HOUSE OF ASSEMBLY

Thursday 1 August 2002

ESTIMATES COMMITTEE A

Chairman:
Hon. R.B.Such

Members:
Hon. R.L. Brokenshire
Ms V.A. Chapman
Mr K. Hanna
Mr E.J. Meier
Mr J.R. Rau
Mr J.J. Snelling

The Committee met at 11 a.m.

Department of Justice, $590 669 000
Administered Items for Attorney-General's Department, $49 816 000
Administered Items for State Electoral Office, $200 000

Witness:

The Hon. M.J. Atkinson, Attorney-General, Minister for Justice and Minister for Consumer Affairs, representing the Minister for Volunteers.

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

Departmental Advisers:

Ms K. Lennon, Chief Executive, Attorney-General's Department and Department of Justice.

Ms S. Miller, Acting Deputy Chief Executive.

Mr K. Pennifold, Director, Strategic and Financial Services Unit.

Mr R. Mathews, Principal Financial Adviser.

Mr T. O'Rourke, Director, Corporate Services.

Mr M. Church, Manager, Financial Services.

Mr A. Swanson, Financial Accountant.

Mr W. Cossey, State Courts Administrator, Courts Administration Authority.

The CHAIRMAN: The estimates committees are a relatively informal procedure and as such there is no need to stand to ask or answer questions. The committee will determine an approximate time for consideration of proposed payments to facilitate changeover of departmental advisers. I ask the minister and the lead speaker for the opposition whether they have an agreed schedule for today's proceedings.

The Hon. M.J. ATKINSON: I am not sure. Have we agreed?

The CHAIRMAN: I have a schedule here, so I assume you have agreed on it. Changes to committee membership will be notified as they occur. Members should ensure that the chair is provided with a completed 'Request to be discharged' form. If the minister undertakes to supply information at a later date, it must be submitted to the Clerk of the House of Assembly by no later than Friday 16 August. I propose to allow the minister and the lead speaker for the opposition the opportunity to make a brief opening statement.

There will be a flexible approach to giving the call for asking questions based on about three questions per member, alternating each side. Supplementary questions will be the exception rather than the rule. A member who is not part of the committee may, at the discretion of the chair, ask a question. Questions must be based on lines of expenditure in the budget papers and must be identifiable or referenced. I have not insisted that, when asking a question, members actually specify the precise budget line because it takes up a lot of time of the committee. Members will be brought back only if they stray from our focus this morning. Members unable to complete their questions during the proceedings may submit them as questions on notice for inclusion in the assembly *Notice Paper*.

There is no formal facility for the tabling of documents before the committee. However, documents can be supplied to the chair for distribution to the committee. The incorporation of material in *Hansard* is permitted on the same basis as applies in the house; that is, that it is purely statistical and limited to one page in length. All questions must be directed to the minister, not to the minister's advisers. The minister may refer questions to advisers for a response. I also advise that, for the purpose of committees, there will be some freedom allowed for television coverage by allowing a short period of filming from the northern gallery.

I declare the proposed payments open for examination and refer members to Porfolio Statements, Budget Paper 5, appendix D, pages 5.1 to 5.89. Does the Attorney-General wish to make a brief statement?

The Hon. M.J. ATKINSON: The current budget outlines our commitment to ensuring, to the extent that any government operating within a tight budgetary framework can, that every South Australian feels safe, is safe, has confidence in our judicial system, and that the system operates fairly and efficiently with respect to those who deal with it. Some of the key changes that the government intends to make by legislation are:

- extending the right for people to defend themselves in their own home;
- ensuring that self-induced intoxication with drink or drugs is not an excuse for crime;
- increasing the penalties for crimes committed against the elderly, the infirm or the very young, or crimes committed against vulnerable workers in the course of their duties (we are thinking there about police officers, ambulance officers and cab drivers);
- reform in the sentencing of offenders by ensuring consistency in sentencing through a regime of guideline sentencing, whereby the Attorney-General, the Legal Services Commission, the DPP, or even the Aboriginal Legal Rights Movement could approach the Court of Criminal Appeal seeking a guideline sentence;
- extending the scope of DNA testing, and consequently the efficiency of forensic science in solving crimes, whilst making sure that South Australia has access to the Commonwealth CrimTrack Database.

The government is taking action to enhance the safety of staff and members of the public within court precincts. Members will recall the Maddeford incident in the Supreme Court. We are doing this by installing two X-ray scanning machines at

the Elizabeth and Christies Beach magistrates courts. Port Adelaide and Holden Hill magistrates courts have been identified as the next sites to be provided with this X-ray scanning equipment.

Criminal docks will be upgraded in metropolitan courts. The upgrade will increase the height of docks by the addition of toughened glass or similar screening. The ongoing minimum restraint training program for metropolitan Sheriff's officers has been extended to country-based Sheriff's officers. A major upgrade of the Sir Samuel Way Building electronic security systems commenced in May of this year.

So far as continuous improvement in the justice system is concerned, some of those initiatives will include implementing the recommendations of the review of justices of the peace, including a major survey of all South Australian justices of the peace, improving administration and access systems, and considering the need for legislative change. I would like to see appropriately trained justices of the peace doing some duties on the bench, duties which have progressively diminished alas over the years.

There will be funding for a constitutional convention which was part of our compact for good government with the Speaker. There will be funding for additional staff in the office of the Director of Public Prosecutions to address a large increase in workload. Members will recall that in 1999 the law regarding home invasion was changed so that we had a dedicated offence of home invasion whereas previously there had not been in legislation a distinction between housebreak, where the householders were not at home, and housebreak where the offender entered the premises knowing that the householders were at home or were recklessly indifferent to whether they were at home or not. By making this home invasion a major indictable offence, we increased the workload on the Director of Public Prosecutions, and now there is a backlog of cases. So there is funding in the budget for the DPP to try to overcome that backlog.

We have provided funds to the Public Trustee to implement its business information system delivering efficiencies in the management of client affairs. We have funded the Port Augusta courts complex redevelopment over three years, commencing in 2002-03, to provide a new courts complex in Port Augusta on the former site of the police station and holding cells.

A resident magistrate will be appointed to Port Augusta. Members may recall that the government that was elected in 1993 abolished resident magistrates in the South Australian countryside and, from that point, it has been the policy of my party to have resident magistrates restored to the South Australian countryside. The first resident magistrate to be restored will be in Port Augusta and that will be magistrate Fred Field. That is a 12-month pilot and we hope that it is a success. The 'bodies in the barrel' murder cases received additional funding over and above the normal funding for a murder case due to the complexities inherent in the case.

The Courts Administration Authority has received additional funding for the Coroner's inquest into the Whyalla airlines accident. Moving now to our saving strategies, some difficult decisions have been made to create savings but we are committed to minimising the impact of these on service delivery. In order to assist the opposition, I will outline our savings. The justice portfolio has set a savings target of $68 million over the next four years with a target of $16 million to be achieved in 2002-03. From my part of the justice portfolio, the savings will come from process improvements and smarter use of technology.

Three judicial vacancies in the Supreme Court, the District Court and the Magistrates Court will not be filled as they might have been. All agencies within the justice portfolio will be required to meet a reduction in consultancy budgets, based on the 2001-02 projected consultancy costs. Native title expenditure has been realigned to reflect actual levels of expenditure for 2002-03. We are offering voluntary separation packages to public servants within the portfolio. The Local Crime Prevention Program will receive funding of $600, 000 in 2002—a reduction of $800 000.

An assessment has been made of the Criminal Injuries Compensation Fund that identified a reduction in the level of government contribution due to an increase in revenue and a fall in the amount of compensation made to victims in comparison to previous years. I would like publicly to recognise the valuable contribution made by more than 40 000 volunteers to the work of the justice portfolio. In the Attorney-General's department alone, 7 000 justices of the peace play a significant role in providing the public with services, such as attesting or witnessing documents.

The CHAIRMAN: Does the lead for the opposition wish to make a statement?

Ms CHAPMAN: No, sir.

The Hon. M.J. ATKINSON: Mr Chairman, I did omit to introduce those with me at the table. On my immediate left is Chief Justice John Doyle. On my far left is the Chief Executive of the Courts Administration Authority, Bill Cossey, and on my right is the Chief Executive of the Justice Department, Kate Lennon.

The CHAIRMAN: I think that Ms Lennon has been here almost as long as I have, so we will present her with a medal at the end of estimates!

Ms CHAPMAN: I refer to Budget Paper 4, volume 1, Output Class 2, 'Legal and Court Services'. These are items referred to on pages 5.10 and 5.11. My question relates to the Courts Administration Authority, and I would be interested to hear the views of the Chief Justice. An editorial published in *Quadrant* in March 2002 examined the question of how the performance of institutions such as the courts can be assessed. The editorial referred to an article in the same issue by Chief Justice Spigelman of New South Wales. It also referred to the latest Productivity Commission report released in February. Based on figures from the Productivity Commission, the editor made the following comments:

> Of all the states the worst performer is the South Australian Supreme Court, which seems to have special problems.

He also referred to the district and county courts and said:

> In these courts, incidentally, South Australia is again the most inefficient. There is clearly a problem of judicial administration in that state.

In another place, the shadow attorney-general directed a question on this issue to the Attorney-General, and he received a comprehensive reply by letter from the Chief Justice. However, in his response, the Attorney-General did not table the Chief Justice's reply, which is not therefore on the public record. Does the Courts Administration Authority accept that this state has the highest expenditure per finalisation in the District Court and Supreme Court as suggested by the Productivity Commission, irrespective of whether one agrees with the figures; and, secondly, what steps is the authority taking to maximise the efficiency of our court system?

The Hon. M.J. ATKINSON: I was a subscriber to *Quadrant* magazine for about 24 years until, regrettably, it replaced Robert Manne with Paddy McGuinness. I did not see the article concerned as I normally would, although I understand that the member for Playford is still a *Quadrant* reader. There is a lack of confidence amongst members of the courts administration working group in the meaningfulness of the interstate comparisons included in this criticism. Mr Warren McCann, Chief Executive, Department of Premier and Cabinet, wrote to the Secretary of the Productivity Commission on his concerns with the report on government services during 2001—and little has changed in that time.

Within the report changes in performance indicators over time among states should be interpreted with great care as results continue to vary due to reporting variations associated with the data collection process, rather than as evidence of change in workload activity or expenditure. South Australia continues to perform well across many of the reported indicators, especially in relation to the timeliness with which matters move through the courts. The exception to this is in the Magistrates Court's civil jurisdiction. It is likely, however, that this is the result of reporting differences between states rather than a real difference in timeliness.

Cost recovery through fees in the higher courts of South Australia is lower than the national average, with the exception of the Probate Court which has the highest fees in Australia. Magistrates Court fees are just above the national average. The potential for an increase in court fees is under investigation. In relation to cost indicators, the higher courts in South Australia are reported as having relatively high costs per lodgement and per finalisation, and this should be balanced against their generally better performance on timeliness indicators, especially in the Supreme Court appellate jurisdiction.

Efficiency measures of electronic courts are reported for the first time this year, and South Australia's cost per lodgement and per finalisation is higher than the two other states that report in this area. However, as this is the first year this is reported it is too early to place any confidence in the data. I invite the Chief Justice to respond, if he wishes.

The Hon. the CHIEF JUSTICE: I wrote two quite detailed letters to the Hon. Mr Lawson as a result of those questions, and I would just like to make a few points that I made in those letters, and without wanting to be or seeming to be defensive. We do have concerns about the reliability of the figures. This process has been going on, I think, for five or six years now. There is a process under which each state scrutinises the way in which the figures are compiled in other states, and that process of scrutiny continues to highlight significant discrepancies. So, there is a general lack of confidence in the figures, which is not to mean that they are, as it were, useless.

A second point to be made is that the figures have to be interpreted with care. The Attorney touched on the fact that our court fees are lower in this state. If we collect less by way of court fees (which would generally be seen as a good thing), inevitably the overall costs for the court will be higher, because these costs are calculated as net costs. So, keeping down fees to litigants means that your costs look worse.

Secondly, there is inevitably a trade-off between speed of disposition and cost. We are probably about the quickest court across Australia. That must mean that we are putting more judicial resources into the cases, and that will come at a cost. So, you would expect costs to be somewhat higher. However, I reject completely Mr McGuinness's suggestion that there is a major problem. He focused on two figures, one of which was cost per lodgment. The lodgments coming in tell you nothing more than how many cases are coming to the court. If as we would assume the court costs are pretty static, and in one year the number of lodgments goes down by, say, 20 per cent, inevitably the ratio of costs over lodgments will be a higher figure. It tells you nothing about what is happening in the court. All it tells you is that, because fewer lodgements came in that year, when you divide costs by lodgments, you get a certain figure and it must go up. If the following year your lodgments jump, your figure will look a lot better because now costs over lodgments will produce a lower figure. It is actually telling you nothing at all about the efficiency of the court. It just highlights the care that is needed in interpreting the figures.

I would agree that the figure for finalisations is more relevant. If you divide costs by finalisations, you would think that is telling you something about the efficiency of the court, and we are highish there. However, when I looked at the figures, I looked on an Australia-wide basis at expenditure per capital around Australia. I found that there was a very clear line. Expenditure per capita is lowest in the big states, and it follows an almost predictable line with the expenditure per capita rising as you move to the smaller states. In that line, we seem to be positioned exactly where you would expect us to be—it was between Western Australia and Tasmania, if I remember rightly. So, that would suggest that there is nothing much wrong there.

The other thing with finalisations is that (and this is something we have known for some time and was the subject of a second letter by me to Mr Lawson), on the figures I found, the Queensland Supreme Court in the criminal area dealt with 623 guilty pleas and 55 trials. So, there were 12 times as many pleas of guilty as trials, and you will note the absolute number is 623. In South Australia in the Supreme Court, we heard 36 trials but 20 guilty pleas. So, we heard just over half the number of trials, but one-thirtieth the number of guilty pleas. Obviously, guilty pleas take a lot less time and are dealt with much more quickly, and you would realise immediately that something funny is happening there. The answer seems to be that in Queensland a lot of minor drug matters go to the Supreme Court which do not go to our Supreme Court. Once again, once you start comparing the figures, you realise that, unless you know what work the court is doing, you do not know what to make of the figures.

Very broadly, the answer is that we are one of the fastest courts which has the inevitable result that costs are somewhat higher. The lodgment figures tell you almost nothing. The disposition figures do tell you something. However, when you get to a more comparable court—say, take us and Western Australia, where dispositions are roughly comparable—my memory is that our cost was only fractionally higher than that of Western Australia. Overall, while we would like to be best on all indicators, Mr McGuinness misread the figures. However, I am not critical of him because, unless you have a lot of background detail, the points he made would seem obvious points to make, and I can understand his making them. I did consider writing him a detailed reply at the time but—perhaps pessimistically—I took the view that the *Quadrant* would not publish it and its readers would not be interested, so I did not do that. However, I wrote in detail to Mr Lawson along the same lines.

Mr BROKENSHIRE: Attorney, there has been a good deal of public discussion about criminal sentencing over the years. In the last couple of days, it has probably risen a little

due to the two widely publicised cases involving causing death by dangerous driving. I am aware that the Courts Administration Authority has now put up a web site with the judge's sentencing remarks on it. We think this is a good initiative, because the angle that the media takes on reporting a case and its subsequent outcomes is often disappointing. Also, the media is not privy to all the information to which a judge or magistrate is privy. We welcome this measure and congratulate all those involved in it. Either through you directly, Attorney, or with your indulgence to the Chief Justice representing the Courts Administration Authority, I would like to ask a two-pointed question. First, what further steps can the courts take to better educate the community about the principles of criminal sentencing, and what else can the courts do to explain particular sentences so that there is a better understanding in the community of the wisdom behind the court's decision rather than that of the media alone?

The Hon. M.J. ATKINSON: I thank the member for Mawson for that fair question. I congratulate everyone involved in getting the sentencing remarks of judges onto the Courts Administration Authority web site. I browse through those sentencing remarks myself from time to time and find them enormously helpful in understanding the principles which are guiding sentencing in South Australian courts. Clearly, the Priestly and Aitken cases have been widely discussed in the past few days. I was discussing those cases on air with Bob Francis on Radio 5AA the other night and was astonished to hear Bob Francis quoting from the sentencing remarks of Justice Nyland. It is a good thing that the public has access to those remarks and that, instead of the debate going on in ignorance, it is now much better informed. So, I congratulate the Courts Administration Authority on that web site, and I congratulate the previous government for its part in the initiative. On the question of sentencing, the government has a guideline sentencing bill currently before the house. I invite the Chief Justice to make some comments if he wishes.

The Hon. the CHIEF JUSTICE: In one sense we have possibly gone about as far as we can, given present approaches to both education and explaining. With education, we have school visits, our web site and the published sentencing remarks, and whenever we get opportunities we put material out through the media. I am sure all that is helping. However, if we are going to move onto the next phase, we have to consider something more radical. My own personal belief is that in one sense the solution is in the schools and, if people are coming out of school not understanding the legal system, the chances are that you are fighting a losing battle from then on.

I think we must look seriously at the curriculum in schools. Other than that, all I can say is that we would have to look seriously at major expenditure; perhaps we could develop an interactive computer site to which any member of the community could go and get detailed but well presented material—probably prepared by educators—about sentencing. That is the sort of thing we have to start looking at, but there is no point underestimating the cost of that. It is a good investment because, if the community loses faith in the criminal justice system, we have an even bigger problem on our hands. That probably is the next phase.

