me by one of my colleagues relating to the budget papers, capital payments, page 73, the development of computer facilities. The

estimated expenditure for 1993-94 was $566 000. The actual expenditure in 1993-94 was $798 000. Will the Chief Justice explain the role and function of computer systems associated with the Courts Administration Authority? What has that computer cost to date and what is the likely future cost of that computer system? To what extent is the information or data on that computer system available to the parties outside the court, acknowledging of course the need for confidential information to be kept confidential?

The Hon. K.T. Griffin: I think this is more a question for the State Courts Administrator. I do not profess to be any expert with respect to computers, but I do at least follow the basic philosophy and administration of them.

Mr Witham: It is a fairly broad ranging question, but I will try to encapsulate it in relatively few words. The functionality of the court computer systems is very broad. It supports the judiciary. There are a number of systems for the judiciary: judicial support systems; judicial research systems; litigation research systems; and the library system. There are probably others in relation to judicial support. In relation to the administration, there are registry systems, court accounting systems, listing systems and so on. Virtually every aspect of courts administration is covered in some way by information technology. We have estimated, and it is an estimate, that about 85 per cent of operations that are performed within the courts environment are now done with or with the assistance of the computer systems that we have. So that is the functionality.

It is hard to say how much our computer system cost. Up until a couple of years ago, we were maintaining that figure, and we could find that for the Committee. But it became a bit academic, because that is really relevant when you are talking about computerisation as a project. Our computing has gone beyond the stage of being a project: it is now an ongoing expense and part of our normal operating costs. So, it would be almost like asking, 'How much does it cost you to produce payrolls?' It is something that you monitor on an annual basis.

In terms of future costs, the answer is it all depends. We can leave our systems as they are and run them on the existing mainframe system. Presumably, we will outsource some of our computing operations to EDS and that may change our cost structure, and so on. But we may go in a quite different technological direction; that is quite possible. We are looking at downsizing, which is the term for moving onto a different range of computers, a mid-range system, which will be far more flexible, cheaper to run, and so on, but it does take capital expenditure to achieve that. Obtaining the funding for that is obviously difficult in the current economic climate. The authority acknowledges that, and it is trying to address that problem by other means. Currently, we are working with EDS to put a proposal to the Malaysian Government that it will adopt South Australian courts software. If it does, that may provide the funding for us to re-engineer our systems and put them on a different platform.

We provide information to a wide range of people. Our judgments, and so on, are provided to Information One, which is a commercial concern. We provide the same judgments to the Law Society in computer format, which is available to the legal profession; electronic and judgment debtor information to various mercantile agents, and so on; and information to the justice agencies, or specifically to the JIS, in relation to the outcomes of cases. There are probably others that do not come immediately to mind, but we do provide information on a very wide front.

Mr CAUDELL: Have any benchmarks been established for dealing with cases and, if so, what are they?

The Hon. K.T. Griffin: Again, I think that is a matter for either the Chief Justice or the State Courts Administrator. The Chief Justice referred to the benchmark in respect of the delivery of judgments in the Supreme Court. I understand that there are benchmarks which are part of the rules of the various jurisdictions and which are established on the basis of some interstate experience but more on local knowledge and an assessment of what the benchmark should be. It is appropriate for the Chief Justice to make some observations on that.

Justice King: There are benchmarks—or performance standards, as we tend to call them—in relation to the Supreme, District and Magistrates Courts. I will not delay the Committee by reading them out, as they are available and can be provided if desired. Many are written into the rules of court, but not all.

The Hon. K.T. Griffin: It may be helpful if they could be incorporated. That would then provide a complete record for the benefit of those who may wish to read the questions and answers.

CASEFLOW MANAGEMENT STANDARDS

	Standards	Authority
1. CRIMINAL		
1.1 Higher Courts	(a) That the trials of 90 per centum of the cases of persons committed for trial should commence within 90 days of their first appearance in the court. (b) That the trials of 98 per centum of the cases of persons committed for trial should commence within 180 days of their first appearance in the court. (c) That the trials of all persons committed for trial should commence within 365 days of their first appearance in the court. That 90 per centum of all persons committed for sentence (d) should be sentenced within 60 days of their first appearance in court. That all persons committed for sentence should be sentenced (e) within 90 days of their first appearance in the court.	Supreme Court Criminal Rules (R.5.03) and Rules of the District Court (Criminal) (R.5.03)
1.2 Magistrates Courts	No formalised standards at this time but they are being developed.	

CASEFLOW MANAGEMENT STANDARDS

	Standards		Authority
2.CIVIL			
2.1 Supreme Court	· Issue of pleadings and service	3 weeks	Practice Direction No. 12 and Supreme Court Rules (R.56.05)
	· Appearance to Status Conference	7 weeks	
	· Status Conference to Case Evaluation Conference	28 weeks	
	· Case Evaluation Conference to Pre-Trial Conference	8 weeks	
	· Pre-Trial Conference to Trial	6 weeks	
	Issue of Summons to trial	=52 weeks	
2.2 District Court	(a) That 90 per centum of all actions commenced in the civil jurisdiction should be finally disposed of by settlement or judgment within nine months of the service of the summons upon the defendant or within 12 months of the commencement of the action (whichever be the lesser period). (b) That 97.5 per centum of all actions commenced in the civil jurisdiction should be finally disposed of by settlement or judgment within 15 months of the service of the summons upon the defendant or within 18 months of the commencement of the action (whichever be the lesser period). (c) That all actions commenced in the civil jurisdiction should be finally disposed of by settlement or judgment within 18 months of the service of the summons upon the defendant or within 21 months of the commencement of the action (whichever be the lesser period).		District Court Rules R.2.02 (2)
2.3 Magistrates Court	· Filing of defence to directions hearings	4 weeks	Informal standards at this time.
	· Directions hearing to Conciliation Conference	4 weeks	
	· Conciliation Conference to trial	8 weeks	

Mr ATKINSON: In relation to the proper relationship between Ministers and judges in the Chief Justice's courts, a publicised exchange occurred between the Minister for Aboriginal Affairs and Mr Justice O'Loughlin of the Federal Court.

The ACTING CHAIRMAN: Order! The Federal Court is not under examination by this Committee. This Committee has no control whatever of the Federal Court budget, and I inform the member for Spence, if he was not here at the time this matter was raised previously, that under section 29(2) of the Courts Administration Act a member of the council or the administrator cannot be required to answer questions about the exercise of judicial as distinct from administrative powers or discretions.

Mr ATKINSON: The question is one of principle, and I am using this case to illustrate the general point. In Estimates Committee A last week, when the Minister was explaining his conduct under the Aboriginal Affairs line, he gave what I thought was a reasonable summary of the facts, and I shall put them to the Chief Justice:

> We in my office were informed that, as part of the legal denouement of the Hindmarsh Island exercise, a number of reports had been deposited with the Federal Court under the jurisdiction of Mr Justice O'Loughlin. One of those reports was a report known as the Draper report, which was prepared by Neil Draper from the department. The State Aboriginal Heritage Act requires the authorisation of the Minister for the release of that report and, in particular, for the Minister of the day to release it, he or she requires the authorisation of the Aboriginal informants. Accordingly, I was a little surprised that this had occurred. So, at my direction, Mr Wade from my office rang the courts—not Justice O'Loughlin—to inquire what the circumstances were, whether authority had been given and also whether a Federal Court could supervene the Aboriginal Heritage Act requirements.

Would it have been better if the Minister had briefed council on the matter or approached council for one of the parties on the point?

The Hon. K.T. Griffin: It is quite proper to raise this matter but it is not necessarily appropriate to answer it in the context of this Estimates Committee. I think one must be in full possession of the facts before seeking to develop a hypothesis about it. I am happy to invite the Chief Justice to respond if he wishes to do so, but this matter involves the Federal Court, not a State court, as the Acting Chairman has indicated, and one needs to have all the facts before one can make a final decision about the process. I invite the Chief Justice, if he wishes, to respond.

The ACTING CHAIRMAN: I point out to the Committee that, in my judgment, it is not appropriate for one Minister to comment on the actions of another, as the Attorney-General has already mentioned. What happened in the specific instance raised by the member for Spence has already been commented upon by the relevant Minister. I would not want the Chief Justice to believe that I or any member of the Committee would want him to speculate at all or in any specific way about that matter or to comment on what the Minister did or said. My reason for saying this is my fundamental belief in the necessity for the separation of powers.

Mr ATKINSON: That is the nub of the question.

The ACTING CHAIRMAN: I have told the Committee what my ruling will be. If the Chief Justice wishes to provide the Committee with information which he believes is within that acceptable framework, I am quite happy for the matter to be referred to him by the Attorney-General for comment.

Justice King: I have no opinion to offer as to what took place between the Minister for Aboriginal Affairs and the judge of the Federal Court. That is not a matter on which I would have any information beyond that which appeared in the press. In any event, it is totally outside my jurisdiction, and I simply make no comment.

The Hon. FRANK BLEVINS: The Chief Justice mentioned that this is the second time he has appeared before a parliamentary committee, the first occasion being before the Legislative Review Committee. I have not read the evidence, but a fellow non-metropolitan colleague of mine assumed that the Chief Justice gave an assurance that the action of withdrawing resident magistrates would not take place. Is that correct?

The Hon. K.T. Griffin: That evidence, which was taken before the Legislative Review Committee last year or the year before, is on the public record, and I would have thought that it would speak for itself. Again, I do not presume that the

Chief Justice needs my protection. If he wishes to respond, I am happy for him to do so.

Justice King: The issue was never raised; it was not relevant to the question. I am speaking from memory and I do not have the transcript in front of me, but I am absolutely certain that it was never raised. I am doubly certain that I would never have given any assurances of the kind to which the honourable member refers. If he checks the evidence, I think he will find that this issue was never raised in that committee.

Mr CUMMINS: I am a member of the Legislative Review Committee, which is examining the question of resident magistrates. Evidence has been taken at Port Augusta, Whyalla and Mount Gambier. Practitioners have given evidence, as have police officers and former police prosecutors. Without prejudging the matter, it appears on the weight of the evidence that the current circuit system is working and there are no problems. In fact, in terms of the opposite view, it appears on the weight of the evidence equally that it is a far better system than the resident magistrate system. I am not prejudging the matter because I have not heard all the evidence. The member for Giles has raised concerns about the matter. What steps, if any, will be taken to monitor the success or otherwise of circuit magistrates?

The Hon. K.T. Griffin: Again, this is a matter for the Chief Justice. If there are instances where there has been a difficulty in relation to a particular magistrate, the matter ought to be raised with the Chief Magistrate or, ultimately, the Chief Justice. In terms of the monitoring process, the Chief Justice may respond if he wishes.

Justice King: We monitor time delays, involving intervals of time between the institution of proceedings and hearings in every court, including in provincial cities. If any problems appeared to be developing we would take remedial action. I can give a categorical assurance that people in those towns will not be prejudiced in any way by the change and that, on the contrary, they will receive the advantages to which I have already referred.

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

State Electoral Office, $1 898 000

Departmental Advisers:

Mr A. Becker, Electoral Commissioner.

Mr L. Waters, Administrative Officer.

The ACTING CHAIRMAN: I declare the proposed expenditure open for examination and refer members to pages 74 and 75 in the Estimates of Receipts and Payments and pages 169 to 177 in the Program Estimates.

Ms HURLEY: I refer to page 172 of the Program Estimates and the $28 000 being spent on elections for associations and other bodies. If this was spent on bodies other than local government associations, what work was done for the other bodies and how much revenue was brought in for the work?

The Hon. K.T. Griffin: Over the years the Electoral Commissioner has conducted elections for a range of organisations which have generally been funded at cost, as I understand it. They relate to not only unions but also to other associations. I will ask the Electoral Commissioner to expand.

Mr Becker: All elections conducted for other bodies are based simply on a cost recovery basis. There is an advantage in some respects in that when we talk about cost recovery we are talking not only of the individual salary costs of our staff but also on-costs such as accommodation, heating, lighting, superannuation and so on. To some extent there is a profit because obviously some double dipping is involved when you include the on-costs in the normal salaries and wages. On the other side of the coin we are funded for only 14 of our staff instead of the full complement, so there are some benefits back to the organisation.

The Hon. K.T. Griffin: All of the organisations for which elections have been conducted are listed at page 175.

The ACTING CHAIRMAN: Does that money go to general revenue or into the department's line?

The Hon. K.T. Griffin: It is all the same. Many of the departments and agencies now have deposit accounts.

The Hon. FRANK BLEVINS: Hear, hear!

The Hon. K.T. Griffin: The former Treasurer is complimentary about continuing the practise of the previous Government. It enables the budget to fund only that need, which is the difference between revenue and expenditure. My understanding, with respect to the Office of the Electoral Commissioner, is that that is the way it occurs.

Mr CUMMINS: I refer to page 176 of the Program Estimates under '1993-94 specific targets and objectives' where it states:

> Commence the follow up of non-voters from the general and by-elections.

I have three questions: first, what is the estimated number of non-voters to be pursued following a general election; secondly, what is the estimated cost of prosecuting non-voters; and, thirdly, what initiatives will be implemented to reduce the cost?

The Hon. K.T. Griffin: To take the last question first, if we ever have voluntary voting, we will not have the cost of following up non-voters. However, until then, we will keep persevering with it. I will make some observations on the figures provided to me. If the Electoral Commissioner or Mr Waters want to add anything, I will invite them to do so. In the 1993 State election there were 64 744 non-voters; 33 746 please explain notices were sent out; and 9 814 expiation notices and 5 849 summonses are soon to be issued, if that has not already occurred. In the 1989 State election there were 52 450 non-voters; 34 262 please explain notices were sent out; and 9 228 expiation notices and 4 828 summonses were issued.

My information is that, following the 1989 State election, it cost the State Electoral Office $121 614 to pursue people who failed to vote. This included the cost of issuing summonses to people who failed to respond to the please explain or expiation notices, and the cost of subsequent court action against those who failed to respond to their summons. That does not include the court costs, the bailiff's time or the Crown Solicitor's cost.

The cost to the State Electoral Office following the 1989 State election was $121 614, while the cost in respect of the 1993 State election was $271 246. If you add on to that the court costs and the Crown Solicitor's costs, which are included for the first time, the State Electoral Office estimates that the 1993 State election follow-up will cost something like $557 046—over half a million dollars.

The breakdown is as follows: computer processing, $5 000; printing and stationery, $24 830; postage $19 632;

preparation and service of summonses, $125 730; salaries, wages, overheads, $96 054; Crown Solicitor's cost, $17 800; and court costs, $268 000. That gives a total of $557 046. In relation to the follow-up issue, one has to remember that the non-voters for the Elizabeth and Torrens by-elections are still in the pipeline and are not included in the figures I have just given.

Following the Elizabeth by-election I am informed that there were 2 321 non-voters, 1 524 please explain notices were sent out, and 709 expiation notices were issued. Following the Torrens by-election, there were 3 142 non-voters, 2 105 please explain notices were sent out, and 871 expiation notices were issued. Based on those figures, we can make a projection in respect of what is likely to happen following the by-election in the electorate of Taylor. There is an extensive cost involved in following up non-voters.

Mr CUMMINS: I refer to page 176 of the Program Estimates, as follows:

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

Does the Attorney-General see education in respect of voting as appropriate rather than the current situation of dragging out large numbers of people to vote against their will?

The Hon. K.T. Griffin: It is related to this issue of voluntary or compulsory voting, and that is an issue that we will fight out on the floor of both Chambers. However, quite obviously, education about the political process is something that is already undertaken by the Electoral Commissioner, and I will ask him to speak on that in a moment. However, in terms of education about issues, there is no doubt that under a voluntary voting regime political Parties are required to place a great deal more emphasis upon education about policies and processes than they presently do because they have to woo the voters. Quite obviously, in the context in which the Electoral Commissioner, who is a statutory office holder, operates, education about the electoral process and the obligations upon electors is important. I ask the Electoral Commissioner to add to that in relation to his department's program in respect of education.

Mr Becker: Of course, the statute provides that I shall conduct appropriate education and publicity programs. However, if we were to stop these sorts of activities, very few people would really understand the process. We have tried to get into the schools, and particularly into the politics-type courses, which can then relate the electoral side of things to the political side of things. We do not tend to do much on the political side. We produce school kits and brochures in many languages and so on. The question then is whether those things are used.

The Politics Teachers' Association has been particularly helpful in ensuring that that information does get into schools, at least those schools that have politics teachers. I am a little concerned about some of the others; I am sure that the information ends up in either the wastepaper bin or the library, with no-one really knowing that it is there. We also have inter-active computer programs that have been sent to all schools and, in fact, a couple are operating in this building, and that is appropriate. I point out that, if we were to stop these programs, many members would enter Parliament with no basic understanding of the electoral process. In fact, quite a few members have entered Parliament without really knowing much about the process.

Mr CAUDELL: I refer to 'Issues and Trends' on page 175 of the Program Estimates, as follows:

The office has had several approaches from local government authorities seeking assistance in the conduct of their elections.

Is the Attorney-General aware of the number of local government authorities that have contracted with the Electoral Commission to conduct their May 1995 elections? Is he aware of the cost of conducting those elections per council, and is that cost fully recoverable by the Electoral Commission?

The Hon. K.T. Griffin: I will ask the Electoral Commissioner to respond to that.

Mr Becker: Last year we conducted elections for St Peters council, Henley and Grange council, Kensington and Norwood council, Burnside council and one other. This time around we will probably be doing another three or four, and it may well be that we will be asked to look after Adelaide itself. We receive many requests from local government to do these sorts of things, particularly as there is now no Local Government Department. The Local Government Association really is acting for the councils and not for the candidates or the members of the council. So we have a lot of interaction with the candidates of all local government areas, not just those where we conduct elections. Those costs are fully recoverable. Again, I suppose there is some small profit to be made on the double dipping that I mentioned earlier because the costs of the salaries and so on do include the on-costs of superannuation, accommodation, lighting and so on.

The Hon. K.T. Griffin: The Electoral Commissioner provides the electoral rolls for local government, which makes a contribution of $80 000 to the cost of roll maintenance. There is ongoing involvement between the State Electoral Office and local government in that sense.

Mr CAUDELL: In association with conducting those elections for local government, are you asked to engage in an education process to ensure that residents are aware that they are entitled to vote and that it is not just ratepayers who can vote at a local government election?

Mr Becker: We do, but it varies from council to council: some councils like to do their own advertising under their own corporate colours, and others prefer us to do it independently to ensure that it is completely independent from the council. Nowhere near the amount of money that we spend on State elections is spent on local government elections, even if you took in all councils right across the State. That is probably reflected in the 17 per cent voter turn-out which, quite frankly, is atrocious.

The Hon. FRANK BLEVINS: What are polling clerks, returning officers and assistant returning officers paid? The reason I ask is that at every election we have the allegation—and I think the evidence of our own eyes probably shows that there is something in the allegation—that the polling clerks and deputy or assistant returning officers are the same people year after year. The allegation is that they are mates of the returning officers. I am sure that Mr Becker has heard the allegation that they are relatives of the returning officers, and that they are staff of local councils and teachers.

With the greatest of respect to them all, it seems to me that the job they do is one that anyone could do with a minimum of training. I wonder why these people, who in the main appear to be highly paid in other jobs and, as I said, possibly mates or relatives of those who dish them out, get these jobs whereas unemployed people could do them quite easily and have the satisfaction of doing the job, doing it well and getting paid for it. I would appreciate the Attorney-General's

enlightening me on some of these things. I am sure it is something that has concerned all members of Parliament.

The Hon. K.T. Griffin: The conduct of elections is the statutory responsibility of the Electoral Commissioner. I will ask him whether he can identify the processes followed for the appointment of staff at election time. If he has the figures, he could to make them available, but if they are not readily available we will undertake to provide the information within the appropriate time frame requested by the Committee. However, I think it is important to look at the processes for appointment, because if that is addressed it may well help to answer some of the issues that the honourable member has raised.

Mr Becker: I will deal with the returning officers first—the people who run the elections within each district. Those people are selected as a consequence of an open call, publicised in the *Advertiser* and other newspapers, and then interviews are conducted and so on. In almost every case those people would have had experience running elections, either working in a polling booth or for a returning officer who has run elections, consequently they have some understanding of the system. Nevertheless, it is an open call. These people are appointed only for the life of an election, because nowadays we have the redistribution straight after the election and most districts change. In that time they are paid a retainer. I can get more accurate figures for the Committee, but I think it is about $1 800 per annum and $2 500 to conduct the election. In some cases those returning officers would use family members, wives in particular, largely because the elections are being conducted from their homes. That is a practice that we are reviewing, and it may be, as with Norwood and Hartley last time, that we will set up central offices. With Norwood and Hartley, we had returning officers operating from the Parade. That gives certain advantages in that you can staff those offices to make sure that you are getting the best value for money.

When you have people working at home, you really do not want strangers wandering through and working in an office which has been established at home. The next practice will be better than the one we have now, thus enabling people who wish to be more competitive to get those sorts of jobs.

The responsibility for appointing polling booth staff rests with the returning officer. Nevertheless, they have to comply with our guidelines. Our guidelines are such that they must give everybody the opportunity to get those jobs. The basis for employment must be on equal opportunity. In many cases, particularly in country areas, I know we have the nepotistic and patronistic approach, but it has been in place for quite a long time. Many of these practices go back 30, 40 or 50 years and many of the people who have worked in those booths in country areas have been working for that long, too. There is a tendency to stick with the *status quo*, but when changes are required we bring them in. We are looking more to bringing in people with specific languages where there are heavy concentrations of a particular ethnic group. That was done to a small extent last time. Hopefully, at the next election we will have more people from other backgrounds.

The Hon. K.T. Griffin: We do not have the actual payments schedule, but we will undertake to provide it. It might also be helpful if the guidelines for appointment, to which the Electoral Commissioner has referred, could be supplied, and we will undertake to do that.

The Hon. FRANK BLEVINS: In my question I asked why, as this work is important although relatively low skilled, unemployed people could not have the opportunity to be trained. I do not think that the training would need to be for longer than two hours. It seems to me that the Government ought to consider that aspect. I know you do not have the schedule of payments, but can you tell me approximately how much a polling booth clerk gets for the stint?

Mr Becker: A polling booth clerk gets from $250 up to $380 for somebody in charge of a booth.

The Hon. FRANK BLEVINS: That is for the day?

Mr Becker: Yes. It is not a lot of money.

The Hon. FRANK BLEVINS: The Commissioner says it is not a lot of money, but it would be a lot of money for the unemployed in my electorate.

Mr Becker: I should point out to the honourable member that we have asked unemployed people in the past, and this time quite a few people from DOME registered interest. The unfortunate part about it is that it affects their pensions. Therefore, many people are reluctant to apply for jobs such as this. We get very few inquiries given the number of jobs that are available. Offers will be made through organisations like DOME. We are more reluctant to go through the CES because that has been tried by the Commonwealth. Although you do not see it as being a particularly skilful job, there are very few unskilled jobs in the electoral process. If you are a ballot box monitor, that is fine, because all you have to do is to make sure that the person goes to the screen, comes back and puts a ballot paper in the ballot box. You do not need great skills for that. However, it is amazing how many 'How to vote' cards end up in the ballot box and how many ballot papers end up in the rubbish bin, notwithstanding the fact that you have a ballot box monitor. With declaration voting, of course, you must have skilled people; it is a clerical job. Unfortunately, many of the skills that we require come from employed people. Although there are people outside who have those skills, it affects their pension, and we are not being killed in the rush for jobs by those people.

The Hon. FRANK BLEVINS: Large numbers of people in my electorate and in other electorates, I am sure, work in the home and do not get a pension which would be affected; they would be more than adequate to do these jobs with two hours' training. Will the Government consider actively seeking these people, training them and allowing them to have the pleasure of doing the work and picking up the $200 to $300 for the day's work rather than giving it to others who get it because they are mates or relatives of the returning officers?

The Hon. K.T. Griffin: I will have some discussions with the Electoral Commissioner about that issue. As he rightly pointed out, many people who are on unemployment benefits would not, for a one-off payment of $200 or $250 a day, be prepared to forgo their unemployment benefit. It is a difficult issue to resolve in that context. I want to reinforce the point about skill levels. Anyone who has been a scrutineer will know that it is not just a matter of unfolding the ballot papers and putting them on a pile. The clerks help with the tally process and the count and recount. Following on from that is the checking of the votes after polling day has passed. The point has been made by the honourable member about widening the participation opportunities for people who do not have jobs. I am certainly prepared to talk to the Electoral Commissioner about that.

Mr ATKINSON: I refer to the Program Estimates, page 176, 1994-95 specific targets, one being:

> Provide lists of electors to local government authorities every six months as required by the Local Government Act, but to supplement

those lists with more frequent information to maintain the integrity of the joint Commonwealth/State/local government file.

As the Local Government Act requires that voters in a local government election in May should be judged on the House of Assembly roll as it stands at the end of February, and in the event of a by-election at another time of the year as the roll stands in August of that year, what would be the point of keeping the roll up to date between those two points specified in the Local Government Act?

Mr Becker: The roll is kept up to date to the extent that names are still being added to it, but any by-election or supplementary election that comes up goes on the previous roll. I do not think it is a good practice. Nevertheless, local government has a very large input into maintaining the integrity of both the State and Federal rolls: it does not go just one way. We quite often have to ask local government whether an elector falls within this or that ward so that we can get them close to that spot on the earth. They are very helpful to us as well.

However, we are trying to do it on a more systematic basis rather than waiting; and we are also encouraging local government to maintain its side of the roll, which is the ratepayers' side, on a more systematic basis. In many cases you find that local government does not close off the roll until the death-knock. That means that a lot of people who would be entitled to vote—who have just moved into the council area and have registered a business and all that sort of thing—may not get the opportunity to do so until such time as they are approached to find out whether there are other people who might wish to vote on their behalf. If they have several properties, as do the Polites and those sorts of people, they cannot do it all themselves so they have to pass it over to other people—and they have to get around to doing that, because local government does not do it on a continuing basis.

Mr ATKINSON: I am glad the Electoral Commissioner raised that issue, because I have had occasion to look at the supplementary roll which local governments keep for people who are ratepayers and not on the House of Assembly roll and for people who are rate paying non-citizens and not on the House of Assembly roll. It is fair to say that the supplementary rolls that I have seen are in a shambles because many of the people who are on them, when they have been followed up for the purpose of enticing them to vote, are either dead or have left their company many years ago and live interstate or overseas. That is an indication of what would happen to the integrity of the electoral roll if we did not have compulsory voting. I ask the Attorney how the integrity of the roll would be maintained if one level of government, nay all levels of government, went to voluntary voting?

The Hon. K.T. Griffin: I would not have thought that that was a major problem. People who want to be on the roll are entitled to be on it. At the moment under the State Electoral Act enrolment is not compulsory, but once you are on the roll you are there. That is to be contrasted with the Commonwealth, where Commonwealth electoral law requires you to be on the roll—so you do not have a choice about that. But I would not have thought, whether there was voluntary or compulsory voting, that that would make any difference in terms of the integrity of the roll.

Mr Becker: I think that compulsion does assist to some extent. When you look at the amount of money we spend every couple of years doing a household habitation survey, it is clear that compulsion in itself, unless it is followed up and people are fined for not enrolling, is not effective. Of course, you have to get publicity for that, too. I cannot remember the last time anybody was fined for not enrolling. We are not using the teeth of the Act as it now stands.

Mr ATKINSON: Supplementary to that, is it not true that, of all the accumulated monthly roll changes in any calendar year, the biggest monthly change to the roll is when people turn up at the polling booth for an election because they are compelled to do so and, having turned up, it is discovered, when they are checked off, that they are at an incorrect address and there and then they fill out an amendment to their enrolment? Is that not the single biggest boost to the integrity of the roll for the whole calendar year?

The Hon. K.T. Griffin: It is really a bizarre proposition that by being compelled to vote they therefore have their names properly checked on the electoral roll. There is not much rationale in that regard, but I understand the point the honourable member is making. I do not know whether or not it is the single biggest event. The Electoral Commissioner is much more familiar with that than I am.

Mr Becker: It is generally the single biggest event. One of the advantages in the present situation, whereby we have to follow up with a redistribution after every election, is that the roll is reasonably good for a short time. When you have 100 000 roll changes a year it does not take long for it to get out of kilter. That is why we have to spend that extra million dollars. Quite frankly, I think we could do it a lot better than that if we were to put more money into the systems by which we maintain the roll. I have the authority to go to other instrumentalities to obtain information, but I am a bit reluctant to do that because of the privacy issues. Nevertheless, that might be another mechanism we can look at to maintain the integrity of the roll.

The ACTING CHAIRMAN: I might help the member for Spence by pointing out that misenrolment and informal voting is directly proportional to the strength of the Labor vote.

Mr ATKINSON: That is a most helpful intervention from the Acting Chairman of the Committee, and I thank him for it. I preface my next question from my own experience in my State Assembly district. As perhaps the Electoral Commissioner knows, when I obtain the accumulated monthly roll changes for my electorate, instead of sending out the standard form letter which is the same for all new enrolments, I discriminate, that is, I send different letters according to the reason someone came onto the roll—whether it was because they turned 18, were provisionally enrolled, became an Australian citizen, moved house from outside the electorate into my electorate, or moved house within my electorate. I then put those signed letters into envelopes, place them in street order, go around on my bicycle—or at the moment a borrowed bicycle—and knock on their door in order to hand them a letter personally. I refer now to 'Broad Objectives':

> To maintain an accurate register of electors and to provide members of Parliament with timely and accurate information regarding elector movements within their respective areas.

Why is it not possible, when issuing the accumulated monthly roll changes, to say which electors are fresh on the roll because they are new citizens? Why is it not possible to say that an elector is fresh on the roll because that person has turned 18? Why is it not possible to specify on the roll that someone has moved into the State district from interstate and to give their interstate address, as it is possible to give their former address within South Australia?

The Hon. K.T. Griffin: I commend the honourable member for his diligence in the follow-up of his new electors. The point he makes is quite a good one. I am not being patronising about it: it is a good point. I wonder whether the Electoral Commissioner might be able to comment on that.

Mr Becker: I think that Mr Waters, who looks after the system for us, can answer it better than I can.

Mr Waters: At the present time the system does not cater for that situation but, with a considerable amount of funds put into the system, we probably would be able to cater for that to give you that extra information. As far as interstate transfers are concerned, we do not have a link with the Federal system at present—with the rest of the country which runs out of Canberra. We are investigating that link to try to pick up interstate transfers both to and from South Australia. We are not sure what might happen with that situation.

The Hon. K.T. Griffin: I will take up that matter with the Electoral Commissioner. Obviously for members it would be helpful to have an indication of the reason for a person coming onto the electoral roll. It may not be possible in the short term, but it is something I am prepared to talk to the Electoral Commissioner about with a view to seeing whether there is some inexpensive way in which we can put it into operation.

The ACTING CHAIRMAN: The Committee would appreciate knowing whether the Kims and the Kerrys of this world were male or female.

Mr ATKINSON: Look at the middle name on the roll.

The ACTING CHAIRMAN: Some of them do not have it.

The Hon. FRANK BLEVINS: Why should it matter?

The ACTING CHAIRMAN: In terms of appellation.

Mr ATKINSON: What is the history of including date of birth on the thorough electoral roll? I gather it was there at one time—it is not there now. From a member of Parliament's point of view, it would be most helpful in targeting direct mail.

The Hon. K.T. Griffin: That has been a very controversial issue over the years. I can remember the last time I was Attorney-General being asked a question about that, too, but I know it has been raised over the last 10 or 12 years. I think there are some issues of privacy involved. I would be reluctant to see dates of birth going out with the electoral roll in the way in which the honourable member indicates.

Mr Becker: I think, generally, the Attorney has answered that quite properly. I think it is a privacy issue. We tend these days to supply only those things that the Act requires us to maintain. We used to keep occupation, but when the then Chief Justice retired, having moved to Hurtle Square, according to his old claim card, of course, he was a student. The occupation was useless, but a lot of members would like to have occupation. It was not of any great help to anybody to know that the Chief Justice was a student.

The Hon. K.T. Griffin: It helps the political Parties to have some idea as to who might be nurses, or who might be doctors, or others, and who might be targeted during an election campaign. I think it is the new direct mail concept. I agree with the Electoral Commissioner: unless you find a mechanism for updating it, it is virtually useless and, in fact, misleading. I do not believe that the electoral roll should contain information which is not required to be kept by the Act and which otherwise would be very expensive to insert on it.

Mrs KOTZ: I refer to an answer given by the Electoral Commissioner to a question asked by the member for Spence. If my memory serves me correctly, the Commissioner had stated that the greatest boost to enrolment on the electoral roll actually occurred on polling day. Does that then put into the question the habitation surveys' effectiveness and any evaluation processes dealing with the effect of monitoring of those surveys undertaken prior to the election?