I will just go back a step: we are doing all we can at present in the sense of a publicly funded agency making use of the time of our staff and finding money here and there to do bits and pieces. I think we have made ground but I do not think we will, as it were, radically change things. The best that we can do is hold the ground. As far as explaining what is going on, we find it very frustrating as you would all understand. There are constraints on me as a matter of my constitutional role and propriety in terms of what I can say. I could say a lot about the two sentences that are currently under debate but it is not appropriate for me to do so. To some extent this does do us harm. At a seminar I attended last Friday the editor of the *Advertiser* repeated something you said before. He said, 'Well, we will give you the space. Why don't you use it?' My answer has to be that I cannot be writing in the *Advertiser* giving my views on a case when I may well be sitting on appeal on it.

But we are hoping that the availability of sentencing remarks will have some impact. The sentencing remarks went up in about mid-February and we have had 32 000 hits on the sentencing remarks since they went up. For the web site overall we are getting 13 500 hits a day, which is a pretty high number. But it is very difficult to tell just what effect that will have overall on the community. I do feel a bit more encouraged when I go around to various community groups. You come to realise that not everyone thinks about sentencing the way some of the people who are active on talkback radio do, because a lot of them seem to be people who are very vociferous in their complaints. When I talk to other groups I often find people who say they understand the difficulty of the task and also who make the point that they do not think that sentences are ludicrously light. But we have a problem there.

We are also working with the media as much as we can and, by and large, I would have to say that I think their reports are reasonable. Sometimes the headline or the lead-in creates an impression we are not happy with, and that can do damage. The point I made to the editor of the *Advertiser* at this seminar was that, in relation to Mr Vlassakis, who was sentenced recently as one of the Snowtown offenders—and I do not want to comment on the case—the judge said that he had started with a starting point, as it were, of 42 years and, for all sorts of reasons including cooperation with the police, reduced it to, I think, 26 years. Many would say that that is a significant sentence but the *Advertiser* headline was something like 'Sentence slashed by one third'. It immediately creates the impression that there is something wrong whereas, if it had been expressed another way, you would have got the message that this was a very substantial sentence. So we do constantly battle against factors like that.

So, the short answer to your question is that I believe we are doing all we can realistically as an organisation funded to actually do something else, that is, not to engage in public communication. I think if we are going to turn things around then we and the government must look much more broadly. We must look at our education system and, as I said, at a possibly quite expensive but, in the long term, worthwhile facility—possibly electronic—that would be interactive and provide a lot of information to the community. But even then I appreciate there would be a lot of people who still would not look at that.

The CHAIRMAN: Attorney, I ask three interrelated questions on behalf of the member for Hammond with an introductory statement. I read it exactly as he has given it to me and I do so on his behalf and at his request.

It has come to my notice that the Supreme Court of Victoria was recently informed by the convicted felon, Terry Stephens, that potential witnesses in a litigation instituted by him have told him (that is, Terry Stephens) that they feared

for their safety if they were to give evidence in our courts in this state. These witnesses apparently included the members for Mawson and Schubert as well as the federal Liberal Party backbencher, Patrick Secker MHR. This information was so extraordinary that the presiding judge, Mr Justice Gillard, was moved to say:

> I find it difficult to understand on what basis it can be said that some of the witnesses, especially for example Mr Ivan Venning who is evidently a backbencher in the South Australian Assembly, could be in any fear of giving evidence in his own state.

His Honour went on to say:

> It seems to be an extraordinary proposition because if he was scared of giving evidence there but he gives it in this state his fear would continue once he returned to South Australia.

The three questions are as follows: can the minister tell the committee whether any potential witness, and particularly a member of parliament, needs to be in fear of his or her safety as a consequence of giving evidence in our courts? Does the government have funds for witness protection? Does that program extend to civil jurisdiction? What would it cost to provide those honourable members with witness protection? And further, and most especially, will you investigate whether the honourable members mentioned in the petition did in fact express such fears?

Ms CHAPMAN: I want to raise a point of order, Mr Chairman, in relation to the first question. I suggest the first question seeks a legal opinion of the Attorney, which is not permitted under the standing orders. As to cost—and I think the second question relates to this—perhaps you could just refresh my memory on that question.

The CHAIRMAN: In terms of the point of order, the Attorney is qualified in law. I am simply undertaking a request from the member for Hammond to put these questions. It is up to the Attorney whether he responds at all, or in any way whatsoever.

Mr BROKENSHIRE: On a point of order, Mr Chairman, I would ask for your consideration and ruling on this matter. As I understand this matter is sub judice, I ask whether it is actually in order for these questions to be asked on behalf of another member in this forum.

The CHAIRMAN: As I say, it is within the province of the Attorney who would be more learned on that score than I am. I am simply carrying out a request from a member to put those questions and I do so exactly as they were given to me, and without comment. It is up to the Attorney to respond in whatever way he sees fit.

The Hon. M.J. ATKINSON: I do not think any member of parliament need be in fear of his or her safety in South Australia as a consequence of giving evidence in our courts. I will take the questions on notice. I think they relate more to the police minister's portfolio than mine, but I would hope to have some answers for you this afternoon.

Ms CHAPMAN: I refer to Budget Paper 4, volume 1, page 5.10. This relates to the appointment of the new resident magistrate at Port Augusta. May I say that the opposition welcomes that appointment and, indeed, the announcement that Mr Field will be taking up that position. Will the Attorney indicate the analysis the government undertook to ensure that the need for a magistrate in Port Augusta was greater than the needs in other regions, for example, Mount Gambier? People in other regions are entitled to know whether their claims were overlooked simply because the Attorney-General believed that the electorate of Stuart might be a more significant seat, whereas Mount Gambier or the Riverland were not.

The Attorney's announcement said that a house was being provided in Port Augusta. One of the benefits of a resident magistrate in a regional community is that the magistrate and his or her family are seen as contributors to the life of the local community as well as consumers of goods and services. I do not particularly address that to Mr Field, who of course I am sure is known to many of us, but to any magistrate who takes up that appointment, as would have been evidenced at the time of that press release. What steps will be taken to ensure that the magistrate appointed at Port Augusta does not leave his or her family in Adelaide and return to Adelaide on weekends and not participate at all in regional activities? And further, is it not the case that the government cannot force the magistrate to live in Port Augusta? What additional costs will be incurred for that appointment to be made?

The Hon. M.J. ATKINSON: The spirit of the change is that a resident magistrate will live in the town where the court is located and will not come back to Adelaide every weekend: that is the spirit of the arrangement. But the member for Bragg is right that there is nothing in the Magistrates Act to prevent a magistrate doing that. I am contemplating amendments to the Magistrates Act so that all magistrates who join the bench after the proclamation of the bill would join the magistracy on the understanding that they could, at some time, be required to do a period of country service. That is not the case now, as I understand it, in the Magistrates Act. I understand that Magistrate Field will be going to Port Augusta along with his wife and that he will live in a house rented by the government in Port Augusta. That is the spirit of the agreement.

If I may turn for a moment to the vulgarity of political or electoral matters, the member for Bragg suggests that Port Augusta was chosen because it is in a marginal electorate. The first point to make is that this is a pilot and will run for 12 months, and it is a long way out from any election. Moreover, the redistribution of electorates in that area will probably result in Stuart becoming a rather more safe Liberal seat than it is at the moment.

The other regional cities that could expect a resident magistrate are Whyalla, which at the 1993 election was a marginal seat, and Mount Gambier which, if one takes the very popular local member Rory McEwen out of the equation and re-throws the result Labor/Liberal, is one of the most marginal seats in the state. So, party politics or electoral politics has no bearing whatsoever on the choice of Port Augusta first. In fact, the Port Augusta council lobbied very hard to get a resident magistrate over a long period. It has lobbied much harder than any other regional city. It is well known that there are ongoing criminal justice concerns in Port Augusta, and it was, I think, a meritorious policy decision to locate the first resident magistrate in Port Augusta. That is what any responsible government would have done.

I do find it a bit cheeky for a member of a party that abolished resident magistrates in the recent past now to be complaining that the new government is restoring only one of them instead of three or more. I am pleased that, with the departure of the Hon. K.T. Griffin, the Liberal Party appears to have reversed its policy on resident magistrates—and on much else.

Ms CHAPMAN: I have a supplementary question that relates to the announcement in this answer that all magistrates after a certain proclamation are expected to undertake a period of country service.

The Hon. M.J. ATKINSON: New ones.

Ms CHAPMAN: Yes. Is that suggesting that they will be ordered to sign some form undertaking that they will need to live in a certain area or they, too, can commute on weekends?

The Hon. M.J. ATKINSON: For many years it was the practice in South Australia that all magistrates could be expected to undertake a period of country service. That expectation was removed by the Liberal government. We are now trying to restore that expectation. I quite understand that a number of existing magistrates, having been in their jobs for a number of years and having joined the magistracy on the expectation that they could serve all their time as a magistrate in Adelaide, would not be entirely happy about the prospect of being relocated to serve as a resident magistrate outside Adelaide. I think that is a fair attitude for some of our magistrates to take.

My view is that, unless there are volunteers, the way that we will get resident magistrates for Port Augusta and, who knows, in the future Whyalla and Mount Gambier, is by making it a condition of becoming a magistrate that there will be country service, and one way of doing that is to publish that expectation in the Magistrates Act.

Just to deal with some of the detail in the member's first question, a suitable house has been identified and secured by the Courts Administration Authority. It forms part of the government's rental housing stock at Port Augusta, so there would be no significant cost to government.

The magistrate can be satisfactorily accommodated within the existing court facilities. The country court circuits that would be handled from Port Augusta would include Coober Pedy, Oodnadatta, Roxby Downs, Leigh Creek and Peterborough. I do not think the government or the Courts Administration Authority can insist on how judicial officers spend their weekends, which is a suggestion of the member for Bragg, but it would be in the spirit of the arrangement that the magistrate would be resident in Port Augusta. How he and his spouse spend their weekends is a matter for them.

Ms CHAPMAN: I have a further supplementary question.

The CHAIRMAN: I ask the member for Bragg not to seek to extend her question entitlement too far.

Ms CHAPMAN: The supplementary question (and I await your ruling on it, sir) relates to the fact that in my original question I asked what had been undertaken in the sense of the assessment for Port Augusta being chosen, and that analysis or assessment detail has not been provided other than that Port Augusta lobbied the most. Is that the minister's position? They were the biggest, loudest and noisiest, so they got it.

The Hon. M.J. ATKINSON: I think that is a rather vulgar reduction of what I said.

The CHAIRMAN: I point out that a minister can answer the question in whichever way he or she wishes.

The Hon. M.J. ATKINSON: I am happy to amplify the answer for the member for Bragg. Everyone who follows criminal justice in South Australia knows that Port Augusta has a higher crime rate than other regional cities and towns in South Australia. As a result, the government has cooperated in a social vision for Port Augusta, part of which is having a resident magistrate. I have previously argued in parliament and in public why a resident magistrate would be desirable for Port Augusta, and all those matters are on the record.

Broadly, the Mayor of Port Augusta and the council agree with my remarks. They have asked for a resident magistrate and we are going to provide one to them, and we are not in the least ashamed of doing it. And we are doing it for the right reasons, which reasons are not related to the electoral matters that the member for Bragg advanced.

Mr RAU: What action is the Courts Administration Authority taking to ensure that appropriate assessment and treatment of prisoners (particularly Aboriginal prisoners) with mental health issues is occurring?

The Hon. M.J. ATKINSON: In March 2002 the Mental Impairment Indigenous Reference Group raised at the Mental Impairment Implementation Reference Committee the matter of appropriate assessment and treatment for Aboriginal prisoners, including detainees, within the acute, high security facility of James Nash House. The Mental Impairment Indigenous Reference Group was established by the Attorney-General's Department to support the implementation of the review into the mental impairment provisions of the Criminal Law Consolidation Act. It comprises senior legal personnel from the Department of Human Services and the justice portfolio. The matters raised include a lack of culturally appropriate assessment and treatment processes and the exclusion of Aboriginal family and community from those processes.

James Nash House (which is, I think, located at Hillcrest) has established a governing committee which is examining issues for individuals from diverse cultural backgrounds, including people of Aboriginal heritage. The governing committee was instigated by the operational division within the forensic mental health services. It has been proposed that recent changes to the overall governance arrangements for forensic mental health services will see the integration of this strategy into the policy framework being developed. The Department of Correctional Services will soon be approached about becoming involved in the work of the committee.

Mr RAU: This might be a matter that the Attorney wants to take on notice. I would also be interested in more details about the extent to which people with mental illness—who are obviously a major feature of certainly the prison system, and across the board, not just the Aboriginal population in that category—are being assessed. I am quite content to wait for that information.

Mr SNELLING: Will the Attorney advise us of the progress of the Drug Court?

The Hon. M.J. ATKINSON: I know that the member for Playford has been interested in the Drug Court and has spoken about it at his neighbourhood meetings. I recall a meeting at Para Hills where the Drug Court was extensively discussed by a large number of Ingle Farm, Para Hills and Pooraka residents. The member for Playford is very successful in his consultations with his electorate.

The Drug Court pilot began operating in the Adelaide Magistrates Court on 27 April 2000. The aim of the court is to develop and implement individualised care plans for defendants who have a serious drug problem, using the concept of therapeutic jurisprudence. The Drug Court targets people with significant drug problems who have committed offences that would otherwise attract terms of imprisonment. The pilot program provides an intense program of treatment and support, with court ordered conditions centering around strictly supervised Drug Court case managers—that is, Department of Correctional Services community corrections officers.

There have been 425 referrals to the program since its inception. Since January 2002, the referral rate has averaged 18 referrals a month, which is a significant and consistent increase in individuals applying for inclusion in the program. In the first year, 24 per cent of male participants and 29 per

cent of female participants graduated successfully, which compares favourably with the New South Wales pilot. Successful participants will have remained with a rigorous program for 12 months; minimised or stopped the use of illegal drugs; significantly reduced or ceased drug-related offending; engaged with treatment and support agencies; and attended regular court reviews and urinalysis.

Funding was provided for two years to conduct the Drug Court pilot. The government will now provide funding on a recurrent basis to enable the Drug Court program to be consolidated. The Office of Crime Statistics is in the process of completing the second interim evaluation, which focuses on the operation of the Drug Court pilot during its first 18 months of operation. This report includes a description of the participants, implementation of the program and preliminary discussion of its outcomes. The renowned Justice Strategy Unit of the Attorney-General's Department is responsible for monitoring the pilot Drug Court and ensuring cooperation between the various agencies involved in the pilot.

Mr HANNA: What is the government doing to assist Aboriginal people in their dealings with the courts?

The Hon. M.J. ATKINSON: The Courts Administration Authority has introduced a number of initiatives to improve access to justice for Aboriginal people. In December 1998, three Aboriginal justice officers were appointed on a trial basis to the Port Adelaide Magistrates Court. Although currently based at Port Adelaide, the officers provide a statewide service. They educate the Aboriginal community about the operation of the new fines payment system—which, of course, was featured on television in the series of, I think, award winning *Paying Through the Nose* commercials. They advise on the operation of the court and the justice system generally. They assist Aboriginal people in court and out of court to make sure that they understand judgments and orders; explain and assist with administrative procedures; and explain the options available for the payment of fines, obligations in relation to the payment of fines and the ramifications of non-compliance.

A review of the officers was completed in February 2000 by a consultant engaged by the authority on the advice of the Department of State Aboriginal Affairs. The review findings, which were based on in-depth interviews with a broad cross-section of stakeholders from government and non-government agencies and from Aboriginal communities, were very positive. They strongly supported the continuation and expansion of the Aboriginal justice officers program. They found that the initiative had increased the number of Aboriginal people and their families telephoning and coming into the Port Adelaide Magistrates Court; they reduced the negative stereotyping of the courts by the Aboriginal community; they increased awareness by the court system of Aboriginal issues; they improved the level of fines payment by Aboriginal people; they established a positive link between the court system and Aboriginal communities; they encouraged Aboriginal people to come to court to deal with outstanding fines and other processes; and they provided an accessible shop front service for Aboriginal people.

After the positive review findings, two additional officers were recruited in August 2000, operating in the Adelaide Magistrates Court, and two more officers were recruited in June 2001 for Port Augusta, to coincide with the commencement of the Aboriginal court in that city. And, for the information of the member for Bragg, I am sure that the government's decision had nothing to do with the seat of Stuart being a marginal government seat at that time.

I want to mention the Aboriginal court days at Port Adelaide. The first special court for hearing magistrates court matters involving Aboriginal persons—the Nunga Court, as it is now called—was held at Port Adelaide in June 1999, and it now sits on every second Tuesday. The Nunga Court has been designed to recognise the integral role of the family and the community in the lives of Aboriginal people and to create a venue that is less intimidating for offenders and their families. An Aboriginal adviser sits next to the magistrate and provides advice and assistance to the magistrate throughout the entire proceedings. Defendants sit alongside their legal representatives at the bar table, and family members are encouraged to join them. There is also a Nunga Court at Murray Bridge—and I am pleased to say that that preceded the re-election of the member for Hammond as an Independent. The Chief Justice wishes to add a comment.

The Hon. the CHIEF JUSTICE: A lot of the things that the Attorney mentioned—in fact, I think, most of them—are being done by court staff, and there are a couple of subsurface things that are worth mentioning. The things the Attorney listed reflect the fact that a lot of our staff and a lot of the judiciary are involved in these issues. I think you would find that these days many judges, magistrates and court staff are on first name terms with many leaders of the Aboriginal community. I think the fact that that is happening is significant. It is not solving the problems, but the lines of communication are very good, and I think I would probably put that down as one of our achievements, that the lines of communication are as good as they are.

The other point that I have to make is that, not surprisingly, I think we are doing much more for urban Aboriginal communities than for communities in the remote lands. That reflects the difficulty of doing things for those who reside in the remote lands, but I must say that there is a great need in those areas that is not being met or at least not being addressed as well as the needs of urban Aboriginal people.

Ms CHAPMAN: I refer to Output Class 3—Coordination and Advice. On Friday 26 July 2002, the Deputy Speaker was reported in the *Advertiser* as saying that the government should consider establishing a criminal cases review commission which would be a permanent forum to review cases of legal and criminal injustice. In a paper delivered at a Law Society seminar on the same day, Mr Kevin Borick QC said:

> In the United Kingdom the Criminal Cases Review Commission since its inception in 1997 has referred 94 cases, where convictions for serious crime have been recorded, back to the Court of Criminal Appeal. A total of 64 have been determined to be miscarriages of justice.

My questions are: has the government received a proposal for the appointment of some form of standing commission into alleged miscarriages of justice, and what is the minister's response to such a proposal? On 22 October last year, the ABC *Four Corners* program ran a report which featured the work of Dr Colin Manock, a long-serving South Australian forensic pathologist. Following that program, the Hon. Nick Xenophon MLC in another place moved for the setting up of an inquiry by an independent senior counsel or a retired Supreme Court judge to report on the allegations. At least one member of the ALP expressed support in the upper house. Has the government reached a position on this matter?

The CHAIRMAN: I point out that that article in the *Advertiser* was incorrect. I do not advocate a criminal cases review commission similar to that in the UK. In fact, my letter to the Attorney suggests that I have neither the population nor the amount of work to justify that. I have suggested

a much more modest proposal. If members are interested they are welcome to have a copy of that letter.

The Hon. M.J. ATKINSON: Mr Chairman, I have not had an opportunity to read your letter yet, although I acknowledge your phone call late last week about this matter. We will give your proposal our earnest consideration, but the government will, as did the previous government, oppose the Xenophon motion in the other place for the reasons put forward by the previous government. I invite the Chief Justice to make any remarks that he might wish on the proposal.

The Hon. the CHIEF JUSTICE: This is an issue of policy for the government, not for the courts. Our system of criminal justice works on proof beyond a reasonable doubt to try to minimise the number of errors. First, we must bear in mind that the bar is set fairly high before a person is convicted. Paradoxically, we are then criticised for that because it is said that guilty people escape because the prosecution cannot produce proof beyond a reasonable doubt. So, in one sense you cannot win. We must bear in mind that the bar is set high for a conviction. However, any system is fallible and obviously errors are made. We then have to look at the mechanisms for dealing with situations where it is thought that an error has been made despite the fact that the conviction has been upheld on appeal. At the moment, under our structure, primarily that is done by application to the Attorney-General, then a request for referral to the Governor of a petition for mercy, I suppose, or referral to the court. So, there are mechanisms.

If you are looking for something more, you have to weigh up the cost. Standing bodies cost money, so you have to consider whether there is a sufficient number of such matters to warrant a standing body and whether the existing mechanisms are not adequate. Presumably, one would lean towards a standing body if one thought that either the higher volume of matters warranted it—I doubt that in this state—or, alternatively, that there is an absolute need for a body quite independent of the Attorney and the DPP. One should not underestimate the cost of setting up a body like this which would have to have standing staff and at least make significant use of forensic and other experts. In the end, it is a matter of policy for the government; and, in a sense, it is not a matter of concern for the courts. All we can do is our best to administer the existing trial system.

The Hon. I.P. LEWIS: My question is in three parts. No doubt the Attorney-General is aware that the courts engage the services of interpreters on almost every day and that SBS English subtitles for a foreign language program are produced by two people: a native speaker of English and a native speaker of the foreign language who have translation skills. Does the Attorney-General understand and agree that it is desirable for the judiciary to have the ability to assess the work of interpreters just as they scrutinise the work of expert witnesses such as doctors and scientists, etc? Does he understand that the inability to scrutinise judicially the work of interpreters may lead to a miscarriage of justice? Does the state government have any plans to equip the judiciary with the capacity to scrutinise languages, that is, translations made from English to another language for the benefit of an accused or witnesses, and the reverse, that is, translation into English of remarks made in another language by an accused or a witness?

The Hon. M.J. ATKINSON: It is the stuff of legend among Irish families that generations of innocent Irishmen were sent to prison in British ruled Ireland because they did not speak the English language. The points made by the member for Hammond are well made. I will take that question on notice, but I ask the Chief Justice whether he would like to comment.

The Hon. the CHIEF JUSTICE: Obviously, the skills of interpreters are crucial. We rely on an interpreting service that provides trained interpreters although, on occasions, particularly in the lower courts and I suspect outside the main centres, all sorts of people have to be called in to help with interpreting because there simply are not professional interpreters available. I am not sure whether judicial scrutiny is the answer because that suggests that either the courts have their own staff who would, as it were, test interpreters or that the judge would actually be in a position to test interpreters and that would require a judge to be fluent in other languages. I think the answer has to be that we must rely on the availability of programs to train interpreters and then a system of accreditation, so that as far as possible appropriately trained interpreters are used. It is a problem.

The courts have had difficulties in Port Augusta in particular with Aboriginal people where you find that you may have a pool of trained interpreters but for familial or other reasons none of them is either willing to act or are acceptable to the person who needs the interpreter. So, there can be quite a few complexities in this area. For that reason, the court itself recently has been endeavouring to recruit and provide training for additional Aboriginal interpreters in Port Augusta. It is probably an area where more could be done, but my own suggestion would be that, to the extent that resources are put into it, we should be providing the resources to existing bodies rather than setting up separate authentication or scrutiny mechanisms through the courts.

The Hon. M.J. ATKINSON: I am confident that there is a high level of accreditation for interpreters in South Australia. It is handled by the interpreting and translation service, which is part of my portfolio because it is within the Office of Multicultural Affairs. The Interpreting and Translating Centre trains its own interpreters. A total of 40 new interpreters were trained during the 2001-02 financial year, and in June 2002 eight new Aboriginal interpreters were trained in Port Augusta in collaboration with the Sheriff's Office.

The Interpreting and Translating Centre also delivers seminars on how to work effectively with interpreters, including the ethics and techniques of interpreting and translating and assisting professionals who work with interpreters to understand various cultural issues and to communicate effectively with their non-English speaking counterparts. For the interests of the member for Hammond and the committee, the 10 major languages in descending order for interpreting are: Vietnamese, Italian, Greek, Chinese, Serbian, Persian (that is Farsi), Arabic, Polish, Cambodian and Croatian.

Mr RAU: This really follows on from an earlier matter, and it is by way of assistance to the minister in answering a previous question from the chair. I have just retrieved the letter to which the Chairman referred in his comments to you and which was also referred to by one of the questioners on the other side. In his letter, he is talking about 'some mechanism which would allow you or another appropriate authority to have a matter investigated by a QC'—and he talks about the fact that a royal commission would be unworkable and costly, as has been referred to by the Chief Justice in his remarks. He also says that what he is proposing 'would require a small secretariat that would be supplemented by the

engagement of a QC', presumably from the independent bar. Further, he sees this as operating on an ad hoc basis.

The Hon. M.J. ATKINSON: Thank you for clarifying that matter.

The CHAIRMAN: I should point out in fairness to the *Advertiser* journalist, Susie O'Brien, that she did not have the benefit of my letter because I regard it as discourteous to provide a letter to a journalist before the intended recipient receives it. That is why I think there was the misunderstanding and confusion in the reporting.

The Hon. M.J. ATKINSON: I take it that the member for Enfield is not calling for QCs from the independent bar to be engaged to reconsider decisions not to prosecute?

Mr RAU: I would not go that far. In fact, I think there is more correspondence in the mail!

The CHAIRMAN: It is a matter that has a journey still to run.

Mr MEIER: I heard the Attorney earlier make comments in relation to the judicial system and how it operates efficiently and fairly. I ask this question with respect to its efficiency. In the last couple of weeks I have had two constituents come to me, very upset that in both cases they missed their court hearing because they had not been advised that their case was to be heard.

In one instance, one of my constituents was taking action against someone for supposedly having been abused and harassed by that person. The hearing was set down for a date in February at the Maitland court. My constituent attended, and it was adjourned until a date in March at Kadina. Again, my constituent was present on that date. It was then indicated that it would be deferred until 18 July, again at Kadina. On 17 July my constituent rang to check the date and was told, 'Sorry, that case was heard on 4 May in Adelaide. You should have been told by your local police officer.' The police officer had heard two days before, on 15 July, so he knew nothing. My constituent is making a protest to you, and I am also writing a letter. That is of concern.

Earlier this week, I think it was, I received a letter from another constituent who was having action taken against him for apparent assault. In that case, he was advised that civil action would be taken against him claiming maximum damages for injury to the plaintiff's back, neck and face. No time, date or place was acknowledged on the notice served on him. His solicitors from Adelaide were unable to find out the hearing date and were advised that it was not listed in the civil courts.

But on 23 July my constituent was advised that the case had already been heard and that he had to pay approximately $4 000 in damages and legal fees. If this was not paid, he would be imprisoned. Again, understandably, he is very upset that he was never advised and was not able to appear. He has now been advised that, if he wants to challenge it, it will cost between $8 000 and $10 000 and that he probably will not win the case, anyway. Both these cases have been put in writing to you, Attorney, but it worries me that two cases have come to my attention in the last couple of weeks. I therefore question the efficiency of our courts.

The Hon. M.J. ATKINSON: I share the concern of the member for Goyder, if they are the facts. I will take the questions on notice, chase up his letters to me and give him an answer in due course.

Mr MEIER: I refer to another case that has been ongoing for many years, Deep Sea Ark South Australia v. Olsen and the State of South Australia. I believe that proceedings were issued back in 1986. Whilst the judgment was handed down last year, there has subsequently been an appeal, the result of which still has not been determined.

My calculations indicate that from the time the proceedings were first instituted on 23 August 1986 nearly 16 years has expired. That seems a long time for a case to be running. I wonder how many other cases in South Australia, if any, would have been running that long. Is there a logical explanation as to why court cases can take so long?

The Hon. M.J. ATKINSON: There is no case in South Australia quite like Deep Sea Ark. I am familiar with the case because Mr Edwards, probably the chief plaintiff, is personally known to me, and his father lives in Brompton. I have met Mr Edwards and discussed the case. In opposition, I asked questions about the Deep Sea Ark case, and I have diligently replied to every letter that has been sent to me about that case. I think it is fair to say that responsibility for the length of the case is, at least, partly that of the plaintiffs themselves, and they are, to some degree, in control of the timing of the case; but it is a difficult and complicated case for a very substantial amount of damages. I would invite the Chief Justice to make any comments, if he wishes, bearing in mind that the case of Deep Sea Ark is still before the courts.

The Hon. the CHIEF JUSTICE: It is a case that involves many different claimants and it is complex. By and large, the approach of the court to this particular matter has been to try to get it on for trial. I think that I could say—without having the chance to check—with a considerable degree of confidence that the delay really has little or nothing to do with the court. The problem for the judge who had the management of the case at the trial stage was to get the parties to the stage where the case was ready for trial. This was complicated by the fact that a number of the litigants did not have representation and so were doing the case themselves, which nearly always does mean (because of their lack of understanding of procedures and matters) that a case will take much longer than it normally would.

Sixteen years is a long time. It is probably the longest case extant at the moment; but the fact is that the court has done everything it can. As soon as the case was ready for hearing a judge was made available. The case then went on appeal. I personally supervised the preparation of the appeal (and there were similar problems there with the parties being unrepresented), making sure that the parties got the right materials together and that the case was organised in a way that it could be efficiently presented. The judgment has not been delivered but that is because there are so many issues in it. While it may seem as if there is a problem with the courts, in reality with virtually all civil cases the issue nearly always is: when can the parties be ready? It is rarely a problem of the court not being able to hear the case once it is ready.

The CHAIRMAN: If there are no further questions relating to the Courts Administration Authority, according to my schedule, someone who is very close to our heart, the Electoral Commissioner, will come to the table.

Additional Departmental Advisers:

Mr S. Tully, Electoral Commissioner.

Ms J. Peace, Research and Evaluation Officer, State Electoral Office.

The CHAIRMAN: Do you wish to make a brief statement, Attorney?

The Hon. M.J. ATKINSON: No, other than to say that, as you said quite rightly, Mr Chairman, the State Electoral

Office is very dear to our hearts and, over the years, has received questioning in this forum out of all proportion to its budget.

The CHAIRMAN: Does the member for Bragg wish to make an opening statement?

Ms CHAPMAN: No, sir. I refer to Budget Paper 4, volume 1, Output Class 7.1, pages 5.28 and 5.30, with respect to electoral services. The amount shown for this year is $5.214 million. Footnote (d) on page 5.28 states:

> Parliamentary elections are funded by an appropriation from the Consolidated Account.

The table on page 5.30 shows that the expenses incurred in the year ended 30 June 2002 totalled $8 021 000, and that amount includes the state election. This coming year we are budgeting to spend only $2.807 million less in a year in which, presumably, there will be no state election. What was the cost of the last state election and, given the possibility of referenda arising from either the constitutional convention or the government's threat in relation to a referendum on radioactive waste, what is the anticipated cost of running a referendum in this financial year?

The Hon. M.J. ATKINSON: I will refer those questions to the Commissioner.

Mr TULLY: The last state election costs are still coming in because we are still running a non-voters' program. Shortly, we will be issuing a second reminder notice for that program, but the totals for the state election are expected to be of the order of $6.7 million. That was, of course, a large election by any standards. The number of candidates contesting the election was a record. The timing of the election meant that most of our crucial printing had to be conducted on a public holiday. We had to prepare and dispatch extra materials to booths as a result of the large ballot paper in an effort not to constrict the booths with big queues.

We dispatched to polling centres many more screens to relieve that congestion and also more ballot boxes. We also adjusted our staffing plan so that we could assist with the throughput. All of that contributed to making the election costs above what we had estimated. The figure, as I expect, will be about $6.7 million. This year is another big year for the State Electoral Office with the conduct of local government electoral events, and that is the major reason for that amount showing in the budget papers. Our normal budget is around $2 million. However, it is expected that the revenue will contribute to the additional amounts that we need to conduct local government elections for this year.

Ms CHAPMAN: I do not think that my second question has been answered. I asked about the anticipated cost of running a referendum in this financial year.

Mr TULLY: We have received no additional funding to conduct a referendum this year. I have provided estimates to various people who have asked. The cost will depend very much on the nature of the referendum, whether it is a compulsory attendance ballot, for example, or a postal ballot. All those types of considerations need to be made by the parliament. The cost of running a referendum on a compulsory basis does not vary that much from a general election. Of course, advertising costs may be down a little. We would not need a tally room, as such, which is an expensive exercise. I have estimated that, in current dollars, something around $6 million is probably around the mark for a compulsory attendance ballot.

The Hon. M.J. ATKINSON: Regarding the proposals for constitutional change to be discussed at the Constitutional Convention, some of those changes, such as a reduction in the number of members in the House of Assembly, will not require a referendum: they can be passed in the normal way by parliament. However, there are proposals that would require a referendum. For instance, I refer to the deadlock provisions between the upper house and the lower house which in South Australia outrageously favour the upper house. Members will recall that in a deadlock between the two houses, the House of Assembly is dissolved and the other place does not go to an election with the House of Assembly, and it is only after the House of Assembly is returned and then goes into the same deadlock with the other place that the other place is required to go to a dissolution with the House of Assembly.

To amend that, my understanding is that it would require a referendum. The member for Hammond is promoting citizens' initiated referendums and, although that may not require a referendum, the member for Hammond has said that he thinks it would be desirable to have a referendum of all South Australians before that provision were introduced, and that is very sporting of him. If those things came to pass, my intention would be that those referendums would be held simultaneously with the next general election. So, I would be surprised if anything arising from the constitutional convention led to a referendum of South Australians before the next general election.

Mr RAU: Has the Attorney given consideration to including as a right for the purposes of the Electoral Act the capacity of a candidate to display an otherwise compliant sign on property without interference by officious council officers or local government people?

The Hon. M.J. ATKINSON: That is a very pertinent question. As the member for Enfield may know, I do not have great faith in corflute posters festooning stobie poles and trees as a method of gaining votes, and I use the same ones I bought in 1989. Some of my colleagues believe that it may be an offence under the Trade Practices Act for my dial, as in 1989, to be displayed. Nevertheless I stick with those 1989 and some 1993 posters, because I do not think there is in any value in buying new ones. However, that said, many of my parliamentary colleagues and candidates for office in the House of Assembly set great store by their corflute posters, and in this respect I refer to the member for West Torrens. Indeed, one cannot look anywhere outdoors in that electorate during the election period without seeing his beak!

I had hoped that local government would exercise its authority to remove these signs in a responsible and non-partisan manner. I would be quite happy to ban them altogether, which would reduce competition in this area, and some people—such as I—would think that is a good thing. However, if we still are to have corflute posters, we would have to be assured that we can stop local government behaving in a partisan manner.

I think the City of Charles Sturt has a lot to answer for. That council staff did undermine some quite sensible propositions put to parliament by the Local Government Association before the election. I imagine that we will have amendments to the Electoral Act after the Electoral Commissioner puts in his report regarding the last general election. That would be the timing on that matter.