Mr Becker: It certainly does, and that is why we are looking at other options for trying to maintain the roll. With the surveys, we are trying to take a snapshot, and that snapshot has an exposure time of about three months. Within that three months, of course, probably another 25 000 to 30 000 enrolments or changes to the roll have occurred. Obviously, just by virtue of the time it takes to conduct the review and to put people on and take people off the roll, the roll itself even at that time will be quite inaccurate.

That is why we are looking at the links with the digital cadastral database and the land ownership and tenure system. We are looking at other options. There is a trial being conducted in Queensland at the moment where they are computerising the post offices' rounds so that when a person changes the post office has a record. That record is currently being matched against the electoral roll in Queensland. If that sort of thing applies here, then, of course, we have a much better way of keeping up with changes of address, and so on. Of course, it is all very well to send people out claim forms and all that sort of thing, but you cannot force them to complete it. We tend, as I said earlier, not to follow up on people who we find are not enrolling. We threaten them and threaten them until such time as they do enrol, but, as a consequence, they never see the court and they never receive the publicity. So, there is no encouragement by the compulsion to get other people to come on the roll.

Mr CAUDELL: At page 175 of the Program Estimates, under 'Issues and trends', the last dot point states:

> The number of elections to be conducted in 1994-95 is expected to be no less than those conducted in 1993-94.

I assume you are referring to by-elections and the fact that we had the unfortunate by-election for Torrens following the death of Joe Tiernan, and also we had the election for the seat of Elizabeth following the former member for Elizabeth's decision to retire to stand for Federal politics. Bearing in mind that we are about to have a by-election for Taylor for the former Opposition Leader's replacement, are you foreseeing the early retirement for the member for Giles in your predictions for the 1994-95 budget?

The Hon. K.T. Griffin: I do not think the Electoral Commissioner would presume to reflect upon when members may or may not wish to retire or when there may be by-elections. That reference is to the number of elections in relation to the bodies listed subsequently, that is, the bodies outside the electoral process—the Barley Board, Spastic Centre, and others. It refers to the organisations for which the Electoral Commissioner conducts elections and indicates that there are not expected to be any fewer than those conducted in 1993-94—there may be more.

The Hon. FRANK BLEVINS: The Commissioner needs to make no provision: I am enjoying myself too much and it is getting better every day. You need make no provision whatsoever.

The ACTING CHAIRMAN: There being no further questions, I declare the examination of the State Electoral Office vote of $1 898 000 completed.

Attorney-General's, $23 050 000

Departmental Advisers:

Mr W. Lewis, Assistant Liquor Licensing Commissioner.

Mr W. Pryor, Deputy Liquor Licensing Commissioner.

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

Ms K. Lennon, Executive Director, Operations, Attorney-General's Department.

Mr D. Cranwell, Manager, Administration and Finance, Attorney-General's Department.

The ACTING CHAIRMAN: I declare the proposed payments open for examination, and I refer members to pages 64 to 69 of the Estimates of Receipts and Payments and pages 125 to 151 of the Program Estimates.

Mr CUMMINS: An increasing number of dry areas seems to have been proclaimed. What is the Government's policy on granting applications for dry areas? How many new applications for dry areas have been granted since January 1994, and what criteria apply to granting dry area applications?

The Hon. K.T. Griffin: I do not believe that a large number of dry areas have been declared. This Government has repromulgated a number of dry area declarations which had expired. I can give a brief outline of those areas declared by the current Government and the previous Government. They are: the cities of Port Augusta, Glenelg, Noarlunga, Port Pirie and Adelaide, the district council of Berri, the City of Woodville, the district council of Murat Bay, the City of Port Adelaide, the Corporation of the town of Gawler, the City of Brighton, the City of Renmark and the City of Port Lincoln.

In that context, the previous Government had some guidelines, and they were the subject of review. However, the present Government has not significantly changed those guidelines. The major focus has to be on a broader policy framework within which a dry area declaration is made, so that it is not just a declaration designed to shift a problem from one area to another but is made in conjunction with other strategies designed to focus upon whether it is alcoholism, the congregation of large groups of unruly people, young people, or whatever. We monitor and evaluate the orders and declarations that are made.

All councils are required to report to me as the Minister for Consumer Affairs. The Liquor Licensing Commissioner, together with the Local Government Association, prepares a format of information, as I understand it, in relation to dry areas. Other issues are addressed in the context of making the decision at Cabinet level. The previous Government had in place a proposal that the first declaration would be for no more than 12 months. We have not been as stringent as that in our application of the declarations. Basically, the principles that we apply are consistent with those that applied previously.

Mr Pryor: Only one new dry area has been declared in the period mentioned, and that is the City of Port Lincoln. The proclaiming of that area was agreed to by all groups in the community. It followed many months of consultation between the Port Lincoln Aboriginal Organisation, Port Lincoln Aboriginal Health, the police and the council. We achieved total agreement to the dry area. Running parallel with the dry area is a broader local strategy that will require a review of the effects of the dry area, for example, whether the problem has relocated and what impact it has on the Aboriginal community. The council has established that committee under the chair of a prominent independent person.

Port Lincoln is required to report back to the Minister on the effectiveness of that dry area. It is the same with all other dry areas. We require a broad local strategy. Where possible we try to tie the dry area into the council's broader crime prevention strategies. Where the council has a crime prevention strategy—possibly a three to five year strategy—we recommend to the Minister that the dry area run parallel to that. Where they do not have a broader crime prevention strategy, we recommend a one year period so we can monitor the operation, and normally that will allow a council time to establish community consultation.

Ms HURLEY: In the Program Estimates there is reference to a proposed report on server intervention policies on violence in licensed premises. What is meant by 'server intervention'? If any external consultants are to be used to prepare the report, how will they be selected and how much will they cost?

The Hon. K.T. Griffin: This really refers to the crime prevention program which was under the auspices of the Crime Prevention Unit and which was worked up in conjunction with the Liquor Licensing Commissioner and the Hotels and Hospitality Industry Association. It is called 'safe profit'. It was developed as a pilot program, and I believe it is still in the pilot period. It is designed to work in conjunction with industry and focus on safe premises and working conditions and safety for customers—that is how the title 'safe profit' came about.

There will be an evaluation of the program through the crime prevention area, and it will involve the Liquor Licensing Commissioner and the HHIA. I am pleased that the HHIA, an industry group, was prepared to come on board and become involved in the pilot project. It is consistent with what my predecessor and I have said in relation to crime prevention being a major focus within the community. It is good that organisations such as the HHIA can become involved and accept some responsibility after recognising that there was an issue.

Mrs KOTZ: The number of dry areas that have been approved throughout South Australia are reasonably extensive. Has any consideration been given to conducting a public awareness program about dry area strategies and their objectives?

The Hon. K.T. Griffin: At local community level they do receive publicity. Of course, local residents will know of the dry areas—more so in the country areas. It is very difficult to know what needs to be done with respect to publicity, beyond drawing attention to the dry areas in the media. I point out that all dry area declarations by the previous Government and the present Government have evolved from community consultation at the local level. So, there is already an awareness of the problem, the criteria and the solution to those criteria. For example, some crime prevention money has been put into Port Lincoln to back up the community strategy directed towards addressing the issues that prompted the dry area declaration in the first place.

The ACTING CHAIRMAN: What would it cost to establish a dry area in the precincts of Parliament House and Old Parliament House? My nostrils are constantly assailed by the stench of stale alcoholic vomit, dung and urine in the areas around the front of both these buildings which arise in consequence of the gathering of people who obviously like to drink to excess, and I do not find that at all edifying.

The Hon. K.T. Griffin: As far as Parliament House is concerned, the Speaker and the President have responsibility, but I understand from the Liquor Licensing Commissioner that the Adelaide City Council is looking at the issue. One must recognise that, whilst that presence may offend, there are generally some other underlying problems which need to be addressed. It is all very well to have a dry area declaration, but if you do not have other strategies in place to try to address the causes of the problem you are just shifting the problem from one point to another. I think the previous Government's general policy direction in relation to dry areas was good, and that is why I am following the same general policy direction in relation to the declaration of dry areas.

The Hon. FRANK BLEVINS: Does the Government intend to do anything further about the noise that emanates from licensed premises or from people as they leave them?

Mr Pryor: The Liquor Licensing Act currently provides that people who live, work or worship in the vicinity of licensed premises can lodge a complaint against the noise and behaviour that emanates from those premises. It is my view that that section has been very successful in addressing specific complaints. Of the 12 complaints we received this year, only four were referred to the court because we were unable to conciliate them. It is more difficult in the well established tourist areas. For example, I have been working for about 18 months with various business houses in Hindley Street to try to address the noise problem. There is a conflict between those who use Hindley Street as a night-time venue with entertainment and those who wish to provide accommodation.

By consensus, I have imposed conditions on all licensed premises in Hindley Street with entertainment limiting the amount of noise that can emanate, and that is measured on the footpath opposite. We have run three tests in conjunction with the city council and noise abatement officers, and in each of those tests only two premises have exceeded noise emission levels. That is not to say that we have solved the problem, but I believe that the use of conditions on a licence following conciliation is an extremely useful tool.

The Hon. FRANK BLEVINS: Does the Government intend to alter these laws for the better?

The Hon. K.T. Griffin: The Government has no intention of changing the law. The fact of the matter is, as the Commissioner indicates, it is a very useful provision in the armory of the Liquor Licensing Commissioner, and used in the community interest it can be very effective. The approach the Commissioner takes to try to conciliate these matters is better than immediate confrontation, although he is not afraid to confront them if conciliation does not work. From the Government's point of view, at the moment there is no intention to change that provision.

The Hon. FRANK BLEVINS: I asked that question because many complaints still come to members of Parliament about licensed premises. Regarding the Government's policy on the easing of trading hours, liquor licensing hours and the availability of liquor, I point out that at the moment retail liquor outlets have a greater restriction on them than hotels. Does the Government intend to remove that restriction, which I support?

The Hon. K.T. Griffin: There is no intention to make any changes in the areas of licence or trading conditions. In the last session, we introduced some legislation to give further flexibility in relation to licensed clubs and gaming machines, which was supported by all Parties, as I recollect. Certainly, in respect of the matter which the honourable member raises, there is no intention to change the Act.

Mr CUMMINS: I often have coffee at a place called Flash in Hindley Street. It used to have the best coffee in Adelaide, but I am not sure whether that is still the case. I go there sometimes on Sunday mornings, and the noise from some places in Hindley Street is unbelievable. I think the Commissioner will be aware of the venue I am talking about. The Commissioner mentioned earlier that these places were monitored during the evening. Are they monitored on a Sunday morning? Sometimes I am there at 9 a.m. and 10 a.m. on a Sunday when there are drunks in the street and music blaring so that, literally, you cannot sit there because it is so noisy. Has anything been done about that?

Mr Pryor: I cannot say specifically that we have monitored the situation on a Sunday morning. To the best of my knowledge, the three programs we undertook were of an evening and into the early hours of the morning. My understanding from the complainants is that the major problem is between 3 a.m. and 6 a.m. I am not aware of complaints from business houses or people who run accommodation venues in that area that there is a problem on Sunday morning. It may be that by 10 a.m. people who stay in these venues are no longer worried about their sleep, and that they are up and mobile. However, I am happy to work in conjunction with noise abatement officers and the Adelaide City Council to look at the situation, because the condition applies equally to Sunday mornings and Saturday nights. I stress again that Hindley Street is a difficult area because there is such a mix of people. Some people want to go there for coffee. I think you will find that most people who want to have coffee and ice-cream now go to the other end of the city to the top end of Rundle Street where they are not exposed to the type of problems they experience in Hindley Street.

Ms HURLEY: The Royal Commission into Aboriginal Deaths in Custody made the following recommendations relevant to the operation of the Police Complaints Authority:

Recommendation 226(e): In the adjudication of complaints made by or on behalf of Aboriginal persons, one member of the review or adjudication panel should be an Aboriginal person nominated by an appropriate Aboriginal organisation in the State or territory in which the complaint arose. The panel should also contain a person nominated by the Police Union or similar body.

Recommendation 226(h): The complaints body take all reasonable steps to employ members of the Aboriginal community on the staff of the body.

Will the Police Complaints Authority budget permit these recommendations to be effected in the current financial year and, if not, why not?

The Hon. K.T. Griffin: The first recommendation to which the honourable member referred did relate to an adjudication panel. That really was in the context of what they saw as an ideal police complaints process. In this State, as the honourable member knows, we have a Police Complaints Authority comprising one person. Under legislation enacted in the mid to late 1980s, after a great deal of both public discussion and debate in the Parliament, it was felt that, rather than the Ombudsman taking on the responsibility of vetting complaints against police, one person should be appointed specifically to deal with police matters. The question of an adjudication panel, as I understand it, does not apply in the context of the South Australian Police Complaints Authority.

I understand that until recently the Police Complaints Authority has had an Aboriginal person employed within its authority to deal specifically with these issues. There is not

one currently employed, but the Police Complaints Authority is negotiating specifically with the Chief Executive Officer of the Department of Aboriginal Affairs with the view to engaging a suitable person of Aboriginal descent to assist in the resolution of complaints against police by persons of Aboriginal descent.

The Hon. FRANK BLEVINS: Will the Attorney-General indicate what is the Government's position on funding for the successful Crime Information and Prevention for the Elderly program run by the Victims of Crime Service?There has been some speculation amongst crime victim councillors about the Government's commitment to the program.

The Hon. K.T. Griffin: It opens up a very significant area of debate and I do not want to take all afternoon on the crime prevention program. I am sure the honourable member is aware that the previous Government's strategy was to be subject to evaluation by La Trobe University consultants and the report that we received recently was not up to the mark. It was quite unsatisfactory and did not provide us with an evaluation. The view I expressed in the Parliament was a view which the Leader of the Opposition in the Legislative Council shared.

The Hon. Frank Blevins interjecting:

The Hon. K.T. Griffin: The Hon. Mr Blevins interjects that he too shared the view that it was unsatisfactory and did not provide us with a basis for a proper evaluation of the crime prevention strategy. The unfortunate thing about the review is that it really came so late in the program. By the time we got to the end of the 1993-94 financial year, the four year funding provided by the previous Government had largely been expended. It would have been better to have the evaluation six months or more earlier, but it was not to be. I recollect that we received the final report in July. We have put it out to all bodies—local crime prevention committees, Victims of Crime Service and other organisations that have had some involvement in the crime prevention strategy—and asked them to provide a report or some comments and evaluation of their own programs by the end of September. After that we will be going through a process of our own evaluation of those observations with a view to indicating by the end of this year the new directions for crime prevention in South Australia.

There is no doubt that local crime prevention committees play a very important role in the crime prevention program. This Government is committed to community-based crime prevention programs as well as some exemplary programs in conjunction with retail traders, the Hotel and Hospitality Industry Association, the RAA and other groups. Amongst the groups that have been previously funded was the Crime Information and Prevention for the Elderly program. It was funded by the crime prevention strategy under HomeAssist. It was located at the Victims of Crime Service. There was partial funding also for police involvement in the HomeAssist program.

I went to a Victims of Crime Service annual meeting last night at which the two coordinators of the Crime Information and Prevention for the Elderly program were present. They were forthright in expressing the same concerns that the honourable member has expressed about continued funding. We recently made available money for it to continue at least until the end of the year. My recollection is that it was $75,000, but I will check that for the Committee and undertake to bring back the correct figure if that is not right. It is funded until the end of the year. As with all crime prevention programs, we have asked for some evaluation of the programs and their effectiveness. We have funded most of them until the end of this year from a little roll-over money we had from the crime prevention strategy from previous budgets. I indicated that we would expect to be able put in place by the end of this year the new directions for crime prevention.

All members will acknowledge that after a four or five year program focusing on crime prevention it is appropriate to endeavour to evaluate the success or otherwise of the program as a whole and various parts of it. That is what we are trying to do. I can take no further the commitment that I have indicated until the end of this year. It will have to go back to Cabinet for a review of the proposed strategy and financing, but at least the committee has acknowledged that we have kept it funded until the end of the year. The program to which the honourable member refers certainly does appear to have been successful in reducing fear of crime, particularly among elderly people, and there may well be a need to expand that to other age groups within the community.

Mr CAUDELL: What is the informal resolution process that has been implemented by the Police Complaints Authority and what has been the effect of this process on its overall workload?

The Hon. K.T. Griffin: It was quite obvious that, before the present incumbent took office, the backlog in the Police Complaints Authority was unacceptable. The previous Government did provide some extra funds for temporary staff to enable that backlog to be significantly reduced, and that has actually occurred. However, the Police Commissioner, the Deputy Police Commissioner and the Police Complaints Authority negotiated an informal resolution process, which means that, instead of all the less serious cases of complaint going to a formal investigative and then resolution process, they were divided into those which could be dealt with quickly at the police level and those which required more serious investigation.