Mr BROKENSHIRE: I appreciate the Attorney's answers. We have quite a lot in common, Attorney; I support you on a lot of that. When the state Electoral Commissioner

and his office are assisting council with their elections, is there full cost recovery for local government or does the Attorney or the Commissioner intend to get full cost recovery?

The Hon. M.J. ATKINSON: I refer that question to the Commissioner.

Mr TULLY: We have a system. As Electoral Commissioner, I am Returning Officer for all local government elections and appoint deputy returning officers for each council to assist with that. I expect to work in cooperation with the Australian Electoral Commission to conduct some of those elections as deputy returning officers, particularly where it makes geographical sense, because they have officers in regional areas where we do not. Our approach to that is to collect all costs that the office incurs in conducting those elections through training manuals, training sessions and the costs of printing that we incur. We also pass on the cost of some accommodation that we require. We do not run those elections at a loss, but we do not run them at a profit, either.

Mr SNELLING: Will the State Electoral Commission be assisting the Electoral Districts Boundaries Commission?

The Hon. M.J. ATKINSON: The Electoral Districts Boundaries Commission is an entirely autonomous body established under an amendment to the South Australian Constitution Act 1975 to review and carry out periodic redistributions of the boundaries of the state's House of Assembly's electoral districts. The member for Bragg may recall that one of her predecessors as the member for Bragg was opposed to that legislation. However, I think it has stood the test of time. The commission has perpetual succession and the authority and functions of a royal commission. The members of the commission are the most senior Supreme Court puisne judge available who acts as Chairman (that is Mr Justice Prior), the Electoral Commissioner, who is with us today, and the Surveyor-General, Mr Peter Kentish. The State Electoral Office traditionally provides research and secretariat support for the commission.

The commission commenced proceedings on 6 May this year. It clarified some issues, including the availability of data from the 2001 national population census to be used by Planning SA for the purpose of providing accurate demographic advice and population forecasts. The commission's timetable is determined by section 82 of the Constitution Act, which provides that the commission is required to commence redistribution proceedings within three months of polling day, and then to proceed with all due diligence to complete those proceedings. The Commissioner set 9 August 2002 as the closing date for written submissions. I might add that I was my party's advocate before the last Electoral Districts Boundaries Commission.

An honourable member interjecting:

The Hon. M.J. ATKINSON: Yes, I had an opportunity to cross-examine the member for Mawson. The Electoral Districts Boundaries Commission seemed to me to operate impartially and efficiently, and its determinations have been vindicated by the result of the state elections.

Mr MEIER: At the last state election I believe we had a record number of candidates. Certainly, we had the largest number of candidates in the Legislative Council that we had ever had. I personally received more criticism on that issue than anything that I, as a member of the government, or the government had done. It was quite amazing how people literally blamed me as a member of the government for their being so many candidates. I gave earnest thought as to how it could be overcome or lessened. I believe that we had to pay $450 for enrolment. Has consideration been given to increasing that to, say, $1 000 or even $1 500 so that people have to really think carefully about whether they want to pay that sort of money to have a chance of winning? My assessment is that most candidates who stand believe they will win. Maybe if there is a bit more of a monetary upfront show of faith it will help decrease the number of candidates who simply add to a long paper.

Mr BROKENSHIRE: It is too expensive now, John. You should not rule people out on their ability to pay.

The Hon. M.J. ATKINSON: There seems to be some dissension among the members of the committee about the value of this question. The member for Mawson calls for it to be ruled out of order. I do not know why he would want that in respect of a question asking for a higher deposit. I would have thought—

Mr BROKENSHIRE: Social justice.

The Hon. M.J. ATKINSON: The member for Mawson says 'social justice'. I would have thought that the member for Mawson was always a pretty good chance to get his deposit back when he stands in the state district of Mawson. I incline to the view that general elections are a bit of a festival and it is good to have a variety of candidates. I quite enjoyed having a large number of candidates in the electorate of Croydon. We had a Liberal nominate at the last minute, an outstanding candidate, Mr Angus Bristow, who is the first Liberal candidate for many years to live in the electorate, and in a fine suburb, Beverley. We had an independent active for voluntary euthanasia who did not poll particularly well; we had a One Nation candidate; we had a Democrat; and we had a very active and diligent SA First candidate who got number one position on the draw. So, I think that this was all to the good. The electors of Croydon had a choice of six candidates. I do not think that electors could complain that there was no-one of their particular tendency on the ballot paper.

It is true that in the upper house the ballot paper had to be of an enormous size to accommodate all the various candidates, but I think the choice is all to the good. I would not want to increase the deposit such that the number of candidates was greatly reduced. I tend to the view of the member for Mitchell and the member for Mawson that, within reason, the more choice, the better.But, like the member for Goyder, I too received criticism of the number of candidates on the ballot paper. I think the criticism is misconceived. I would ask the Electoral Commissioner if he would like to make any comment.

Mr TULLY: Of course, matters of deposit are matters for the parliament and we will administer whatever the parliament gives us to administer. The fees went up in 1997. It was $200 to nominate, and I am aware that parliament gave fairly rigorous consideration to what movement (if any) to fees there should be, and they subsequently went to $450, which is refundable of course if a candidate achieves more than 4 per cent of the formal vote. So, we will leave that one to the parliament as to what the level of fees is.

The number of candidates certainly was considerably up on the 1997 election. In the Legislative Council there were 76 candidates, up from 51; and in the House of Assembly, 302, which was up from 197. The thing that made it difficult for the Legislative Council ballot paper was the number of groups, which was certainly a record, and we had to go to three rows: for the first time ever we exceeded the one row. That did cause some printing and logistical considerations.

But we will leave it to the parliament as to what happens with the value of the deposit.

The CHAIRMAN: Just as a follow-up to that, are we close to having electronic voting or voting with the use of a machine?

The Hon. M.J. ATKINSON: At the risk of introducing 'hanging chads' to South Australia, I would ask the Electoral Commissioner to respond to that question.

Mr TULLY: It is certainly a topic that we keep well abreast of. There are some critical issues always to consider with electronic voting. Perhaps the most advanced state or territory is the ACT where, at their last election, they introduced in a very controlled environment the opportunity for electors to vote by electronic means. A number of electors took up that opportunity and certainly, with the system of vote counting they use there, it is of great assistance to them to capture the vote at the same time as it is cast, as far as counting goes. When we speak of electronic voting there are many variations and I think one within a controlled environment is seen as a logical step. But, if we look at the costs of establishing such an infrastructure in South Australia, of needing so many terminals, so many servers and such a large help desk, there are clearly some major cost issues that we would have to consider, or that the government and parliament would have to consider. In the ACT that is also a consideration even though it is clearly a well defined electoral area.

I think there is a recommendation that is out for consideration that brings in the notion of extending the voting day to a voting fortnight, so that there is not such a big rush on equipment. That will obviously be controversial at one point or another. But, the costs are certainly a major impediment to us and, as to what advantages there are, there are some, but I do not know that they would outweigh the costs at this stage. And, of course, the great fear would be a power failure in an area or a statewide power failure. You would still need to have back-up facilities, so that would be a major cost consideration as well.

Remote electronic voting is the one that is considered quite useful by a number of overseas authorities in terms of increasing participation rates. In England, for example, for local government elections they have tried that in an effort to increase their quite poor participation rates, but there are clearly some major issues. They relate primarily to authentication of who is voting—are they who they say they are? There are a lot of people, particularly from European countries, who in local government elections indicate to me that they are concerned about the secrecy of the vote with the tear-off declaration slip. They would be anxious on the first count to know that the vote was counted in the way it was cast and, once convinced of that, they would be concerned that if it was done in that way somebody somewhere in the system would know how they voted. It is not a small issue for a number of groups.

Security, whilst being downplayed by some, I think remains a major issue. We read about the level of hackers hacking into systems and the amount of fraud that goes on in the commercial environment. In a system such as ours where there is no tolerance for error, hacking into the system would be a major concern, as would fraud. For example, getting back to authentication, some authorities have got around that issue by issuing a special personal identification number (PIN), which in some countries is often discarded and then picked up out of the rubbish bin by those who are interested, and people vote on their behalf. In other cases there are clear instances where PIN numbers have been sold, although not for great amounts of money. So, that whole issue comes up of how we protect that.

Of course, the office is also concerned about fairness and equity in voting systems, and there would be a great number of people who would not take up the opportunity of electronic voting, not having the opportunity to have access to the facilities, so that also remains an issue for us.

The CHAIRMAN: It does not sound like a compelling argument at this stage. I am certainly not a supporter of internet voting and would not want that introduced in South Australia. I think there is something profoundly reassuring about people walking from their homes to a local polling booth and scratching numbers with a lead pencil onto two ballot papers, and I would like that to continue as long as possible. There being no further questions in relation to the Electoral Commission, we revert to the general line of Attorney-General. Does the Attorney have any statement?

The Hon. M.J. ATKINSON: No.

Ms CHAPMAN: I want to go back to page 5.5. This output class includes crime prevention. In July 2001, Sue Millbank (Director of the Crime Prevention Unit) and the Chief Executive Officer of the City of Port Augusta each signed an agreement that provides for state government funding of $70 000 per annum for three years for the Crime Prevention Unit for the city. Acting on the faith of that agreement, the City of Port Augusta has appointed a crime prevention officer who, according to Mayor Joy Baluch, is doing excellent work in the community. Similar appointments have been made by the other 17 councils that signed the same agreement before the government made the decision to cut the funding, which will lead to the sacking of 18 crime prevention officers. Did the Attorney have legal advice that the agreements with local government could be ignored by the state government, and have any cuts been made to the funding for any other programs being run by the crime prevention unit or its 15.3 full-time equivalents?

The Hon. M.J. ATKINSON: First, the government is still spending $600 000 this year on crime prevention, and that will be available to local government, so when the member for Bragg says that these cuts lead to the sacking of 18 local government crime prevention officers, that is presumptuous on her part. The Attorney-General's Department, like all others, had to take cuts: we could not be exempted from them. One of the cuts we made was to the local government crime prevention programs, which had been in place for about 10 years. In an ideal world, all those programs would have continued and the funding to local government for crime prevention would have increased, but the government had to decide what it is priorities were. For me, the priorities are maintaining police numbers—

Mr Brokenshire interjecting:

The Hon. M.J. ATKINSON: I am glad the member for Mawson supports that priority and perhaps does not adopt the innuendos of the member for Bragg in this question. In my own department, the Attorney-General's Department, the priority was giving money to the office of the Director of Public Prosecutions, so that that office could overcome a backlog of serious criminal trespass and aggravated serious criminal trespass cases. The previous government, under great pressure from the opposition, introduced the dedicated home invasion offence and made it a major indictable offence, but what the previous government did not do was fund the office of the Director of Public Prosecutions to prosecute these cases in a timely fashion.

So, there were choices to be made and, regrettably, the funding going to local government crime prevention was reduced by 57 per cent. But that is a decision by which we stand. It was a budget decision and it had to be made. We have entered into negotiations with the Local Government Association about how this cut is to be implemented. It wants to make certain representations to us on how the cut should be administered, and I have had one meeting with it already, and Port Augusta has made its views known forcefully. However, my understanding is that some local government crime prevention programs may well continue. The way in which the cut is to occur has not yet finally been decided, but a saving has to be made and that saving is $800 000.

The other point to make is that, just because the state government contribution is reduced does not mean that these programs are not going to continue, because some local governments that have had their funding cut will decide to fund those programs. The City of Port Augusta has indicated to us that it will fund its crime prevention officer. At this stage, there are not cuts to other crime prevention programs, other than the local government component of the program. I met the LGA delegation on 23 July and it was agreed that, although the budget decision to reduce the level of funding could not be reconsidered, there would be a two month delay on decisions regarding the current and future program; that this time would be used to develop a joint process between the LGA and the state government; and that the LGA would draft terms of reference that would include assessment of the impact of the budget reduction (particularly its financial implications on councils funded through the program); consideration of the range of programs within both local and state government that have a crime prevention focus; and consideration of options for the future involvement of local government in crime prevention.

It was also agreed that agreement on the terms of reference with the state government would be sought; that the LGA and the state government would meet again after this two month process review; and that councils would consider their position independently in relation to their legal position on the agreement but that the LGA would advise of the above and have a coordinating role for local government in the process. I will be supporting a range of approaches to crime prevention. Local government is one of a number of key partners. Police have a strong role in crime prevention and are currently developing approaches through the Community Safety Committee trial, which involves local government, and the state government process with local government will seek to strengthen the relationship.

The way in which future funding is delivered at the local level is one of the key issues to be developed through the review process. In direct response to one of the member for Bragg's sub-questions, obviously there is disagreement between local government and the state government about the enforceability of those crime prevention agreements. We take the view that they are a government to government agreement which, traditionally, has not been enforceable through the courts, but I understand that the LGA has a different view.

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

Mr BROKENSHIRE: As a preamble to help the Attorney-General with the overall context of the question, with respect to the crime prevention programs, I would like to commend all those in the justice portfolio who have worked so well thus far. As the local member in the city of Onkaparinga, I think we had some outstanding positive results as regards prevention with the support of the justice department. I refer to the Budget Statement (page 5.5, the fifth dot point). Announcements already have been made, as the Attorney has indicated, that the sum for crime prevention in 2003 is to be cut by $800 000. The table on page 5.9 shows that $18.475 million will be spent in this financial year, 2002-03, on Output 1.3, crime prevention support services. The table on page 5.30 shows that the amount spent on this output in this last year was $19.27 million. So, we can clearly see that the cut is there—and the Attorney-General is acknowledging that, I admit; he is not hiding it.

The Hon. M.J. ATKINSON: No, it was in my opening statement.

Mr BROKENSHIRE: Indeed. But I would like to know (and I expect that the Attorney will not be able to do this now, as good as he is), given that there is still a significant amount of money in the global budget that I have just highlighted, whether the Attorney can give us a full breakdown of the programs and items of expense included in that $18.475 million specifically for crime prevention support services. We would also like to know how much of that money is budgeted to be spent within the Crime Prevention Unit of the Attorney's department this year and how that compares with what was spent on the Crime Prevention Unit in 2001-02.

The Hon. M.J. ATKINSON: I will take that question on notice. But I can say that the vast bulk of it is SA Police.

Mr BROKENSHIRE: It is a very good department. I will look forward to the response.

The CHAIRMAN: With respect to the issue of crime prevention, I have always been sceptical of some of the claims made, because I think the methodology of assessing the effectiveness has been somewhat flawed. If you look at area A, it is hard to know whether you are not getting crime shifting to area B. Has the department undertaken a macro assessment so that one gets an overall picture of the possible benefits of crime prevention programs, or has it always been done on a localised basis, which may give rise to questionable statistics?

The Hon. M.J. ATKINSON: I am informed that the local crime prevention programs, both police and Attorney-General's Department, are from time to time evaluated, but the evaluation of the police programs is based on local service areas. I do not think you can have a macro evaluation of the Crime Prevention Unit or local government programs because they vary so much from area to area. The councils just do different things. And they do different things at different times, as you would have personal knowledge of in Onkaparinga: perhaps the policy there has shifted in focus, and what Port Augusta does is a lot different from what the City of Adelaide does. So, I am not sure that a macro evaluation would be helpful.

The CHAIRMAN: I accept that. But if these programs are working even on a localised basis, if one extends it out to the totality of the state, presumably, one would see a net benefit in the reduction overall in categories of crime in the whole of the state. But I suspect that, when one takes the localised approach and gets a so-called reduction in robberies in area X, one might well have an increase in area Y. So, I think that, unless someone looks at the whole picture for the whole state and says that there has been a net reduction in, say, robberies, or whatever the category is, one ends up with a pretty questionable evaluation. That is the point that I am making.

The Hon. M.J. ATKINSON: The Office of Crime Statistics has very comprehensive statistics over quite a long period for particular crimes. At the time that the local government crime prevention programs were introduced, I think it is fair to say that crime was at an all time high in South Australia. That was in the last year or two of the previous Labor government. Then crime generally reduced for a period, then plateaued and has risen sharply in the last three years. With respect to the question whether crime prevention programs are effective, there is a profusion of national and international literature on that topic. I understand the member for Fisher's reasoning, and I have heard it propounded from time to time on a morning radio program, the name of which escapes me just at the moment.

Mr BROKENSHIRE: My next question can also be taken on notice. I refer to Budget Paper 4, page 5.34. I am always interested in new capital works and works in progress.

The Hon. M.J. ATKINSON: So the Minister for Police tells me.

Mr BROKENSHIRE: Definitely. He does not tell you everything, though, unfortunately. Nevertheless, with respect to other major projects across the portfolio, it showed the budget figure for 2001-02 of $2.718 million, with an estimated result coming in at $5.88 million. Some $7.316 million has been budgeted with the Attorney's department this year. Would it be possible for the Attorney-General to give us details of each of the major projects that make up that total figure of $7.316 million in this budget?

The Hon. M.J. ATKINSON: I can give the member an answer to that question—this is the most swiftly answered question on notice in parliamentary history. The Windows 2000 upgrade at the Metropolitan Fire Service is $97 200; the information technology refresh at the MFS is $262 000; records management project at the MFS is $35 200; equipment replacement at the MFS is $350 000; the breathing apparatus sets at the Metropolitan Fire Service is $300 000; the government radio network installation at the Country Fire Service is $400 000; the fire station interface units at the Country Fire Service is $1 million; VHF mobile radios for the Country Fire Service are $500 000; VHF portable radios for the CFS are $900 000; additional pagers for the CFS are $430 000; TAS server for the Country Fire Service is $100 000; information technology refresh for the CFS is $262 000; the Windows 2000 upgrade for the CFS is $97 200; records management project at the CFS is $35 200; information technology refresh at the State Emergency Service is $131 000; Windows 2000 upgrade at the SES is $48 600; records management project at the SES is $17 400; pagers for the SES are $90 000; then there is Yatala Labour Prison, where $500 000 is being spent; telephone interception equipment for the SA police is $865 000; business names registration in the Attorney-General's Department is $250 000; and DPP infrastructure project is $645 000.