In January this year an arrangement was put in place by which a number of cases could be dealt with by senior officers within the Police Force on the basis that they would be resolved very quickly. I will elaborate on the process. It is initiated by the complainant's giving details of the complaint to either a member of the Police Force or an officer of the Police Complaints Authority. If the complaint is deemed suitable for informal resolution, the complainant is asked whether he or she will consent to an attempt to resolve the matter informally. Once consent has been given, the complainant is contacted by a resolving officer within 24 hours and further details of the complaint are taken. The complainant is also asked what outcome he or she desires as a result of the informal resolution, for example, an apology or an explanation from the officer involved.

The police officer who is the subject of the complaint is then spoken to by either the supervisor or the resolving officer and invited to give his or her version of events and/or an explanation. The resolving officer then contacts the complainant to discuss further the matters and to advise of any outcome. At this point the complainant must decide whether he or she accepts that the matter has been successfully resolved.

The whole process is designed to be completed within 14 days. A report then goes to the Internal Investigation Branch of the Police Department and it is decided whether or not the matter has been successfully resolved. A copy of the report is also forwarded to the Police Complaints Authority.

So, the informal resolution process is designed to enable police to undertake some management of human resources,

which previously they could not do. As a result of that previous procedure, superior officers did not know that there had been a complaint against a particular officer. Of course, with this process they now know, and that gives them an opportunity to manage the human resources side of the issue. In some instances officers are either reprimanded or undertake some retraining or some other process, which helps them and the force as well as the complainant.

The Police Complaints Authority maintains a watching brief or audit function in respect of the informal resolution process. I do not have the details of how effective it is in reducing the backlog, but I will endeavour to obtain some information for the Committee and forward that within the appropriate time frame. However, the important factor is that it removes what was a long, tedious, expensive and unsatisfactory reference of all complaints to the investigation process and a situation that took the human resource management aspects of it out of the hands of the police. This puts it back with them, but it still retains the independent audit function of the Police Complaints Authority.

Mr CUMMINS: There has been a recent report in relation to victim impact statements in South Australia. In view of that report, will there be changes to the operation of victim impact statements?

The Hon. K.T. Griffin: The report was released only during the recent World Symposium on Victimology. It is a good report because its seeks to evaluate the use of victim impact statements and to identify some of the issues that might be in the mind of those who seek to work with them. The Government has not yet resolved its position in relation to victim impact statements. We supported them in opposition and I support them in government. The important thing is to make them work.

One of the problems that the evaluation highlighted was that often the statements were prepared well after the event by police officers and they were frequently prepared on the basis of the incident report. In addition, the reports varied in standard: some were good, some were bad and some were in the middle. Quite obviously there needs to be some focus upon the skills necessary to develop the victim impact statements and to present them properly to the court. I think that is probably all I can indicate: we do support them; we are mindful of the evaluation made by the Office of Crime Statistics; and in due course we will be indicating what, if any, amendments we propose to the system.

Mr CUMMINS: Page 139 of the Program Estimates under the heading '1993-94 Specific Targets/Objectives' refers to a 'scheme to make consolidated statutes/regulations publicly available on floppy disk'. I commend that initiative. Has the scheme been introduced? How does it operate and what will be the benefits? Members of the profession, particularly sole practitioners, have stated that they cannot meet the cost of this scheme. I understand that the initial disk will cost $1 875 and an annual update will cost $575. As the demand for this service increases, which I suspect it will, will the cost reduce?

The Hon. K.T. Griffin: I understand it is now available. The price is $575, based on an annual subscription for updates of the printed South Australian legislation with a mark up. It should be noted that, unlike the printed consolidation service, the electronic service includes regulations since 1 January 1988 together with certain earlier regulations. The New South Wales subscription service in electronic form costs $832 for all new Acts, $832 for all reprint Acts, $832 for all new regulations and $832 for all reprint regulations. Therefore, there is quite a significant saving here. It is not possible to do it for less than that. We looked at the price at the time, but we felt that there was no alternative but to charge what we saw as a reasonable price for that service. It will be constantly updated for the figure that is charged.

Mr CUMMINS: This matter has been raised by the legal profession. The Federal Court operates out of what is called the Black Stump in Grenfell Street. I know that in Western Australia and in Brisbane there is a Federal Court. What plans are there in relation to getting the Federal Court on the Victoria Square side; how far has that gone down the track?

The Hon. K.T. Griffin: When Melbourne was successful in getting its Federal Law Court project approved, Adelaide was displaced from the list. I took the view that was largely unacceptable because we have been waiting for a long time to have a Federal Law Court building erected. Almost 20 years has elapsed since the matter was first raised. I know that judges in the Federal jurisdiction are concerned about the inadequacy of their accommodation. I should like to see the Federal Law Court building developed further by the Commonwealth, because it may then be possible to have some shared facilities, particularly library facilities, between State and Federal courts.

When Melbourne got its bid in and got up before ours, I wrote to the Federal Attorney-General expressing concern and indicating that we were very strong supporters of the development of the Federal Court building in South Australia. I have asked him to keep me informed of next year's budgetary process, because I intend to play an active part in trying to persuade the Commonwealth that that project ought to go on its public works program. I shall certainly be making representations to South Australian Federal members and Senators of all political persuasions, because I think it has to be addressed sooner rather than later.

Mrs KOTZ: In July 1993 the Economic and Finance Committee reported to Parliament on the use of external consultants by the public sector. The report was critical of excessive amounts paid by some statutory authorities for private legal services. Can the Attorney-General indicate the amount paid by the State public sector for legal services in 1992-93?

The Hon. K.T. Griffin: My recollection is that it was $40 million, of which about $9 million could be accounted for through the Crown Solicitor's undertaking work. That did not include the State Bank litigation; I do not think that it included the Royal Commission into the State Bank; and it did not include the costs of legal services in relation to State Bank corporatisation. Following that the Hon. Mr Blevins made some observations on the public record about the legal costs to the Crown. The Crown Solicitor undertook a survey of the agencies of Government which engaged legal services. There was a wide disparity in the hourly rates or other bases upon which fees were charged. In consequence, he consulted me and finally we put in place a proposition which enabled the Crown Solicitor to continue to act for those agencies for which he then acted and to compete with the private sector in relation to several statutory authorities; but in relation to other statutory authorities he did not undertake any legal work, and that was left to the private profession.

We established five panels, and lawyers were invited to have their names considered for those panels. The Crown Solicitor established the panels. Hourly rates of remuneration were fixed and it was up to the various statutory authorities which did not have legal managers to undertake negotiations with a view to engaging one or other of the firms on the

relevant panels. There was criticism by some members of the legal profession, but I was satisfied that in the circumstances it was proper to structure the provision of legal services to the Crown in that way. It may mean a saving to the Government of $5 million on legal costs paid out in 1992-93. There has been a suggestion that we ought to let the Crown Solicitor do more of the Government's legal work, but we have taken the view that the present balance is appropriate, and we do not want to encourage the addition of numbers of lawyers to what is already effectively the biggest legal practice in Adelaide.

The Hon. FRANK BLEVINS: In effect, the Government has restricted the Crown Solicitor's office in bidding for work with statutory authorities. That is a new policy which the Government is entitled to have. The only difficulty is that the legal profession charges on average $150 an hour for work, whereas the Crown Solicitor's office charges $100. A huge amount of public sector money is being pumped into the private sector unnecessarily and that causes me some real concern. I understand that the private sector already does three-quarters of the work of the Government. If we extrapolate the figures given to the Economic and Finance Committee of $100 an hour for Government work by Government lawyers and a minimum of $150 by private sector lawyers, we can see that there is potential for huge savings of taxpayers' money. In view of this, why has the Government introduced a policy of preventing the Crown Solicitor from competing—and 'competing' is all I am saying—for work in our own statutory authorities against the private sector, which is clearly against the financial interests of the taxpayer?

The Hon. K.T. Griffin: Apart from the issue of panels and the limitation on the costs which might be charged by the private legal profession to agencies of Government, there is really no significant change from the policy of the previous Attorney-General and Government in relation to the work being undertaken by the Crown Solicitor. In fact, the Economic and Finance Committee's investigations last year or the year before prompted the Crown Solicitor to undertake a survey, the results of which indicate that there was no consistency of approach across Government where it was dealing with the private legal profession. I think that what we have now put in place with the panel system, except in relation to those agencies which have legal managers who can do their own work in engaging legal practitioners—for example SGIC—is a structured regime which will provide benefits to the Government.

In relation to the Crown Solicitor's work, there is some flexibility of approach. The Crown Solicitor himself says that already the office, as I indicated earlier, is the biggest legal practice in South Australia, that he does not want it to get so big that it becomes unmanageable, and that he supports the propositions which have been promulgated in relation to acting for or providing legal services to the Crown.

The Hon. Frank Blevins interjecting:

The Hon. K.T. Griffin: All I need to say is that it is my view that what has been put in place is fair and reasonable to everybody and will provide the best service to Government. You have to recognise that the Crown Solicitor himself engages private legal practitioners to undertake certain specialist work. I think he put out something like $2 million or $3 million of work in the last financial year to the private profession. In relation to the State Bank, for bank litigation in respect of outsourcing, corporatisation and the industrial section, the Crown Solicitor engaged practitioners or services from practitioners in the private profession.

It is also important to note that, in terms of the fees charged, the Crown Solicitor's rate for all panels, except conveyancing, is $140 per hour: that is the rate the Crown Solicitor charges. That is not much different from the $150 an hour for most of the panels and not that much less than the $175 an hour for the large commercial work that can be undertaken through the use of solicitors on the panels. It is correct that the cost which the Crown Solicitor calculated for providing legal work is $100 per hour, but remember that a lot of work is not cross-charged to agencies because they are key agencies—agencies such as Treasury or SAFA—and therefore it is inappropriate to make that charge.

So, the rate which is charged is not that much different from that charged by the private profession. I do not accept that there is any detriment to the Government or to the Crown Solicitor in the way in which we have now structured the provision of legal services to the Crown.

The Hon. FRANK BLEVINS: The Attorney-General has said that there has been no change in the policy. There has been a very clear change in the policy, and it was announced with great fanfare by the Attorney-General. The change is that the Crown Solicitor is now prevented from competing for that work in statutory authorities. That is just one of the changes. The Crown Solicitor in evidence before the Economic and Finance Committee has agreed that the present Government's policy of not allowing that competition, notwithstanding the size of the department, etc., ensures that the taxpayer pays more for its legal work. That is the position. The Crown Solicitor made it very clear in evidence before that committee—

Mr CAUDELL: Is that the subject of a report already or is that subject—

The Hon. FRANK BLEVINS: I read it in the newspapers. Don't you read the newspapers? It was in the *Advertiser*.

Mr Caudell interjecting:

The ACTING CHAIRMAN: Order! The member for Mitchell will come to order. If he has any queries about procedures in the Committee he can address those queries to the Chair.

The Hon. FRANK BLEVINS: Mr Acting Chairman, it is clear that the legal profession has been ripping off the taxpayers of this State for many years, including when we were in Government. I am not absolving us at all; they have been ripping us off left, right and centre. The previous Attorney-General cut that out to a great degree. What does the Attorney-General think possessed the Crown Solicitor to state very clearly that the cost of Government legal work was $100 an hour?

The Hon. K.T. Griffin: The fact of the matter is that the provisions put in place in conjunction with the Crown Solicitor provide a better-regulated environment under which legal services are provided to the Crown. There are controls there which were not there previously, and there will be a saving to Government—the Crown Solicitor has estimated $5 million on the previous year's costs. So there is a significant improvement from the whole of Government perspective. I have before me what the Crown Solicitor said to the Economic and Finance Committee. He did make some observations about his costs.

The Hon. FRANK BLEVINS: Read it all.

The Hon. K.T. Griffin: I am going to. The Crown Solicitor said:

> My average cost for lawyers per billable hour in the office is around $100. That compares with the new arrangements we have

come to with the private sector provision of legal services, whereby ordinary work is $150 an hour and more complicated work is $175 an hour. The rates we are imposing on the private sector are significantly less than that which they have been paying hitherto.

On that basis, we would have said we were cheaper and that there were savings to be made. However, that is an issue which has to be judged in the context of overheads. At the moment, we have two floors of our building and we are fully occupying those two floors. If we were to expand beyond those two floors, obviously there would be a considerable capital cost in that expansion, and you have the problem of how you manage the work during the period of growth when there will be a period when you are not fully occupying the accommodation. The nature of accommodation overheads is such that my rate per lawyer actually drops by bringing in senior lawyers. The more I can spread the overheads, the cheaper my lawyers get, even though they are senior and expensive lawyers. In that context, incurring overhead costs without being able to utilise fully those overheads has a real cost risk. My cost per hour might blow out from $100 to $140 over a year or 18 months. There is the issue of how one manages growth, where I have all my accommodation fully utilised. There is also the issue of how one imposes over the private sector these new costing averages, and we expect to save across the sector something in the order of $5 million.

In the context of both of the problems we would have in managing growth at this stage and the problems we would have in coming up with a more appropriate arrangement for private sector legal services, the Government has made the decision for the moment that there is no constraint on which clients I can service but has stated that I should not increase my work unless I need to do it to keep my current office accommodation fully occupied. It seems to me that that is an appropriate commercial decision at this stage. The Attorney has undertaken to review it in 12 months.

As I said, in the context that, first, managing our current workload is becoming a difficulty and managing growth on top of it and marketing on top of that, it is probably more than we can handle. Secondly, there are the economic factors of the actual impact of growth, given the extra capital costs you would have to incur to do it. That does not mean that we are precluding ourselves forever from looking at these issues. For example, it may be that with the downsizing of the public sector the amount of work currently coming in may reduce. If that happens within the current guidelines I can obtain further work to replace the reduction. At the moment there is no reduction in work.

The Hon. FRANK BLEVINS: I will leave that until after the tea break when I will read the rest of the transcript. The Attorney is being badly advised.

The Hon. K.T. Griffin: With respect to the honourable member, I am the one who is making the statement. I have to accept responsibility for it. If what I have said is incorrect, I undertake to bring the information back to the Committee.

The Hon. FRANK BLEVINS: Do not worry about it, because I will be bringing it back to the Committee after the tea break. If the Attorney is not being badly advised and he has read all the transcript, he is quoting very selectively, but I will provide the other side of the—

Members interjecting:

The ACTING CHAIRMAN: Order! Will the member for Giles please conduct himself in a fashion which is in keeping with the demeanour of members of an Estimates Committee. We are not out in Hyde Park. If you have another question to ask of the Attorney-General, the Committee will be pleased to entertain it, I am sure.

The Hon. FRANK BLEVINS: Mr Acting Chairman, in response to your gratuitous comment about Hyde Park, I can assure you that, if we were in Hyde Park, I would be performing very differently than I am at the moment.

The ACTING CHAIRMAN: Does the honourable member have a question?

The Hon. FRANK BLEVINS: Yes, a whole sheaf of them. As regards the assets and accommodation in the Attorney-General's Department, and in view of the statements on page 48 of the June financial statement that the Government has factored into forward budget estimates a significant but controlled program of asset sales, would the Attorney detail those assets controlled by the department which may be sold under the program.

The Hon. K.T. Griffin: None.

Additional Departmental Adviser:

Mr. T. Lawson, Commissioner for Consumer Affairs.

Mr CUMMINS: Since the commencement of the Mutual Recognition Act in South Australia on 1 October 1993, how many licences have been approved through mutual recognition and in what areas?

Mr Lawson: Since mutual recognition came into being, a total of 62 licences have been granted to people moving to South Australia and applying for a licence under mutual recognition. I can provide a breakdown of those: 22 for builders' licences, one second-hand vehicle dealer's licence, one land agent's licence, six land sales persons' registrations, six land valuers' licences, five real estate managers' registrations and 21 commercial and private agents' licences.

Mr CUMMINS: The Program Estimates (page 144), under 1994-95 Specific Targets/objectives, states:

> . . . complete the restructure of the Office of Consumer and Business Affairs to ensure the provision of streamlined, efficient, responsive and relevant services to consumers and business in South Australia.

What will be the effect of the restructure? How will it increase services to consumers and businesses?

The Hon. K.T. Griffin: I will let the Commissioner identify the sorts of changes which are occurring if I do not adequately deal with them. When we came to office, I took the view that there needed to be a radical review of all legislation administered by the then Office of Fair Trading and also in respect of the management structures and focus of what was the Department of Public and Consumer Affairs but subsequently the Office of Fair Trading component of it. So, the Commissioner was appointed, taking the place of Ms Mary Beasley, who took up a position of Chief Executive Officer for the Department for Industrial Affairs. He was given the task of restructuring.