Mr RAU: My question relates to the Legal Services Commission. Having formerly been involved with that body, I am keen to see it prosper and continue its great work.

The Hon. M.J. ATKINSON: A former indentured labourer?

Mr RAU: No, I was one of the members of the commission. It was a great period, with many exciting moments. We were pushing for something in particular—at least I was—but I think it is still to be adopted. Are there any proposed fee changes for work performed for the Legal Services Commission by private legal practitioners?

The Hon. M.J. ATKINSON: At the meeting of the Legal Services Commission on 26 June, the commission resolved to increase by 4 per cent the fee scales paid to private practitioners. This increase is subject to consultation with the Law Society of South Australia, but I do not think that it will say no. It is expected that this increase will be implemented on the first day of spring.

Mr RAU: I am sure members of the profession will be delighted with that good news. My next question also relates to the Legal Services Commission. Will the Attorney-General give the committee details about the recent online launch of the Law Handbook?

The Hon. M.J. ATKINSON: The Legal Services Commission launched its web site in 1999. This site contains information about the commission, the services that the commission provides, and copies of the commission's free publications. I do not think any electorate office in this state is properly equipped unless it has a Law Handbook, which is tremendously valuable. I have referred to it again and again in the 12 years in which I have been a member of parliament. In 1999, the commission applied (unsuccessfully, I am afraid) for funds from Online Services, Department for Administrative and Information Services, for the Law Handbook online project. However, the commission subsequently secured funding of $35 000 from the Law Foundation of South Australia to develop the Law Handbook online site.

In January 2001 the commission was invited by Online Services (DAIS) to apply for additional funds for the project. DAIS granted additional funding of $61 694 in March 2001 for the Law Handbook Online. The Law Handbook Online is, of course, the electronic version of the Law Handbook. It is a practical guide to law in South Australia. The site provides access to up-to-date legal information; easy downloading of pro forma documents; and appropriate referrals and links to other sites.

Other developments made possible by the Law Handbook Online enhancement funding include: an events calendar; online course enrolment; an online information library; and legal aid application forms. I attended the Legal Services Commission's headquarters on 14 May to launch the Law Handbook Online. Brian Withers, the Chairman of the commission, and Hamish Gilmore, the Chief Executive, had a mouse set up for me to click whereupon the Law Handbook Online would be displayed on the screen and I would then do a search. I forget what that search was to be for, but there was a great gathering of dignitaries including the shadow attorney-general. I am afraid that when I clicked on the mouse it did not work and neither did subsequent clicks on the mouse and attempts to search. This was the only time in the last six months that I have wanted the Hon. Robert Lawson to be the Attorney-General. I am told there was a wire loose and that it was subsequently fixed. Since then there have been 62 722 hits on the site to the end of May (just over a fortnight) and user sessions of more than five minutes totalled 426 sessions in 18 days.

Ms CHAPMAN: It appears on the table on page 5.69 that $570 000 has been allocated in the budget to the Constitutional Convention—

The Hon. M.J. ATKINSON: Cheap at the price.

Ms CHAPMAN: —$320 000 for employee entitlements and $250 000 for supplies and services. What is the basis for the estimate of $250 000 for supplies and services, and will the Attorney assure the committee that any services or supplies secured from outside the public sector will be the subject of a process of open and competitive tendering? In

particular, I specifically seek to know whether any funds have been allocated for a deliberative poll. When will the terms of reference and the proposed arrangements for the Constitutional Convention be revealed, and is it anticipated that the $570 000 will cover the whole cost of the convention?

The Hon. M.J. ATKINSON: The amount of $250 000 to which the member for Bragg refers is principally for the hire of the venue for the convention which will go over a number of days. It is also for the cost of the road shows whereby the Speaker and I—and, we hope, a member of the opposition—will travel around the countryside of South Australia holding public meetings about the Constitutional Convention. Another item to be covered by that money is advertising and brochures. I think the idea is to hold the convention at the Convention Centre, so it probably will not go to tender or be competitive in the sense meant by the member for Bragg. The idea is that there would be workshops a week apart that would comprise the main part of the Constitutional Convention. I can inform the committee now that, of the four officers for whom the Speaker was advertising, a senior project officer has been appointed at ASO7 level. He commenced on Monday 29 July. An offer has been made to a person for the senior legal adviser position, and the selection process is continuing for the media liaison officer and the ASO2 administrative officer.

Ms CHAPMAN: As a supplementary question, I asked whether the deliberative polling had been included in that.

The Hon. M.J. ATKINSON: No.

Ms CHAPMAN: As a second supplementary, is it anticipated that the $570 000 will cover the entire cost of the convention?

The Hon. M.J. ATKINSON: The allocation was made before the question of deliberative polling arose.

Ms CHAPMAN: I asked first about the services and whether there was any other process for those appointed outside, and secondly, the cost of those. Are you saying that there are extra costs including the deliberative polling that are outside this budget? If so, how much are they?

The Hon. M.J. ATKINSON: The deliberative polling would be outside the budget, yes.

Ms CHAPMAN: Do you have a figure for that?

The Hon. M.J. ATKINSON: We have an idea but we could not give you a figure at this point.

Ms CHAPMAN: Perhaps you could take that on notice and get back to us?

The Hon. M.J. ATKINSON: Yes. We have not decided whether deliberative polling will be part of the Constitutional Convention process.

The CHAIRMAN: Member for Mitchell, do you have a question?

Ms CHAPMAN: On a point of order, Mr Chairman, I think I have had only one question.

The CHAIRMAN: You are very eager to have supplementaries, but the chair is reasonably tolerant. The member for Bragg.

Ms CHAPMAN: Mr Chairman, if you consider that a supplementary question is not to be considered that, I ask that you let me know as we proceed.

The CHAIRMAN: The reason the chair is cautious with supplementaries is that my colleagues in this place have a habit of extending supplementaries to a point where it becomes a bit ridiculous. The member has not gone quite that far yet. The member for Bragg.

Ms CHAPMAN: I refer also to page 5.11, and to the report entitled, 'Public sector responsiveness in the twenty first century: A review of the South Australian processes undertaken by the task force comprising the Hon. Greg Crafter, Hon. John Fahey and Mr Rob Payze'. Paragraph 9.5.4 of the report recommends that the Attorney-General's Department implement cross-charging for all agencies for work provided by the Crown Solicitor's Office, and that funding be transferred to the budget of agencies to enable them to purchase legal services from either the Crown Solicitor's Office or private legal firms. The task force recommends that so-called 'tied legal work' will remain with the Crown Solicitor's Office. Will the Attorney-General support the implementation of these recommendations?

The Hon. M.J. ATKINSON: The originator of the idea of cross charging was in fact the Attorney-General's Department. The suggestion was adopted by the Fahey report and we have initiated a working party with Treasury to consider the proposal.

Ms CHAPMAN: I refer to the table on page 5.37 which shows that the employee entitlements for the Attorney-General's Department budget total $65.405 million. You will see on that table that it is $53.083 plus $1.785 plus $3.199 plus $7.338, which on my calculations is the $65.405 million. The 2000-01 annual report of the Attorney-General's Department at page 112 shows there were 82 employees whose remuneration exceeded $100 000. In February this year, the then leader of the opposition (Hon. Mike Rann) referred to the fact that in 1996 there were only 20 employees in the Attorney-General's Department receiving over $100 000. The then leader said:

> One of the things we are going to do is to cut 50 fat cats.

He defined those executives earning over $100 000 as 'fat cats'. Using the language of the then leader of the opposition, how many fat cats have been cut from the Attorney-General's Department, and how many does the Attorney-General intend to cut?

The Hon. M.J. ATKINSON: There are two answers to this. The first is that wage increases since 1996 have taken many employees who were below that level above that level. Secondly, owing to departmental reorganisations initiated by the then government, more people on those higher levels have come into the justice portfolio. There has been an amalgamation of departments into a super department.

Ms CHAPMAN: As a supplementary question, because neither of the questions has been asked, how many have been and how many will go, whether it is over $100 000 or a new level?

The CHAIRMAN: The minister has the discretion to answer how he wishes.

The Hon. M.J. ATKINSON: What is the question the member regards as being unanswered?

Ms CHAPMAN: How many have been cut, or will be cut, from the Attorney-General's Department?

The Hon. M.J. ATKINSON: None.

Ms CHAPMAN: On both counts?

The Hon. M.J. ATKINSON: Yes.

Mr SNELLING: Have there been any initiatives to assist victims of crime who live outside the metropolitan area?

The Hon. M.J. ATKINSON: In the last sitting week during question time I advised the house that the last of the outposted victim support service offices had been opened in Port Lincoln, and I went to Port Lincoln twice, I think, in a month. The member for Bragg would say that is because of Labor's high hopes of winning the seat of Flinders. Apart from these offices which now operate in five regional centres,

the Director of Public Prosecutions has commenced a witness assistance toll free number which has been established in order to increase the accessibility of witness assistance officers to rural witnesses and victims.

For those unfamiliar with its operations, the witness assistance service provides information and support services, as well as making victims and their immediate family members aware of their rights and responsibilities when dealing with the criminal justice system. It also provides assistance and information on the preparation of victim impact statements and assesses victims' needs in dealing with the prosecution processes and referring them, where appropriate, to organisations for ongoing counselling. In its first year, that is, the 1998-99 financial year, a total of 334 clients were seen by the service. That number has risen to just under 500 in the last financial year.

The service continues to attend country centres to assist victims of crime and their families, including Mount Gambier, Port Augusta, Port Pirie, Murray Bridge, Ceduna and Whyalla. The new toll-free number ensures that victims, witnesses and family members are able to telephone a witness assistance officer directly and seek clarification or information about a prosecution process without incurring a fee. I think that it is noteworthy, in answer to the member for Playford's question, that the victim support service has been funded to set up, I think, five offices outside Adelaide.

Four of those offices were opened by the previous government, including one in the seat of Stuart at Port Augusta. If we follow the member for Bragg's reasoning that was done for base electoral reasons by her own party, but I am disinclined to follow her reasoning. The one service that was opened under the Labor government was in the state district of Flinders.

Mr HANNA: What is the government doing to assist sport and recreation clubs and associations to deal with discrimination, abuse and harassment? I refer particularly to output 1.4, which concerns the Equal Opportunity Commission.

The Hon. M.J. ATKINSON: In August 2001, under the stewardship of the previous government, the South Australian Equal Opportunity Commission, together with the Office of Recreation, Sport and Racing, launched the web site Play by the Rules. Play by the Rules is an on-line training and information resource for sport and recreation clubs and associations. Play by the Rules provides information on how to prevent and deal with inappropriate behaviour, including discrimination, harassment, favouritism, bias and various forms of abuse. I can think of some football clubs that this program has not reached.

Additional Departmental Adviser:

Ms L. Matthews, Commissioner for Equal Opportunity.

The Hon. M.J. ATKINSON: The Commissioner for Equal Opportunity has come to assist and is on Mr Pennifold's left. I am informed that Play by the Rules has three main aims: to provide information exploring discrimination, harassment and child protection; to explore what rights are and how the law protects rights to participate in sport and recreation activities and not be unfairly discriminated against; and to ensure that you know about the responsibilities when participating in sport and recreation activities under the law. The URL for the site is www.playbytherules.net.au.

In April 2002, a management committee comprised of representatives of the South Australian Equal Opportunity Commission, the Office for Recreation, Sport and Racing and the Australian Sports Commission was established to manage and administer Play by the Rules. In May a project officer was appointed by the management committee for 12 months to further the aims and objectives of Play by the Rules, and in June the management committee endorsed a strategic plan for this financial year to further enhance the web site and to promote its use to the sport and recreation sector at local, national and international level.

The site has been very well received and has been used extensively by coaches, parents, umpires, players, volunteers and managers. No doubt, if I consulted the site it might have the effect of bridling my tongue at Woodville Oval on Saturday afternoons, but I will ask the Commissioner whether she wishes to add anything.

Ms MATTHEWS: No, I think that the Attorney has covered it very well. It does target the ugly parent syndrome, so, if the cap fits.

Mr HANNA: I have another question referring to the activities of the Equal Opportunity Commission. I refer to output 5.4 concerning complaint handling and service goals, etc. What measures is the Equal Opportunity Commission putting in place to ensure that complaints are handled in a timely manner?

The Hon. M.J. ATKINSON: The complaint handling process of the commission has been the focus of continued improvement over the last five years under the previous government—of blessed memory—to ensure that a high standard is maintained and that best possible process is available to clients. Over the years, many changes have been made that have led to faster and more efficient handling of complaints. These improvements have included:

- closer initial scrutiny of complaints to determine whether they fit within the legislation;
- a review and standardisation of policies, procedures and practices to ensure a consistent, high quality approach;
- attempts to conciliate complaints earlier;
- an upgraded complaint records management database; and
- upgrading all routine correspondence to assist with consistency.

The average length of time taken to finalise complaints has decreased significantly to around six months. In 2000-01 an evaluation process was developed to allow individual complainants and respondents to rate the service in terms of significant discrete complaint handling functions and to provide comments and suggestions for improvement. The evaluation is used to inform further refinements and improvements to the complaint-handling process. Areas of deficiencies highlighted by clients are investigated and wherever possible addressed.

The CHAIRMAN: Has there been a change in the trend of complaints to the Equal Opportunity Commission in recent times or has it followed a similar pattern from the time the commission was established?

The Hon. M.J. ATKINSON: I will refer that question to the Commissioner.

Ms MATTHEWS: Over the past couple of years the trend has been more towards age discrimination and disability complaints than in earlier years. In earlier years there were more sexual harassment and sex discrimination complaints. That is a very broad trend.

Ms CHAPMAN: At page 537 the table thereon shows that the employee entitlements for the Attorney-General's Department, including salaries, annual and sick leave, long service leave, payroll tax and superannuation, are budgeted

to be $51.131 million in 2001-02. The budgeted figure for 2002-03 is $65.05 million. This is an increase of $14.37 million or 18.6 per cent in employee entitlements over one year. What is the cause of this rise and will the Attorney supply information about the number of full-time equivalents employed in the Attorney-General's Department included in the budget estimate for 2002-03?

The Hon. M.J. ATKINSON: The answer to the question from the member for Bragg is that it is a carryover of projects not commenced in the previous financial year, in addition to the Office of Multicultural Affairs in the South Australian Multicultural Affairs Commission coming into the justice portfolio from the Department of Premier and Cabinet.

The CHAIRMAN: The Attorney recently released a discussion paper on the question of religious beliefs and related matters. It has created quite a reaction in my electorate and, I guess, elsewhere. What prompted that paper? Was it based on the Victorian experience or did something else prompt that focus?

The Hon. M.J. ATKINSON: I can tell the Chairman very precisely what prompted it. There was an annual meeting of the Multicultural Communities Council last year, which was attended by the then premier (Hon. Rob Kerin) and the then leader of the opposition (Hon. Mike Rann). In the speeches to the annual general meeting the then leader of the opposition proposed that South Australia follow other jurisdictions in other states and territories and introduce an amendment to the equal opportunity law which prohibited discrimination against people on the grounds of their religion.

What the then leader of the opposition had in mind was the treatment, particularly of Muslim women, in the aftermath of the 11 September attacks. But other jurisdictions had this law also, including, as you rightly mentioned, Victoria. The government wants to make it clear that if this law comes in there will be an absolute exemption for churches, religious organisations, and religious and denominational schools so that they can take into account a person's religious convictions when making appointments to these bodies.

So, in the case of the Catholic Education Office, it would be able to discriminate in favour of Catholic applicants for teaching positions, and the government said that it would enter into a comprehensive series of consultations with all parties and religious groups in response to the proposed draft legislation and that the legislation would proceed only if there was a true consensus. We have circulated a discussion paper prepared by the policy and legislation section of my department. I hope the honourable member has had the opportunity to look at that. We will certainly be able to provide her with a copy.

It is fair to say that the office has been inundated with negative responses. Life FM has been running a campaign in which it highlights what it thinks are the dangers of this kind of legislation. Similar legislation in America is interpreted as freedom from religion rather than freedom for religion. I certainly do not want the amendment to go down that path. The discussion paper is comprehensive. The Life FM campaign is not informed by the discussion paper. It talks about legislation already drafted as if it is in the parliament, which is a present and real danger to evangelical Christians, and they have been responding accordingly by writing to us opposing a bill that does not yet exist. I understand their fears based on the American experience.

The government has repeated its assurance that the legislation will not be drafted in a way that could enable it to be used against religious persons of any faith, and we are being careful to consult all religions and all Christian denominations. We invite the public to consider the proposals in the discussion paper and respond to my office. An incident in Victoria has inflamed feeling about this proposal. An evangelical Christian group invited a Pakistani man to come along and give a talk about how Christians are treated in Pakistan. He gave such a report, and it was not a pleasant tale to tell because Pakistani law is very harsh indeed on Christians and, quite apart from the law, society is pretty hard on Christians in Pakistan. Some members of the Islamic faith attended the talk, and they then complained to the equivalent of the Equal Opportunity Commission in Victoria that the talk itself constituted religious discrimination against Islam. I would have thought that that complaint is unmeritorious and should not succeed. Nevertheless, the mere making of the complaint has alarmed many evangelical Christian groups, and I understand why that is so.