In terms of the legislation, we wanted to go back to basics and examine what the Government was doing, whether it was a desirable thing for the Government to be doing and, if it was, how we could best do it. In terms of the management and the service delivery structures, we were concerned by what was known as the Tilstone report, which had been highly critical of both morale and structures, and the fact that the office had not caught up even with the fact that its clientele were 50 per cent women and 50 per cent men yet its management structure was predominantly male. But also there were great inefficiencies in the system: there were morale problems and problems with inadequate processes. There was certainly a perception among the business community that it was a 'them and us' attitude—the office and consumers against the business community. We decided that we would turn that around and move towards Government, business and consumers working together in a tripartite manner to provide the best possible service to business and consumers. A few months ago, we changed the name to the Office of Consumer and Business Affairs to reflect that new focus.

I will let the Commissioner, Mr Lawson, identify what changes did take place within that management structure. Before doing so, I should say that all the feedback from the

staff and from the public seems to be favourably disposed to the changes made within that structure—that it is a more responsive office, providing a better service focus than previously.

Mr Lawson: With regard to the organisational structure for the office, there are five main branches: Consumer Affairs Branch; Residential Tenancies Branch; Business and Occupational Licensing; and Customer and Education Services Branch. We also have responsibility for the Births, Deaths and Marriages Registry, and that constitutes the fifth branch for the office. A new management team is in place. Of the six senior management team, including me, three are women. We are also implementing a customer service improvement program, and that really provides the plank for the changes we are putting in place.

This is a most comprehensive program, and it extends to toll free lines and survey forms for our customers to give us feedback on the service we are providing. We are also completely revamping and upgrading our computer technology to enable us to obtain more information that we can use to forward plan better and identify where the problems in particular industry sectors may lie and what the trends are, and be much more capable of allocating resources in a more fundamental way.

Also, we will be undertaking a comprehensive training and development program which will involve all our staff in mediation and conciliation training. The underlying theme for our operation now is one of being an independent broker, and we are attempting to train our staff to provide more of a mediation and conciliation role and to enter into arrangements with particular industry bodies to have consumer issues and complaints dealt with at the industry level.

Mr CUMMINS: The review of the Office of Fair Trading December 1992, which was undertaken under the former ALP Government, talks about many of the problems in the office being deeply rooted and not simple and about bad management styles and practices throughout—things either not being done or being done poorly. Do you feel that those sorts of problems will be resolved?

The Hon. K.T. Griffin: I am convinced that the significant changes being made will lead to the resolution of those problems. With its focus upon customer service, the management structure will make a significant difference in its relationship with the members of the community—business or consumers—who make contact with the office. A complaints mechanism is now in place which is a toll free telephone number and which enables people to make complaints about the lack of service or other complaints about the agency. All that suggests is that it is much more responsive to the community which it seeks to serve.

Mr Lawson: We have put in place a range of things that mean that our staff are much more accountable and responsive. We have introduced the wearing of name tags which means our customers are not dealing any more with faceless bureaucrats. In telephone situations people will give their name and telephone number for follow-up, and people will place their name on written correspondence so they can be followed at any time.

The ACTING CHAIRMAN: Is the Minister eliminating that unnecessary red tape of duplicating licences and the training requirement for people who are required under regulation to have multiple licences to simply do maintenance work around the house, for instance, as tradesmen?

The Hon. K.T. Griffin: The builders' licensing program is one of the things that is being reviewed by the legislation review team which I set up. We have not finalised the way in which that will be resolved, but there is a lot of pressure to simplify the process. That is the goal of all the review of legislation, some of which is already in the Parliament, some of which is in the public arena for discussion and some of which will soon be introduced into the Parliament.

The Hon. FRANK BLEVINS: Before the tea break, the Attorney-General read from the transcript of evidence given by the Crown Solicitor to the Economic and Finance Committee.

Mrs KOTZ: What does this have to do with consumer and business affairs?

The ACTING CHAIRMAN: Order! Does the member for Giles wish to ask a question?

The Hon. FRANK BLEVINS: I am trying to, Sir, but I am being harassed by the member for Newland. I think the Attorney-General finished reading from the transcript by quoting the Crown Solicitor, as follows:

> If that happens within the current guidelines I can obtain further work to replace the reduction. At the moment there is no reduction in work.

I think it is a pity that the Attorney-General did not read the next paragraph, which I invited him to do, as I think it would have clarified the matter. To ensure that the record is complete, the evidence continues with my saying:

> Have I got this right? We are allowing for the fact that increased overheads have to be matched by increased profitable work. That is a relatively simple equation; there is nothing complex about that. If you double the size of the office, with twice as much accommodation and with twice as much work, you are still only doing half the Government's work and that is still working out at $100 an hour. It is still cheaper than the private sector. You are doing a quarter of the Government's work at the moment and three-quarters of that work is put out to the private sector. That private sector work is 50 per cent more expensive than your work and you are not allowed to compete for it.

Mr CUMMINS: On a point of order, Mr Acting Chairman, I understood that we had gone on to the topic of consumer and business affairs. About three or four questions have been asked. The honourable member was not here when we resumed and did not bother to come into the Chamber for 20 minutes. I wonder why he has been given liberty to ask this question when we are dealing with another topic.

The ACTING CHAIRMAN: At present we are examining the line 'Attorney-General's', to which pages 64 to 69 of the Estimates of Receipts and Payments and pages 125 to 151 of the Program Estimates relate. I hope this is a question and not just a spiteful insertion of opinion in the record which is not likely to be very constructive to the proceedings of the Committee. I hope that the question relates to the line 'Attorney-General's, $23 050 000'.

Mr CUMMINS: According to that ruling, I can go back and ask questions about other areas, can I?

The ACTING CHAIRMAN: For the benefit of the member for Norwood, I will explain that the arrangement that was made was a loose arrangement between the Attorney-General and certain members of the Committee. Whilst in my judgement it is desirable to stick to that arrangement, it is not within my province, nor is it contemplated within the Standing Orders of the House of Assembly, to preclude a question on any part of that entire vote, because the vote represents the equivalent of a clause in the Bill, and we are presently considering it as such. Indeed, on each occasion we are allowing as many as three questions by each member. So, I ask the member for Giles to resume his question.

The Hon. FRANK BLEVINS: Thank you, Mr Acting Chairman. I do not appreciate your comment about a spiteful insertion of opinion. I am merely quoting from the same document as did the Attorney-General and, if mine is a spiteful insertion of opinion, so is the Attorney-General's.

The ACTING CHAIRMAN: Order! Is the member for Giles challenging the Chair?

The Hon. FRANK BLEVINS: I am making a comment, and my comment is a lot more appropriate than yours was.

The ACTING CHAIRMAN: That is a matter for the Chair to determine. Get on with the business.

The Hon. FRANK BLEVINS: I have every intention of doing so. Unfortunately, the quote will be a little disjointed, but I know that members opposite would not want me to start again. I ask all members to remember what has gone before, because that will put it in context.

Mr CAUDELL: On a point of order, Mr Acting Chairman, because a certain amount of time has elapsed since the member for Giles started the quotation, in the interests of those people who do not have a copy of what he is reading, could the honourable member let us know when he is quoting himself or another party.

The ACTING CHAIRMAN: Whilst there is no point of order, it would be helpful to the Committee and to *Hansard* to know when the honourable member is quoting from another document.

The Hon. FRANK BLEVINS: I have said that already, but I will do it again for the member for Mitchell, who seems to have some difficulty in hearing, as do his colleagues in respect of Standing Orders.

The ACTING CHAIRMAN: Order!

The Hon. FRANK BLEVINS: I am quoting from the identical document which the Attorney-General quoted. He finished at the end of clause 5 of that document. I am continuing to quote from where the Attorney left off. I think it was a pity that he did not read all of it. I ask members to remember what I said before I was interrupted by the member for Norwood. I said:

> That private sector work is 50 per cent more expensive than your work and you are not allowed to compete for it. That is the bottom line of all this. I do not expect you to respond, but it seems to me to be shovelling money out to private sector lawyers in a quite outrageous way.

The response from the Crown Solicitor, Mr Brad Selway, was as follows:

> It is a position that one can properly put. The other aspect of it, though, is that the Crown Solicitor's office is the largest office in the State already. There are management problems in terms of size. Those issues would need to be addressed. I can assure the committee that, at the moment, I personally do not think there is a substantial opportunity for significant growth. The management of that growth would be very difficult. However, I take your point. At the end of the day you would end up with a cheaper legal service, probably.

My question is: does the Attorney-General agree with the Crown Solicitor?

The Hon. K.T. Griffin: The whole area of provision of legal services to the Crown was in something of a mess and, as a result of the Economic and Finance Committee's consideration of the issue of consultancies, the Crown Solicitor undertook a survey to try to get some indication of how agencies of Government handle the engaging of lawyers to provide legal services to the Crown. What came back was a mish-mash of information that indicated that, first, no consistent rate was applied; secondly, that there was frequently not a proper identification of the contractual arrangements between agency and legal practitioner, and that there was no monitoring of the services actually provided. The Government and the Crown Solicitor agreed that we should try to put this into a more structured environment and, where there was not a legal manager in an agency, to require statutory authorities to engage legal practitioners from the panel at a blended hourly rate fixed by the Crown Solicitor in consultation with me.

That was the essence of it—it was designed to put order into what was a very messy situation. It was not appropriate for the Crown Solicitor to expand and put on more staff to provide legal services in a completely competitive manner. The Crown Solicitor acknowledges, in the evidence to which the honourable member and I have referred, that other considerations apply in relation to overheads, accommodation, and so on. We were seeking to put order into the system. That is what will be achieved, with a consequent saving to Government. It is all very well to talk about what might be the position theoretically if the Crown Solicitor was allowed to expand, to double the size and attract the work, remembering that it might cost the Crown Solicitor $100 an hour, but the bidding rate at which he charges out is $140 an hour, particularly to those agencies engaging private sector lawyers and where he would have to engage in competitive tendering. However, in those circumstances I cannot agree or disagree with the proposition that the Hon. Mr Blevins puts.

The Hon. Frank Blevins interjecting:

The Hon. K.T. Griffin: The Hon. Mr Blevins put the scenario and the Crown Solicitor said 'probably'.

The Hon. Frank Blevins interjecting:

The Hon. K.T. Griffin: He said more than that, but finalised his comments by saying that probably that would be the position. Many variables have to be taken into consideration in determining the answer to a hypothetical question. It is not appropriate for me to pursue it. If the honourable member wishes, I am happy to debate it, but it seems to be not a productive way of spending the time of the Committee. I repeat that we were confronted with a situation where there was not order in the system of engaging legal practitioners to provide services to the Crown, and this is one way by which that is to be achieved. I have indicated that the process will be reviewed at the expiration of 12 months after it comes into effect, which I would expect to be about this time next year or thereabouts.

The Hon. FRANK BLEVINS: I am disappointed that the Attorney-General did not see fit to support the Crown Solicitor. That is a pretty poor show and something they will have to sort out. I ask for clarification again on the new policy of the Government in dealing with the cost of legal services, which the Attorney-General said earlier was nothing new. There is a two page press release which trumpets about seven dot points and hails it as a wonderful new innovation. I am not sure how it can be the same as the previous one—why bother? I have had a number of concerns for quite a while, in particular as outlined in the second dot point, which states:

> A statutory authority with a legal manager can use private legal firms provided that the legal manager takes responsibility for and control over briefing the private firm on clear terms and conditions. Such agencies include the SGIC, WorkCover, ETSA and the Housing Trust.

Does the Crown Solicitor get to keep the work that he has already won by the previous Government's policy of allowing the Crown Solicitor to vigorously compete in the public sector and drive out the lawyers who have been ripping us off for years?It forced down private sector fees. Private lawyers

have been making hay for years and the previous Government got stuck into them. I am concerned (because the press release is not clear) as to whether the Crown Solicitor is allowed to keep that work.

The Hon. K.T. Griffin: I will make a couple of observations that need to be made. The Hon. Mr Blevins made the comment that obviously the Attorney-General did not get on with the Crown Solicitor in allowing him to undertake further work outside the areas for which he presently has responsibility. The fact of the matter is that that is irrelevant to the relationship between the Crown Solicitor and the Attorney-General. We both do get on quite well. With respect to the comment I made earlier about it being nothing new, that related to the fact that, as I understand it, the work undertaken by the Crown Solicitor under the previous Government was almost the same as if not identical to the work undertaken by the Crown Solicitor under the present Government. As far as I am aware, there is no change.

The Crown Solicitor is not having work withdrawn from him. In some areas, like the old STA, Marine and Harbors and the Health Commission, where there are statutory authorities, there is a mandatory obligation now, which was not in existence previously, that they do their legal work through the Crown Solicitor who, in some instances, may allow them to brief out (for example, the Health Commission, in relation to its medical negligence work, is being briefed out). Because these agencies are in a transitional mode, they are required to deal with the Crown Solicitor. That has a public policy basis because, where there is restructuring and changes in the legal framework, it is important as a matter of public policy that the Crown Solicitor, who is providing services to the Government, essentially is involved in the actual work and monitors the process within that agency.

A letter went out to all statutory agencies on 7 July from the Crown Solicitor. Among other things he says:

> For the present, the operations of the Crown Solicitor's Office should stay at about the current level. The Crown Solicitor should not seek to attract further legal work currently being done by the private profession unless the private profession cannot do the work at an appropriate rate, which would justify the capital costs of an expansion of the Crown Solicitor's Office, or unless the Crown Solicitor has excess capacity to take on the work. No such capacity currently exists. This will be further reviewed at a future time.

If I am misrepresenting the position, I will make sure it is corrected for the Committee, but so far as I am aware the work the Crown Solicitor was previously undertaking is continuing to be undertaken by him in addition to the work to which I referred—the Health Commission, Marine and Harbors, the old STA and possibly several other statutory authorities currently under transition.

The Hon. FRANK BLEVINS: The fifth dot point of this press release is also interesting and I would like some clarification on it. It states:

> The Crown Solicitor will not seek to attract further legal work currently undertaken by private practitioners unless private lawyers cannot do the work at an appropriate rate.

We are still talking about public sector work—Government work—and my query relates to the words 'appropriate rate'. It seems to me that the former Government took on the private profession and got very significant reductions in legal costs for the Government. I do not know how on earth the Attorney-General can describe that as a 'mess'. The private profession is still squealing about it but it will have to live with it because the taxpayers will no longer keep it in the lifestyle to which it would like to become accustomed.

The appropriate rate, as I understand it, is $150 for simple work and $175 for more complex work, where the Crown Solicitor has told us that his office charges $100 an hour. Does the Attorney agree that 'appropriate rate' in the press release refers to $150 an hour for simple work and $175 an hour for more complex work, that is at least 50 per cent higher than his own Crown Solicitor charges, and how does he justify that?

The Hon. K.T. Griffin: That is really a misrepresentation of the position. It costs the Crown Solicitor $100 an hour, but the Crown Solicitor charges out at the rate of $140 an hour. I have made that point.

The Hon. Frank Blevins interjecting:

The Hon. K.T. Griffin: That is fine.

The Hon. FRANK BLEVINS: I agree; I'm with the Crown Solicitor.

The Hon. K.T. Griffin: I do not know where the honourable member is going on this. Under the previous Government's regime with the Crown Solicitor, on the basis of the survey, $31 million of work out of the $40 million of work done for the Crown was done by the private sector. What we are doing is putting in place a formal structure that brings it under control. I have indicated, putting aside this question of competition from the Crown Solicitor, that what we have done is likely to have a beneficial effect for the Government and the taxpayer of $5 million in savings. I would not criticise that.

It is all very well to talk in theory about what the Crown Solicitor's current rates might be, but if you have to put on more staff, get more accommodation and increase overheads then there are other issues that have to be taken into consideration. What we were dealing with was a situation that needed to be brought under control. I do not want to make reflections upon the way in which the previous Government managed it: that is a matter for history to determine. All I am saying is that we have put in place a structure which orders the process much more less effectively and which is likely to result in considerable savings to the taxpayer.

The Hon. FRANK BLEVINS: Probably.

The Hon. K.T. Griffin: I have said 'is likely to'. I am not so bold as to say 'definitely it will'.