Mr RAU: This question follows on from that, and I am more than happy if the minister wants to take it on notice. My experience is that a number of religious groups in this state, including groups to which the minister has referred, have a legal problem in that their method of holding property which is predominantly used for a religious purpose—for example, a temple or whatever—is necessarily an awkward use in terms of our existing statue law if one wishes to do it through an incorporated body. Invariably these people find themselves resorting to the Associations Incorporation Act which might be excellent for a tennis club but which has considerable problems when we start talking about a church, a mosque or whatever.

The Hon. M.J. ATKINSON: If I may interrupt, the Italian speaking Assemblies of God resorted to the courts over who held the title to their church.

Mr RAU: Indeed, I have unhappily been involved in several conflicts where schisms in organisations which are predominantly religious organisations have degenerated substantially as a result of the method of property holding. I wonder whether you might give considerations in line with the other concerns that might be had about difficulties from without, so to speak, to addressing this difficulty from within these bodies by providing some means by which property which is clearly religious property can be vested in a way that is not susceptible to the ebb and flow of, shall we say, more temporal concerns of a congregation from time to time.

The Hon. M.J. ATKINSON: That it be invested in some more timeless, hierarchical body rather than a vulgar annual general meeting?

Mr RAU: It is easy to speculate here as to what it might be; for example, if some form of trust arrangement was sanctioned by statute whereby religious trusts for the purposes of holding simply the property—not the administration of the property in the broad, but simply being the legal owner of the title on which this religious building resides.

The Hon. M.J. ATKINSON: The member raises a very good point, and I will take it on notice.

Ms CHAPMAN: I have some questions to be taken on notice. The first question arises out of information from the Attorney this morning in relation to the appointment of a magistrate in Port Augusta. The report of the Legislative Review Committee on courts administration dated November 1994 stated at page 22:

> Evidence was given that all magistrates appointed since 1976 gave as a condition of their employment an undertaking to serve as a resident magistrate for two years. At the time when the residencies

were withdrawn, there remained six magistrates with an unfulfilled obligation to serve.

Are there any remaining magistrates with this obligation, and is Mr Field one of them?

I refer to page 5.11, which refers to the percentage of staff hours allocated to client work by the Crown Solicitor's Office. The table on page 5.3 shows the budgeted net expenses for this output in 2002-03 is $133.519 million. This is almost $10 million more than the estimated result for 2001-02, and it is an additional $10 million spent on legal services over the next year. The footnote thereon is as follows:

To increase the target—

that is, target number of hours of legal services—

would require significant negotiation with employees with the Public Service Association.

Can we take from this footnote that the Attorney-General is not prepared to undertake 'significant negotiation' with employees and the Public Service Association, and why not? What steps have been taken to improve the efficiency of delivery of services in the South Australian government? Question 13 is Output Class 2. It is on notice.

The Hon. M.J. ATKINSON: But of your omnibus questions, I had understood that this was your third rather than your 13th question.

Ms CHAPMAN: That's right—it is the 13th of the general but the third of these. The table on the additional administered items on page 5.69 shows the following payments in respect of the native title legislation: administration of $3.586 million for salaries and $6 million for supplies and services. Will the Attorney inform the committee of the full cost budgeted to be incurred by the justice portfolio on native title issues, the number of cases this year, and the number of full-time equivalent employees or contractors engaged in native title matters?

Do we receive any commonwealth funding to assist in relation to native title matters? The Aboriginal Legal Rights Movement claims that it has insufficient resources to properly represent claimants. Is that agreed to, and should the state government provide more assistance? Is it envisaged that the current level of expenditure will increase into the future? I am happy for the five general questions to be read into the transcript, sir, consistent with what happens in other forums. Has the Attorney-General had these previously?

The Hon. M.J. ATKINSON: Yes. We are pleased to accept those questions on notice with an equanimity not displayed by the former government regarding omnibus questions on notice, and we will certainly answer them more promptly.

Ms CHAPMAN: And fully, I hope. Will the Attorney also advise the committee how many reviews have been undertaken or scheduled to take place within his portfolio since the government was elected? Which matters do these reviews pertain to and which consultant or consultancy organisation has been hired to undertake this work, and what is the total cost of these contracts? Will the Attorney advise the committee how many of the 600 jobs to be cut from the Public Service will be lost from within the portfolio?

The Hon. M.J. ATKINSON: We have not finished the portfolio yet, so would it not be appropriate for these questions to be asked at the end?

The CHAIRMAN: I do not think it matters a great deal. It depends whether the member for Bragg remains on as the opposition person. I think she may as well complete those omnibus questions.

Ms CHAPMAN: Will the Attorney advise the committee which initiatives contained within the government's compact with the member for Hammond have been allocated to this portfolio, and how much they will each cost and whether these costs will be met by new or existing funding? Will the minister advise the committee of the number of positions attracting a total employment cost of $100 000 within all departments and agencies reporting to the Attorney-General as at 30 June 2002, and estimates for 30 June 2003?

For each year 2002-03, 2003-04, 2004-05 and 2005-06, and from all departments and agencies reporting to the Attorney, what is the share of the total $967 million savings strategy announced by the government, and what is the detail of each saving strategy? For all departments and agencies reporting to the Attorney, what is the share of the $322 million underspending in 2001-02 claimed by the government, and what is the detail of each proposal and project underspent; and what is the detail of any carry-on expenditure in 2002-03 which has been approved?

The Hon. M.J. ATKINSON: Some of those questions will be answered by the Premier.

The CHAIRMAN: We now move to Minister for Consumer and Business Affairs, the references to which can be found at pages 245 to 330.

Additional Departmental Adviser:

Mr M. Bodycoat, Commissioner for Consumer Affairs.

Membership:

The Hon. D.C. Kotz substituted for Ms Chapman.

The CHAIRMAN: Does the Attorney wish to make a brief statement?

The Hon. M.J. ATKINSON: No, I am happy to devote all the time to questions, sir.

The CHAIRMAN: Does the lead for the opposition wish to make a brief statement?

The Hon. D.C. KOTZ: I am equally happy to leave it to questioning, thank you.

The Hon. M.J. ATKINSON: I introduce the Commissioner for Consumer and Business Affairs, Mr Mark Bodycoat, who is on my left.

The Hon. D.C. KOTZ: Minister, I refer to Budget Paper 4, volume 1—Output class 55—Licensing and Regulatory Services. The table on page 5.30 shows that under this Output the revenue received for Licensing and Regulatory Services is budgeted to increase by over $30 million. The Output revenue in 2001-02 is $380.27 million and the budgeted figure for 2002-03 is $410.937 million, the difference between the two figures being some $30.91 million. Will the minister explain what is included in these fees and why there is a rise of over $30 million in one year?

The Hon. M.J. ATKINSON: I am advised that the vast bulk of the increase is in the liquor and gaming area, and it is a question we can answer when the Liquor and Gaming Commissioner, Bill Pryor, attends.

The Hon. D.C. KOTZ: Will you then take that one on notice for me?

The Hon. M.J. ATKINSON: Yes.

The Hon. D.C. KOTZ: On page 5.69—Travel Compensation Fund—there is an identified budget allocation for a

travel compensation fund of $400 000. I have no knowledge of this fund previously, so I was wondering just exactly what this fund does? Have there previously been any claims on it, and how was the $400 000 for 2003 put together?

The Hon. M.J. ATKINSON: It is principally a one-off payment connected with the collapse of Ansett. In May, cabinet approved a once-off contribution not exceeding $400 000 from consolidated revenue for the fund. By virtue of the Travel Agents Act 1986, South Australia is a party to a national travel compensation scheme. I am a signatory, as Minister for Consumer Affairs, to a trust deed that establishes a Board of Trustees to manage the fund. It is derived from contributions from travel agents and is used to administer claims against the fund.

The fund pays compensation to people who have suffered loss as a result of services booked through travel agents that were then not honoured. With the collapse of Ansett Australia and Traveland Pty Ltd during 2001-02, the travel compensation fund faces a large number of claims for unhonoured travel services. The trustees warned that there is a real risk that existing funds within the travel compensation fund will not meet all the claims associated with Ansett and Traveland, and have exercised their discretion to pay 40 per cent of the value of eligible claims at this stage. There are a number of factors determining whether or not the remaining 60 per cent of each claim is paid. However, whatever the outcome, claimants will not receive payments in addition to the 40 per cent from the fund for many months while events unfold.

Current projections show that if all known claims were paid to 40 per cent of their respective claim values, the reserves of the fund would be reduced to insufficient levels to ensure its viability. So, to alleviate the financial stress on the fund in the wake of the collapse of Ansett and Traveland, the commonwealth government has offered the fund $5 million to assist it in paying existing claims. This offer is subject to jurisdictions contributing another $5 million in assistance to match the commonwealth government's contribution. For South Australia that is 8 per cent or $400 000. Cabinet accepted the commonwealth's offer and the contribution has been made.

The Hon. D.C. KOTZ: The table in Budget Paper 4, volume 1 at the same page, 5.69, 'Additional administered items information for the Attorney-General's Department', refers to 'HIH Fund claims' and shows that the estimated payments for the year ended 30 June 2002 were some $1 million and that a further $500 000 has been budgeted for 2002-03. The Liberal government announced in July 2001 that it would establish a $1 million fund to assist consumers with home building contracts where they suffered hardship as a result of the collapse of HIH, which formerly provided some building indemnity insurance in this state.

An initial $1 million fund was created by way of a special deposit account under the Public Finance and Audit Act, and it was announced that $500 000 per annum would be recovered by an increase in the levy on licence fees for building work contractors. When the increased levy was announced, it was said that the levy would be kept under review and would be 'removed as soon as it is apparent that funding from this source is no longer required'. Will the minister provide a report on the number of claims paid, the total amount paid, whether it is anticipated that further claims will be made and when the levy will be removed?

The Hon. M.J. ATKINSON: The state government announced in July last year that it would establish a funded scheme to assist consumers with home building contractors where they were suffering hardship as a result of the collapse of HIH. The assistance scheme aims to help those consumers to secure compensation for their domestic building work left incomplete by the collapse. The commonwealth and other state jurisdictions have implemented similar relief schemes to that of South Australia. Indeed, I think they did so before South Australia did.

Since June 2001, 20 claims have been settled, with $738 536 paid to claimants. Currently, nine registered claims are undergoing assessment. The potential value of the outstanding claims is estimated at around $398 000. The scheme was established with initial funding of $1 million created by way of a special deposit account under the Public Finance and Audit Act with OCBA responsible for administering the fund. In addition, the scheme is supported by revenue generated from levies added to builders' licence fees. We will give earnest consideration to lifting the levy in due course, but I am unable to give the member a date.

Mr RAU: This question is on a related but slightly different topic, probably in the consumer affairs area, and relates to the sale of land in South Australia and to present practice whereby land is offered for sale at a nominated price, land is offered for sale by public auction or land is offered for sale by tender, all of which I understand to be in legal parlance fairly clear cases of either an offer, inviting an acceptance, or an invitation to treat, or whatever the case might be.

The last and rather ambiguous category is a habit that now seems to have taken over the entire real estate section if anyone cares to look at it, whereby properties are advertised in excess of $100 000, or offers over $200 000, or in the range of $200 000 to $500 000, or something which, I understand, is not an offer in legal terms because there is no offered price. It is in fact an invitation to treat which, as I understand it, means having an auction outside of auction conditions and outside of the protections that are offered to the public, limited as they are, for public auctions. My questions go specifically to these matters and I am quite happy for these to be taken on notice.

Have there been complaints from members of the public to the minister's office about the fact that properties that are offered for sale are in fact not offered for sale in the legal sense, that there can be an acceptance of that offer, because they are not advertised at a price? Have any investigations taken place by the minister's department in relation to whether this practice, which now appears to be virtually the standard, it would appear from a casual observation of the Saturday real estate section in the *Advertiser*, is in conformity with the current laws in relation to the sale of property, the offer of sale of real estate to the public?

Finally, if it turns out that they are inappropriate actions on the part of these vendors of real estate or of the real estate agents, what steps will be taken to deal with them? If they are not presently illegal, will the minister consider dealing with the law inasmuch as it deals with these matters?

The Hon. M.J. ATKINSON: That is a very good question. I seem to recall hearing that from the member at Woodville Gardens one day, and I will take it on notice now that he has it in *Hansard*.

The CHAIRMAN: In relation to auctions of a different kind, have there been many complaints about organisations and businesses in Adelaide inviting elderly people, people going into retirement villages and nursing homes, and so on, to have their goods auctioned where the results have been surprising—and I am using the most polite language? The

reason I mention this is that it was put to me recently by a bank manager that his mother had recently gone into a nursing home, the contents of her home were auctioned and she got back a pittance, which he found amazing given the value of the items.

To add insult to injury, the cheque actually bounced. But he had grave doubts about the authenticity of the auction process, whether it was a genuine auction process or whether the process is often corrupted by people who may be acquaintances or business associates of those auctioning the goods.

The Hon. M.J. ATKINSON: The Commissioner advises me that he has not received such complaints and expects that he would have if they were common, but he is happy to inquire into those individual circumstances.

The CHAIRMAN: What provision exists in terms of regulating the way in which that sort of activity is conducted to ensure that, as far as possible, the auction process is authentic and scams against the elderly are not being practised?

The Hon. M.J. ATKINSON: I think that the law on contracts and commercial law may well be sufficient on that point. The questioning would tend to suggest that the conduct of the auctioneer in this case was criminal or fraudulent.

The CHAIRMAN: The inference is that deals are being done between the person auctioning the items and the purchasers—in other words, that it is a sham auction. That is what has been suggested to me, and I know nothing other than that. I just wonder whether other cases have been reported and, with respect to that process of auctioning off, whether there is some protection for members of the public, particularly the elderly. The member for Enfield, I think, wanted to follow up on that point.

Mr RAU: Yes. Again, I do not expect an answer. This might be of interest to the Commissioner. I observed an auction on the weekend where a property was offered for sale by public auction. The predictable bids from trees and bushes occurred for a period of time. At the end of the pantomime that surrounds that aspect of the auction, the auctioneer said, 'Second call,' went for the third and final call and said, 'I'm sorry, I have to go in and consult with the vendors,' which is the usual rubric in these circumstances. Those who attend auctions would know that it is unusual for auctions to reach that point when you are still on $10 000 rises. The auctioneer then returned and said, 'The property will be sold today,' and then asked, 'Are there any more bids?' A person (whom I suspect to have been a tree) offered another $1 000. The auctioneer said, 'First, second—I am sorry, you haven't quite met the reserve. We will consult with all the bidders.' Then people were selected at random from the audience and chatted to, and wondered why they were being spoken to, and that was the end of that. Unless I am very much mistaken, that was an offence. Again, it is an issue where a property has either exceeded the reserve or it has not. At a public auction it is announced to the people present that the property is now to be sold. The further bid of only $1 000 had to be accepted, because it was the only bid, on the third drop of the hammer.

This just adds to my concern about what is presently happening in real estate. There is so much money floating around at the moment in real estate, I suspect that the spivs and the operators are busy in the market. I am concerned as to whether complaints are being made and, if they are not, how we can increase vigilance to make sure that people are not being disadvantaged by these sorts of activities.

The Hon. M.J. ATKINSON: I will refer that question to the Commissioner for Consumer Affairs.

Mr BODYCOAT: That is an issue which is repeatedly raised and which is of concern to my office. The difficulty which my office encounters is identifying, at the time at which it is occurring, the conduct that produces the mystery bids, or the bids allegedly from trees, lampposts, dogs or whatever.

Mr RAU: The point is that the property was on the market.

Mr BODYCOAT: Yes. The issue raises some concerns about the legal status of the bids, and I think is more appropriately investigated and the results reported to the Attorney-General out of this place. I would say only that the common practice—and I think it is a reasonable practice—is that the property with respect to which the reserve price has not been reached is always likely to be the subject of consultation with the vendor for approval by the vendor of the bid. It is also difficult, I would say, to rule out that that has not taken place on this occasion. But it is an issue that is common enough for it to be of concern to my office, and I would welcome any information about that kind of conduct, and particularly where there is the ability to follow up that information with further inquiry with other people who attended the same auction.

Mr RAU: Can I just make it clear? The point that particularly concerned me was not the fact of trees bidding, because I am very familiar with that. What concerned me was that there was what appeared to be the consultation with the vendor, a return to the auction setting, an announcement that the property would be sold under the hammer, a further bid of $1 000 was made, and then the property was not in fact sold under the hammer.

Mr BODYCOAT: I understand the member's concern. I was not trying to indicate that I understood the concern to be about the phantom bids. I understood that the member was concerned about the status of the negotiations and the effect it had on subsequent bids.

The Hon. D.C. KOTZ: I am advised that some 3 000 formal complaints are made by consumers each year. I am also advised that most are resolved—thank goodness—by mutual agreement. Where a business or a licence fails to comply with these warnings, the Office of Consumer and Business Affairs has the power to take legal action in cases that cannot be resolved. The results are published on the consumer affairs government web site, which also provides customers with a comprehensive range of easily accessible information. Can the minister advise the committee whether this government intends to maintain and upgrade what we believe is an important community information and education centre, and will he also advise the committee of the budgeted components in this year's budget that relate to the web site and its upgrading and maintenance?

The Hon. M.J. ATKINSON: I refer that question to the Commissioner.

Mr BODYCOAT: As I understand the question, it is in relation to the maintenance of the web site and the provision of information about the outcomes of OCBA—either negotiation, conciliation or other action after that. Included in OCBA's projects for the current financial year is a plan to upgrade the web site first to include on it better and more accessible information. One of the first steps in that process will be to record the outcomes of negotiations where enforceable assurances are obtained by OCBA, those being somewhere in the middle ground to no action being taken and

prosecution action taken against an errant trader. The process will be undertaken in stages, and will be paid for out of existing budget allocations. No separate allocation is anticipated for that measure. The intention is to maintain exactly what has been described, that is, an accessible information base about issues that are of significant importance to the general public.

The Hon. D.C. KOTZ: I am very pleased to hear that, because we consider that it is a very important aspect of advising the community about agencies of government. As we all know, very little information about consumer affairs is recorded in budget statements, although the business conducted on behalf of government is certainly substantial. The records show that services to consumers range from a telephone advisory service to conducting investigations into breaches of the law by business operators. In a typical year, some 150 000 queries are received by OCBA from South Australian consumers by telephone or over the counter. Can the minister outline the budget allocations to consumer affairs in the current budget, and any new initiatives incorporated into this budget and the cost of those initiatives?

The Hon. M.J. ATKINSON: I can tell the member for Newland that there is nothing new. We will continue with the online consumer education program for secondary schools and perhaps give more emphasis to raising the awareness of Aboriginal Australians of their consumer rights.

The Hon. D.C. KOTZ: The Attorney would be aware that regional South Australia has always been a priority of the previous government which continued to seek to improve services which their city cousins generally take for granted. We established offices for the Office of Consumer Affairs in Port Lincoln and Mount Gambier which, of course, complemented the network of services in Whyalla, Port Augusta and Berri.

The Hon. M.J. ATKINSON: I have already visited the offices at Whyalla and Mount Gambier.

The Hon. D.C. KOTZ: I am pleased to hear that. The minister would have been impressed with those offices. Will the Attorney assure the committee that those services will not be cut back or closed down and that the government will continue to look at providing more innovative services in these areas to reduce the impact of distance on country South Australians through the use of online applications and renewal services, one of the most successful of which has been proven to be Services SA?

The Hon. M.J. ATKINSON: There is no plan to dispense with those offices. To enable more efficient use of resources and rationalise accommodation for government services, OCBA has relocated the Port Lincoln office to the new offices of Services SA. The member for Newland may remember that that was an initiative of the government of which she was a minister. To enhance OCBA and other government regional services, OCBA is currently examining a proposal to collocate with Services SA in Port Augusta, and consideration is also being given to use some of the proposed new facilities to be operated by Services SA in smaller regional towns. This will permit more effective services for OCBA clients located near the enhanced Services SA facilities.

The Hon. D.C. KOTZ: The previous Liberal government also introduced policies to improve services and reduce red tape for small business. We believe that small business operators do not need to be hassled by unnecessary delays in approvals for licences and registrations. The minister would know that there are over 58 000 occupational licences on issue and over 5 000 new applications are processed each year. The former government introduced a number of application forms online and the use of online approval processes was being phased in. Does the Attorney acknowledge the efficiencies that can occur through the use of new technologies; if so, is he committed to pursuing further processes that will provide further online services and therefore create better benefits for small business; and has he taken any steps at this stage to ensure that these concepts, which are in fact new concepts, will be introduced?

The Hon. M.J. ATKINSON: Yes. The Commissioner might like to flesh out that answer.

Mr BODYCOAT: There is already a significant amount of assistance available online (including assistance in renewing occupational licences and business names) and by telephone via interactive voice recognition. It is intended during the course of this year to add to that the ability to register a business name online subject to clarifying some identification and identity issues. It is also intended to introduce a simplified application and renewal system and an assisted application system for occupational licensees with their details initially being taken over the phone and the licensee will then be posted a tailored application form. This process will be expanded into the ability to make the initial application online.

In other fields (which are sometimes related but not necessarily), the Registry of Births, Deaths and Marriages will offer streamlined access to birth certificates, death certificates and marriage certificates by making them available online, subject again to the resolution of identity and identification issues.

The Hon. D.C. KOTZ: I assume then that it is no good asking the Attorney to give me any budgeted outcomes for that particular area either.

Mr BODYCOAT: I would find it difficult to demonstrate any difference in budgeted outcomes given that it will all be done within existing resources. Existing resources will be diverted to establish those services.

The Hon. D.C. KOTZ: In terms of the cost structure under which OCBA works, is there a means whereby (through annual reporting or otherwise) the individual cost structures under which consumer affairs works is publicly stated?

The Hon. M.J. ATKINSON: The administered lines are included in OCBA's annual report but, if the honourable member wants to know how much it costs for the online web site, that is not included.

The Hon. D.C. KOTZ: We have all dealt with the Retail and Commercial Leases Act over many years. Obviously, many of our constituents who are tenants of retail outlets are concerned with some of the problems that they face with larger retailers or companies that own and manage shopping centres. Under the act a new code was introduced for casual mall leases. This code outlines the framework within which small business can receive fair treatment from shopping centres. Will the Attorney give a commitment to continue to monitor the progress of the new code and examine ways in which this model can be extended to include similar situations?

The Hon. M.J. ATKINSON: Yes, I will give that commitment. The idea of regulating casual mall licensing was, in fact, that of the Hon. Nick Xenophon. He got together with the opposition and moved to amend the Retail and Commercial Leases Act which was introduced by the Liberal government to allow the levying of the GST. Eventually the

government did not require that bill—it changed its mind. But the previous attorney-general (Hon. K.T. Griffin) was good enough to allow us to pursue the casual mall licensing proposal to regulate it and a bill passed parliament last year unanimously.

The code was originally intended to come into effect on 1 July for reasons relating to administering and accounting convenience, and to allow sufficient notice to affected parties. However, due to delays associated with the general election in South Australia and the then government clinging to office without a parliamentary majority, the need to develop and implement an appropriate and effective awareness campaign needed to be delayed, so the commencement date is now 1 September. The retail shop leases advisory committee has developed an awareness campaign that utilises the resources of the committee collectively, the resources of individual associations represented on the committee and OCBA's resources.

The Hon. D.C. KOTZ: I thank the Attorney for his courtesy and for making his officers available. We would not want to get into a debate about whether 52 per cent of the public vote entitles governance or not.

The Hon. M.J. ATKINSON: I think it was 50.9 per cent.

The Hon. D.C. KOTZ: It was closer to 52!

The CHAIRMAN: In relation to the grocery supermarket area, as you know we have what is in effect an oligopoly situation, unlike the United States where it would be illegal. I appreciate that we do not have price control, and I am not advocating that, and I am aware that the ACCC looks at certain aspects, but does your department have any role in monitoring price increases in the area of groceries, meat, fruit and vegetables, which are commodities of great interest to many families in this state?

The Hon. M.J. ATKINSON: No, we do not, and I think trust busting has always been the province of federal governments and those federations who have those anti trust laws.

The CHAIRMAN: I am not advocating price control, but at the ministerial council meetings, has there been consideration to looking at price justification, particularly in that area of groceries, fruit and vegetables and meat? The Attorney-General would be aware that some of the prices in those areas seem to increase quite dramatically and often without relationship to what one would expect, given what the grower gets for fruit, vegetables, livestock and so on. It seems as though, on the one hand, wage earners have to justify their wages but people can increase their prices substantially without any justification. Has a price justification approach in selected instances ever been considered at a ministerial council meeting?

The Hon. M.J. ATKINSON: I have to confess that we are not proposing to do that.

Mr RAU: I am very interested in a thing called the Nigerian scam, not least of which to know what it is. Can the minister inform the committee about further developments in complaints made to the Office of Consumer and Business Affairs about this Nigerian scam?

The Hon. M.J. ATKINSON: Over the years OCBA has been in close contact with the SA Police's fraud task force in relation to a number of scams emanating from Nigeria. The scams usually begin with a letter written on letterhead from a Nigerian state authority or corporation, although recent information indicates that attempts to contact the recipients are more prevalent by email or fax. In the correspondence the supposed official admits to a scheme designed to defraud his employers of millions of dollars that have previously been paid to a foreign supplier and is sitting unclaimed in a bank account. The targeted company or business is asked to send details of its bank account, blank signed sheets of its own letterhead and invoices for fictitious services rendered to the Nigerian state authority or corporation.

A request is then forwarded to the recipient business or company asking for an up-front tax payment of $5 000 to ensure that the transaction proceeds. Sometimes Rolex watches or pre-paid travel and accommodation vouchers are demanded in lieu of cash. The victim can easily pay several thousands of dollars with no prospect of receiving the share of the promised millions. In some cases the businessman is lured to Nigeria to collect the money where meetings are arranged with operators posing as government officials. Meetings are held in government buildings hired for the day. Demands are then often made for money in order to release the funds or to release the businessman who may be held captive until the demands are met. OCBA understands that some overseas embassies have received distress calls from businessmen who are being held until a ransom demand is met. Recent calls to OCBA indicate that some businessmen are now receiving calls in the middle of the night pressuring them to supply details so that the supposed money can be transferred into their bank accounts.

Variations of the scam have started to appear from other African nations. A similar version of the scam emanates from the Ivory Coast and a variant of the scam originating from Uganda purports to be from a schoolgirl requesting money to finish her schooling because of the death of parents as a result of a civil war or natural disaster. I understand that those letters from Uganda are handwritten.

The increasing number of overseas direct marketing scams is an Australia-wide problem. The National Fair Trading Officers Advisory Committee has formed a subcommittee with representatives from South Australia, together with New South Wales, the ACCC and the New Zealand Ministry of Fair Trading to develop a strategy to address this problem. The strategy is focussed on the education of Australian consumers. I suppose the difficulty with these scams is that if you are taken in by them, you are reluctant to advertise your own folly to a government agency. The agencies are also working cooperatively with overseas fair trading agencies in Canada, the United States, the Australian Direct Marketing Association, the List Council and a number of overseas direct marketing associations to address the problem.

Mr RAU: As a supplementary question, and consistent with the old adage of fighting fire with fire, have you considered enlisting the assistance of Tom Cruise to bust this? Two of his recent films deal with things very similar to this. Mission Impossible 1 and 2 both have schemes almost as sophisticated as the ones to which you have referred.

The Hon. M.J. ATKINSON: No, as it happens.

The CHAIRMAN: According to the schedule, we are overdue to have moved to consider matters relating to liquor licensing. If there are no further questions on business affairs, we will now move to liquor licensing.

Additional Departmental Adviser:

Mr W. Pryor, Liquor and Gambling Commissioner.

The CHAIRMAN: Does the Attorney wish to make an opening statement?

The Hon. M.J. ATKINSON: No; I am happy to take opposition questions throughout the session.

The CHAIRMAN: For the sake of Hansard, although he needs little introduction, the Attorney might introduce the Commissioner.

The Hon. M.J. ATKINSON: On my immediate left is Mr Bill Pryor, the Liquor and Gambling Commissioner.

Mr MEIER: Recently the House of Assembly passed a bill (I think the upper house did, too) prohibiting the transfer of a poker machine licence from Whyalla to Angle Vale. I assume that the liquor licence can still be transferred from Whyalla to Angle Vale. Does the Attorney-General have any comment about that, and would he regard it as standard practice for such things to occur over such a distance?

The Hon. M.J. ATKINSON: I am advised that there is no impediment to removing a liquor licence over that distance. The application would have to prove need in the new area and provide proof that there was not a need in the area from which the licence was being removed. But the rules on gaming machines are, of course, different.

Mr MEIER: For example, Wallaroo has, I think, five hotels for about 3 000 people, and the town is expanding into a new area dominated by the marina. To what extent can a new hotel set up under a new licence, recognising that the hotel would, perhaps, be only 500 metres from the next closest hotel; or would the normal procedure be for a new hotel to seek to buy one of the existing hotels and simply demolish that hotel or transfer the licence to its new site?

The Hon. M.J. ATKINSON: I will ask the Commissioner to respond to that question.

Mr PRYOR: The situation is very similar to a removal of licence. As a matter of fact, the commission has two applications from Wallaroo on hand: one for a retail liquor merchant in the shopping centre and one for a new hotel in the marina. Both applications would have to prove that there is a need in Wallaroo either for a retail liquor merchant, which is a bottle shop, or a new hotel. Any person in the community can object. Residents can object either on the ground that there is no need or that it would detract from the amenity. There could be commercial objectors (invariably the existing licensees), and they will argue that there is no need for the new licence because the locality is well serviced by the existing hotels.

It is not an exact science, and I use the example of the neighbouring town in God's own country, Moonta, which has three hotels. We received an application for a hotel licence at Port Hughes, which is only about one to two kilometres from Moonta. That application was successful because the applicant argued that it was meeting a need for a different community than the people who lived in Moonta, namely, people who visited Port Hughes for either fishing or camping. It is not simply that there are existing facilities: a person can argue that the existing facilities do not meet the particular needs of people attracted to the area.

I suspect that the application from the facility located at the marina in Wallaroo will argue that the marina is a feature in itself and that people will come in their boats and will not have transport. The applicants will be arguing that there is a special need. At the end of the day, it is up to me or the Licensing Court judge to determine the application on its merits.

Mr MEIER: The parliament has recently passed legislation in relation to live music. With the increase in population in the city of Adelaide, does the Attorney-General see that, in terms of a licensed premises in addition to music, an application could ever be made to have a liquor licence withdrawn because it was too close to a residential area?

The Hon. M.J. ATKINSON: I am not quite sure what the honourable member means.

Mr MEIER: Could it be argued that when an existing premises was first established it was remote from residential living, as would be the case with most licensed premises in Adelaide? If, therefore, you now have a significant number of people living adjacent or right next to the hotel for the first time pressure could be applied to have that licence withdrawn. Is that a possibility?

The Hon. M.J. ATKINSON: There may be pressure, but the idea of the changes to the Liquor Licensing Act, which were passed I think unanimously by the two houses late last year, was to try to vindicate the rights of existing live music venues against inner suburban and inner city encroachment, and to make the point that venues such as the Governor Hindmarsh Hotel at Hindmarsh, the Grace Emily in the city or the Austral had been live music venues for a long time and, provided that the licence was carried on reasonably and responsibly, the live music should not be silenced by the encroachment of new residents. That was the purpose of the legislation. Both major parties supported it. Much of the work was done by the Hon. Angus Redford.

Mr MEIER: And the Hon. Diana Laidlaw.

The Hon. M.J. ATKINSON: Yes, but principally by the Hon. Angus Redford, though, and he deserves full credit for this. The honourable member has had an accomplished parliamentary career. That legislation was assented to last week, I believe, and I hope that it will be proclaimed in the next week or two. Its purpose is to try to prevent the risk that the member for Goyder mentions.

Membership:

Mr Brokenshire substituted for the Hon. D.C. Kotz.

Mr BROKENSHIRE: The Attorney may ask the Commissioner to answer this question. The review that is currently under way with respect to the pilot for the dry zone in the CBD was something that I was particularly pleased to see when we were in office. I understand that it has had exceptionally good results. In fact, my advice indicates that it has been an outstanding success in terms of improving safety and general behaviour in the CBD. Does the Attorney-General support the principles of a dry zone in the CBD and, with his approval, I would like to know whether the Commissioner thinks it has been of benefit?

The Hon. M.J. ATKINSON: Yes, I do, and I have said so repeatedly—indeed, in answer to one of the member for Mawson's questions in the house. Dry zones are there to give the public blessed relief from disruptive behaviour committed by intoxicated persons in public places. Members of Parliament have more reason than most to know about that, because we had a hazardous zone outside Old Parliament House for a number of years, and from our point of view the dry zone both there and in Victoria Square has been a success. There has been a displacement of the problem of excessive drinking to other locations in the city. I gather that one of the areas that this drinking has been displaced to is part of the old Grey Ward in the south-west corner of city, and the Liquor Licensing Commissioner will be able to say more about that. I know there is an obligation on local government to look into the causes of excessive drinking and disorder, and to do something about it before the dry zone is renewed. I think sometimes that is a bit tough on local government. In fact, it can be unreasonable to expect local

government to have the answers to why people drink excessively in public places in its locality.

I support the City of Adelaide dry zone. I note that it will expire on 29 October. I would have thought there would be overwhelming public demand for it to continue. It is regrettable that the Adelaide City Council was so slow to move on this issue. If this conduct had been happening in Wellington Square next to ratepayers and voters of the Adelaide City Council, I am sure the council would have acted far more swiftly. However, since the people affected were people who work and shop in the city and come from the suburbs and do not have votes in Adelaide City Council elections, they were somewhat tardy and divided in their response.

Mr PRYOR: There is no doubt that alcohol related antisocial behaviour—whether at the nuisance level or the higher level—in and around the city has decreased. My observation is that there has been some dislocation to the south-western area. I would suggest that the majority of South Australians would support the continuation of a dry area but there are clearly groups within the community such as the Adelaide Justice Coalition which represent a range of welfare agencies and churches who have a different view. One of the good things about the dry area is that it was established as a 12 month trial, and the Adelaide City Council has engaged an independent body, Social Options Australia, to conduct a review. To the best of my knowledge, it is the first time that any dry area will be subject to a very rigorous academic evaluation of its effectiveness. I expect that that review will have regard to the views of those people who believe that it is discriminatory and has had an adverse impact on the less fortunate in the community—namely the homeless and Aboriginal communities—and balance them against, I would suggest, a significant number of South Australians who say it has been an unqualified success.

Mr SNELLING: Does there remain on the books a law about public drunkenness?

The Hon. M.J. ATKINSON: My understanding is that the offence of public drunkenness was abolished in the late 1960s or early 1970s, but I stand to be corrected on that.