The Hon. Frank Blevins interjecting:

The Hon. K.T. Griffin: I am saying that it is likely to result in a $5 million saving to the Crown. What we are doing is putting in place a formal structure. There are legal firms that are squealing about that, but I have taken the view that most of them will be able to provide a service to the Crown at the rates reflected in the panel; there will be competition; there will be a monitoring of the quality of the work; and ultimately the bigger legal firms that might be complaining about it at the moment will come on board and will be able to trim their own costs to provide a service.

I do not intend to disclose information about each particular legal firm. What I do say is that, in relation to one firm that undertook work under the previous Government, there was a very exceptional charging rate for a success fee of quite substantial proportions that ultimately proved not to be a success. All we want to do is try to bring it under control, and I would have thought that the Hon. Mr Blevins and the Opposition members in the House of Assembly, along with members of the Government and those on the cross benches in the Legislative Council, would be delighted that we are at least trying to put some order into what is a very difficult situation.

The Hon. FRANK BLEVINS: As far as its goes, I am, but it doesn't go far enough.

The ACTING CHAIRMAN: Order! The member for Giles has had three questions and, accordingly, I invite the member for Newland, if she has any questions, to ask them.

Mrs KOTZ: Quite obviously financial management is beyond the previous Treasurer. I defer my first question to the member for Norwood.

Mr CUMMINS: For the edification of the Committee, the member for Giles is now leaving. The Australian Government Solicitor, at the direction of the honourable member's Federal Labor Government, has been directed to scale down staff throughout Australia—and of course that agency has offices in every State in Australia, including the Territory. The Federal Government has also removed the monopoly that the Crown Solicitor had in relation to Government instrumentalities and corporations. Is the approach of the South Australian Government in relation to the Crown Solicitor's Office any different from the Federal Labor Government's approach to the Australian Government Solicitor?

The Hon. K.T. Griffin: In terms of the costs, the Australian Government Solicitor cannot compete either with the private profession in South Australia or with the Crown Solicitor—I think the rates are $200 an hour minimum. There is no doubt that if the Commonwealth were really diligent and keen to get the best value for money it would send a lot more of its legal work to South Australia, either to the Crown Solicitor or particularly to the private profession.

The fact of the matter is that at the Federal level, as I understand it, there are some greater levels of restrictions on the Crown Solicitor than those which exist at State level, but I am not familiar with all the details. If any member of the Government or the Opposition can persuade colleagues interstate to encourage the Commonwealth to send legal work to South Australia it will get a job well done at a better price.

Mrs KOTZ: In relation to the collection of outstanding payments of funds owed to the Secondhand Motor Vehicle Compensation Fund and Agents' Indemnity Fund will the Attorney indicate to the Committee what action has been taken to recover outstanding payments owed in these areas?

The Hon. K.T. Griffin: The Secondhand Motor Vehicles Compensation Fund has outstanding the sum of $833 594, which is due for the period 1 July 1990 to 30 June 1994; that is, over a period of four years. I think that is extraordinary. A recovery officer was appointed by the Commissioner for Consumer Affairs in August 1994 for a period of six months, initially to pursue the outstanding payments owed to the funds. I understand that the process of identifying and verifying debtors is almost completed. The second priority will be to recover fines and costs of approximately $50 000 imposed by the Commercial Tribunal, but subject to the re-examination of financial records.

Mrs KOTZ: I believe that the Second-hand Vehicle Dealers Bill is currently before Parliament. I am sure that most members of Parliament will be aware that backyard dealers are of concern to all, particularly the motor vehicle industry. Will the Attorney advise the Committee what steps the Commissioner is taking to address this problem, and will the Bill effect improvements in this area?

The Hon. K.T. Griffin: The question of backyard dealers is always difficult, whether it relates to motor vehicles or others—perhaps some even involved in garage sales. Second-hand motor vehicles are of particular concern, because frequently we find that wrecks have been acquired and rebuilt without necessarily having a proper focus on safety, and some stolen vehicles are reconditioned in some manner or other and sold in that way. Backyarders do not provide the same warranty protection to consumers as licensed vehicle dealers. Being a matter of particular concern, there has been constant liaison with the Motor Trade Association in an attempt to detect unlicensed second-hand motor dealers.

The Motor Trade Association provides a significant amount of information to the Office of Consumer and Business Affairs about vehicles being advertised, but when they have been investigated a number of leads have come to a dead end because the person who has featured in the advertisements has moved interstate or in some other manner disappeared, so it is not easy to track down the person who has been advertising such vehicles.

Four backyarders were prosecuted and convicted in the Magistrates Court for dealing in second-hand motor vehicles without a licence. Three backyarders have been disciplined by the Commercial Tribunal and they have been fined for trading in second-hand motor vehicles whilst unlicensed. Constant warnings are given to members of the public about the dangers of buying from unlicensed vehicle dealers. The best approach, in the Commissioner's view, is to continue with the publicity. If you can get a hit occasionally and impose substantial penalties, it creates some misgivings in those who seek to practise and carry on business as backyarders.

The present legislation provides that if you deal in up to six second-hand vehicles a year you are not presumed to be a dealer, so you do not have to be licensed. The onus is then on the Crown to prove beyond reasonable doubt that the person is carrying on a business. The Bill before Parliament reduces that to four and it also reduces the onus. If you deal in four vehicles you are presumed to be a second-hand vehicle dealer, unless you can prove to the contrary that you are not carrying on a business. We think that will go a long way towards resolving the problem of backyarders. For obvious reasons, warranties are not provided by backyarders and the history of a number of vehicles is somewhat dubious.

Mr CAUDELL: My question relates to travel industry compliance. I have noted that a large number of backpacker hostels in the city and the suburbs appear to be running what could be considered to be travel agencies in conjunction with their businesses. It has been alleged that some backpacker hostels may be operating as unlicensed travel agents by arranging travel for their clients. What is being done to address this issue?

The Hon. K.T. Griffin: I think it is important not to bring all the backpacker hostels within that category, but there has been some concern about their activities in selling travel and tours, which means that the person who buys is unprotected. Perhaps I will handball this matter to the Commissioner, who might be able to elaborate on some of the concerns that he and his staff have experienced in relation to this practice.

Mr Lawson: We have written to all backpacker hostels informing them of their obligations in this area, and we constantly monitor such activities. We have not had any response to the letter, but we will maintain our monitoring and policing of the situation.

Ms HURLEY: What are the cost benefits and cost implications of abolishing the Residential Tenancies Tribunal and establishing the proposed Tenancies Tribunal?

The Hon. K.T. Griffin: The legislative review team which I established looked at the processes involved in the residential tenancies legislation from two perspectives. One

was the general management of the residential tenancies system, including the collection and paying out of bonds. Consistent with our general approach of analysing and evaluating all current legislation, we examined whether it would be more efficient to deal with bonds through the Commissioner's office rather than the tribunal. The evidence so far suggests that it ought to be dealt with administratively rather than by a quasi judicial body. There is no real need for a tribunal to address issues relating to bonds, for example, unless there is a dispute. A substantial number of the bond transactions are undertaken without any dispute between the parties. There may well be some cost saving in relation to that.

In relation to the resolution of disputes, whilst the Residential Tenancies Tribunal has some important processes available to it, our analysis indicates that we can probably avoid a number of those by some early attempts at dispute resolution. The Bill was put out for public comment, and we have received a number of submissions as a result. The final configuration of the tribunal has not been determined, and the final costing has not yet been undertaken. So the focus is to streamline the processes, to provide some amendments to give a better balance between the rights of landlords and tenants and, in particular, to speed up the bond dealings.

I am told that the Queensland Rental Bond Authority has an agreement with Australia Post, and that 30 per cent of lodgments and 70 per cent of refunds are made at Australia Post offices. Security bonds in respect of residential tenancies are currently lodged and refunded at the one location in the city—at the Residential Tenancies Office. Limited facilities are available at three country offices—Port Augusta, Berri and Mount Gambier. The Office of Consumer and Business Affairs has commenced negotiations with Australia Post, which has quite an extensive network of offices, for bonds and uncontested refunds to be made at its outlets. That means that the net of service which is provided to the community will be broadened, and that can be facilitated through the administrative structure rather than the residential tenancies structure.

Some submissions have been made which suggest that by putting magistrates in charge of the tribunals the cost will be increased significantly. There is no evidence that that will occur. What it does mean is that there will be a better prospect of obtaining a quick resolution to outstanding issues in relation to tenants, particularly in country areas where circuit magistrates visit on a regular basis. There may be some issues I have not touched upon which the Commissioner might like to pick up.

Mr Lawson: The cost of operating the Residential Tenancies Tribunal has been an issue, and a number of figures have been floating around about the true cost of its operation. We have undertaken a very comprehensive study of all the costs and fees and other support charges associated with operating the tribunal. In 1993-94 the total cost was $846 000; and 3 847 hearings were conducted, which gives an approximate cost per hearing of $220. We believe that under the new arrangements the cost per hearing will be dramatically reduced.

Ms HURLEY: In light of the statement that you have done some costings, could you tell me how much it cost the Government per application, on average, in 1993-94? What proportion of the cost of the Residential Tenancies Tribunal was met by a transfer of interest on security bond money held in trust by the tribunal? I realise that the Minister said that costs had not been determined exactly, but I imagine that you have an estimate of the average cost per application under the proposed Tenancies Tribunal and the caseload, etc.

Mr Lawson: If we could take the surplus issue first, the fund comprises some $31.8 million in respect of security bonds lodged by tenants, and some $7 million in accumulated surplus as at 30 June this year. The residential tenancies function is self-funding and includes bond administration, the advisory and investigation services and the operation of the tribunal. However, with the low interest rates at present some $242 000 of surplus moneys were utilised during 1993-94, and it is expected that $486 000 of the surplus will be utilised during 1994-95.

With the legislative change, it is intended to pay interest to tenants on the refund of security bonds from the fund. Whilst separate actions will be undertaken to reduce the cost of the operation of the tenancies branch and to increase the return on funds invested, the payment of interest will utilise the surplus at a rate that will depend on the rate of interest set. So, any reduction in the surplus will obviously affect the earning power of the fund and will have a secondary effect which will require considerable action in future years to reduce those costs, increase earnings and keep the interest rate paid to tenants at a reasonable level.

In terms of the detailed costing of applications received, etc., we are still working through those figures at the moment. Unfortunately, one of the issues that we are facing in the new office is a lack of good computerised information. We are transferring a lot of the manual information to a new database so that we can get a very accurate figure on the cost per transaction. We know that savings can be made—in fact, savings are being made. As a result of the new process of paying out security bonds without unnecessary administration, the costs will reduce quite significantly.

Ms HURLEY: As a supplementary question, did I understand your answer was that the new system will use up the surplus and that it will not be replaced?

Mr Lawson: No, it certainly will not. It is not our intention to use up the surplus. Obviously it is in our interest to retain the surplus so that we can earn more interest on the funds that are there. The explanation I gave on the surplus was intended to point out that we need to reduce the cost of our operation so that that surplus does remain intact.

The Hon. K.T. Griffin: It is important to recognise that that $486 000 of the surplus for the current year being applied towards funding residential tenancies is based on no policy change. That figure is based on the existing administration. The whole thrust is to try to develop efficiencies and review practices, and if they are inefficient and not serving a useful purpose then either to change them or get rid of them, and to focus, ultimately, on trying to pay some interest to tenants. For so long all the interest has been used to accumulate a surplus and to pay for the administration of the fund and for projects such as the International Year of Shelter, when a substantial amount of the money for the Government's programs that year were taken from the Residential Tenancies Fund. To some extent the final assessment of costs depends upon the final structure that gets through the Parliament, and also what goes into the Parliament. At this stage I do not think we can take that much further except to say that we are conscious of the need to keep costs down rather than to increase them.

Ms HURLEY: Obviously it is very laudable to provide a return to tenants in respect of their bond money. I was wondering how better returns will be achieved on the

invested money and whether this might not mean more risk in terms of the money invested.

The Hon. K.T. Griffin: As I recollect, it is presently managed by the Public Trustee. We do not have the current interest rate, but if that is of interest to the honourable member we will make sure that it is provided to the Committee. The funds are managed through the Public Trustee with the involvement of private sector fund managers, as I recollect. If I am wrong in my recollection, I will obtain the correct detail.

With such large amounts of money being available, it is a matter of being able to get good management for the funds. At the present time the Public Trustee has been providing that management. I have suggested that we ought to see what else is available in a truly competitive environment without significantly increasing the risk, and to see whether there can be a better return on the money from a different investment management structure in respect of those funds.

Ms HURLEY: Are there any guidelines about the risk tolerated?

Mr Lawson: We are just about to undertake some actuarial scenarios, if you like, to look at what the impact will be on the fund if various interest rates are paid. That will be undertaken by the risk management area of the Treasury Department. We are working up a brief now to try to identify all the scenarios that may eventuate under the new arrangements. As the Attorney has indicated, while we are getting a reasonable return from Public Trustee, we are intending to develop a brief and go to tender to see what rates we can get in the wider marketplace, but still ensuring the investments are gilt-edged.

The Hon. K.T. Griffin: In respect of interest, it is not intended that by providing authority to pay interest—at this stage anyway—that interest is to be retrospectively accumulated. It will accumulate only from a date when the provisions come into operation.

Mr CAUDELL: The Program Estimates (page 144), under '1993-94 Specific Targets and Objectives', states:

> The review of the legislative framework for fair trading was commenced with the objectives of removing the outdated provisions and streamlining all regulatory frameworks to avoid unnecessary cost burdens to both business and consumers.

When will the review be completed and what will be its effects for businesses in South Australia?

The Hon. K.T. Griffin: We have the pressure on to try to get all this finished and into Parliament well before the end of the year—where legislative change is necessary. The legislative review team has completed its review of the following Acts: Land Agents, Brokers and Valuers, Residential Tenancies (and that is now out for public comment and there may be some further changes as a result of the submissions made), Second-hand Motor Vehicles, Consumer Credit (in the context of the National Credit Act regime), Commercial and Private Agents, Travel Agents, Fair Trading, Consumer Transactions, Builders Licensing, and Landlord and Tenant (the commercial tenancies aspect). The Trade Standards Act, Trade Measurements Act, Manufacturers Warranties Act, Misrepresentation Act, Prices Act and Commercial Tribunal Act are still to be reviewed.

Some of the review which has been completed has not yet been finalised in terms of drafting Bills, but that will be undertaken when the final brief and report comes to me. What we are looking to do, as I said earlier, is to ensure that we go back to all the regulatory frameworks and identify what Government is seeking to achieve, whether it is desirable to seek to achieve that goal and, if so, the best mechanism for doing it.

Members will recognise that this sort of review occurs in a framework of national review of anti-competitive frameworks and legislation—the upheaval in respect of the regulation of the legal profession, the VEETAC report on partially regulated occupations and mutual recognition. So, there is a whole range of movement within Australia that focuses upon the need for review of all regulatory frameworks to see whether we can get the most competitive and the most productive framework in place. It must be said that that is not to be done at the expense of the consumer and there is a concern with the focus upon Hilmer and the Trade Practices Commission activities that the need to provide some standards and to protect consumers might be ignored.

I can give an assurance to the Committee that that is not going to happen, at least so far as I am concerned, where we are concerned to ensure that there are proper standards and protections in place for consumers. But what we want to do is to work with the trade and professional organisations to set up things such as dispute resolution processes—much as the banking and insurance industry has done—so that we have more emphasis upon dispute resolution at a much earlier stage rather than ultimately coming to Government at too late a stage when it is all festered and grown out of all proportion and is more difficult to resolve.

Mr CUMMINS: The issue of crowd controllers and bouncers seems to be an aspect that is fairly important to the security industry, but it also raises some concerns about violence and what sort of control is exercised over these people. What is being done to address this issue of crowd controllers and bouncers, and so on, who operate in the security industry?

The Hon. K.T. Griffin: I suppose one can describe crowd controllers by various names: I think the most common among young people is bouncers. It is an area that has prompted some public comment from time to time. Crowd controllers are required to be licensed under the Commercial and Private Agents Act. The Commissioner for Consumer Affairs conducts a monitoring program of crowd controllers, in particular those employed by licensed premises and various night clubs, in order to detect personnel who are unlicensed and also to identify undesirable conduct.

The Star Force Squad of South Australian Police is presently taking an active role in policing the Hindley Street precinct. Officers have been informed of the requirements of the Commercial and Private Agents Act and during the course of their police work will monitor the compliance with the Act. The Commissioner has instituted disciplinary action against crowd controllers following convictions for such charges as assault. The Commissioner has also lodged objections where the applicants have an extensive criminal record. The Commissioner has received inquiries and complaints from people who have entered into contracts to purchase security equipment, and that is also an area which is covered by the Commercial and Private Agents Act, along with security guards, commercial agents and security alarm agents. We have not made final decisions on the way in which we will handle that as a result of the legislative review process, but that is very much in the pipeline for review.

Mr CUMMINS: I refer to timeshare holiday contracts, which seem in this day of commerce to be becoming more and more popular, but it seems to me that with that popularity come dangers to the consumer. What is being done to protect consumers against high pressured timeshare purchasing?

The Hon. K.T. Griffin: There have been some complaints about timeshare schemes. There is a difficulty more so in other States than in South Australia, and I am told that about four complaints have been received by the Office of Consumer and Business Affairs in the past two years. They, as I understand, related mainly to purchasers who had cooled off after the 10-day cooling off period had elapsed.

Those sorts of problems have been identified. The Office of Consumer and Business Affairs has been advised by interstate agencies that some time-share sales representatives have engaged in dubious high pressure sales practices, but in reality it should be said that selling a time-share interval is often difficult and can result in a financial loss, particularly as it has been estimated that marketing and promotion can add something like 50 per cent to the purchase price. Again, from the consumer's point of view, it is always a difficulty of getting a suitable slot where you can take up the time-share option. I suppose from South Australia's perspective it is mostly those who are induced to go to Queensland or to other warmer climates, particularly in winter time, who might fall victim to dubious time-share practices. So far as the Commissioner is concerned, when some instance comes to his notice, some action may well be taken.

Ms HURLEY: Under the proposed new structure for a resolution of residential tenancy disputes, who will be chairing the conciliation conferences?

Mr Lawson: Under the proposed changes, the Registrar of the new tenancy tribunal would chair the conciliation conferences. However, it would be hoped that they would be at a minimum and that many of the issues would be resolved by residential tenancies branch staff before the need for a conciliation conference occurs administratively.

Ms HURLEY: Will the existing tribunal staff be kept on to do that pre-conciliation conference work with them?

Mr Lawson: There are three areas of residential tenancies: bond administration, advisory and tribunal support. Under the new arrangements, in the event that the workload for the tribunal support reduces to the extent that we believe it will, the people who are currently employed in that support function will be retained to take on other functions in the office in the advisory and bonds administration areas as part of our training program involving people in mediation and conciliation techniques so that they can be utilised in that way.

Ms HURLEY: You said that you expected the workload to reduce: what sort of reduction do you expect, and why?

The Hon. K.T. Griffin: It is very hard to say exactly what the reduction will be. However, as I indicated right at the beginning of this discussion about residential tenancies and legislative review generally, what we are focusing upon is getting efficiencies, still providing a service, and also getting away from the tribunal undertaking a number of administrative functions or functions in a judicial capacity which can be more appropriately dealt with administratively. In terms of the lodgement of bonds, a wider range of services will be available to people throughout South Australia, not just those in the metropolitan area or to several of the major provincial centres, but for all people, if we can undertake a satisfactory negotiation with bodies such as Australia Post in relation to the processing of bonds. That will be in the best interests of tenants as much as landlords.

If we make the tenancies tribunal less likely to be responsible for what are essentially administrative functions, it will be able to focus on the resolution of disputes and deal with those efficiently and quickly rather than presently being bogged down with administration. In terms of the administration side of it, the goal is to improve the public face to get rid of a lot of the red tape relating to bonds administration in particular but also in the advisory area, and focus on support for landlords and tenants in the administrative area rather than for a quasi-judicial tribunal.

Mr Lawson: In terms of the number of applications that have been made before the Residential Tenancies Tribunal seeking an order, etc., and those that resulted in a contested hearing, the information I have is up to the end of June this year. Some 11 216 applications were received; of these, 5 098 letters were sent to the other party asking whether they disputed the claim for the disbursement of their bond moneys; only 247 of those were disputed, with the remainder being paid out by the Deputy Registrar of the tribunal without the need to go to a hearing. A further 3 115 applications were sent for investigation by tenancy officers (we now call our fair trading officers tenancy officers) in the residential tenancies branch. When the 3 110 investigations were completed, they were dispersed as follows: 852 were conciliated between the parties with assistance from officers; 990 were recommended for orders to be made without requiring a hearing; 323 were withdrawn by the applicant; and 945 were referred to the tribunal for hearing. A total of 3 847 hearings were actually heard, and in excess of 60 per cent of these hearings either one party or no-one attended.

Ms HURLEY: How much funding will the Consumers Association of South Australia receive by way of Government grant in this financial year, and in real terms is this an increase or decrease compared to the previous financial year?

The Hon. K.T. Griffin: It is $20 000, about which I informed the Consumers Association, and it is the same as last year. That $20 000 has been the same figure for a number of years under the previous administration. We are maintaining the practice of making the payment. We have asked the Consumers Association to provide more information about the way in which it proposes both to use the money and to evaluate its application, and also how it proposes to develop other funding sources. We have asked it for a business plan on the basis that it is public money. We are doing this with crime prevention and—or at least in my area—with any agency that is receiving Government funds. Rather than just saying, 'It's a great idea, you'll get it,' we need to have more detail about the framework within which the money is to be expended, the objects, the business plan of the agency and the way in which the application of the funds will be evaluated to determine whether or not the goals, or in this case the business plan, have been established. As I understand it, the Consumers Association has accepted funding on that basis.

Mr CUMMINS: The cottage building industry is a significant factor in the growth of this State. There is some concern, though, about compliance with the Builders' Licensing Act by some sections of the industry, such as owner/builders. Will these areas of non-compliance be addressed by the Commissioner?

Mr Lawson: The construction of home units and town houses by unlicensed building developers is of some concern. The Master Builders Association has recently expressed concern to us about this issue and has provided some examples of the practice, as has the Housing Industry Association. The borrowing of a builder's licence number to obtain building indemnity insurance has also been cited by both associations as a mechanism used by people to get around the need to be licensed. Where an unlicensed building developer seeks building approval from a council, the builder

of the project often is declared as an owner/builder. This type of project often involves the construction of at least two or three units. Evidence of indemnity insurance is not requested by councils because the project is to be undertaken by an owner/builder.

The current Builders' Licensing Act provides grounds for disciplinary action against the director of an insolvent company. I have instituted a number of disciplinary actions against directors of insolvent companies who hold a builder's licence. Indeed, three licence holders had their licence cancelled, and the Commercial Tribunal downgraded a builder's licence for a builder who was a director of an insolvent company. There is also some evidence to indicate that in some trades such as fencing there may be non-compliance with licensing requirements. Where unlicensed builders are detected, assistance and advice are given on the need to be licensed. We are working in conjunction with the major trade associations (the MBA and the HIA) to develop better monitoring procedures in these areas.

Mrs KOTZ: I direct the Attorney-General's attention to the Retirement Villages Act, involving an area of considerable concern to me as a member of Parliament in my dealings with constituents who have made considerable complaints regarding the Act over the past few years. Those complaints are associated with a number of areas including the legality of procedures undertaken by management when dealing with residents, ranging from lack of information available to residents and increased levies sought by management outside the appropriate procedures already designated under the Act to overcharging on maintenance levies and lack of information on the income of and expenditure by administration presented to meetings called on behalf of residents who should have been entitled to receive that information.

For all those reasons, it is of great concern that, basically, details seem to be sadly lacking in areas relating to information given to residents. The bottom line is that these people would perhaps gain more knowledge of their own rights if that information were made available to them. What is the status of the recent amendments to the Retirement Villages Act?

The Hon. K.T. Griffin: The area of retirement villages is controversial. The previous Government established a working party to examine problems in that area, and my Government proceeded with amendments which were enacted during the last session and which came into operation on 1 July this year. The legislation which was enacted, and the code of conduct which was a consequence of that and which was promulgated in a regulation, arose from an agreement between a number of players in the retirement villages field (proprietors, managers and residents), and agreement was reached on the actual legislation.

If there are continuing concerns about what happens in some retirement villages, they ought to be referred to the Commissioner if they cannot be resolved at the local level. The Act provides for matters concerning disputes of a non-legal nature to go to the Residential Tenancies Tribunal, which can act as an arbitrator or invite the parties to conciliate. Obviously, if you conciliate something it is much better because the tenants or residents still have to live in the retirement village and work with the manager. So, the focus is always best placed upon conciliation. The Commissioner for Consumer Affairs can be a point of contact. A large number of residents of retirement villages as well as administrators actively seek conciliation from the Commissioner's staff, with the greater emphasis being upon administrators because they recognise some experience there which can be drawn upon.

The new laws require the provision of a lot of information to residents by way of annual meetings with the administrator; residents' committees, which can meet with the administrator upon reasonable request; the provision of income and expenditure information on a regular basis; a 90 day settling-in period for new residents; and the code of conduct that deals with refunds where a resident needs to move to a higher level of care on medical grounds. As I said earlier, the Residential Tenancies Tribunal is able to deal with all contractual matters including disputes over premium and, of course, offences under the Act, and there is a new and wider power for the tribunal to consider harsh and unconscionable conduct by administrators. Whatever happens to the Residential Tenancies Tribunal, whether it is restructured or remains as at present, it is intended that it will continue to exercise that responsibility. I repeat: if operators, administrators, owners or residents have concerns in relation to problems they might experience with a particular retirement village, they should not hesitate to contact the Commissioner's staff, who will be pleased to provide some direction and assistance.

Mrs KOTZ: It is pleasing to hear that, at least initially, some of these complaints can be looked at immediately, and I will take up the Attorney's invitation. My next question relates to births, deaths and marriages. What has been the public's response to the Government's decision to allow older district registers and indexes to be available to the public through public libraries?

The Hon. K.T. Griffin: My understanding is that the public's response has been quite favourable. I suppose it falls into the category of information being made available to the public similar to court judgments referred to earlier by the member for Napier. The records are available at the local level in libraries.

The district registers of births to 1906, marriages to 1916 and deaths to 1967 will go to selective public libraries within the former registry districts. The registers are on indefinite loan and available for reference under the usual library rules. An additional requirement is imposed by the Principal Registrar as a condition of loan that users may not photograph or photocopy the register pages. That is necessary to preserve the paper records and, I suppose, to preserve revenue, but more particularly it is to protect the registers, which are fragile. Returning to the question asked, there has been a very favourable response to making this information readily available.

Ms HURLEY: As we are getting close to the dinner break, I will read out a series of questions, with the answers to be incorporated at the appropriate time.

The Hon. K.T. Griffin: I have no objection to that. We will endeavour to provide the answers certainly within the time frame requested by the Committee.

Ms HURLEY: My first question relates to the self-regulation of real estate agents and conveyancers. First, how much licensing revenue is expected to be forgone annually as a result of implementing the Land Agents Bill 1994. Secondly, how much money is presently in the agents indemnity fund? Thirdly, for what purposes has money been paid out of the fund in 1993-94, and for exactly what purposes does the Government intend to use the fund moneys if the Land Agents Bill 1994 is passed?

The next lot of questions is on births, deaths and marriages. I refer to the expenditure on the civil marriage program referred to on page 132 of the Program Estimates.

First, is that a cut in expenditure to zero or is this expenditure accounted for elsewhere? Secondly, will civil marriages continue to be permitted in Edmund Wright House and, if not, what plans does the Government have for Edmund Wright House and where is it proposed to hold registry weddings?

The next questions are on consultation. First, what funding has been allocated for consultation with the following three groups, which have not be called upon to meet in 1994: the Financial Councillors Forum; the Consumer Affairs Advisory Forum; and the Consumer Credit Education Consultative Committee? Secondly, have resources been allocated within the Office of Consumer and Business Affairs for consultation and training of staff in respect of uniform credit laws?

Mr CAUDELL: I refer to a question I asked earlier in proceedings in respect of the legislative review. The Minister mentioned the review of the credit code. What is the current status of the uniform credit code and when is it likely to come into operation in South Australia?

The Hon. K.T. Griffin: The uniform credit code was enacted in the Queensland Parliament, and it is intended that complementary legislation will be introduced in each of the States and Territories. The Consumer Affairs Ministers have proposed that the legislation will come into operation 12 months after the legislative scheme is in place. The South Australian complementary legislation is presently being considered and, hopefully, it will be introduced in the South Australian Parliament in the foreseeable future. The new credit code for the first time puts in place across Australia a framework for the provision of credit to consumers.

Previously New South Wales, Victoria and, I think, Queensland were parties to a uniform credit code, but it was uniform only in relation to those States. South Australia has had the Consumer Credit Act and Consumer Transactions Act, and other States and Territories have had other legislation. There has not been uniformity, nor has there been universal coverage of the credit providing industry, particularly banks and others in that framework because the States had no legislative power to deal constitutionally with banks in the provision of credit.

Although in South Australia it is expected that in relation to local credit providers there will be some additional burdens, they will nevertheless be uniform across Australia, and for those dealing nationally that will be a significant advantage in removing some red tape and removing a significant amount of bureaucratic control. In relation to the position in South Australia it should also be said that, under our Consumer Credit Act, a number of credit providers are not covered, and a number are exempt from the coverage given by that legislation. That is an issue that I will address in the Parliament when I introduce the new legislation. The only other issue with respect to the credit code, as raised by the member for Napier, relates to training.

Funds will certainly be available in South Australia for the training of officers, the private sector will undertake its own training programs for its own officers, and we have offered to consumer credit representative organisations the facility of participating in the training that is available to officers in the Office of Consumer and Business Affairs. So there will be a focus upon training and education in the process of implementing the new credit code.

Mr CAUDELL: The Attorney may wish to take this question on notice. I refer to page 147 of the Program Estimates. The 'Specific Targets/Objectives' state:

> As part of South Australia's involvement in a national approach to the setting of standards and regulations the department will be represented on the Trade Measurement Consultative Committee Working Group to review trade measurement legislation and administration and the Consumer Products Advisory Committee review on regulation, procedures, relationships and protocols with regard to information and safety.

Further, under the heading 'Broad Objective(s)/Goal(s)' there is a reference as follows:

> The formulation and monitoring of standards of measurements and measuring practices to ensure that consumers, trade and industry obtain correct measure in the purchase of goods.

Nationally there is a problem with regard to the sale of petroleum products by the oil industry to service station dealers and also to wholesalers.

As far back as 1974, the oil industry was selling fuel to wholesalers at 15 degrees celsius. In 1974, the oil industry became aware that as a result of selling fuel to the wholesalers at 15 degrees celsius it was basically handing some fuel agents up to $100 000 extra. At that stage, the oil industry withdrew that arrangement and since then has been selling to wholesalers and resellers at volumetric rates. The problem with selling at volumetric rates is that once the product is delivered to a service station dealer, in particular once that product is delivered underground, it contracts and the service station dealer is paying for 500 litres more product than he receives.

This issue has been the subject of a number of Federal reports, the latest being the IAC Draft Report into Petroleum Products. Have discussions occurred on a national level with the Ministers responsible for consumer affairs in relation to having a broad policy Australia-wide for the sale of petroleum products by the oil industry to the resellers and wholesalers, and in particular as it relates to selling fuel at 15 degrees celsius?

The Hon. K.T. Griffin: That was discussed at the recent meeting of Consumer Affairs Ministers. However, a CSIRO report has been commissioned and I gather that that is still some time away. Until that report is made available Ministers are not prepared to do anything in relation to that matter, remembering that there have already been some reports on it and that there is some controversy about the results of various reports. From the perspective of the Consumer Affairs Ministers, we have decided that we will not do anything until we have seen the CSIRO report, and then we will give it appropriate consideration.

In terms of trades standards and measurements, it is proposed to undertake a review of the legislative framework. The trades measurement legislation was enacted in South Australia under the previous Government and it is now in force. It is intended that that be uniform across Australia. Some issues have been raised in relation to that, including the fees being charged and the testing processes. We have decided that we will review the Act to determine whether appropriate changes are required to make it more efficient and responsive to the needs of the community.

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

Additional Departmental Adviser:

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

The Hon. FRANK BLEVINS: I refer to page 136 of the Program Estimates, performance indicators for the Office of Corporate Affairs. Will the Minister advise the committee of the 1993-94 figures and indicate whether they represent an increase or decrease over the figures for the previous

financial year in respect of the numbers of new business names registrations; the time taken to register new business names; the rates of compliance; the time taken to incorporate new associations; to what does the reference on page 136 to proposed amendments to the Business Names Act and the Associations Incorporation Act refer; and how will the proposed changes impact upon resources for the Office of Corporate Affairs?