Mr HANNA: I think you can still be drunk and disorderly in a public place; it is a summary offence.

Mr SNELLING: If that law is still there, why is it not being used?

Mr HANNA: Because the people they are picking on are not being disorderly.

The Hon. M.J. ATKINSON: If the member for Playford is kind enough to supply me with a copy of the Summary Offences Act, I will soon find the relevant part.

Mr HANNA: Occasionally, there have been problems in my electorate of Mitchell at a place known as Sharkeys Pool Hall in old Reynella. Will the Attorney report to us on the government's assessment of the problems there and whether they have any broader implications for policy and responding to problem venues?

The Hon. M.J. ATKINSON: Sharkeys operates as a pool hall with an entertainment consent and holds a special circumstances liquor licence. The premises have been the scene of a stabbing, a drive-by shooting and the most recent incident was on 15 June when six men entered the premises and a fight ensued. It is alleged that a man grabbed a gun from one of the licensed security guards and pointed it at patrons. Three security guards were taken to the Flinders Medical Centre but were not seriously injured. I understand that the police have made arrests and that charges have been laid. On 18 June, inspectors of the Office of the Liquor and Gambling Commissioner inspected the premises and prepared a list of outstanding work. A number of items of work related directly to patron safety. On 25 June the Liquor and Gambling Commissioner met with the Deputy Police Commissioner and other senior officers to discuss the situation at Sharkeys.

On 27 June, the Liquor and Gambling Commissioner wrote to the licensees of Sharkeys asking them to show cause why he should not impose conditions on the licence under the act—restricting trading hours, revoking entertainment consent and requiring various outstanding works to be carried out within specified times. The City of Onkaparinga has taken action against the licensees of Sharkeys under the Development Act in the Environment, Resources and Development Court. I understand that the council is seeking an order requiring cessation of the use of the premises until all outstanding matters have been complied with under the Development Act. The Commissioner will continue to be in close contact with other relevant agencies until all outstanding issues have been resolved, and disciplinary action in the Licensing Court will be considered by the Liquor and Gambling Commissioner and the Commissioner of Police. All in all, that was a swift and proportionate response. The Commissioner tells me that conditions have already been imposed.

The CHAIRMAN: We now move on to the Office for Volunteers. I invite the Attorney to make a brief statement if he wishes to do so.

The Hon. M.J. ATKINSON: I am reminded that earlier this morning a question was asked by the Speaker about witness protection, and I promised to get back with the answer. The answer is that the Minister for Police will respond to that question on notice.

In the last bracket, there was a question about a $33 million increase in revenue in liquor and gambling, and I am pleased to say that that is in fact the notorious increase in taxes on pokies introduced by the Treasurer, the Hon. K.O. Foley.

Additional Departmental Advisers:

Ms J. Rankine, Parliamentary Secretary to the Premier for Volunteers.

Ms C. Mex, General Manager, Office for Volunteers.

Mr BROKENSHIRE: Mr Chairman, I know that time is tight but, if I may, I would like to make a brief statement on behalf of the opposition. As I have explained before, Attorney, I have had the opportunity as the former minister of thanking the CEO and the staff of justice. But, being a transitional-type year, I want to get on the public record my appreciation of each agency.

I would like to acknowledge the Office for Volunteers, which was, for our government and, indeed, still is for the new government, a new and exciting opportunity to foster and further develop support for volunteers. Last year, being the International Year for Volunteers, it was quite groundbreaking when we saw the volunteer office set up. It was an exceptionally busy year, an exceptionally successful year and a year that I am sure all colleagues in this committee would agree was an important year that will leave lasting positive legacies for the community.

But that did not come about without a lot of hard work done by and dedication from the Office for Volunteers and all the other agencies that work with the large number of

volunteers in our state. So, on behalf of the Liberal Party, which is now in opposition, but having set that up whilst in government, we thank them and we believe that we have left volunteering in good shape. As opposition spokesperson for volunteers, I will in the future be watching it with a great deal of interest and supporting the government when it continues to foster opportunities. Obviously, however, I will be asking the government questions if I feel it is not supporting volunteers as much as I believe it should, given that this state would not function without its 465 000 volunteers.

Attorney, when we were in government we were actually developing a broader and more comprehensive strategy for volunteers, which your government has now adopted. You have renamed it to the South Australian Volunteer Compact (I think it will be called), and that is fine.

The Hon. M.J. ATKINSON: We like compacts!

Mr BROKENSHIRE: We found that out in March. But, this compact I do like! When will it be completed; how much funding will be allocated to support it; and will the funding to support the thrust behind the compact be recurrent funding?

The Hon. M.J. ATKINSON: Mr Chairman, is the parliamentary secretary permitted to answer?

The CHAIRMAN: I believe so, yes.

Ms RANKINE: Thank you, sir. I am happy to respond to that. The budget for the compact process this year is $260 000 (or in that vicinity), and we hope to have the process finished by Volunteers Week next year.

Mr BROKENSHIRE: I take it from that that you are intending to keep that recurrent? That was the last part of the question.

Ms RANKINE: No, not necessarily. There will be a review then of what we need to do once the compact is complete.

Mr BROKENSHIRE: Approximately $25 000 was allocated to the Fleurieu Volunteer Resource Centre, the South Australian Volunteer Centre and the Northern Volunteer Centre, and that is supported by the opposition (I think it is a good move). It is a funding support that we were developing when in office. Because it is providing essential training for volunteers, will this money be additional, that is, recurrent and, if so, will it be on top of any other funding already provided to these organisations from areas like FAYS (because FAYS does fund these as well)? Will this money be continuing, as it is used primarily to train managers of volunteer organisations? I understand that it has attracted an overwhelming response.

The Hon. M.J. ATKINSON: It is not recurrent; it is annually for the next three years.

Mr BROKENSHIRE: That is a good start. I take it that it is not easy to forward estimate much more than that, so I am happy with that, as I am sure the volunteer centres will be. I note reference to a volunteer training strategy, although it did not go into any detail. Could I have more background as to what is proposed in this regard?

The Hon. M.J. ATKINSON: I will just run through the funding arrangements: Volunteering SA regional training, $45 000; volunteer management scholarships, $20 000; and volunteer resource centres, $75 000. The Office for Volunteers allocated $45 000 to Volunteering SA to provide volunteer training in regional South Australia. The three major volunteer resource centres, as the member noted, received $25 000 each. The sum of $10 000 was allocated to Onkaparinga TAFE to fund volunteer coordinators in the not for profit sector to undertake studies in volunteer management at TAFE, and $10 000 was allocated to the Australasian Association of Volunteer Administrators to fund a scholarship program for professional development of volunteers, including conferences and other training opportunities, to further enhance training opportunities and meet the demands for ongoing training within the sector across the state.

The Office for Volunteers has developed a regional training strategy that will utilise existing training networks in local regions and will be guided by a training advisory group of key representatives from the voluntary sector. The sum of $100 000 has been committed annually for the next three years for this initiative.

Mr SNELLING: What steps has the South Australian government taken as part of its commitment to openness and transparency?

The Hon. M.J. ATKINSON: The government is committed to openness and transparency and will welcome and not inhibit debate from the volunteer community. Good government is not afraid of criticism or new ideas. It is for this reason that the government believes that community organisations have the right to comment upon and challenge government policy irrespective of any funding relationship that might exist. I hope that in this connection the member for Mawson will listen carefully to what I am about to say.

This is the reason why the Premier and the Minister for Volunteers will shortly instruct the Crown Solicitor's Office to amend two clauses in the standard form agreement that are in opposition to the government's commitment to openness and transparency. The Crown Solicitor's Office has advised that the two clauses ensure that grantees take care at all times to avoid making statements that would affect the image, reputation or standing of the minister, department or government; require a grantee to obtain the minister's prior approval to public disclosure of the fact that funding has been received; and require that the minister is to be advised and his or her approval obtained before the disclosure of information about the deed.

This clause is intended to assist in controlling demand, grants, and for the type of information that is disclosed to the public. Quite why the previous government insisted on those clauses going into standard form contracts with the volunteers I do not know. The clauses will instead reflect that the government has no right to request that the grantee return funds in circumstances where the grantee has, for example, publicly criticised or acted in such a way that has damaged the government's reputation; and that organisations are politically independent and have the right to criticise, comment upon and challenge government policy irrespective of any funding arrangement that may exist.

In our view, a grantee will be entitled to advertise or publicise the fact that it has received funding from the government; a grantee is able to disclose the content of the final deed; but we will not allow the grantee to disclose details of the negotiations leading up to the creation of the final deed. In our view, the government processes used in funding decisions should be transparent. These clauses will be amended in future funding arrangements from within the Office for Volunteers. The clauses were found in funding arrangements between, for instance, the Office for Volunteers and Apex and the Office for Volunteers and Business SA.

The government recognises that, in the development and delivery of community services, the South Australian government and volunteers have distinct but complementary roles, and it is for this reason that mutual interdependence will be recognised as the core of partnerships between

government and the volunteering sector. Honesty, accountability and transparency also apply in this area. The new broom sweeps clean.

Mr SNELLING: How does the government intend to develop its relationships with the volunteer community?

The Hon. M.J. ATKINSON: It is our intention to change the way the government consults with volunteers. In March 2001 the previous government released a discussion paper on proposals to establish a South Australian volunteer alliance. The aim of the alliance was to consolidate a framework for a formal partnership between the SA government and volunteers, addressing issues such as volunteer policy planning and program implementation. The discussion paper was circulated for comment and feedback up until June 2001. During this time, about 20 consultation sessions were held throughout South Australia and 30 written submissions made.

The issue raised in most submissions was that of concerns regarding consultation with the community. In contrast, my government has publicly acknowledged the need to establish an open relationship with volunteers, one in which they have the right to comment on and challenge government policy as well as having the opportunity to contribute to its development. The building of this relationship has commenced with a compact that is designed to build a partnership and establish a code of relations for both parties. It will set out a shared vision and underlying values. A wide ranging community-based reference group and a task force made up of volunteers has been established to ensure broad consultation with the community. Volunteers will have responsibility to develop the compact consultation process through the task force.

The reference group comprises representatives from approximately 30 volunteer involving organisations. The group will have input into the state volunteer compact process by making comment and providing information and advice. The role is a vital one, as the compact will not be seen as something being imposed by the government. To date, the task force and reference group have unanimously agreed upon a compact consultation method, and the whole volunteer community will have the opportunity for input into the development of the compact. It is expected that the South Australian volunteer compact will be presented to the South Australian public on 19 May 2003, which is Volunteers Day. I will ask the parliamentary secretary for Volunteers to amplify that answer.

Ms RANKINE: I think it is worth recording the details of those organisations that are on the task force and the reference group which have unanimously endorsed the process that we are undertaking. They include Volunteering SA, one of our major peak organisations here in South Australia; SACOSS; the Youth Affairs Council of South Australia; a representative of the District Council of Yorke Peninsula, bringing a rural focus to the task force; Christel Mex from the Office for Volunteers, who is a delegate from the Cross-Portfolio Government Working Party; the South Australian Volunteers Fire Brigades Association; and Sport SA. Those people make up the task force and are also part of the reference group, as the Attorney mentioned, that unanimously endorsed our processes only last week.

We also have a representative of the Local Government Community Services Association; Business SA; the Australian Red Cross, South Australian Division; Surf Life Saving SA; Friends of Parks Inc; Council on the Ageing; Fleurieu Volunteer Resource Centre (which I think I omitted from the task force); the Australasian Association of Volunteer Administrators; the Association of Community Service Organisations; the South Australian Museum; the State Heritage Authority; the Association of Major Charitable Organisations; the South Australian Association of State School Organisations; Northern Volunteering; Meals On Wheels; Multicultural Community Council of South Australia; the RSL; Recreation SA; ATSIC; Disability Action; the Australian Services Union, representing the UTLC; and the Social Inclusion Board. So, we are working with a very comprehensive group of people, and I think it says a lot about the goodwill of those people and the hard work they have done that we have had unanimous endorsement to date of the work that has been carried out.

Mr BROKENSHIRE: Can the minister advise whether, with respect to the $45 000 allocated to Volunteering SA for supporting volunteers in regional South Australia, it is the intention of the government to continue to allocate that money for Volunteering SA to go out and do its programs out there, or is it thinking about setting up another office or two in the regions for volunteers?

The Hon. M.J. ATKINSON: The intention is to call for expressions of interest to work in a locality. There is no suggestion that a building or office is being established outside Adelaide. I take it that was the nub of the member's question?

Mr BROKENSHIRE: Yes; I just wanted to get some clarification on that. One of the issues that keeps coming up when I go around to volunteer organisations, and particularly when I talk to the volunteer centres outside Volunteering SA, is the difficulty now with accommodation, particularly from the point of view that, with the extra money that the government is to provide—and which we intended to fund also—it means another officer coming on. Will the Attorney ask the Premier to investigate whether or not government may be able to assist with some larger accommodation somewhere in the north and the south that could assist these organisations? There is some growth, there are requirements, and a lot of effort has gone into this point, as I have already highlighted, and certainly these organisations are tight for room. I know that any support that could be given by the government would be much appreciated by those centres.

The Hon. M.J. ATKINSON: I will ask the parliamentary secretary to answer that question.

Ms RANKINE: The member is right. I have had a lot of dealings with Northern Volunteering in particular, as indeed I am sure the member has had with Southern Volunteering, and one of the difficulties that they face every year is actually paying their rent. We are very well aware of those concerns, and we are also aware that those organisations are applying right across government for bits and pieces of grants all the time. I have had some discussion with the Premier about looking at a different way of funding those organisations in the future, and it is something that we will be looking at during the compact process.

Mr BROKENSHIRE: We would certainly support that further development.

Mr MEIER: Probably the biggest issue affecting my volunteers or hurting them at present is the public liability insurance. As the minister would probably know, Yorke Peninsula Rail ran its last train on Saturday, with over 200 people on board, all volunteers running the Rail Society. It is a great tragedy. I was present at a meeting of the Yorke Peninsula Motorcycle Club (I think it is called) some months ago, which is a historical, or a restoration type club. Its public liability has doubled. Its representatives have said that, if this goes on next year, it will probably have to close. In fact, it

goes on and on. To what extent is the Attorney or the Parliamentary Secretary seeking to actively assist in trying to overcome the problem that could destroy many volunteer groups?

The Hon. M.J. ATKINSON: The Volunteer Protection Act 2001 commenced on 15 January this year. The act protects individual volunteers from personal liability while undertaking volunteer duty on behalf of an incorporated organisation. The liability transfers to the volunteer's parent organisation. However, that does not affect the spiralling cost of insurance for community organisations. To ensure a whole-of-government approach, the Office for Volunteer's staff has liaised with officials from Treasury and Finance who, in turn, worked with their national counterparts to identify strategies to resolve the issue. I think it is instructive that treasurers were called upon to do this task rather than attorneys-general. On 8 July, the Treasurer released for public comment reforms to provide a long-term remedy to the issue, including three draft bills dealing with the law relating to personal injury and an amendment to the Volunteer Protection Act. The office advertised for public tenders in March 2002, for a workshop scheduled to start in September. The total budget for the program is $70 000, with $21 000 allocated during the previous financial year. The workshops will assist non-profit volunteer organisations in identifying and reducing their potential exposure to risk. This may assist them with minimising their insurance costs.

I add to that that it would not matter how low the public liability claims were in the state of South Australia. What is driving the increase in premiums is not the claims history of South Australian organisations but damages payouts in New South Wales. So, to some extent our salvation is not in our own hands. About 20 risk management workshops will be held at locations throughout South Australia, including country regions. Workshop participants will be provided with a self-assessment tool that will enable volunteer groups to assess and minimise their level of risk.

The bills to change the law of negligence in South Australia which hopefully will reduce, or at least arrest, public liability premiums are currently before the parliament. The member for Goyder can look at those bills. If he is interested in the thorny legal history that led us to the current situation, there is a brilliant article (of about 40 pages) by Jim Spigelman, the President of the New South Wales Court of Appeal on what can be done to try to reverse the imperial march of the law of negligence. He goes back to the historic case of Wagon Mound (No. 2) before the judicial committee of the Privy Council where an Australian decision was overturned on appeal and the duty of care in the law of negligence was expanded beyond what I think is reasonable foreseeability.

Ms CHAPMAN: Beyond snails?

The Hon. M.J. ATKINSON: Yes, beyond snails in ginger beer bottles. The member for Bragg refers to Donaghue v. Stevenson, a much earlier case. Spigelman thinks that the way the law should be going can be found in the dissenting judgments of judges who were against further expansion of the duty of care and foreseeability. So, if you go through the dissenting judgments in major negligence cases since Wagon Mound (No. 2)—cases such as Nagel v. Rottnest Island Authority in the High Court was another major expansion—you will find the answer to how we got into our current troubles and how liability and foreseeability could be reasonably restrained whilst preserving the legitimate rights of plaintiffs. I commend that paper to the member for Goyder.

Mr MEIER: Do you know the title?

The Hon. M.J. ATKINSON: It was delivered at a seminar in Launceston earlier this month or last month.

Mr HANNA: I thought the Attorney said that the three public liability bills were currently before the parliament.

The Hon. M.J. ATKINSON: I thought the Treasurer had introduced them but I may be wrong. I accept the correction of the member for Mitchell. I apologise, but they are not far away.

The CHAIRMAN: I declare closed the examination of the proposed payments.

ADJOURNMENT

At 4.50 p.m. the committee adjourned until Tuesday 6 August at 11 a.m.