The Hon. K.T. Griffin: As regards new business names registered during the financial years, in 1992-93 there were 13 775 and in 1993-94 there were 14 519. In terms of the period within which the names were registered, I will give percentages rather than numbers. Registered within one day in 1992-93 the figure is 82.15 per cent and in 1993-94 it is 81.9 per cent. Registered between two and five days, in 1992-93 the figure is 7.9 per cent and in 1993-94 it is 7.95 per cent. Registered between six and 10 days, in 1992-93 the figure is 3.3 per cent and in 1993-94 it is 3.65 per cent. Registered over 10 days, in 1992-93 the figure is 6.65 per cent and in 1993-94 it is 6.5 per cent.

The Committee can see that there is a small fluctuation in the percentages with respect to performance, but they are negligible in the whole scheme of things. All applications made at the front counter are processed immediately, and the waiting time is 15 to 20 minutes. Applications received by mail have a 24-hour turnaround. All applications processed outside those times are invariably those where an incorrect prescribed fee has been tendered or the application form was defective and required amendment. I think members will accept that the performance of the office is generally of a high standard.

In relation to the Associations Incorporation Act, there is to be an examination of the impact of the 1992 amendments. That has not yet been completed and presented to me. It is directed more to examining whether the impact has been beneficial or adverse or whether further streamlining needs to be done. There are matters relating to the adoption of some of the corporations law provisions, particularly in relation to winding up, but they are more mechanical than substantive in terms of their impact on the day-to-day management of associations.

If there are any other aspects of that question that I have not answered, I will examine it, unless the honourable member wishes to pursue it further now. If not, we will undertake to examine it. If any part remains unanswered, we will let the Committee have the answer in writing.

I intimate, as I should have done in relation to other officers, that if there are issues which arise from time to time or if there is information which any honourable member wishes to have, they can make an approach to me, whether it is in relation to Estimates or otherwise, and we will be prepared, generally speaking, to facilitate answers unless, of course, they are particularly political; in that case we will have to reserve our position. The whole operation is designed to provide information, and we will be happy to do so.

Additional Departmental Adviser:

Ms Margaret Heylen, Acting Commissioner for Equal Opportunity.

Ms HURLEY: Page 128 of the Program Estimates reveals that there has been a substantial decrease in recurrent expenditure this financial year in the equal opportunity budget line. Can you give details of the expected cuts in expenditure? Are the planned reductions due to policy directives given to the Legislative Review Committee by the Attorney-General?

The Hon. K.T. Griffin: There is no reduction in the budget line related to any direction given by the Government. There was difficulty in, I think, the 1993-94 budget where there was a deficit between revenue and expenditure. We have addressed that issue through the administration, and it has been agreed that that will be picked up this year. The Equal Opportunity Commission is one of those few agencies which has escaped the cuts, and in effect there is no real reduction in the budget other than to accommodate the deficit in the last year.

Ms HURLEY: As a supplementary question, I do not follow that, as my accounting ability is not up to it. It seems to me that there is a reduction in the total program.

The Hon. K.T. Griffin: It is effectively picking up the deficit of the preceding year. If the Committee wishes to hear from the Acting Commissioner, I would be happy for her to add to that.

Ms Heylen: I think you are referring to the budget outcome for 1993-94, when there was a budget deficit that was related to the operations of that year. There was an undertaking by the commission that that deficit would be picked up in the forthcoming budget. So, there has not been a real cut in the budget but, rather, an undertaking to recoup the deficit for 1993-94.

Ms HURLEY: How is it proposed to pick up that deficit?

Ms Heylen: The Commissioner is looking at a number of revenue raising strategies and internal efficiency measures that can be taken to ensure that we come in on budget. He is looking at complaints handling methods, education programs and the running of training programs on a cost-recovery basis. Targeting the education programs of the commission and charging market rates for these programs would assist the budget deficit.

Ms HURLEY: The report of the Legislative Review Committee into the Equal Opportunity Act was due in August 1994, as stated on page 135 of the Program Estimates. Why has the report not been released?

The Hon. K.T. Griffin: It has not been received yet, the reason being that Mr Martin QC has been involved in a couple of fairly prominent cases in Western Australia. As I understand it, they came on much earlier than he had previously anticipated. He discussed the matter with me and I indicated that I would prefer him not to rush through the legislative review process, because it does involve consultation with a number of people—to do a good job on it but not to be put off by the fact that additional time has had to be spent in Perth on some important prosecutions there. I do not yet have an indication as to when that will be available, but it should not be very much longer before we receive it.

Mrs KOTZ: Section 9 of the WhistleBlowers Protection Act provides for an act of victimisation to be dealt with 'as if it were an act of victimisation under the Equal Opportunity Act'. What steps have been taken to increase awareness of the Act in the public sector?

The Hon. K.T. Griffin: The Act came into operation on 29 September. As I understand it, about 10 requests for advice and assistance have been received by the commission. The last I heard, five of those had resulted in complaints of victimisation being lodged, and those complaints are currently being assessed. We did put together an information pack for officers in the public sector. That was launched with the media in mid-August. We have had a meeting with Chief

Executive Officers and there have been further meetings under the auspices of the Commissioner for Public Employment with officers at executive level, as I recollect it, to develop an understanding of the Whistleblowers Act and the strategies the Government is seeking to put in place to deal with incidents of whistleblowing and the provision of support to whistleblowers.

It is intended that there will be training programs for officers within particular Government agencies so that, internally, the right culture can be developed with respect to whistleblowing and also so that those who are whistleblowing will be supported in the course of any investigation which might result from the act of blowing the whistle. So, within the public sector there is now an extensive program evolving directed towards developing a new attitude towards both making reasonable assertions about acts which need to be investigated and thus the person becoming a whistleblower and in the support and protection of that person during the period of investigation which follows.

Ms HURLEY: I refer again to page 135 of the Program Estimates and, under 'Specific targets and objectives' to 'Consultations commenced to develop a performance management system': what work has been done towards developing this performance management system and, in fact, what does this mean in practice? Who is carrying out the work, and how much will it cost?

Ms Heylen: The performance management system is an internal system for reviewing performance within the commission, and that would relate to all work that the commission does, both in outcomes for education programs and for complaint handling. So, it is a performance management system which checks personal performance indicators and enables monitoring of those. Consultations are occurring with the staff internally, with the Commissioner for Public Employment and with the PSA, to ensure that we develop a system that suits everybody's needs and provides effective management systems for managing the performance. So, it is largely an internal consultation process and there is no cost apart from, of course, the officers' times involved in that work.

The Hon. FRANK BLEVINS: I have a series of questions which can best be described as omnibus questions which I can read out one at a time and the Attorney, quite properly, would not have the amount of information that is required as a great deal of it entails statistical information, etc., and neither the Attorney nor his officers could be expected to respond. So as not to delay the Committee unduly, with the Committee's concurrence, I will have to have these questions incorporated in *Hansard* and the Attorney will respond on the date that the Committee has determined as the appropriate date for written responses.

The ACTING CHAIRMAN: If the Attorney and other members of the Committee are willing to allow the member for Giles to simply read those questions onto the record seeking information largely of a statistical nature, which the Attorney can provide in consultation with his officers before 7 October, I am happy to allow that course of action to be followed.

The Hon. FRANK BLEVINS: Do I have to read them?

The ACTING CHAIRMAN: There is no provision in the Standing Orders under which this Committee operates for them to be incorporated otherwise.

Mrs KOTZ: Is there a means of tabling those questions for acceptance by the Committee?

The ACTING CHAIRMAN: No, the Committee does not have the power to even authorise of its own motion that it incorporate material that is not otherwise addressed to the Committee by the particular member making the inquiry. Indeed, in Standing Orders there is only one provision for incorporation in *Hansard* of any written material and that involves second reading explanations.

The Hon. K.T. Griffin: I am fairly relaxed about having them incorporated if you can find a way to do it.

The ACTING CHAIRMAN: Quite simply, on the day that Parliament resumes, if the member for Giles wishes he can place them all as questions on notice and give them to you at this time so that you can obtain answers and virtually have them in the *Hansard* by the end of the week that Parliament resumes.

The Hon. K.T. Griffin: He did do me the courtesy of mentioning that he had them; they were not of a controversial nature, and I was prepared to accommodate that on the basis of facilitating the work of the Committee. They do arise, as I understand it, out of Estimates, but I have not seen them in detail. As I say, I am happy to facilitate the consideration of those and if there is a way we can find to have them included in *Hansard*, whether in an abbreviated or expanded form, it is something to which I certainly do not object.

The Hon. FRANK BLEVINS: Would it be in order if I gave them to the Attorney-General and, with a suitable omnibus question, would the Attorney-General please respond at the appropriate time to the questions that I have given him which are now incorporated in *Hansard*?

The ACTING CHAIRMAN: Let us have them read through now, or otherwise, as I have suggested, adopt the alternative course of action and simply provide a copy to the Attorney-General now and place them on notice on the first day that Parliament resumes, knowing that you will have the answer by Wednesday or Thursday of that week?

The Hon. FRANK BLEVINS: Mr Chairman, the questions are as follows:

In relation to legal services to the State:

1. Under the heading 'Legal services to the State' in the Program Estimates, there is an allocation of $678 000 for industrial advice. Please provide details of the proposed expenditure and state whether expenditure of this nature was previously categorised differently for budget purposes?

2. How much has been and how much is yet to be spent on the legal challenge to the capacity of South Australian unions to switch from State award coverage to Federal award coverage?

3. How much has been and how much is yet to be spent on the South Australian involvement in the Mabo legislation case recently before the High Court?

In relation to the budget for women:

1. What specific projects have been undertaken for the Women's Suffrage Centenary Year by the Attorney-General's Department, and how much of the allocation for this/these projects was made during the 1993-94 budget and how much for the 1994-95 budget?

2. The Minister for the Status of Women has decided to dump the women's budget which highlighted a range of programs across Government agencies directly or indirectly for the improvement of women's welfare or status. This was a useful document which encouraged agencies to ensure that program and budget planning took better account of the impact of agency activities and services upon women.

However, since the Attorney's colleague has done away with women in the budget, I ask the Attorney what specific

budget allocation has been made within the Attorney-General's portfolios for programs specifically for women? What are these programs and what is their individual budget allocation?

In relation to vehicles:

1. How many motor vehicles, in the various classes of vehicle, are maintained by the department?

2. How many of the department's vehicles are subject to home garaging arrangements and how many carry private number plates?

3. Have any significant changes been made to the way in which the vehicle fleet is managed since January 1994? If so, what are the details?

In relation to courts, capital works:

1. How much will be spent on upgrading the Magistrates Court site on the corner of King William and Angas Streets this financial year?

2. How much is to be spent on upgrading the facilities at the Christies Beach Magistrates Court this financial year, and on what will the funds be spent?

3. Ceduna?

In relation to the June financial statement issued by the Treasurer:

1. What shares of this year's savings target of $170 million reduction in recurrent expenditure was allocated to the Attorney's department?

2. What staff cuts or changed work practices will be implemented in order to achieve proposed budget reductions in the Attorney's department?

3. To what extent will staff cuts, changed work practices or restructuring lead to reduced services to the public in the coming year?

In relation to the June financial statement issued by the Treasurer:

1. What are the target cuts for the next three years as part of the ongoing program to reduce overall recurrent expenditure by $300 million over the next four years?

2. What are the staff reduction targets for the next three years in order to achieve proposed budget reductions in the Attorney's department?

3. What is the estimated cost of separation packages to be paid over the next three years?

In relation to separation packages:

1. What are the classifications of staff who have accepted separation packages since January this year?

2. Have any classifications been denied access to the separation package scheme?

3. Is there any process in place for identifying which staff would be more suitable than others for separation packages and, if so, what are the criteria being used; and are relevant unions or staff associations being consulted?

In relation to Parliamentary Counsel:

1. Why has there been a decrease in budgetary allocation for the Parliamentary Counsel's office?

2. How is the planned reduction in expenditure to be achieved?

3. Will services be reduced as a result of the reduction in expenditure?

In relation to the Director of Public Prosecutions, Human Resources:

1. Does the DPP presently have an office manager? If not, why not, and when will this position be filled?

2. How many lawyers are presently employed by the DPP in the following roles: solicitor, barrister, managerial and other categories?

3. Given the current workload and functions of the DPP, what does the Director of Public Prosecutions, Mr Rofe, QC, consider to be the optimum number of lawyers who should be employed in each of these categories?

In relation to Director of Public Prosecutions involvement in committal proceedings:

1. For some time now the DPP has had two prosecutors based at the Adelaide Police Prosecution Unit to assist with committals and advise on early withdrawal or amendment of charges. Has any cost/benefit analysis of this DPP involvement been done since the Government came to power and, if so, what were the results of the analysis?

2. Is any expansion at all of DPP involvement in committal proceedings proposed for this financial year?

3. What would be the additional cost involved to have DPP involvement in committal proceedings at the Port Adelaide, Holden Hill, Elizabeth and Christies Beach Magistrates Courts on a level comparable to the DPP involvement at Adelaide?

In relation to intra-agency support:

1. What is the basis for the allocation of $235 000 for capital expenditure in the context of intra-agency support?

2. To the extent that this allocation is for computer hardware or software, how is the estimate arrived at?

3. Why has the allocation for recurrent expenditure for intra-agency support been substantially reduced from the 1993-94 expenditure level?

In relation to consultants:

1. What is the justification for the increase of over 80 per cent for use of consultants' services in this financial year?

2. In respect of the planned use of consultants by the department in this financial year, please detail: the names of consultants to be hired and whether any consultants or their employees have or might have been the recipients of South Australian Government separation packages; the process by which consultants have been or are to be chosen; the nature and subject matter of the consultancy work to be provided; and the cost in respect of each consultancy.

In relation to other payments/miscellaneous:

1. Why has there been a substantial increase in the allocation for the Ombudsman's office?

2. With regard to the safety of the public in pubs and clubs, which department or departments will be carrying out the duties formerly carried out by those responsible for the administration of the Places of Public Entertainment Act?

3. On page 142 of the Program Estimates there is reference to a proposed report on 'server intervention policies on violence in licensed premises'. What is meant by 'server intervention' and, if any external consultants are to be used in preparing the report, how will they be selected and how much will they cost?

With regard to Legal Services Commission—women's educational projects:

1. In 1992-93, $5 000 was allocated and, in 1993-94, $2 000 was allocated to a legal education for workers at women's community health centres and at the Women's Information Switchboard in order to develop knowledge and understanding amongst new community workers whose services target women. How much funding is being allocated to this project in the current financial year?

2. In 1992-93, $2 000 was allocated and, in 1993-94, $5 000 was allocated to a legal education for workers at women's shelters in order to develop amongst those workers some knowledge and understanding of key legal issues facing

women. How much funding is being allocated to this project in the current financial year?

3. In 1992-93, $2 000 was allocated and, in 1993-94, $3 000 was allocated to monthly information sessions on family law, including Family Court procedures and the Family Court counselling process, for community workers and women in the community generally. How much funding is being allocated to this project in the current financial year?

The Hon. K.T. Griffin: We will provide answers to those questions within the appropriate time frame. One question was a bit more colourful and political than the others with some language like 'dumping' in relation to my colleague the Minister for the Status of Women. Therefore, it may generate an equally colourful response. In respect of the other matters which request information about the budget and estimates, I will be pleased to supply that within the appropriate time frame.

Mr CAUDELL: Earlier in the day, a statement was made in relation to a magistrate who had been off for 12 months and who had a backlog of cases. Does the Attorney have anything further to add with respect to that matter?

The Hon. K.T. Griffin: The Chief Magistrate has checked the records, and I am informed that he has made a statement publicly that no magistrate has been on leave for 12 months. No magistrate has 92 judgments reserved and outstanding and, as I understand it, among the 35 magistrates there are only seven outstanding judgments. So, there is certainly no basis for the assertion. As I said, the Chief Magistrate has made a press statement publicly in relation to that, but it is appropriate that it be on the record of the Estimates Committee. I am sure that other statements will be made outside the precincts but, to maintain the propriety of the Committee, that is all I need say.

Mr ATKINSON: Earlier today I told the Committee:

> The Opposition understands that a magistrate in the Magistrates Court has been off work since August 1993 and has 92 outstanding judgments that have been waiting more than 12 months since the final hearing of the case.

By 'off work' I meant not being on sick leave but not hearing cases, that is, the magistrate was writing judgments and not hearing cases. However, I have now checked the matter further and the member for Norwood was right to criticise me: I believe the claim of 92 outstanding judgments that have been waiting more than 12 months is exaggerated, and I apologise to the Committee.

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

Attorney-General and Minister for Consumer Affairs—Other payments, $19 289 000—Examination declared completed.

ADJOURNMENT

At 8.7 p.m. the Committee adjourned until Wednesday 21 September at 11 a.m.